Workplace Learning

Additional Information for Host Employers

Support for hosting a student in workplace learning

Please note: the page reference in this document after each question refers to the page in the **Workplace Learning Guide for Employers**.

What insurance and indemnity arrangements are in place for students in the workplace? (See page 8)

The NSW Department of Education (the department) and the TAFE NSW Commission are members of the NSW Treasury Managed Fund, a NSW Government self-insurance scheme which provides coverage for their activities including work experience and work placement, in accordance with the following:

Employer indemnity

The department and TAFE NSW indemnify 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 $100,000,000 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 work health and safety legislation
- the injury does not stem from a lack of instruction or supervision by the employer.

Public liability indemnity

The department and TAFE NSW indemnify 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 $100,000,000 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 or institute

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- 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
- 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.

A student's parents and/or carers are responsible for any expenses incurred by their child as a result of accident or injury, prior to a claim submitted under these insurance provisions.

Damage to employer's property

The department and 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 a full replacement (new for old) basis per incident provided that:

- any claim for compensation is immediately notified to the relevant school or TAFE NSW 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.

How does the legislation on Work Health and Safety impact on hosting a student in an approved workplace learning program? (See page 8)

Under the Work Health and Safety Act 2011 (NSW) the definition of 'worker' includes 'a student gaining work experience'. See also SafeWork NSW

Under the Act a 'worker' has obligations to:

1. take reasonable care for his or her own health and safety, and
2. take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and
3. comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act, and
4. co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Students on workplace learning including work placement or undertaking work experience have these obligations.

Where can I get further information on providing a safe workplace for students on approved workplace learning programs? (See page 10)

Young workers can lack the experience, knowledge, confidence and skills to identify and deal with potential hazards. Inexperience and a lack of awareness can increase the likelihood of a young worker being injured. Further information about how employers and others can keep young people safe at work the following resources are recommended SafeWork NSW Young Workers e-Toolkit and In Working Order.

To assist employers to provide detailed responses to questions about the activities/duties which students will perform, and any machinery that students will use during placement, see webpage Completion of the Student Placement Record to meet the Department's standards (under Student Placement Records section). The department's Health and Safety Directorate has stressed the importance of host employers providing comprehensive information about the details of the activities/duties that students will undertake during placement. This includes identifying potential risks and managing those risks. If there is insufficient space to record these details, employers should attach the information.

What activities for students in workplace learning programs are either prohibited or need special consideration given to addressing risks? (See page 11)

There are some activities that are not suitable for students (young workers) in an approved workplace learning program and there are others where special consideration needs to be given to addressing risks. Schools and host employers will need to consider and take into account the competency, maturity and physical capabilities of the student in relation to all activities he or she will undertake.

Students are not allowed to undertake these prohibited activities:

- any work of a sexual or explicit nature
- travel by helicopter
- air travel on charter flights and aircraft other than those providing a regular public transport service (i.e. on a regular route with paying passengers)
- travel outside the 12 nautical mile limit at sea
- scuba and deep-sea diving
- construction work in tunnels, confined spaces or involving the use of explosives
- work in and around pressurised gas distribution mains or piping and energised electrical installations or services
- be in close proximity to traffic or mobile plant operating on a worksite. Students are to attend onsite induction and traffic management meetings. Host employers are too closely supervise students, especially when plant is operating, and question students to ensure understanding of no-go areas and related safety procedures
- demolition work other than simple stripping of walls

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- any excavation work at a depth greater than one metre or near utilities any excavation work at a depth under one metre without direct supervision by a competent person
- work on permanent or temporary structures used to enable construction work in marine environments
- working on a roof, roof trusses or in a roof cavity
- working where asbestos is present
- any activities involving or adjacent to the repair, removal or demolition of any construction work containing asbestos or in the clean-up process following
- attendance at a site while chimney stacks or buildings are being demolished
- activity requiring a licence (e.g. a driver's licence), permit or certificate of competence is prohibited unless:
    a) the student already has the relevant current licence, permit or certificate
    b) the activity is directly related to the learning outcomes of the placement
    c) the activity is included in the Student Placement Record prior to approval.
- driving any old or unregistered vehicles commonly known as 'bush bashers'.

Students are not allowed to undertake the following:

- use of machinery or equipment which may be dangerous for new or young workers to operate is prohibited **unless** each of the following occurs:

    a) the activity is risk-assessed as suitable and safe for student operation by the host employer

    b) the student is given appropriate information, instruction and training, and a checklist for the safe operation and handling of the equipment

    c) the equipment is in safe working order, complete with required safety devices or guards

    d) 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 where the student is under 18 years of age is prohibited. If the student is over 18 years of age, the activity must be essential to the placement and has been agreed to by the school or an Externally delivered Vocational Education and Training (EVET) provider and the student must have completed the Responsible Service of Alcohol (RSA) training course.

Special consideration is needed with the following activities that have conditions. (See page 11)

Placements involving the student's operation of golf carts, quad bikes, tractors or other farm vehicles must be carefully considered, even where these activities are considered to be essential to achieving the outcomes of the placement.

For these placements to be approved, the vehicle and the activity must be adequately risk assessed as being safe for the student. Students must have successfully completed an accredited formal training course or related course competencies, or have demonstrated

substantial experience in the safe operation of these vehicles. Students riding quad bikes must be at least 16 years of age and wear an approved helmet with the strap in place. Required Personal Protective Equipment (PPE) other than helmets include:

- eye protection for example goggles
- hand protection for example gloves
- long sleeve shirt and full length pants
- sturdy footwear for example boots.

Note: Helmets must comply with Australian Standard AS/NZS 1698.

The student still needs to be closely supervised. They must not be reckless or careless.

Students with **little or no experience** must not operate these vehicles. **The only exception is where** the school, or relevant EVET provider in consultation with the school, is satisfied before the placement is approved that the host employer can satisfactorily manage the activity for the student and has substantial experience in providing the appropriate quality training and on- going close supervision.

To ensure the school or EVET provider is satisfied that the activity is safe, the risk assessment must be documented and sighted by the school principal or nominee/EVET provider or nominee prior to approval. More information about quad bikes can be found under Prohibited activities.

Placements in meat processing plants

Placements in meat processing plants are subject to mandatory requirements. The Australian Meat Industry Council can be contacted on telephone (02) 9086 2200 for the information package to support student workplace learning in meat processing plants.

Placements involving horses

A risk assessment must be undertaken, in consultation with the school, to ensure the activity is appropriate and safe and that the horse is fit for purpose and the age and experience of the rider. Use the Guide to managing risks when new and inexperienced persons interact with horses including Appendices B and C. See also SafeWork NSW information about horse-related injuries.

Placements in the construction industry (See page 11)

All workplace learning in the construction industry requires a pre-requisite that the student completes Work Health and Safety induction training for construction work and holds the general construction induction card (White Card).

The Construction, Plumbing and Services Training Package and SafeWork NSW mandate delivery and assessment via face-to-face or via real time audio and visual media. The department recognises the validity of both forms of delivery and assessment. Schools are in

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the best position to understand the learning style of their students when determining the mode of delivery of the White Card, ensuring the safety of the student is paramount.

While some tools and equipment common in industry are not permitted for use by students in a school setting, the construction teacher will indicate the appropriate tools and equipment that the individual student could use on work placement. Further advice is available from the student's school or EVET provider and in some cases from the Work Placement Service Provider.

There should always be close supervision of a young worker when there is a risk of a fall, for example, where a student is on an elevated level, near an opening or in the vicinity of an edge. Elevated levels must be no higher than 2 metres, see the Working Safely at Heights document for further information.

Minimising the risk of a fall may include physical restraints or barriers. Construction work of a minor nature must be carried out in full compliance with all applicable provisions of the work health and safety legislation.

Can students drive vehicles during the placement? (See page 11)

No. Students are not allowed to drive their own vehicles whilst undertaking activities on behalf of the host employer. They should not be asked or directed to drive the employer's vehicles or any client's vehicles while they are on a workplace learning experience.

\Who can I contact to discuss aspects of hosting a student in workplace learning? (See page 14)

For Higher School Certificate (HSC) Vocational Education and Training (VET) placements contact your Work Placement Service Provider in the first instance as they have the expertise and resources to support you. For contact details go to the Work Placement website.

For students, contact the school's careers adviser. This contact information should have been provided to you as employer at the time of the workplace learning arrangement being made through the Student Placement Record.

If you want further confirmation or clarification of matters relating to hosting a student in your workplace, contact the NSW Department of Education by emailing seniorpathways@det.nsw.edu.au.