

STANDARD 4

Host Employment Arrangements

This Standard relates to the hosting of apprentices and trainees to a host employer (or employers) providing on the job training and experience. It supplements and should be read in conjunction with [Standard 2, Employer Registration](#).

Host employment arrangements apply to the:

- employer, registered under the *South Australian Skills Act 2008* (the *SAS Act*), who is party to a Training Contract utilising hosting arrangements
- apprentice or trainee who is party to the Training Contract in question
- Nominated Training Organisation (NTO) for the Training Contract in question
- host employer or employers hosting the apprentice or trainee.

Governance arrangements

Under the *SAS Act*, the South Australian Skills Commission (the Commission) (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system.

Compliance with the Standard

4.1 Registration of employers and host employment arrangements (*SAS Act, S46*)

- 4.1.1 An employer must not enter into a Training Contract to train a person unless the employer is:
- a) registered, however see paragraph 4.3.2, below, regarding the Commission's general authority to registered employers to host to unregistered employers.
 - b) operating within the scope of their registration
 - c) complying with any other conditions of the registration, including any provision to enter into host employment arrangements
- 4.1.2 However, an employer that does not wish to directly employ an apprentice or trainee may enter into a host employment arrangement with a registered employer, whereby:
- a) the registered employer remains the legal employer of the apprentice or trainee in question
 - b) the host employer trains the apprentice or trainee on-job and otherwise meets its responsibilities and obligations as outlined in a written agreement with the registered employer.

4.2 Prohibited employer (*SAS Act, S54B, S54D, Regulation 8*)

- 4.2.1 The Commission may declare an employer to be a prohibited employer in accordance with [Standard 3, Prohibited Employers](#). Prohibited employers will be recorded on the [South Australian Skills Register](#).
- 4.2.2 A prohibited employer must not permit an apprentice or trainee to be placed with the prohibited employer under a host employment arrangement.
- The maximum penalty for a breach of this requirement is \$10,000.
- 4.2.3 To ensure an apprentice or trainee is not unintentionally or inadvertently placed with a prohibited employer, registered employers seeking to place an apprentice or trainee with a host employer must refer to the [South Australian Skills Register](#) prior to entering into a host employment arrangement.

4.3 Obligations for registered employers under a host employment arrangement (*SAS Act, S54F, S54J*)

- 4.3.1 In addition to meeting any other obligation of their registration, registered employers seeking to enter into host employment arrangements are required to:
- a) develop an upfront written agreement between the registered employer and the host employer regarding their respective roles and responsibilities with regard to the apprentice or trainee
 - b) ensure apprentices/trainees are able to raise issues of concern with the registered employer at any time
 - c) provide a timely, responsive service to their apprentices and trainees, and an immediate response where there is an alleged workplace health and safety risk to an apprentice or trainee, who has a genuine fear for their safety

- d) ensure the off-job training arrangements are meeting the needs of their apprentices and trainees in accordance with the Training Plans entered into with those apprentices and trainees
- e) rotate apprentices and trainees to alternative work sites, as necessary, to ensure that all work-based learning requirements are met
- f) provide pastoral care/monitoring support to the apprentice or trainee in line with the requirements described below
- g) provide the Commission with a list of the host employers utilised in all host employment arrangements, and the apprentices and trainees placed with each of those host employers on a 6 monthly basis
- h) notify the Commission in the event they believe a host employer is not suitable to either directly employ, or host apprentices or trainees under a host employment arrangement
- i) maintain appropriate records to demonstrate that the obligations in the *SAS Act, South Australian Skills Regulations 2021* (the *Regulations*) and [Standard 14, Record Keeping](#) have been met.

4.3.2 The registered employer must not, without authorisation of the Commission:

- a) place, or permit the placement of, an apprentice or trainee under the Training Contract with an employer who is not a registered employer
- b) For the purposes of the above clause 4.3.2 (a), and subject to the requirements of this Standard, the Commission provides a general authorisation for registered employers to place apprentices/trainees with unregistered host employers.

4.4 Pastoral and monitoring support meetings

4.4.1 In addition to responding as required to any issues of concern raised by apprentices and trainees, registered employers must provide pastoral and monitoring support to individual apprentices and trainees at least every 8 weeks, in accordance with the following matrix:

Apprentice / Trainee Year	Minimum pastoral care meetings per year	Face-to-face pastoral care meetings per year
1 or 2	6	6 (3 of these must be at the worksite)
3 or more	6	3 (1 of these must be at the worksite)

4.4.2 For apprentices and trainees in the third or greater year of their apprenticeship/traineeship, communication methods such as phone, email or video calls may be used, where it is not practicable to hold a face-to-face meeting (either at the worksite or away from it).

4.4.3 In the event of exceptional or unforeseen circumstances (for example, restrictions caused by COVID-19 outbreaks), the Commission may determine that all face-to-face pastoral care meetings with apprentices and trainees at all year levels can be held using communication methods such as phone, email, or video calls. The

Commission will publish any such determinations on its website, and include (where known) the duration for which the determination applies.

4.4.4 These meetings should confirm that the on-job training is commensurate with the level and stage of the apprenticeship or traineeship and the qualification.

4.4.5 A written record of these discussions must be kept.

4.4.6 Apprentices and trainees must be given the opportunity to speak with their legal employer in a confidential manner, irrespective of the method of communication. Some pastoral care meetings may also occur away from the worksite.

4.5 Obligations for employers under a host employment arrangement

4.5.1 An employer, operating as a host employer, must comply with all obligations contained in a written agreement with the registered employer. In addition, employers operating as host employers must:

- a) provide suitable work to enable the apprentice or trainee to develop some or all of the required competencies, as outlined in the upfront written agreement, to the required standard
- b) ensure the apprentice or trainee has access to a suitable range of equipment, tools, materials, personnel, and other resources to achieve some or all of the required competencies, as outlined in the upfront written agreement, to the required standard
- c) provide supervision to the apprentice or trainee in accordance with the [Standard 5. Supervision](#)
- d) support the apprentice or trainee to speak with the registered employer in a confidential manner and to raise any issues of concern both directly with the host employer and with the registered employer.

4.6 Commission may require information from a prescribed person (SAS Act, S70C, Regulations, 17, 18)

4.6.1 For the purposes of Section 70C of the *SAS Act*, a prescribed person as stated in the *Regulations* includes:

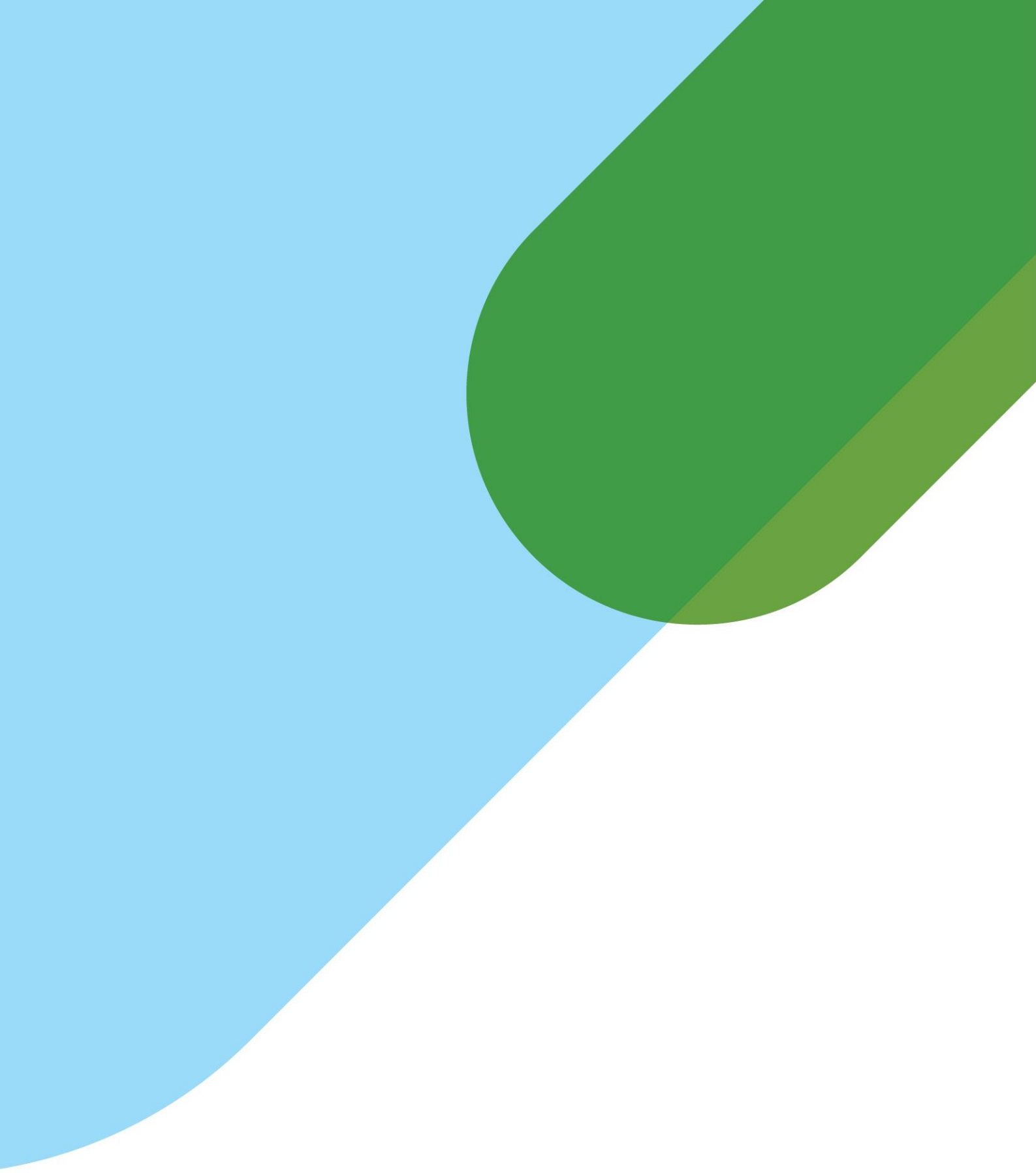
- a) a host employer with whom an apprentice or trainee is or was placed
- b) a supervisor of an apprentice or trainee under a Training Contract.

4.6.2 Employers (including both registered and host employers), supervisors and Apprenticeship Network Providers are required to provide information or documents related to the host employment arrangement or the apprentice or trainee to the Commission, if requested. The request must be in the form of a notice in writing and specify the nature of the information or documents required and the time in which they must be provided.

4.6.3 The maximum penalty for a breach of this requirement is \$10,000.

4.6.4 If a host employer that is a public sector agency refuses or fails to comply with a notice to provide information or documents, the Commission may, after consultation with the public sector agency:

- a) report the refusal or failure to the Minister for Education, Training and Skills (the Minister) and to the Minister responsible for the public sector agency (if any)
- b) include details of the refusal or failure in the annual report of the Commission.



skillscommission.sa.gov.au

