All employers have a responsibility to their employees while at work. These responsibilities also apply to the employment of trainees and apprentices.

Some of these responsibilities are governed by legislation, including:

- Training and Skills Development Act 2008
- Work Health and Safety Act 2012
- Equal Opportunity Act 1984
- Fair Work Act 2009

A training contract (referred to as a contract of training in South Australia) is a legally binding agreement between an employer and trainee/apprentice which establishes the obligations of each party under a traineeship or apprenticeship.

In signing a contract of training, an employer agrees to:

- employ and train the trainee/apprentice as agreed in the Training Plan and ensure the trainee/apprentice understands the choices that he/she has regarding the training;
- provide the appropriate facilities and experienced people to facilitate the training and supervise the apprentice/trainee while at work, in accordance with the Training Plan;
- make sure the trainee/apprentice receives on-the-job training and assessment in accordance with the Training Plan;
- provide work that is relevant and appropriate to the vocation and also to the achievement of the qualification referred to in the contract of training;
- release the trainee/apprentice from work and pay the appropriate wages to attend any training and assessment specified in the Training Plan;
- meet all legal requirements regarding the trainee/apprentice, including occupational health and safety requirements and payment of wages and conditions under the relevant employment arrangements; and
- work with the nominated Registered Training Organisation (RTO) and the trainee/apprentice to make sure the Training Plan is followed, training records are kept up-to-date, and the trainee/apprentice’s progress is monitored.

An employer may choose to delegate some or all of these responsibilities to the supervisor(s) of a trainee/apprentice.

In addition, a supervisor may be responsible for:

- inducting a trainee/apprentice into the workplace upon their commencement, which may include discussion on:
  - the work environment and policies
  - role of the trainee/apprentice
  - communication systems
  - work area facilities
  - leave entitlements; working hours
  - professional development
  - performance management
ensuring a trainee/apprentice has access to a suitable range of equipment, tools, materials, personnel and other resources to achieve the required competencies to the required standard of the trade or declared vocation;

allowing the trainee/apprentice to undertake training (whether on or off the job or both) as part of their traineeship/apprenticeship requirements;

training, guiding and assessing the trainee/apprentice; and

attempting to resolve any disputes that may arise in meeting the obligations of the traineeship/apprenticeship agreement (contract of training).

In order to get the most from the traineeship or apprenticeship, it is advisable for the employer to assign a supervisor that will:

- take a personal interest in the trainee/apprentice’s development;
- communicate well and develop a rapport with the trainee/apprentice;
- provide feedback and progress reports to the trainee/apprentice; and
- be a good role model.

To determine the appropriate level of supervision required for a trainee/apprentice consider the:

- level of training being undertaken;
- industry you belong to and your workforce;
- equipment and methods you use for work and training; and
- health and safety regulations for your workplace.

A supervisor may be one or more people assigned by the employer and must be suitably qualified and experienced for this task and be accessible to the trainee/apprentice while the trainee/apprentice is on the job.

For some trades, declared vocations or occupations, the Training and Skills Commission has specified a minimum ratio of apprentices/trainees to supervisors. Where a ratio of trainees/apprentices to supervisors is specified in an industrial Award or Agreement, and the Commission has not determined an alternative ratio, the ratio specified in the Award or Agreement will apply.

Where neither the Award nor Agreement nor the Commission has specified a minimum ratio, the ratio of trainees/apprentices to supervisors should be no greater than 5:1.

If during the term of a contract of training the prescribed ratio of trainees/apprentices to supervisors can no longer be met, you must contact Traineeship and Apprenticeship Services on 1800 673 097.

Further information and assistance is available from Traineeship & Apprenticeship Services on 1800 673 097.

---

1 Performance Management is an ongoing process whereby an employee and supervisor meet to ensure that individual activity is aligned with organisational objectives. It is important that both supervisors and employees are committed to an effective performance management process which:

- provides direction
- is developed through mutual agreement
- provides developmental opportunities
- provides feedback and recognition of achievements
- responds to performance issues in a timely and supportive way