



## FACT SHEET

# Employer eligibility

The Department of Training and Workforce Development registers and administers training contracts and regulates the apprenticeship system in Western Australia, consistent with Part 7 of the *Vocational Education and Training Act 1996* and Part 4 of the *Vocational Education and Training (General) Regulations 2009*.

### Ineligible employers

Under a training contract, the employer and the apprentice\* (and parent/guardian if applicable) must fulfil particular obligations. It follows that the employer and the apprentice cannot be the same person.

The following employment arrangements may **not** be appropriate for registration of a training contract.

- The business is operated as a sole trader who is also the apprentice.
- The business is operated as a partnership between the apprentice and others.
- The business is operated as an incorporated entity (eg company) of which the apprentice is the sole director.
- The business is operated as a trust, of which the apprentice is a trustee.
- The business is operated as a trust, of which a company is a trustee and the apprentice is the sole director of that company.

### Employers operating under a labour hire/group training organisation arrangement

Under a labour hire/GTO arrangement an apprentice is employed by Business A to perform work at Business B. Under this type of arrangement, it is generally Business B that directs and controls the apprentice's day to day work and working environment.

Under the training contract, Business A is the employer. Therefore Business A has particular obligations relating to the provision of on the job training and assessment as per the agreed training plan, provision of relevant work, ensuring appropriate supervision and training facilities to the apprentice/trainee.

Business A, as the employer under a training contract, must be able to fulfil the required obligations and demonstrate they can train the apprentice adequately.

*\*The term 'apprentice' includes apprentices, trainees, cadets and interns.*

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