

# An Employer's Guide to Workplace Learning

for secondary students in government  
schools and TAFE NSW institutes



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## **LCPs and School Business Community Partnership Brokers**

This year, as well as coordinating mandatory work placements for HSC vocational education and training courses, many Local Community Partnerships (LCPs) have also accepted a contract with the Department of Education, Employment and Workplace Relations for the Australian Government's School Business Community Partnership Brokers program. In this role, the LCPs are known as "Partnership Brokers" and they will be approaching employers and employer organisations about working strategically to support improved education and transition outcomes for young people. Information about Partnership Brokers is available at <http://www.deewr.gov.au/Youth/YouthAttainmentandTransitions/Pages/Home.aspx>

## Section 1

### About Workplace Learning

#### What is workplace learning?

- Workplace learning programs are part of the NSW secondary school curriculum. While many students work part-time, these programs encourage young people to widen their practical experience of workplaces and to build their workplace and industry skills as part of their studies.
- The programs allow employers to help young people understand the workplace as well as careers and job opportunities and directions in industry.
- Workplace learning programs are available in Years 9, 10, 11 and 12. These are not labour market programs.
- The programs support a wide range of experiences and industry settings, often tailored to the type of work a student may be planning to do after completing their studies.
- Direct experience of a workplace helps students learn quickly and powerfully about the changing nature of work and workplaces; what attitudes and skills employers are looking for; what careers and opportunities are available and what training and further education is needed.
- It helps young people make informed decisions when planning their transition through school, and from school, to a fulfilling working life.

#### What workplace learning programs are available?

There are two main types of program: work experience and mandatory work placement for a range of Higher School Certificate (HSC) industry – based courses. These courses are known as vocational education and training (VET) courses.

Other workplace learning programs include enterprising learning programs, community learning, and student mentoring programs conducted by employers in the workplace.

#### Work experience programs

(usually Year 9 upwards)

These programs orient students to the world of work in a field usually chosen by the student. Employers help students by allowing and encouraging the student to:

- observe a variety of work being done
- undertake supervised work appropriate to the student's skill level
- ask questions about the workplace
- gain skills related to being at work
- learn how enterprises work and how to be enterprising
- complete course assignments relevant to the industry or workplace
- find out about training and employment opportunities
- fine-tune their school to work planning and career aspirations.

#### HSC VET work placement programs

- Work placement ensures that students who elect to study an industry-based HSC vocational education and training (VET) course at school or at TAFE NSW also spend a period of time as voluntary workers in a relevant workplace to practise and develop specific industry skills related to that course.
- Work placement is so important that it is a mandatory Higher School Certificate (HSC) requirement for a range of courses including Automotive, Business Services, Construction, Electrotechnology, Entertainment Industry, Hospitality, Information Technology, Metal and Engineering, Primary Industries, Retail Services, and Tourism and Events. The courses are drawn from the relevant national industry training packages.
- During work placement, employers supervise students as they participate in the workplace, practising and extending what they have learned in their off the job training at school or at TAFE NSW or in some cases, at a private or community registered training organisation (P/C RTO).

- In short, work placement enables employers to provide the dynamic and up-to-date industry context for the delivery of vocational training to school students.
- Work placement is used by teachers to gather evidence of student achievement of competence at industry standard. This may be in partnership with a suitably-qualified workplace assessor.
- Student competency leads to an industry-specific VET qualification that is recognised throughout Australia.

### How long are the programs?

- This varies. Students usually spend a week with an employer but shorter or longer periods are possible to arrange. Some students come to a workplace for half or one day per week for an extended period of time.
- For HSC VET work placement, students usually complete two week-long placements over two years, each placement usually being with a different employer.

### Who is responsible for workplace learning programs?

- Workplace learning programs are organised and approved by individual schools or by a TAFE NSW institute or a contracted private or community registered training organisation (P/C RTO). An example of a P/C RTO is an aviation company that is also an RTO and delivers an aeronautics course to school students.
- Each student's program details are recorded on an individual Student Placement Record that needs to be signed by the student, the host employer and the parent or carer before final approval by the Principal or the responsible TAFE NSW Institute Manager or P/C RTO manager or their nominee/delegate.
- To streamline the coordination of mandatory HSC VET work placements, incorporated associations referred to as "Local Community Partnerships" (LCPs) are funded to liaise between their designated schools and TAFE NSW institutes and host employers to coordinate the placements.

- Host employers will find LCP work placement coordinators have considerable experience, expertise and resources to support employers in providing quality work placement opportunities. Please feel welcome to contact them and encourage other employers to support your industry by getting involved too. For contact details, see [www.workplacement.nsw.edu.au](http://www.workplacement.nsw.edu.au)

### When can workplace learning occur?

- Workplace learning is usually scheduled on weekdays during school or TAFE NSW terms. This can be varied on occasion for individual students in Years 11 and 12 with the approval of the school or TAFE NSW institute. For example, a student may wish to extend their skills by a demanding placement in a busy holiday season or undertake a placement to assist entry to a tertiary course.
- Placements usually reflect the hours of the industry.
- Students in Years 9 and 10 cannot undertake workplace learning programs during school holidays as the Department's insurance and indemnity arrangements do not apply. This limit also applies to those students aged 14 and in Year 8 who are undertaking workplace learning.

### How does an employer benefit from hosting students?

Being involved:

- gets you participating early on in the education, career development and vocational training of young people in your community
- gives you the opportunity to talk to students about your industry and the career and job directions you anticipate
- gives you some input into developing an enthusiastic and skilled workforce with the attitudes you want, especially for your industry
- lets you identify young people with potential that might be interested in joining your industry
- raises the profile of your enterprise and develops more links for you with the local community



- provides your staff with good opportunities to increase their supervisory skills. For example, by developing and delivering the company's induction for students and acting as a coach or mentor for students while they are on placement.

## Section 2 Legal Requirements

### Are students paid?

- No. Students are voluntary workers and should not be paid. Any payment to the student may invalidate the Department's insurance and indemnity arrangements.
- **There is one exception:** where a student uses their current part-time employment to fulfil a mandatory HSC VET work placement requirement. This arrangement must be negotiated with the employer and approved by the school and where relevant by the TAFE NSW institute or the P/C RTO. In this case, the student is not a voluntary worker and the insurance arrangements of the employer apply to the student.

### What about insurance and indemnity?

- Insurance and indemnity requirements are arranged by the NSW Department of Education and Training (DET) under the NSW Treasury Managed Fund Scheme. The Scheme provides insurance for participating NSW government agencies. Specific cover relevant to workplace learning is provided for DET and TAFE NSW under the terms and conditions of the Miscellaneous Insurance Policy. The policy numbers for DET and TAFE NSW are MF100003 and MF100007 respectively. For further information, see Section 6 near the end of this Guide.
- As long as you follow the requirements in this *Guide*, you do not need to change your insurance or WorkCover arrangements when taking on a student under a Workplace Learning Program. However, you are expected to have current public liability coverage as is standard business practice.

### Is there paperwork? Do I have to sign anything?

- Yes. Each student is issued with a Student Placement Record to document the placement arrangements. Along with the parent/carers and the student, you will be asked to provide some information and sign the Record.
- The school, or where relevant the TAFE NSW institute or the P/C RTO has to approve the placement described on the Record before the student can start. The approval activates the Department's insurance and indemnity arrangements for you and the student.
- A full copy of the Student Placement Record with the approval will be provided to you before the placement starts by the school, TAFE NSW institute or P/C RTO.
- Local Community Partnerships will support you with a streamlined service to help coordinate your part of the Placement Record for mandatory HSC VET work placements.

### Are there any special industrial conditions?

- Yes. Students must be aged 14 years or over.
- Students under 15 years of age must not undertake workplace learning before 7.00 am or after 6.00 pm.
- No student is to be directed to work on any dangerous machine.
- Students must not be used in place of regular employees.

**Note:** All relevant safety, health and welfare legislation that protects employees also protects any student, and where relevant any support staff, engaged in a workplace learning program.

### How do I ensure my workplace is safe for students?

It is important that host employers and their staff supervising students are aware of and are prepared to do the following while hosting students:

- provide a safe and positive environment compliant with the *NSW Occupational Health and Safety Act 2000* and Anti-Discrimination and Equal Employment Opportunity legislation.

More information is available from WorkCover NSW on telephone 02 4321 5000 or web: **[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)** and the NSW Office of Industrial Relations on telephone 131 628.

- provide activities and skill development tasks appropriate to the student's skill level under supervision of a capable and trustworthy employee briefed for the task.
- ensure that any special needs of students, including those students with a disability, are appropriately supported in the workplace. Some adjustments may be needed to accommodate their special needs. This should be done in consultation with school, and where relevant, TAFE NSW institute personnel and the Local Community Partnership (LCP) and parents or carers.
- identify areas of risk and implement strategies to eliminate or minimise risk associated with activities undertaken by the student. These are to be identified on the Student Placement Record.
- provide appropriate information, instruction, training and on-going supervision to ensure the student's safety during the placement.
- provide a workplace induction including relevant safety matters to orientate students at the beginning of the placement. Advice on inducting school students is provided in Section 4 later in this *Guide*.
- provide personal protective equipment (PPE) where required and training in its correct use.

Likewise, students are expected to comply with the employer's workplace safety requirements and procedures and not to act in any way that could jeopardise the safety of themselves or others in the workplace.

### Working with children and young people

- Providing opportunities for children and young people is a wonderful thing to do. However, to participate in this program you must provide a safe and non-threatening work environment and comply with child protection laws.
- You need to ensure that all staff are aware that they must conduct themselves appropriately with children and young people at all times. For example, unacceptable conduct by employers or their

employees would include any initiation activities or horseplay directed at or involving the student; physical or verbal abuse of students; physical assault or exposure of students to violence; inappropriate conversations of a sexual nature; suggestive remarks; jokes of a sexual nature; showing sexually suggestive publications, electronic media or illustrations; unwarranted and/or inappropriate touching; personal correspondence with students regarding sexual feelings for the student.

- Employers with staff engaged in child-related employment in NSW as defined in the *Commission for Children and Young People Act 1998*, are required to observe mandatory obligations for background checks through the relevant approved screening agency.
- You are asked to indicate on the Student Placement Record that as far as you are aware there is nothing in the background of any staff member or other person who will have close contact with the student that would make them unsuitable for work with children and young people. Your judgement is made in good faith, based on your day to day knowledge of the conduct and services of the people with whom the student will be working. For this purpose, employers that are not engaged in child-related employment as defined in the legislation above are not required to undertake background checks.
- As you may be aware child protection legislation requires that allegations about employee conduct must be reported to the NSW Ombudsman. Allegations that involve abuse, harm or risk of significant harm to the student must also be reported to the Department of Community Services and also in some cases to the NSW Police.
- Host employers must report any allegations against an employee in the area of child protection to the Principal of the school, or where relevant to the responsible TAFE NSW Institute Manager. More information about the Department's procedures is contained in the document *Responding to Allegations against Employees in the Area of Child Protection, 2004*, available at **[https://www.det.nsw.edu.au/policies/staff/child\\_protect/alleg\\_emp/pd04\\_08\\_alleg\\_childprot\\_Mk2.pdf](https://www.det.nsw.edu.au/policies/staff/child_protect/alleg_emp/pd04_08_alleg_childprot_Mk2.pdf)**

- On completion of an investigation into an allegation of reportable conduct the Department is also required to determine if a report to the Commission for Children and Young People is required.
- More information regarding working with children can be gained through the NSW Commission for Children and Young People. Telephone 02 9286 7219 or email: [check@kids.nsw.gov.au](mailto:check@kids.nsw.gov.au)

## Section 3

### Working Together

**Employers and schools, TAFE NSW institutes, private or community registered training organisations (P/C RTOs), parents and carers, students and Local Community Partnerships (LCPs)**

We aim for on-going and close communication between employers and schools, and where applicable, between employers and TAFE NSW institutes and P/C RTOs, both before and during workplace learning programs. If you have any concerns, the school or TAFE NSW college or campus or P/C RTO is just a phone call away.

#### **The role of schools, TAFE NSW institutes and P/C RTOs**

- Schools, TAFE NSW institutes and P/C RTOs have a duty of care to their students when they undertake workplace learning programs. Elements of that duty of care are summarised here and include:
  - reviewing the suitability of proposed placements
  - deciding to approve, or not, the proposed placement for the individual student
  - preparing students for workplace learning, including ensuring students are informed of their right to be safe in the work environment and sources of help; making a supervisory visit or telephone contact with the host employer or supervisor and with the student during the placement and following up with the student immediately after the placement
  - communicating as appropriate with the host employer to provide information that the host employer needs to optimise the safety and success of the placement

- initiating planning to support the students with additional needs, including disability, and ensuring that the students, parents and carers are aware and agree with any adjustments.

- Departmental staff are required to report any suspicion on reasonable grounds that a child or young person or a class of children or young people are at risk of harm to the school Principal or their workplace manager who will seek advice from the Department's Child Wellbeing Unit or make a report to Community Services. The staff member is required to ensure that the report is made.
- They are also required to report any allegations against an employee in the area of child protection to the school Principal or responsible TAFE NSW Institute Manager who will notify the Department's Employee Performance and Conduct Directorate.

#### **The role of employers and supervising staff**

- Employers play a critical and valued role in hosting students. You and your supervisory staff set the tone for the success of the placement and this will influence both the student and your staff.
- Employees are to respect the rights of students to a safe and healthy host workplace, free from harassment and discrimination and any conduct that is unacceptable in terms of child protection.
- Some students have considerable employment experience, confidence and maturity. Others have little or no personal or immediate family experience of participating in the workplace.
- Even though the school or where relevant, the TAFE NSW institute or the P/C RTO prepares the student for the placement, it is a good idea for an appropriate and willing member of staff to act as a mentor or advisor for students during placements. Ideally, this is in addition to the nominated workplace supervisor.
- Planning a variety of tasks and activities that the student can manage safely; focusing on what the student can learn and the skills they can develop, and providing good instruction and supervision go a long way to eliminating and minimising risks to students.
- If a student does become ill or is injured in the workplace, as well as the appropriate first aid

response, you are advised to notify the school, or where relevant the TAFE NSW college or campus or the P/C RTO as soon as possible. Contact details will be on your copy of the Student Placement Record. If the student has a significant injury during the day, they should also phone their parents or carers. If the student is on HSC VET work placement, it may also be appropriate to notify your LCP. The LCP will advise you beforehand about local arrangements.

- If the student is absent without explanation or behaving inappropriately, you are asked to notify the school, or where relevant the TAFE NSW college or campus or the P/C RTO as soon as possible. Examples of 'behaving inappropriately' include not following your reasonable instructions; rudeness or encouraging friends to congregate around the worksite.
- For other relevant information, see Section 2 on Child Protection and Section 4 in this *Guide*.

### The role of parents and carers

- Parents and carers play an important role in supporting the student before, during and after workplace learning placements. Advice is provided for parents and carers in the Department's information pack: *Parents and Carers Guide to Workplace Learning*.
- If a student is injured during the placement during normal business hours, it may, depending on the seriousness of the injury, be appropriate for the employer to also contact the student's parents or carers as well as the school, or where relevant the TAFE NSW college or campus or the P/C RTO. After normal business hours, contact the student's parents or carers or the person nominated to be the contact on their behalf. Check the details about hours and contact numbers on your copy of the Student Placement Record.
- Where placements extend outside normal business hours, parents and carers might be contacted by a student if the student genuinely believes they are at risk during that time but do not feel confident to bring the matter to the attention of the host employer or supervisor. The parents or carers

are not to investigate or resolve any matters but simply to collect the student or arrange for the student to get home safely and then inform the school, or where relevant the TAFE NSW institute or the P/C RTO as soon as possible to allow the school or TAFE NSW institute or P/C RTO to follow up the matter.

### The role of students

- Students understand that the opportunity to learn with a host employer and their staff in the workplace is important and valued. They will have a purpose and focus for their learning.
- Students must participate in the pre-placement activities organised by the school, or where relevant organised by the TAFE NSW institute or the P/C RTO to optimise the student's safety and achievement during their placement.
- Students are to behave with courtesy and respect, follow all reasonable instructions and not do anything that would jeopardise the safety of themselves or others in the workplace.
- Students are to inform the host employer and the contact from the school, or where relevant from the TAFE NSW college or campus or from the P/C RTO if they are not able to attend the workplace. Students also need to inform the host employer of any concern about their personal or workplace safety, and advise any injury, accident or incident that may occur during their placement.
- Students must respect workplace confidentiality at all times. They are not to convey any knowledge or information of this kind to any person outside the host employer's workplace. This responsibility must be agreed to by the student on their section of the Student Placement Record.

### The role of Local Community Partnerships (LCPs)

- LCPs provide the on-going effective linking of employers to schools and TAFE NSW institutes and on occasion to P/C RTOs in their communities.
- As well as coordinating quality HSC VET work placements, LCPs support host employers with information and advice about managing issues that may arise during HSC work placement programs.



- Before you host a student, the LCP will clarify who you will need to contact should particular circumstances arise.
- If an incident or situation were to arise during a work placement, the LCP will be there to assist you.
- However, the school, or where relevant the TAFE NSW institute or the P/C RTO has the duty of care for their students and has responsibility for the welfare and conduct and performance of the student. Any injuries to students, child protection matters or damage to property must be brought to the attention of the school, or where relevant to the TAFE NSW institute or the P/C RTO for them to follow up.

## Section 4

### A Quality Workplace Learning Experience

**What makes a good workplace learning experience? How can this be made a really positive experience for host employers, their staff and students?**

Workplace learning enables students to learn powerfully in a different environment and to meet a range of people beyond their usual circle. But as a host employer, you are not left on your own. There is plenty of guidance and appropriate contacts for each step along the way.

- As well as the information in this *Guide*, the Department has helped produce *Work Placement Made Easy!*, a set of easy to follow materials developed by an experienced employer for fellow employers hosting HSC VET students. The resource is available at: [www.ezwp.det.nsw.edu.au](http://www.ezwp.det.nsw.edu.au) and is endorsed by a number of peak employer organisations. Your Local Community Partnership coordinator can advise you further about these resources.
- Employers may choose to participate in *Sydney Access* which is a coordinated program offering high quality placements for students enrolled in one or more school or TAFE delivered HSC industry curriculum framework courses. For more information, visit the *Sydney Access* website at: [www.workplacement.nsw.edu.au/sydneyaccess/index.php](http://www.workplacement.nsw.edu.au/sydneyaccess/index.php)

- *In Working Order* is a tool kit for educators, employers, supervisors and parents of young workers. The website contains resources and useful links with information regarding injury prevention and the promotion of workplace safety. Go to [www.inworkingorder.com.au/](http://www.inworkingorder.com.au/)

#### **Before students start their workplace learning placement:**

- Consult with staff and **draw up a list of activities** that can be achieved and safely managed by students. These should:
  - be varied, safe, interesting and sometimes challenging
  - give insight into the industry and the workplace
  - promote practise of relevant specific skills such as VET course competencies appropriate to the level of the qualification, and
  - not contravene the Department's Prohibited Activities indicated in Section 5 of this Guide.

Note: For HSC work placements, see also *Suggested Student Activities* in the relevant Student Journal at [www.ezwp.det.nsw.edu.au](http://www.ezwp.det.nsw.edu.au)

- Consider **when it will be convenient to host students**, the duration of each placement, and how and when applications from students should be made.
- Ensure that employees, including union representatives, understand the purpose of the workplace learning activity. Emphasise:
  - students are to be treated with respect and courtesy, just as they should treat you and your staff
  - the special responsibilities of working with young people relating to their safety, welfare and well-being
  - students must not be used in place of regular paid employees.
- Appoint an experienced staff member to **coordinate the workplace learning program** for students. A timetable of proposed student activities and the staff who will be supervising them is recommended.
- Ensure that students have an appropriate and willing **adviser or workplace mentor** to turn to for

advice and information. Where possible, a work space for the student should also be identified.

- Decide who will be responsible for **inducting the student into the workplace** and document what topics will be covered and how the induction will occur. Guidance about inducting students is provided later in this Section.
- **Complete the employer section of the Student Placement Record. Your detailed answers** will help the school, or where relevant the TAFE NSW institute or the P/C RTO to manage their duty of care to the students. **The details also support you by helping you satisfy relevant workplace obligations.**
- This Record will be provided to you by the school, or where relevant by the TAFE NSW institute or the P/C RTO well before the placement. Your completion of the host employer section will become a record of your agreement to host the student and your compliance with the relevant responsibilities. Once you have completed the host employer section, please return it to the school, or where relevant to the TAFE NSW institute or the P/C RTO, usually for them to pass on to the parent or carer for their permission. The Record details must be finally approved by the school, or where relevant by the TAFE NSW institute or the P/C RTO and a completed copy provided to you before the placement starts. This should be stored safely in case of an emergency and to prevent unauthorised access to the student's personal details.
- Ideally your **supervisory staff** should be capable and trustworthy employees with good communication, delegation and interpersonal skills; briefed for the task; positive about supervising the student and with sufficient time to instruct and monitor the student and to provide constructive feedback. An experienced older employee or one used to supervising trainees may well be appropriate to supervise students.

### During the placement:

Ensure that students:

- are regarded as voluntary workers, not visitors
- complete a first day induction and orientation tour. You may wish to include relevant parts of the safety induction that you already provide to new workers. As we know, a quality induction sets up the best chance for a successful placement for you and the student. Remember that students are young people and for some, this might be their first experience of the workplace. The following points are very important from a student's perspective:
  - a welcoming introduction to the business and supervising staff, mention of key managers and advice about who will support them in the workplace
  - opportunities for questions from students
  - a brief outline of what the business does, key clients and relationships, its mission and value statements and what you believe the business provides to customers, clients and the community. This helps students feel proud to participate and keen to contribute to the enterprise
  - an outline of the planned activities including any variations or choices and any related safety issues, any required personal protective equipment (PPE), no-go areas and excluded activities
  - the overall importance of taking safety seriously in the workplace, relevant safety concerns including manual handling and safety requirements in the organisation, and importantly, reasons for these
  - expectations about behaviour, attitude and dress
  - working hours, break times and other applicable work routines
  - location of toilets, change rooms, exits, other workplace facilities and food outlets
  - a clear explanation of supervision arrangements for the student
  - what to do if first aid is required, emergencies occur or evacuations are required
  - a brief outline of the organisation's policies on bullying, harassment and discrimination and what the student should do if any safety or other issues arise
  - other relevant company policies, for example, confidentiality, making telephone calls

- any medical or other circumstances that need to be noted
- any adjustments or additional support for the student that are provided.

Also ensure that students:

- work the normal hours of the industry (except where there are age restrictions)
- have a range of appropriate and interesting work tasks and are encouraged to ask questions
- are always supervised in the workplace. Do not assume previous experience
- are trained and closely supervised if the student is expected to operate equipment or machinery. A simple checklist for the safe operation and handling of the equipment should be provided to the student and used in the training and supervision of the student
- do not undertake any prohibited activities. Please refer to Section 5 in this *Guide* for information on Prohibited Activities and some higher risk placements
- do not undertake any activities requiring a licence, permit or certificate of competence unless the student already has the relevant licence, permit or certificate; the activity is relevant to the placement and the activity has already been approved by all parties before the placement
- are given appropriate feedback and encouragement
- have sufficient time to complete diaries, work placement journals or research projects provided by the school, TAFE NSW institute or the P/C RTO
- return to their school, or where relevant to their TAFE NSW college or campus or P/C RTO if the workplace is affected by industrial action.

**If there are any difficulties during workplace learning programs, immediately contact the school, or where relevant the TAFE NSW college/campus or the P/C RTO.**

**For work placement, contact with the Local Community Partnership (LCP) might also be appropriate. The LCP will advise you beforehand of arrangements.**

#### **Before students conclude their placement please:**

- complete the student report or evaluation form supplied by the school or by the TAFE NSW institute or the P/C RTO
- ensure that any identification cards or property on loan have been returned
- take time to provide the student with helpful and encouraging feedback.

## **Section 5**

### **Prohibited Activities**

#### **What activities are prohibited?**

Students must not undertake any of the following activities during workplace learning:

- use of machinery or equipment which is dangerous for new or young workers to operate, unless each of the following occurs:
  - the activity is first risk-assessed as suitable for student operation by the host employer
  - the student has been given appropriate information, instruction and training and a checklist for the safe operation and handling of the equipment
  - the equipment is in safe working order, complete with required safety devices or guards
  - a suitably qualified or experienced person in the workplace who has good communication skills and the ability to give clear instructions provides on-going close supervision.
- the service of alcohol unless the student is over 18; the activity is essential to the placement and has been agreed to by the school or TAFE NSW institute and the student has completed the Responsible Service of Alcohol (RSA) Training Course
- travel by helicopter
- air travel on charter flights and aircraft other than those providing a regular public transport service (ie on a regular route with paying passengers)
- travel outside the 12 nautical mile limit at sea
- scuba and deep-sea diving
- the following 'high risk construction work' as defined in the NSW OHS Regulation (2001): construction work in tunnels or involving the use of explosives or

work in and around gas and electrical installations; near traffic or moving plant, or demolition work other than simple stripping of walls etc.

- any excavation work at a depth of one metre or more; at a depth under one metre without direct supervision by a competent person; near utilities
- work on caissons or cofferdams (permanent or temporary structures respectively, used to enable excavation and construction work)
- work on a roof
- any activities involving or adjacent to the repair, removal or demolition of any construction work containing asbestos or in the clean-up process following the activity
- attendance at a site while chimney stacks or buildings are being demolished
- scheduled work as set out in Chapter 9 of the *NSW OHS Regulation 2001*, unless there are exceptional circumstances and the student, aged 18 or over, already has achieved the necessary certification
- any activity requiring a licence (eg; a driver's licence), permit or certificate of competence unless:
  1. the student already has the relevant current licence, permit or certificate
  2. the activity is directly related to the learning outcomes of the placement
  3. the activity is included in the *Student Placement Record* prior to approval.

Note: students are not expected to drive their own vehicles while undertaking activities on behalf of the host employer.

- Any work of a sexual or explicit nature.

### Managing particular higher risk placements

- It is important to carefully consider placements involving student operation of **golf carts, tractors or farm vehicles** such as quad bikes, even where these activities are essential to achieving the outcomes of the placement.
- If the student does take part, he or she must have successfully completed a relevant formal training course or the related course competencies or have

demonstrated substantial experience in the safe operation of such vehicles. The student still needs to be closely supervised.

- Students with little or no experience of these farm vehicles *must not* operate them unless:
  - the school, or where relevant the TAFE NSW institute or P/C RTO is satisfied that the host employer can satisfactorily manage the activity for the student and can provide appropriate quality training and on-going close supervision
  - this occurs prior to the approval of the placement.
- No students are to drive any old or unregistered vehicles commonly known as 'bush bashers'.
- Placements in **meat processing plants** are subject to mandatory requirements. If you are an employer in the meat processing industry, contact the Australian Meat Industry Council (AMIC) on telephone 02 9086 2200 for the information package to support school student workplace learning in meat processing plants. Alternatively, contact the relevant vocational education consultant in the Department's regional office.
- A pre-requisite for all workplace learning in the **construction** industry is student completion of the 'OHS Induction Training for Construction Work' course. Workplace supervisors must make students aware of the risks associated with handling and operating **all** tools and equipment the student is to use and how to manage those risks. Some tools and equipment common in industry are not permitted for use by students in a school setting. Advice is available from the student's school or TAFE NSW institute, and in some cases from the Local Community Partnership (LCP).

## Section 6

### Insurance Requirements and Related Information

#### Insurance and indemnity arrangements in more detail

The following provisions apply to workplace learning activities approved by government schools or TAFE NSW institutes and in some circumstances, by private or community registered training organisations (P/C RTOs) that have been contracted by the school.



### **These provisions also apply to:**

- vocational education teacher training programs, for example, teachers undertaking an industry placement as part of their VET teacher training program
- teachers supervising students participating in workplace learning programs.

### **These provisions do not apply where:**

- workplace experiences are arranged privately between students, or parents or carers and employers, and without gaining the final signed approval of the school, or where relevant from the TAFE NSW institute or the P/C RTO
- private or community RTOs delivering training to students arrange workplace learning activities for students within their organisation, for example, an aviation company providing placements in their hangar. The insurance and indemnity arrangements of the P/C RTO apply to student placements within their own organisation.

### **Other important information**

- Students participating in approved placements are regarded as voluntary workers. Therefore, host employers are not required to make any payment to them under the Federal or State award covering the particular industry, the NSW Annual Holidays Act or the Workers' Compensation Act.
- If students sustain a significant injury, the Department ensures the student will not be worse off than someone undertaking paid employment who sustains the same injury and who is covered by the Workers' Compensation Act. For that reason, the Department uses the NSW Workers Compensation Act as a benchmark to compensate students for medical treatment and rehabilitation costs. Because the students are not being paid, compensation does not include loss of income. Similarly to paid employees, students also have a right under common law to seek compensation if it can be established that the injury was caused by the negligence of the host employer, the Department or a third party.

### **Employer indemnity**

The NSW Department of Education and Training/TAFE NSW indemnifies employers participating in approved

workplace learning programs for any amount which they may be legally liable to pay for injury to students or teachers arising out of an approved workplace learning program, up to \$20,000,000 provided that:

- any claim made against the employer in respect of a student or teacher participating in an approved workplace learning program is immediately notified to the relevant school or institute
- the Department has full conduct and control of the claim against the employer as is normal practice for the party providing the indemnity
- the employer cooperates fully with the Department and the Department's legal representatives in the conduct of the claim
- the employer has complied with occupational health and safety legislation
- the injury does not stem from a lack of instruction or supervision by the employer.

### **Public liability indemnity**

The NSW Department of Education and Training/TAFE NSW indemnifies employers participating in approved workplace learning programs for any amount which they may be legally liable to pay for property damage or personal injury to third parties caused by students or teachers in approved workplace learning programs, up to \$20,000,000 provided that:

- any claims made against the employer in respect to property damage or personal injury caused by a student or teacher in an approved workplace learning program is immediately notified to the relevant school/institute
- the Department has full conduct and control of the claim against the employer as is normal business practice for the party providing the indemnity
- the employer cooperates fully with the Department and the Department's legal representatives in the conduct of the claim
- personal injury to an employee of the employer is excluded (this should be covered under workers' compensation arrangements)
- the damage or injury does not stem from a lack of instruction or supervision by the employer.

## Damage to employers' property

The NSW Department of Education and Training/TAFE NSW will compensate employers participating in approved workplace learning programs to the full extent of any damage to the employer's property, property of an employee or property in the employer's physical or legal control up to \$200,000 per incident provided that:

- any claim for compensation is immediately notified to the relevant school or institute
- the employer cooperates fully with the Department and the Department's legal representatives in the investigation of the claim
- the damage does not stem from a lack of supervision or instruction by the employer.

## What happens if a student is injured?

- Seek medical help immediately.
- Contact the school, or where relevant the TAFE NSW institute or the P/C RTO and the parents or carers depending on the seriousness of the injury. After normal business hours, contact the student's parents or carers or the person nominated to be the contact on their behalf.
- Ask the doctor attending for a medical certificate.
- **Use the student's Medicare number:** do not treat as a workers compensation claim.
- For students ineligible for a Medicare number, please ask if they wish to contact their general practitioner (GP). Contact details should be on your copy of the student's Placement Record.
- Complete a written report of the accident and forward it to the school, or where relevant, to the TAFE NSW institute college or campus or P/C RTO. The report must include a full statement from the student, the supervisor and relevant witnesses.

**All claims for injury, loss of property or damage to property should be referred to the school or TAFE NSW institute in the first instance.**

**Depending on the nature of the claim, the school or institute may then forward the claim to the Administration Policy Unit, Administrative Services Directorate, Department of Education and Training, GPO Box 33, Sydney 2001, telephone 02 9561 8641.**

## Section 7 Important Contacts and Links

Thank you for considering the opportunity to provide a student with a workplace learning opportunity. We hope you find this a rewarding experience, not just for the student but for you and your staff. You are well-supported throughout the entire process. If you have any queries, please get in touch with one of the contacts or follow the links provided below:

- the VET coordinator or careers adviser or School to Work coordinator at the student's school
- the vocational education consultant or Support Teacher Transition at the relevant regional office of the NSW Department of Education and Training
- the HSC VET coordinator for school or HSC students at the relevant TAFE NSW institute college or campus
- the TAFE NSW institute consultant – TVET at the relevant TAFE NSW institute
- the Senior Coordinator Workplace Learning, Vocational Education in Schools Directorate, NSW Department of Education and Training, telephone 02 9244 5060
- Administration Policy Unit, Administrative Services Directorate, telephone 02 9561 8641
- WorkCover Assistance Service, telephone 13 10 50
- Commission for Children and Young People, telephone 02 9286 7219
- NSW Office of Industrial Relations, telephone 131 628
- For HSC VET work placements, also see your Local Community Partnership.
- *Sydney Access*, visit the website at: [www.workplacement.nsw.edu.au/sydneyaccess/index.php](http://www.workplacement.nsw.edu.au/sydneyaccess/index.php)
- For information regarding injury prevention and workplace safety for young workers, go to the In Working Order website [www.inworkingorder.com.au](http://www.inworkingorder.com.au)

You are also welcome to visit the Parents and Community section of the School to Work site at [www.schooltowork.com.au](http://www.schooltowork.com.au)



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