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## Section C: Procedures and guidelines

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Structured workplace learning coordinators, school administrators and curriculum developers should consider the procedures outlined in the following section to ensure a quality placement program is developed for students in their care. The guidelines apply to all students in **government, catholic and independent schools** who participate in structured workplace learning programs under Ministerial Order 23.

Structured workplace learning arrangements may only be used for courses accredited by the Victorian Qualifications Authority.

### **Age of student**

The minimum age for a student undertaking structured workplace learning is fifteen years. Students over the age of eighteen years do not require the signature of a parent on the Structured Workplace Learning Arrangement Form.

### **Occupational health and safety**

Structured workplace learning co-ordinators should ensure that students have completed the accredited occupational health and safety module before workplace arrangements are finalized.

Safety in the workplace is important to everyone. DE&T considers the safety of the student undertaking structured workplace learning activities to be of paramount importance. The smallest accident may result in damage to equipment and/or injury to the student or another employee and subsequent loss of income to the workplace.

Every workplace has site and industry specific occupational health and safety requirements. Before a student undertakes a structured workplace learning program, it is vital that the student is made aware of the occupational health and safety rules and regulations which relate to their workplace. Furthermore, students must successfully complete accredited occupational health and safety training prior to the commencement of the placement.

A good occupational health and safety training program in the workplace would ensure that all employees know how to:

- perform tasks safely with no risk to self or others
- handle all equipment, machinery and products, such as chemicals, safely
- identify and report any potential risks
- use safety equipment such as safety glasses, safety shoes, earmuffs, and
- handle emergencies (remembering that a structured workplace learning student should be under supervision at all times and should not have to handle emergencies on their own).

A good workplace would also have regular workplace safety checks and a preventative maintenance program. Relevant warning signs should be displayed prominently and the meaning of the signs should be clear to all employees, including structured workplace learning students.

The structured workplace learning co-ordinator should also ensure that the relevant sections on occupational health and safety requirements in the Employer Certification section of the Structured Workplace Learning Arrangement Form has been completed satisfactorily by the employer.

Where possible, students should be taught how to identify, assess and report possible risks in the workplace. For example, in an automotive workshop, it will be dangerous if equipment was not put away, or if there were pools of water in a thoroughfare, or if car hoists were left up for

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extended periods, or if hoses/leads were not coiled up, or if defective equipment was being used. Students should be told that if they have any doubts or if they do not know how to use any equipment, they should speak to their workplace supervisor. Student safety at the workplace should be their paramount concern.

Procedures to follow in the event of injury to students on structured workplace learning can be found in Section D.

### **Structured Workplace Learning Arrangement Form**

The Structured Workplace Learning Arrangement Form is available in Section D and the DE&T schools website <http://www.sofweb.vic.edu.au/voced/index.htm>. All arrangements for structured workplace learning must be recorded on the Structured Workplace Learning Arrangement Form, which is attached to Ministerial Order 23.

All sections of the form must be completed and signed before the structured workplace learning commences. One copy is to be forwarded to the employer and one to the student, or if the student is under eighteen years, to the parent of the student. The principal should retain the original copy.

The arrangement form must be signed by:

- the employer
- the principal or acting principal of the school
- the student
- a parent or guardian of the student (if the student is under eighteen years of age).

*Parent, under section 3 of the Act, includes guardian and every person who is liable to maintain or has actual custody of a child or any person with whom a child resides or who is the occupier of a house in which a child resides.*

Any variations or amendments made to the arrangement form need to be counter signed by the principal, the employer, the student and, if the student is under eighteen years of age, a parent of the student.

### **Retention of Structured Workplace Learning Arrangement Forms**

As there is no statutory limit on the length of delay in submitting claims for workplace compensation, structured workplace learning arrangement forms must be held for a period of **at least five years** in a bound register by the principal of the school in which the student is enrolled. This register is to be retained in sufficient detail to allow elaboration if a particular case is challenged at a later date.

Remarks relating to the structured workplace learning (including the claim number in the event of injury and details of any injury or illness) should be included in the register with the relevant forms. Copies of all relevant medical certificates are to be retained at the school.

### **Structured workplace learning in VCE Industry and Enterprise**

The following guidelines should be considered when preparing a structured workplace learning program. Schools should also note that from time to time amendments to these guidelines might occur. Schools will be informed of any changes.

#### **VCE Industry and Enterprise**

Structured workplace learning coordinators should ensure that students undertaking VCE Industry and Enterprise proceed as outlined below in relation to structured workplace learning:

- Students who are undertaking VETiS programs, as part of a VCE or VCAL certificate, should complete the structured workplace learning arrangement forms - Ministerial Order 23 and the accredited occupational health and safety module embedded in the relevant VET program before undertaking a structured workplace learning program.
- Students who are enrolled in a VCAL certificate and not undertaking a VET in Schools program, should complete the Structured Workplace Learning Arrangement Forms – Ministerial Order 23 and VCAL Work Related Skills unit 1 including DE&T occupational health and safety program [safe@work](#).
- For 2005 students enrolled in the VCE certificate and who are not undertaking any VET in Schools programs should complete the work experience arrangement form – Ministerial Order 24 (located in the work experience manual) and DE&T occupational health and safety program [safe@work](#) before commencing work experience. See <http://www.sofweb.vic.edu.au/voced/workplace/placement/index.htm> for more information.

**Note:** From **2006**, VCE students undertaking Industry and Enterprise and who are not undertaking any VETiS programs should complete the structured workplace learning arrangement forms – Ministerial Order 23 and the DE&T safe@work program – general and industry specific modules, embedded in 2006 VCE Industry and Enterprise.

### **Structured workplace learning and VCAL**

VCAL students may undertake structured workplace learning to provide evidence toward completion of the learning outcomes in the VCAL Work Related Skills Strand units and the VCAL Personal Development Skills Strand units of their VCAL certificate. VCAL students may also undertake structured workplace learning as part of their VET certificate in the Industry Specific Skills Strand of their VCAL certificate. VCAL Work Related Skills Unit 1 at each VCAL certificate level were written and accredited by the VQA in 2003. These units were developed after consultation with the Victorian WorkCover Authority and other key stakeholders in order to provide access to the necessary occupational health and safety preparation for structured workplace learning for VCAL students in the Work Related Skills and Personal Development Skills Strand.

For updates regarding VCAL, refer to the VCAA Bulletins or Section 15 of the VCE and VCAL administrative handbook.

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**For VCAL Foundation, Intermediate and Senior certificate levels:**

<b>Industry Specific Skills Strand (ISS)</b>	<b>Work Related Skills Strand (WRS)</b>	<b>Personal Development Skills Strand (PDS)</b>
VET certificate The student must undertake the training in the nationally recognised VET certificate OH&S modules/units of competence before undertaking SWL as part of their VET certificate.	If the SWL undertaken to credit toward the learning outcomes of a VCAL WRS unit is in the same industry area as the student's VET certificate, undertaking the VET OH&S will provide the preparation necessary to undertake SWL.	If the SWL undertaken to credit toward the learning outcomes of a VCAL PDS unit is in the same industry area as the student's VET certificate, undertaking the VET OH&S will provide the preparation necessary to undertake SWL.
VET certificate The student must undertake the training in the nationally recognised VET certificate OH&S modules/units of competence before undertaking SWL as part of their VET certificate.	If the SWL undertaken to credit toward the learning outcomes of a VCAL WRS unit <b>is not in the same industry area as the student's VET certificate</b> , students must complete VCAL WRS Unit 1 (including the DE&T safe@work training) before commencing a SWL placement.	If the SWL undertaken to credit toward the learning outcomes of a VCAL PDS unit <b>is not in the same industry area as the student's VET certificate</b> , students must complete VCAL WRS Unit 1 (including the DE&T safe@work training) before commencing a SWL placement.
No VET certificate or a VET certificate with no OH&S modules/units of competence, for example CISCO Networking Academy program. Please refer to WRS advice in the next column.	If students are undertaking SWL to credit toward the learning outcomes of a VCAL WRS unit they must complete VCAL WRS Unit 1 (including the DE&T safe@work training) before commencing a SWL placement.	If students are undertaking SWL to credit toward the learning outcomes of a VCAL PDS unit they must complete VCAL WRS Unit 1 (including the DE&T safe@work training) before commencing a SWL placement.

(Reference: VCAA Bulletin March 2004)

### **Anti-discrimination**

In any structured workplace learning placement, there should be an adequate level of supervision to ensure a safe, non-discriminatory and harassment free working environment for all students undertaking a work placement.

It should be noted that under the Victorian *Equal Opportunity Act 1995* and *Racial and Religious Tolerance Act 2001*, and under the Commonwealth, *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984* and *Disability Discrimination Act 1992*, it is unlawful for employers and educational authorities to sexually harass, victimize or discriminate against employees and students.

### **Harassment, bullying and occupational violence in the workplace**

Structured workplace learning coordinators and school administrators need to familiarise themselves with the issues related to harassment, bullying and occupational violence in the workplace. The following information aims to guide practitioners towards identifying forms of workplace harassment and bullying and offers strategies and guidelines to assist in the development of policies towards maintaining safe worksites for all workers.

Workplace bullying and harassment should not be tolerated in the workplace. Employers have legal responsibilities to do as much as practicable to eliminate or reduce risks to employees' health and safety. Employees also have legal responsibilities about how they act towards others

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in the workplace. Unfortunately harassment of various kinds does take place in the workplace as does general bullying.

Harassment and bullying are acts connected to the abuse of power: the less power a person has in a workplace, the more likely the chance of harassment. A structured workplace learning student is often the least powerful person in a workplace and therefore could be highly vulnerable.

### **Forms of harassment, bullying and occupational violence**

Harassment (including sexual harassment), and occupational violence can take many different forms. It can be physical or verbal abuse, requests for sexual favours or assault. It can be behaviour which offends, humiliates or intimidates the recipient.

Bullying is generally defined as repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

Forms of harassment can include but are not limited to: sexual innuendo, comments about looks or body parts, asking for dates, enquiries into the student's sexual activities, displays of pornographic or material of a sexual nature, posters, magazines, photographs or screen savers on computers. Bullying or harassment includes the assignment of inappropriate duties. It can also include name-calling, threatening behaviour, shouting at a student, or general intimidation such as exclusion or isolation.

Occupational violence is generally defined as any incident where an employee is physically attacked or threatened in the workplace. Occupational violence can include the physical acts of pushing, hitting, slapping, stripping clothes off, etc.

All harassment and bullying should be treated in the same manner by schools whether the harassment or bullying is prohibited by law or not. Some incidents of bullying and harassment may be illegal under criminal law, and if so, students have the right to involve the police.

### **How may harassment and bullying occur?**

A student may be harassed or bullied in a number of ways: by a manager or supervisor, by other employees, by contractors, by customers and in cases where more than one structured workplace learning student is employed, by other students. The incidence of structured workplace learning students harassing other workers is quite rare. **The school and the employer are responsible for taking all reasonable steps to protect structured workplace learning students from harassment.**

The most common form of harassment is male to female sexual harassment, but this is not the only kind. Sexual harassment does take place male to male, including heterosexual male to heterosexual male. Sexual harassment can also take place female to male and female to female.

### **Where does harassment and bullying happen?**

Harassment and bullying can take place in any setting, potentially anywhere that work takes place. Harassment and bullying is not necessarily more likely in some workplaces compared to others, i.e. it is wrong to assume that it is more likely to happen in a blue collar area than a white collar area.

Particular care should be taken when placing a student in a residential situation, i.e. students working on distant farms where residential accommodation may be the norm, or when the student has an employer who works from the relative privacy of a home office. Harassment is not

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necessarily less likely to occur in situations involving larger enterprises or more prominent employers.

If the student-staff ratio is below the 1:3 provided for in Ministerial Order 23, the principal must ensure that the student is supervised at all times, that the placement will not be detrimental to the welfare of the student and that student will be visited as frequently as is reasonably practicable.

Students should be advised never to drink alcohol while on a placement, even in social situations.

### **Responsibilities to protect students**

Each school has a responsibility to 'take all reasonable steps' to protect students on structured workplace learning from harassment and bullying. 'All reasonable steps' may include:

- ensuring that the whole school community understands the school's policy and procedures on sexual harassment and bullying
- organizing the structured workplace learning to protect students from possible harassment and bullying, and
- visiting the workplace where possible, and discussing the school's policy and procedures with the employer.

Should an incident of harassment occur to a structured workplace learning student, the school should be able to indicate immediately that it takes the issue of harassment seriously. Preparation is important. The school should establish clear policies and a working set of written procedures protecting students from harassment and bullying well before sending students out on placement, and these established documents should be forwarded to each party involved in the student's structured workplace learning. The procedures should include step-by-step instruction on what is done to protect students on structured workplace learning, and should include the written endorsement of the current principal.

Wherever possible, a site should be visited. Discussions should occur with supervisors and observations should be made of the culture of the workplace, including language, the way people relate to each other, and the display of posters, magazines, screen savers, etc. It is not safe to assume that workplaces do not change from year to year. A new supervisor may detrimentally alter the workplace culture. Employers can also be vicariously liable should a sexual harassment complaint be made. This should be pointed out at interviews with prospective employers.

Among the issues discussed with potential employers of structured workplace learning students should be the prevention of harassment and bullying of the student. Included in the discussion should be the standards that the school expects of the workplace and processes to deal with harassment and bullying should they arise. It is understood, of course, that this would be handled with tact and sensitivity.

All teaching staff involved in structured workplace learning programs for students, school management and the students themselves should receive instruction in the area of harassment and bullying in general and in particular as it relates to structured workplace learning. This instruction should include the many different forms that harassment and bullying can take, who can do it, who it happens to, how it affects recipients, and how it should be dealt with. The role of the teacher and the school should also be included.

Schools need to have a process that empowers the student to deal with harassment and bullying at the time of occurrence. The student must understand that if they are made uncomfortable during their structured workplace learning, they have the right to leave the workplace

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immediately. Bags and other belongings can be collected at a later time. **Under no circumstances should a student be expected to deal with harassment and bullying themselves.** If a student does leave a workplace the student should notify their school immediately.

Strategies that students may use include:

- expressing their dislike of their treatment with the harasser(s)
- reporting their treatment to other trusted workers, supervisors, managers or the structured workplace learning co-ordinator
- reporting their treatment to parents/family
- reporting their treatment to teachers/school principal, and
- in matters of sexual harassment, making a complaint under the *Equal Opportunity Act 1995*.

**No student should be expected to be able to do any of the above by himself or herself.**

Each school should have a process for dealing with structured workplace learning students who claim to have suffered harassment. This process should involve the following elements:

- each complaint should be accepted at face value
- act quickly if concerns and/or complaints are made
- in the first instance care should be taken to address the welfare of the student rather than the facts of the matter. ('Are you OK?' is a better introduction to the incident than 'Were there any witnesses?')
- if appropriate, conciliation may take place between the employer, the student and the school.

*This should not involve the parties necessarily being in the one room at the one time. If agreement can be reached between the parties this should be recorded and followed accordingly.*

- where conciliation is inappropriate or not possible, the school should attempt to investigate the complaint to the extent as possible. The onus of proof needed is that of civil law, i.e. the balance of probabilities, not beyond reasonable doubt, and
- all the evidence relevant to the complaint should be given to the principal for assessment. If the principal is of the belief that the evidence sustains the complaint a decision should be made about the ongoing relationship with the employer. In some cases further placements will need to be closely monitored, in others the relationship will be suspended or terminated.

At the completion of the structured workplace learning program, the school should conduct a debriefing process whereby each student should have opportunity to comment on their experiences during their placements. Each student should also have the opportunity to raise any issues privately with a teacher without other students being present.

Schools should have a monitoring process while structured workplace learning is in progress. Each student must be contacted during their structured workplace learning to ensure that they are experiencing no difficulties whilst on their placement.

Note: Structured workplace learning coordinators and school administrators should note that all reasonable steps involve actions before, during and after school structured workplace learning.

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### **Students with disabilities**

The preparation of students with disabilities for structured workplace learning should be the same as for other students but with some important additional aspects.

**Note:** This information applies to:

- all students in Government schools who meet the eligibility criteria for the program for students with disabilities and impairments as set out by the DE&T Student Wellbeing Branch
- all students in Catholic schools who meet the eligibility criteria for the program for students with disabilities as set out by the Catholic Education Commission of Victoria, and
- all students in independent schools who meet the eligibility criteria for the program for students with disabilities as set out by the Association of Independent Schools of Victoria.

### **Organising a structured workplace learning placement for students with special needs**

When organising structured workplace learning, the structured workplace learning coordinator should:

- know exactly what the student can and cannot do and communicate this to the employer
- be honest with the employer about the student's abilities and do not promise anything the student cannot deliver, anticipating the employer's possible questions and be able to answer them honestly
- suggest a trial before starting the placement if an employer is hesitant
- indicate some examples of strengths of a student which an employer may value including:
  - ~ a strong desire to work in the industry
  - ~ a good history of punctuality and reliability
  - ~ a capacity to learn well when shown how to do a particular task
  - ~ ability to concentrate and work on repetitive tasks
  - ~ the knowledge that parents are supportive of the placement and are encouraging
- prepare a letter to the employer clearly explaining what you are trying to achieve for the student and what the employer may expect from you
- visit the workplace to generate creative ways of dealing with any problems

*Remember that the employer is in business. Be flexible and listen to what the people on site are saying, be aware of concerns and encourage creative ways of dealing with them. Encourage co-workers to brainstorm ideas to solve workplace problems - they can be very supportive*

- ask to speak to the supervisors and co-workers to prepare them. Encourage them to voice any concerns and respond to them. Talk about how the student will be prepared for the duties and any modifications which may have to be made, and
- have emergency contact numbers and a medical management plan clearly set out for any medical emergencies, eg if the student may have an asthma attack - exactly what should be done.

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When inspecting a worksite before the commencement of a placement, the structured workplace learning coordinator should:

- discuss all aspects of the placement and what the student will be asked to do
- clarify the skills required to perform the tasks
- check the accessibility of the workplace and equipment to see if there are physical considerations, eg wheelchair access
- establish the degree to which the employer will allow any school support systems to operate, eg on-the-job assistance with an aide, signing interpreter etc
- determine the accessibility of the workplace by public transport, roads to be crossed, steps, heavy doors

*In general, a teacher can get an idea of how a wheelchair will get into a place by comparing it to a loaded shopping trolley. They have about the same manoeuvrability and weight. Corners, steps, little passageways and doors that open outwards may present barriers.*

- check the workflow and pace of work as the extra demands on a disabled student may mean that they get fatigued earlier than would be expected, but by building in rest times, they can work longer and just as hard for the same result, and
- consider the consequences of making errors in each task, and reconsider assigning any task to the student where major damage can be done with minor error.

### **Preparing students with special needs**

Students should be prepared for the type of work and the nature of the tasks which they will be undertaking. They should be made aware that workplace rules, including occupational health and safety rules, need to be observed and complete the appropriate occupational health and safety program prior to structured workplace learning.

Workplace dynamics need to be considered. Student communication skills can often be very literal and they may not realise when a supervisor is making a joke. They may need instructions given in slow clear terms, with practical demonstrations and reasonably close supervision at first. Students need to have the employer/supervisor/employee relationship clearly explained so that they can accept constructive criticism, follow instructions and know who to ask for help. They need a good understanding of what the work is and what is expected of them in the structured workplace learning

It is a good idea to give students some hints on acceptable social topics such as sport, the weather, films or music and to stay away from religion, politics or other controversial topics. They should also be given clear instructions on what to do and who to contact if they need any help.

Photographs of the student at work will be useful for a resume in the future. Prior consent from the student and/or parent would need to be obtained.

### **Preparing parents of students with special needs**

Parents are used to having meetings with teachers concerned about their son or daughter and may not realise that an employer will not be as welcoming. Parents need to be aware that the structured workplace learning coordinator is the appropriate contact and they are not to approach the employer about any concerns, nor go to the workplace. Encourage them to contact the school if they have any worries.

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Parents can discuss the difference between school and workplace expectations and their own work experiences with the student. Parents should bear in mind that if the student is sick, the student is responsible for ringing the employer and the school as soon as possible.

Information provided by students, parents/guardians and employers is obtained for the purposes of coordinating the structured workplace learning for a school student, in meeting the duty of care and child protection responsibilities. Information provided by students must be kept confidential.

### **Workplace adaptations for disability**

The level and nature of support will vary from student to student and workplace to workplace. Good matching of students to placements should eliminate many problems and records should be kept so that each new placement will become easier to organise.

### **Sensory impairment-hearing, vision, and physical**

Most students with physical limitations are able to voice their needs and cope very well with structured workplace learning when the problems of physical access have been attended to. Utilise the advice of the integration teachers or integration aides in setting up structured workplace learning. These people will probably already have encountered and solved many of the issues that may arise. Use the expertise of people who are available. Visiting teachers for vision and hearing impaired students can visit workplaces and assess the issues for the school as well as providing advice on borrowing equipment for the structured workplace learning if it is needed.

The Royal Victorian Institute for the Blind (<http://www.rvib.org.au/>) and Deaf Children Australia (<http://www.deafchildrenaustralia.org.au/>) are excellent resources.

### **Hearing impairment.**

The following information could be given to employers to support hearing impaired students on structured workplace learning:

- swivel chairs so students can turn easily for lip reading
- give instructions face to face
- never speak from behind the student
- background noise may drown out your voice, try to speak in quiet periods or give written instructions to ensure comprehension
- ensure the student is concentrating on what you are saying
- don't stand with your back to strong light or a window as the student will not be able to see your face speak slowly and clearly
- try to use visual cues, and
- use of a TTY - a telephone for the deaf may be a possibility to assist with office skills.

### **Vision impairment**

Where possible, utilise the services of the visiting teacher and/or the orientation and mobility instructor from the Royal Victorian Institute for the Blind, especially for the travel and workplace familiarisation. Even legally blind people tend to have some minimal sight and the student should be able to communicate any difficulties he or she is experiencing.

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The following information could be given to employers to support vision impaired students on structured workplace learning:

- try to provide well lit surfaces with minimal glare
- don't stand with your back to a window as the student will not be able to see you through the glare
- provide all written material in at least a sixteen point font, particularly safety instructions
- look for good contrast, yellow on green or black on white, avoid instructions written in pale colours, avoid pastels
- set up the workspace in a quiet spot outside traffic flow
- watch out for any projections at head height or eye level
- remember the student can't see but they can hear perfectly well so try not to speak loudly and slowly to them
- when giving directions, ensure that your 'left and right' match their 'left and right', and
- bright yellow lines painted along the edge of dark steps will assist the safety of all workers.

### **Cognitive impairment**

The following information could be given to employers to support students on structured workplace learning with cognitive impairment (brain injury, learning disabled or intellectual disability):

- use simple clear instructions
- demonstrate processes, model appropriate behaviour
- monitor on a regular basis
- be prepared to repeat instructions several times
- don't assume that the student will transfer knowledge gained in one task to another
- use visual cues; break each task into steps and illustrate each step 1, 2 etc, and
- provide lots of encouragement.

### **Dizziness, fainting or seizures**

If a student is susceptible to these then risks such as heights, dangerous equipment, moving machinery, cooking with hot oil, or using sharp knives need to be considered and avoided. However it should be remembered that a seizure may only last a few minutes so that for 98 per cent of the day, the student is 'normal' and the seizures should not be allowed to dominate everyone's thinking.

### **Coordination, movement**

There are many aids for people with these problems: tools with wider handles, use of non-skid mats or grips, weighted handles, large print scales, talking calculators, voice operated computers, strategically placed mirrors etc. Check what the student already owns or uses.

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### **Timing a program**

The structured workplace learning program should take place during the gazetted school year. However, a student may work beyond the gazetted school year, where the principal determines in writing that working beyond this time is necessary for the purposes of the relevant accredited course of study, and that it is not detrimental to the welfare of the student.

### **Cancellation of arrangements**

An arrangement may be cancelled at any time, by written notice from the principal, the employer, the student, or, if the student is under eighteen years of age, a parent of the student, sent to each of the other parties. It is effective immediately upon delivery by the notifier of the notice to any of the four parties involved in the arrangement.

An employer must consult with the principal wherever possible prior to cancelling any arrangement.

### **Contact during a program**

Schools are required to contact students during their time in the workplace. Contact may be made by the structured workplace learning co-ordinator, the student's VET teacher, or the principal's delegate. Contacting students during their placement provides the opportunity for the teacher / co-ordinator to:

- find out more about the workplace
- confirm that the student has a workplace supervisor nominated by the employer whose role is to supervise, teach and/or assess the student
- ensure that the student is undertaking structured on-the-job training
- ensure that the student is provided with opportunities to undertake tasks in the workplace which will enable them to master the skills and competencies required for the VET in Schools or VET course which they are undertaking, and
- ensure the student is being assessed at appropriate times and the results communicated to the structured workplace learning co-ordinator.

A sample record of contact form can be found in Section D.

### **Hours of work**

Students are permitted to undertake structured workplace learning during normal working hours. Students are not permitted to work between **11.00 pm and 6.00 am**. They are also not permitted to work beyond a time which is ten hours before the start time of the next structured workplace learning day, or a school day which a student is expected to attend.

However, a student may work beyond the hours referred to above, where the principal determines in writing that working beyond those hours is necessary for the purposes of the relevant accredited course of study, and is not detrimental to the welfare of the student.

### **Length of a program**

The Victorian Curriculum and Assessment Authority has determined that structured workplace learning is an appropriate component of all approved VETiS programs.

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The total number of structured workplace learning days or hours for an arrangement must not exceed the total number of structured workplace learning days or hours that are set out for the relevant accredited course. In programs where the duration of the structured workplace learning is not specified in the training curriculum, the principal may, in accordance with Ministerial Order 23, set out the duration of the structured workplace learning arrangement.

### **Employer supervision ratio**

It is important that structured workplace learning students are supervised at all times while they are in the workplace.

An employer is permitted to employ one structured workplace learning student for every three employees or part thereof at the workplace. However, where the circumstances of a particular course of study require the placement of a student in a work place where the above minimum ratio cannot apply, then that placement can proceed if:

- the employer certifies that all structured workplace learning students will be adequately supervised
- the principal is satisfied that the placement is not detrimental to the welfare of any structured workplace learning student in that work location, nor will it lessen the acquisition of skills or knowledge by the student
- the principal or his/her representative undertakes to attend the work place as frequently as is reasonably practicable, and
- the number of students will not exceed one student for each employee.

### **Assessment**

Although formal on-the-job training and assessment is not a feature of all VETiS programs in Victoria, the Victorian Curriculum and Assessment Authority has determined that structured workplace learning is an appropriate component of all programs. The purpose of structured workplace learning is the enhancement of learning outcomes and the actual tasks to be undertaken are determined in consultation with the workplace supervisor. Schools are advised to keep a record of the learning outcomes that students are expected to demonstrate in the workplace and the negotiated workplace activities they undertake.

It is expected that under Training Packages, there will be increased demand for structured workplace learning undertaken as part of a VETiS program for both delivery and assessment purposes.

For more information on assessment, refer to the Victorian Curriculum and Assessment Authority – website on [www.vcaa.vic.edu.au](http://www.vcaa.vic.edu.au)

### **Student debriefing after placement**

To ensure that students have achieved the desired outcomes of a structured workplace learning program, co-coordinators/trainers need to complete an evaluation of all placements. Students should be encouraged to complete their student evaluation form and deliver an oral presentation outlining their workplace experiences. This valuable information can also be used to maintain high quality structured workplace learning placements for future programs.

Other forms of student evaluation may include:

- surveys

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- slide or video presentations to their peers, and
- workshops.

### **Commonwealth departments**

Victorian students are able to participate in structured workplace learning programs in Commonwealth government establishments provided that prior arrangements have been made with the particular Commonwealth government establishment.

If the placement is with a Commonwealth department or a body established under a Commonwealth Act, no payment will be made.

It is the responsibility of the school to explain this in clear and unequivocal terms to the student and the parent/guardian. If the student or the parent/guardian is not prepared to accept this condition, then it is their choice not to go to a Commonwealth placement.

Schools should complete the usual structured workplace learning arrangement form. The line "rate of pay \$5 minimum" should be completed with the words "Commonwealth establishment exempt from paying".

Refer to WorkCover procedures in this section for details of WorkCover arrangements with Commonwealth departments.

### **Payment and taxation**

The minimum rate of payment is \$5 per day. If the student is paid the minimum rate of \$5 per day during the period of the structured workplace learning arrangement, the Australian Taxation Office will not require the student to have a tax file number or complete an income tax return, nor will the employer be required to issue a group certificate to the student at the end of the financial year.

However, if the student receives more than the minimum rate, this could affect the exemptions specified above.

Where the student is under the age of 18, if the payment made to the student is less than \$120 per week, the employer will not be obligated to:

- make any withholding
- collect tax file number declarations
- issue payment summaries, and
- report payment details to the ATO.

Where the student is 18 and over, if the payment made to the student is \$10 or less per day, the employer will not be obligated to:

- make any withholding
- collect tax file number declarations
- issue payment summaries, and
- report such payments to the ATO.

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### **Commonwealth government departments**

If the placement is with a Commonwealth department or a body established under a Commonwealth Act, no payment will be made.

### **Educational and not-for-profit organisations**

If a placement is with an organisation which is engaged wholly or mainly in an educational, charitable or community welfare service not conducted for profit, a condition can be placed on the engagement requiring the student to donate the payment back to the organisation. The student and the parent of the student (if the student is under 18 years), should agree to this condition where possible.

### **Privacy legislation**

Victorian privacy laws, the *Information Privacy Act 2000* and *Health Records Act 2001* protect the personal and health information of students.

The information provided by students, parents/guardians and employers is obtained for the purposes of coordinating the structured workplace learning for a school student, in order to meet duty of care and child protection responsibilities. Information provided on students must be kept confidential.

Employers are also required to only use this information for the purposes for which it is given to them. The school will store the student information securely and it will be kept for a minimum of five years after the placement has been completed.

DE&T is committed to protecting the privacy of personal and health information. For a copy of DE&T's privacy policy please go to: <http://www.det.vic.gov.au/det/resources/pdfs/privacy-policy.pdf>

Commonwealth privacy legislation does NOT apply to the Victorian Government or Victorian Government funded services.

### **Public liability insurance**

When an arrangement is entered into by a principal of a government school, it is the obligation of DE&T to hold or take out public liability insurance to provide at least \$10 million cover per event. The persons to be insured are the student and the employer.

When an arrangement is entered into by a principal of a non-government school, it is the obligation of that school to hold or take out public liability insurance to provide at least \$10 million cover per event. The persons to be insured are the student and the school.

When an arrangement is entered into by a principal of a non-government school not covered by public liability insurance as set out above, the employer must be informed of this by the principal of that school at least four weeks prior to the commencement of that arrangement. In this event, the employer will be obliged to hold or take out public liability insurance to provide at least \$10 million cover per event for any loss or damage which may be caused by any act or omission of the student while engaged under the arrangement. The persons to be insured are the student and the employer.

The principal must specify in the area provided on each Structured Workplace Learning Arrangement Form the type of coverage for the student. Refer to Section D for a copy of the Structured Workplace Learning Arrangement Form.

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### WorkCover procedures

Students on structured workplace learning are treated in the same way as other employees under WorkCover. WorkCover does not cover people travelling to and from work. All structured workplace learning students in transit are covered under the *Accident Compensation Act 1985*.

Employers of structured workplace learning students are not exempted from provision of suitable or pre-injury employment to the students or from obligations in relation to occupational health and safety, occupational rehabilitation, risk management programs, return to work plans and the nomination of return to work coordinators.

In the event of injury there are two forms to be completed and forwarded by schools to the Department of Education and Training's WorkCover authorised insurer:

- A worker claim for compensation form (blue), and
- The employer claim report form (green).

The principal should also ensure that that the injury is recorded on CASES

#### **Processes for lodging a WorkCover claim**

When a student is injured during a structured workplace learning placement, the following procedures should be followed when lodging a WorkCover claim:

- the student is to complete and sign a Worker Claim for Compensation form (blue) with the assistance of employer and/or teacher;
- the employer is to complete and sign the bottom right hand corner of this form;
- the employer is to complete the WorkCover Employer's Claim Report (green) in full, sign and date both forms and forward to the principal of the student's school;
- the principal is to countersign and date both forms directly under the employer's signature;
- **the principal inserts the words "structured workplace learning student" in the top left hand area of both forms** and inserts the No 1624618 in the "Employer WorkCover number" box and insert No 9573347 in the Workplace WorkCover number box;
- the principal then forwards the originals of both forms together with the WorkCover medical certificate (if the student is claiming loss of wages from structured workplace learning or part time work), medical accounts and a copy of the DE&T Structured Workplace Learning Arrangement Form to CGU Workers Compensation (Vic) Ltd DE&T Team GPO 2090S Melbourne Vic 3001.
- the documents should be attached to the WorkCover Document Cover Sheet – which can be obtained from the WorkCover Management Kit on EduLibrary and the HR website: <http://www.eduweb.vic.gov.au/hrweb/safetyhw/claims/wrkexp.htm>
- these forms must be forwarded to CGU within 10 working days from when the employer receives the Worker Claim for Compensation form
- the principal should set up a claim file at the school retaining duplicates of both claim forms together with copies of certificates of capacity and medical accounts and hand the "worker's copy" of the Worker's Claim for Compensation form to the student, and

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- if an employer is not registered under WorkCover, the above documentation should be sent to the Victorian WorkCover Authority.

WorkCover claim forms can be obtained from the post office, CGU (telephone 8630 1213), the school office or from the WorkCover Management Kit.

If the employer is registered under WorkCover, or is a self-insurer, both the forms and any necessary medical certificate must be forwarded to the Department of Education and Training's WorkCover authorised insurer (CGU)

If the employer is not registered under WorkCover, the forms and certificate should be sent to the Victorian WorkCover Authority.

### **Return to work**

Employers are exempted from the requirements within the provisions of section 122 (employer to re-employ worker) for those students under a "work experience arrangement". This exemption does **not** apply where students are employed within a "structured workplace learning arrangement".

Section 122 of the *Accident Compensation Act* 1985 requires employers to make an employment offer within twelve months of an employee commencing to be eligible to receive weekly compensation payments. While the worker is partially incapacitated during that period, the employer's obligation is to provide suitable employment. If an injured structured workplace learning student recovers so as to be no longer incapacitated, the employer is required to provide employment in a position which is the same or equivalent to the original placement.

The Victorian WorkCover Authority believes that if a worker is no longer incapacitated an obligation could not be imposed on an employer to provide permanent paid employment to a student whose entitlement before the injury was to a temporary training placement.

### **Occupational rehabilitation and risk management programs**

Employers are exempted from the requirements within the provisions of Part VI for those students under a "work experience arrangement". This exemption does **not** apply where students are employed within a "structured workplace learning arrangement".

Employer obligations imposed by Part IV of the *Accident Compensation Act* 1985 in relation to occupational rehabilitation programs, return to work plans, and the nomination of a return to work co-ordinator applies in the case of injured structured workplace learning students. The Victorian WorkCover Authority recognises that the thrust of these measures would be towards returning the injured student to a position of employability generally (either in the specific field of training or otherwise) rather than with the "host employer".

### **WorkCover for structured workplace learning students in other states**

Where the principal or head teacher of a school conducted in a reciprocating State or Territory makes in writing a "work experience arrangement" or a "structured workplace learning arrangement" with an employer in Victoria then coverage is provided for that student in the same manner as for a student at a Victorian school and claims are managed by CGU Workers Compensation (Vic) Limited.

Where a Victorian student is subject to a work experience arrangement" or a "structured workplace learning arrangement" in another State or Territory then coverage would depend on where the actual arrangement was entered into and/or what coverage would be extended by the other State or Territory. Cases should be examined on an individual basis.

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### **Commonwealth departments and instrumentalities and WorkCover claims for structured workplace learning**

In the event of an accident at work:

- the school should provide the employer with the WorkCover employer's claim report form (at a Commonwealth workplace they will not have their own supply)
- the workplace should complete the form in the same way as do other employers and on the same basis, that is, the employer signs to verify the facts and the principal of the school signs below, and
- the school should assist the student to complete the WorkCover Worker's claim form and the words "structured workplace learning student" should be clearly printed at the top left of both forms and also in the section relating to "type of employment".

It is the school's responsibility to forward the forms to the Victorian WorkCover Authority. This differs from the procedure with other employers because Commonwealth workplaces do not have an agent through which they can forward the claim.

Refer to Section D for information regarding the WorkCover claim form or Section E – Victorian Government Schools Reference Guide

### **Interstate placements**

Reciprocal arrangements exist for students to undertake structured workplace learning in New South Wales and South Australia. These arrangements are primarily for students in those schools situated in regions adjoining the borders. Students should be encouraged to find work placements in their own state in preference to interstate placements. Interstate placement may only be arranged as a last resort i.e. in the judgement of the school principal that no suitable local placement exists and/or where there are special educational reasons for making such an arrangement.

Prior to entering into an Arrangement, the principal must ensure that the employer acknowledges, by completing the Employer Acknowledgement section of the Structured Workplace Learning Arrangement Form, that the employer:

- understands and complies with any standards established by the occupational health and safety authority relevant to that employer, or, if there are no standards or there is no relevant authority, that the employer complies with the occupational health and safety standards required by the legislation applicable to the employer, and
- will comply with the applicable standards and requirements in respect of the engagement of the pupils under the Arrangement, as if the pupil were an employee of the employer.

### **New South Wales**

Structured workplace learning for VET courses will only be considered subject to the following conditions:

- students are enrolled in schools in areas adjoining the Victoria/ NSW border
- the placement is a mandatory component of a course of study accredited by the Victorian Qualification Authority (VQA)

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- responsibility for negotiation of the outcomes of the placement, assessment procedures, duty of care, supervision and checking that the workplace has identified and addressed any potential hazards and risks to the student **rests with the student's school in Victoria**
- placements are within the NSW school term, exceptions might apply to allow completion of extended placements
- students will not be paid for structured workplace learning in NSW
- placements will only be approved provided students from NSW are not disadvantaged
- host employers and parents/carers must be provided with the relevant NSW guides, see [www.det.nsw.edu.au/vetinschools/schooltowork/index.htm](http://www.det.nsw.edu.au/vetinschools/schooltowork/index.htm) , and
- students must complete the WorkCover NSW 5-6 hour training course, *OHS General Induction for Construction Work in NSW* if they are going to undertake any construction work, or renovation or repairs involving any of the building trades.

### Applications

Applications for structured workplace learning must be made four weeks in advance of the proposed starting date on the relevant proforma available on the following website [www.waggad.det.nsw.edu.au](http://www.waggad.det.nsw.edu.au) Go to Vocational Education/Work Placement/Interstate Placements

Schools should first check the website and contact the following officer prior to sending applications:

The Vocational Education Consultant

NSW Dept of Education and Training

Wagga Wagga Office

PO Box 478

Wagga Wagga NSW 2650

Telephone (02) 6937 3895

### South Australia

Victorian schools are required to use the *South Australian Workplace Learning Agreement Form* as no payment can occur for work placements in South Australia.

Schools wanting to place students with employers in South Australia should refer to the new Workplace Learning Guidelines 2004 which is now available at [www.decs.sa.gov.au/futuresconnect/](http://www.decs.sa.gov.au/futuresconnect/). A new Workplace Learning Agreement Form is also able to be downloaded from this site and must be used for any work placements occurring from January 1 2005.

Further information can be obtained from the Department of Education and Children's Services, phone 08 8226 1000, the Catholic Education Office, phone 08 8301 6600, or the Association of Independent Schools of South Australia phone 08 8179 1400.

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### Other States/Territories

In the case of structured workplace learning in other states and territories (apart from NSW and South Australia), a principal of a school can only enter an arrangement pursuant to section 64LC(3)(b) of the Act if:

- the principal is satisfied that it is appropriate for the arrangements to be made (the principal should be satisfied that it is in the interest of the student for the structured workplace learning to occur and also the physical and moral welfare of the student will be assured), and
- the student and/or the parent of the student have made suitable insurance arrangements ensuring:
  - ~ cover for the student for any injuries in the course of the arrangement at least comparable to that applicable in Victoria to a student under the *Accident Compensation Act 1985*.
  - ~ public liability insurance coverage of at least \$10 million cover per event in respect of any loss or damage which may be caused by any act or omission of the student whilst engaged under the Arrangement

Parents are at liberty to approach any insurance company to obtain details of insurance that will provide cover for the student comparable to that provided by the *Accident Compensation Act 1985*.

**International structured workplace learning** placements are not allowed under any circumstances.

### International students

International students who are enrolled in a Victorian school can undertake structured workplace learning programs as part of their school program.