

GUIDELINES FOR RECORDS TO BE KEPT BY EMPLOYERS OF APPRENTICES AND TRAINEES UNDER SECTION 70 OF THE *TRAINING AND SKILLS DEVELOPMENT ACT* 2008

PREAMBLE

In South Australia, the Training and Skills 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).

Section 70 of the Act provides for the Commission to stipulate records that an employer who employs an apprentice/trainee must keep and retain for at least 7 years after the relevant training contract expires or is terminated.

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 and qualification.
- 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 section 4 of the Act.

Required Record Keeping

An employer employing a trainee/apprentice must keep the following records during the life of the training contract and retain them for at least seven years after the expiry or termination of the training contract to which the record relates.

Training and Employment Related Records

1. Training Contract and Training Plan
2. Letter of appointment (where required under the relevant industrial arrangement)
3. Induction records
4. On-the- job training and competency assessment records.
5. Records that identify the type of work performed by the apprentice/trainee, eg. certificates of compliance in relation to work performed under supervision by apprentices (in electrical, plumbing, gas fitting or any other trade where a certificate of compliance is required to be issued for work done), profiling records, job log books or job journals.
6. Disciplinary records
7. A time record for each apprentice/trainee for each day while at work or training (both on the job and off the job training), including start and finish work/training times and meal or other break times.
8. A time record for the person/s responsible for supervising the apprentice/trainee for each day while at work, including start and finish work times and meal or other break times.
9. Record of agreement to average hours of employment and training which specifies the pattern of employment and training and is signed and dated by both parties, where the employer and apprentice/trainee have agreed to average the hours of employment and training.

Pay and Entitlement Related Records

10. Pay records for every pay period. This includes the rate of remuneration paid to the apprentice/trainee, the gross and net amounts paid to the apprentice/trainee, any deductions made from the gross amount paid to the apprentice/trainee and any incentive based payment, bonus, loading, penalty rate, monetary allowance or separately identifiable entitlement paid to the apprentice/trainee.
11. Leave Records, including leave taken and the balance of any outstanding leave (if any). This includes annual leave, personal/carer's and compassionate leave, parental leave and community service leave.

Other Records

12. Qualifications and/or evidence of relevant experience and skills in relation to the person/s who supervise, or who are to supervise, the apprentice/trainee.
13. Appropriate business licences and/or worker registrations, e.g. building work contractor's licence, plumbing contractor's licence, electrical worker's registration.
14. Records that confirm compliance with orders of the South Australian Employment Tribunal where orders have been made.