

GUIDELINES FOR PERSONS WHO SUPERVISE APPRENTICES OR TRAINEES

PREAMBLE

In South Australia, the Training and Skills Commission ('the Commission') is charged with responsibility for administering the State's traineeship and apprenticeship system. It derives its authority from the *Training and Skills Development Act 2008* ('the Act').

Supervision is a key requirement of the Act and the training contract between an employer and the apprentice/trainee. Supervision is critical to an apprentice/trainee becoming competent in the trade or declared vocation. Employers are required to provide suitably qualified and/or experienced people to supervise the employment and training of apprentices and trainees to fulfil their obligations under the Act and the training contract. Employers must ensure that apprentices and trainees have an appropriately qualified and/or experienced, competent tradesperson (an appropriately qualified and/or experienced person in the case of trainees) to assist their learning in the workplace.

Where the registered employer places an apprentice/trainee with another employer (host company/organisation) for their employment and on-the-job training, the registered employer must ensure that the host company/organisation complies with the requirements in these Guidelines. The host company/organisation remains responsible for supervision in the workplace. Registered employers involved in hosting arrangements generally fall into one of two categories - group training organisations (GTOs) and labour hire firms.

The *South Australian Occupational Health, Safety and Welfare Act 1986* and *Occupational Health, Safety and Welfare Regulations 1995* prescribe employer responsibilities for supervision of employees, including providing such information, instruction, training and supervision as is reasonably necessary to ensure the employee's health and safety at work. These Guidelines do not remove or limit the employer's duty under occupational health and safety (OHS) legislation. An employer cannot delegate their primary duties under the OHS legislation to a supervisor.

These Guidelines override any ratio provisions in State and Modern Awards, and other industrial agreements.

DEFINITIONS

In these Guidelines:

- A **training contract** is an agreement approved under Part 4 of the Act between a registered employer and an apprentice/trainee, through which the employer agrees to employ and train the apprentice/trainee in a particular trade or declared vocation.
- An **apprentice/trainee** is a person (who may be either an apprentice or trainee) undertaking training in a trade or declared vocation under a training contract under Part 4 of the Act.

- An **employer**, for the purposes of these Guidelines, includes an organisation that employs apprentices/trainees and places them with another employer for their on-the-job training. This includes, but is not limited to, GTOs and labour hire firms.
- A **host company/organisation** is an organisation that hosts, under a written agreement, an apprentice or trainee employed at that time by another employer.
- A **supervisor** is a person who is either qualified in the trade or declared vocation, or has an appropriate level of industry experience relevant to the apprenticeship or traineeship, and is competent in the relevant trade or declared vocation. A supervisor in a licensed trade is required to hold the relevant licence/s. A supervisor should be familiar with the level of supervision required for the apprentice or trainee, having regard to the individual circumstances of each case, and their responsibilities towards the apprentice or trainee, as set down in these Guidelines. A supervisor must not be an apprentice or trainee. A person appointed to supervise a trainee/apprentice will not necessarily have the formal title of 'Supervisor'.
- **Supervision** means:
 - Ensuring the apprentice/trainee has access to a suitable range of equipment, tools, materials, personnel and other resources to achieve the required competencies to the required standard;
 - Ensuring that suitable work is available to be undertaken by the apprentice/trainee, in terms of its quantity, regularity, type, range and level, to enable the apprentice/trainee to develop the required competencies to the required standard, within the term of the training contract;
 - Coaching, mentoring, guiding the apprentice/trainee in the performance of work tasks, and providing advice, constructive feedback and encouragement to the apprentice/trainee;
 - Ensuring alignment between work, on the job training, off the job training and the Training Plan.

Level of Supervision Required for Apprentices/Trainees

The appropriate level of supervision for the employment and on the job training of an apprentice/trainee shall be determined by the employer based on the following factors:

- any accepted industry supervision standards;
- the level of competence and experience of the apprentice in a particular task/skill;
and
- the risk associated with the worksite and the type of work in which the apprentice is engaged.

The level of supervision must be reviewed and, if necessary, revised at regular intervals.

Apprentices

First or Second Year/Stage

In addition to the above, apprentices in the first and second year/stage of an apprenticeship are required to be under direct supervision with a supervision ratio of one supervisor to one apprentice.

Direct supervision means under the personal supervision of the supervisor, and within visual contact and/or earshot on a constant basis. Direct supervision cannot be provided by electronic means. Electronic means include, but are not limited to, telephones, radios and webcams.

Third or Fourth Year/Stage

Apprentices in the third and fourth year/stage of an apprenticeship are required to be under an appropriate level of supervision as determined by the employer, with a maximum supervision ratio of one supervisor to five apprentices.

The employer should advise the apprentice of the supervision ratio that will apply to the apprentice in the third and fourth year/stages of the apprenticeship. The supervision ratio should be documented in the training records kept by the employer.

Year/stage of apprenticeship	Supervisor to apprentice ratio (maximum)
1 or 2	1:1
3 or 4	Appropriate level of supervision to be determined by the employer (must not exceed 1:5)

Trainees

The maximum supervision ratio for trainees is a ratio of one supervisor to five trainees.

Year/stage of traineeship	Supervisor to trainee ratio (maximum)
Any	1:5

Combinations

The maximum number of apprentices and trainees that one supervisor may supervise is five. If a supervisor is responsible for providing direct supervision to a first or second year/stage apprentice, the same supervisor may provide general supervision to any combination of up to four trainees or third or fourth year/stage apprentices.

Exception

Employers seeking to exceed the specified supervision ratio for either an individual apprentice or trainee are required to apply in writing to the Director, Traineeship and Apprenticeship Services, using the process for applications, and stating their reasons for seeking an exception to the ratio requirements, and demonstrating how appropriate supervision will be maintained under an alternative ratio regime. They will also be required to provide evidence to substantiate their application. Applicants will be advised of the outcome of their application within ten working days of receipt. The process for applications can be found at www.dfeest.sa.gov.au/apprentices

Industry Skills Boards may apply in writing for a variation to the supervision ratio for an occupational area. For example, there may be a request for a more stringent supervision ratio requirement for high risk traineeships, where it is considered a supervision ratio of one supervisor to three trainees is required. High risk traineeships are traineeships that

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experience a high rate of injury or a low rate of completion. Alternatively, a request for a reduced supervision ratio for the first and second year/stage of an apprenticeship may be requested. Each application will require evidence to support the proposed variation.

Responsibilities of Persons who Supervise Apprentices or Trainees

Persons who supervise apprentices/trainees must be suitably qualified and/or experienced, and competent in the relevant trade or declared vocation. They must be able to meet the following requirements:

1. In addition to the employer's general duty of care for OHSW, the supervisor must exercise a personal duty of care for OHSW, and ensure:
 - the apprentice/trainee receives a thorough workplace and occupational health, safety, welfare and injury management induction;
 - a safe and healthy workplace for the apprentice/trainee, including implementing and maintaining policies and procedures, such as workplace bullying and harassment policies, to ensure the workplace is free of bullying and harassment;
2. Outline the responsibilities of both the employer and the apprentice/trainee under the training contract and the Training Plan, noting that the responsibilities for the day to day working arrangements and on the job training of the apprentice/trainee may be delegated to the Supervisor;
3. Provide the apprentice/trainee with the level of supervision required under these Guidelines and ensure that the apprentice/trainee is not responsible for the supervision of other apprentices and trainees;
4. Align the work activities and on the job training of the apprentice/trainee with the Training Plan;
5. Release the apprentice/trainee to attend off the job training delivered by the chosen registered training organisation, if required under the Training Plan, and maintain regular contact with the registered training organisation to monitor the apprentice/trainee's progress;
6. Coach and guide the apprentice/trainee while they are learning and performing required work tasks, and developing competencies under the Training Plan. This includes demonstrating required tasks and observing the apprentice/trainee undertaking those tasks, and providing advice, constructive feedback and encouragement; and
7. Assist the apprentice/trainee to resolve any concerns, difficulties or disputes arising from the apprenticeship or traineeship, or the workplace. This includes contacting Traineeship and Apprenticeship Services if the training contract is in jeopardy, and/or advising the apprentice/trainee to do the same.

The registered employer is responsible for ensuring all requirements of the *Training and Skills Development Act 2008* and the Training and Skills Commission Guidelines are met, in relation to all training contracts to which they are a contractual party, including the supervision requirements.