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Training & Employment Authority

## **APPRENTICESHIP CODE OF PRACTICE**

### **Introduction**

**This Code of Practice is intended to assist both employers and apprentices to understand their duties and responsibilities relating to the apprenticeship programme. Apprentices (and, if they are under 18, their parents or guardians) and employers must accept this Code of Practice as part of the employer approval and apprentice registration processes.**

### **Objective of Apprenticeship**

The objective of the apprenticeship programme is to provide apprentices with the required knowledge, skills and competence to perform as a craftsperson. The programme is a statutory standards based training and educational programme for registered apprentices, which is developed in conjunction with the relevant social partners and regulatory bodies.

### **Apprenticeship Programme**

The apprenticeship programme is complete when an apprentice has successfully achieved the required qualifying standard, completed all of the alternating on-the-job and off-the-job phases of his/her apprenticeship, and served the minimum apprenticeship period as specified by FÁS from time to time.

### **Temporary Cessation of the Apprenticeship Programme**

Any period of time spent on temporary lay-off (as per the redundancy legislation), maternity, adoptive or parental leave, carer's leave or any other period of protective leave, sick leave (in excess of 6 weeks in any 12 month period) or any unauthorised absence will not count towards completion of the apprenticeship programme. During such absence the apprenticeship programme will be ceased temporarily. FÁS retains the discretion to temporarily cease apprenticeships in instances of frequent intermittent absences and/or absences of less than 6 weeks' duration.

## **Employment Entitlements**

Throughout the apprenticeship programme the apprentice remains an employee of the employer. This includes any time the apprentice is attending an off-the-job training phase. Employee statutory holiday entitlements continue to accrue during the off-the-job phases, but must be taken during the on-the-job phases at times agreed with the employer.

## **Employer Obligations**

Employers must comply with the statutory obligations imposed by the Industrial Training Act, 1967 (as amended), the Labour Services Acts 1987-2009 (as amended from time to time) and any Apprenticeship Rules (which may apply from time to time) in relation to apprenticeship. Employers are required to:

- 1) Notify FÁS within two weeks of the apprentice commencing employment and ensure that the apprentice meets the minimum entry requirements specified by FÁS. Within two weeks of the apprentice commencing employment the employer must submit an application for the registration of the apprentice with FÁS. The date of registration is the official start date of the apprenticeship. It is not permissible to assign the apprentice to a sub-contractor of the employer.
- 2) Be familiar with and commit to implement, the approved apprentice curriculum appropriate to the trade provided by the FÁS Training Adviser.
- 3) Ensure that the apprentice is released to attend the Phase 1 induction presentation.
- 4) Be willing and able to train the apprentice in the required on-the-job aspects of apprenticeship and to ensure that the apprentice has access to the full range of work specified in the FÁS Workplace Assessment Book (which will be provided by the FÁS Training Adviser on commencement of the apprenticeship) for the on-the-job phases of the apprenticeship.
- 5) Provide access for the apprentice to the appropriate equipment and necessary tools to facilitate the required number of assessments for the on-the-job phases of the apprenticeship. If this is not possible at the time, the employer must arrange, in consultation with its assigned FÁS Training Adviser, to have the apprentice trained with another FÁS approved employer for that particular curriculum item.

- 6) Provide the apprentice with the opportunities to practice curriculum elements under supervised conditions while having regard to the apprentice's skill level at the time the task is being undertaken.
- 7) Employ a suitably qualified and relevant craftsperson who has been approved by FÁS to act as the workplace assessor with responsibility for training, marking assessments, recording and processing assessment checklists and on-the-job schedules as specified in the FÁS Workplace Assessment Book for the on-the-job phases of the apprenticeship. Ensure that the nominated workplace assessor has completed the FÁS Assessor/Verifier Programme.
- 8) Ensure all on-the-job assessments are conducted in a fair and consistent manner and in accordance with the FÁS Workplace Assessment Specification contained in the FÁS Workplace Assessment Book.
- 9) Submit all on-the-job training assessment results to the assigned FÁS Training Adviser (on schedule) when the apprentice has reached the minimum qualifying standard.
- 10) Release the apprentice for the off-the-job training phases on the dates and to the location specified by FÁS as required by Section 32 of the Industrial Training Act, 1967 as amended. Communicate, co-operate with and support the specified off-the-job training provider (FÁS Training Centre, Institute of Technology or Approved College of Further Education as applicable).
- 11) Ensure on-the-job training assessment records are maintained for each apprentice and retained for a period of seven years from the end of the apprenticeship and that FÁS personnel have access to these records when required.
- 12) Afford every assistance and co-operation to FÁS officials in the monitoring of the apprenticeship programme, including granting access when required to copies of all documentation forming part of the programme and to the place of work.
- 13) Regularly communicate with the apprentice and his/her workplace assessor on an on-going basis to monitor how the apprentice is progressing.
- 14) Be pro-active in reviewing the apprentice's progress and provide support, advice and encouragement to the apprentice throughout the apprenticeship.

- 15) Furnish a report to FÁS on the apprentice's training programme/progress (if requested) and make appropriate recommendations to FÁS, in particular where an assessment appeal has been requested by the apprentice.
- 16) Ensure that the apprentice receives training and information on the requirements of the Safety, Health and Welfare at Work Act 2005 and any regulations and codes of practice made thereunder.
- 17) Contact the FÁS Training Adviser at least two weeks prior to the introduction of any short time working arrangements for apprentices. Any short time working arrangements for apprentices must be approved in advance by FÁS. If an apprentice is on short time, the employer is required to submit a copy of the OWT 1 Form(s) or the equivalent with the FÁS Assessment Schedule when the phase is completed.
- 18) Contact the FÁS Training Adviser prior to terminating the employment contract with an apprentice (for any reason including redundancy). Employers must also take all reasonable steps to have their obligations under the contract of apprenticeship transferred to another employer in the case of redundancies. Employers are not permitted to register new apprentices with FÁS unless the employer has first offered the role to any of its FÁS apprentices made redundant by the employer within the past 12 months.
- 19) Contact the FÁS Training Adviser within 2 weeks of the following occurrences:-
  - ( i ) placing an apprentice on temporary lay-off;
  - ( ii ) an apprentice going on maternity, adoptive, carer's or parental leave or other period of statutory protection leave;
  - ( iii ) an apprentice being on sick leave for more than 6 weeks (in a 12 month period)

## **Standards of Performance and Conduct**

### **Employers**

In recognising training and assessments delivered by employers, FÁS relies upon the integrity and commitment to standards of employers and requires the highest standards of conduct and performance from employers. FÁS will provide advice and assistance to employers in relation to their obligations under the standards based apprenticeship system. In addition, FÁS will assist employers to comply with this code of practice. However, FÁS reserves the right to impose appropriate sanctions up to and including prohibiting employers from registering apprentices where those employers fail to meet the standards set out in this code of practice which may be amended from time to time.

### **Sanctions**

The sanctions which may be imposed by FÁS on employers are as follows:-

- Written warning, which will remain on file for 6 months.
- Final written warning, which will remain on file for 1 year.
- Suspension from registering apprentices for 6 months.
- Prohibition on registering apprentices for an indefinite/defined period.

*While FÁS will, where appropriate, adopt a process of progressive sanctions, for the avoidance of doubt, in cases of serious breach of this code of practice employers may be de-registered as an approved employer for a single breach.*

### **Appeals**

Employers may appeal to the FÁS National Apprenticeship Advisory Committee, Appeals Sub-Committee (the “Appeals Sub-Committee”) any decision made by FÁS in relation to a failure to abide by this code of practice. Appeals must be lodged within 6 months of the incident which has led to the appeal occurring. FÁS retains absolute discretion to extend this time limit if appropriate. Details of the appeals application process are available from the FÁS Training Adviser. A fee of €50 shall apply

### **Compliance**

Employers must comply with all statutory obligations including:

- 1) All current employment legislation. Information on employment legislation may be obtained from the Department of Enterprise, Trade and Innovation at 01-6614444 or [www.deti.ie](http://www.deti.ie) or the Equality Authority at 1890-245545 or [www.equality.ie](http://www.equality.ie).

- 2) Safety, Health and Welfare at Work Act, 2005 and the regulations and codes of practice made thereunder. In particular, employers must ensure that apprentices have undergone a Safety Awareness Training Programme where applicable. Information on Health and Safety in the workplace may be obtained from the Health and Safety Authority at 1890 289 389 or [www.hsa.ie](http://www.hsa.ie).
- 3) Industrial Training Act 1967 as amended, the Labour Services Acts 1987 and 2009 and any Apprenticeship Rules made thereunder. Information on apprenticeship may be obtained from FAS at 01-6070900 or [www.fas.ie](http://www.fas.ie)
- 4) Section 18 of the Qualifications (Education and Training) Act, 1999, as may be amended from time to time. Under this section an employer must meet the requirements as notified by FÁS in respect of fair and consistent assessment of apprentices, communications, programme monitoring and verification.

## **Apprentice Obligations**

Apprentices must comply with the statutory obligations on them under the Industrial Training Act 1967 (as amended), the Labour Services Acts 1987-2009 and any Apprenticeship Rules (which may apply from time to time), in relation to apprenticeship. Apprentices are required to:

- 1) Comply with the minimum entry requirements for the particular trade prior to registration by FÁS.
- 2) Attend the Phase 1 induction presentation and attend, on time, all scheduled classes and training sessions of all off-the-job training phases.
- 3) Apprentices are required to complete the specified number of training days to meet the requirements of the phase, as follows:-
  - Phase 3 & 5 = 130 training days (26 weeks);
  - Phase 7 = 60 training days (12 weeks).

For the trade of Print Media, the requirement for Phase 5 is 520 training days (104 weeks). A “training day” must average a minimum of 7.8 hours over the duration of the phase.

- 4) Be responsible for learning throughout the apprenticeship programme.
- 5) Be diligent and committed to all aspects of work, training and education throughout the apprenticeship programme.
- 6) Seek the advice of employer and/or workplace assessor where difficulties arise, while on-the-job. Apprentices who have difficulties during off-the-job should, in the first instance bring their concerns to the course tutor. If an apprentice wishes to make a complaint about any aspect of a phase of off-the-job training, the complaints procedure is available on [www.fas.ie](http://www.fas.ie).
- 7) Attend any off-the-job training location for the off-the-job training phase. Failure to accept an offer of training will unnecessarily prolong the apprenticeship which will have financial repercussions throughout the apprenticeship and/or may result in the apprenticeship being ceased temporarily. Continued failure could lead to the apprenticeship being terminated.
- 8) Be responsible for attendance and time keeping during all of the off-the-job training phases. Inadequate attendance and lateness during off-the-job phases may have financial and disciplinary repercussions including exclusion from assessment events and may result in an

apprenticeship being suspended temporarily. Continued behaviour could lead to the apprenticeship being terminated.

- 9) Behave in a responsible and mature manner in both employment and during off-the-job training in FÁS Training Centres, the Institutes of Technology and approved Colleges of Further Education as applicable. Comply with the relevant code of conduct and regulations of the FÁS Training Centre or Institute of Technology or College of Further Education while in those locations and be subject to the disciplinary procedures of those providers.
- 10) Undertake all scheduled modular and competency assessments including re-sit assessments. Breach of the off-the-job provider's assessment or examination regulations may result in disciplinary action in accordance with the provider's procedures, which may result in delay of completion or in termination of an apprenticeship.
- 11) Operate with due care and diligence and observe all safety regulations on both on-the-job and off-the-job training. The relevant obligations are set out in the FÁS Workplace Assessment Specification, furnished to employers by the FÁS Training Adviser.
- 12) Comply with the safety booklet which will be furnished by FÁS on registration.
- 13) Carry out all reasonable instructions from the person or persons to whom they are assigned, during both on-the-job and off-the-job phases of their apprenticeship.
- 14) Contact the FÁS Training Adviser in the event the employer terminates the apprenticeship or the apprentice terminates the employment contract.
- 15) Be aware that the off-the-job phases of the apprenticeship do not alter an apprentice's status as an employee of their employer, nor does it imply a contract of employment between FÁS and the apprentice. Apprentices remain in the employment of the employer at all times during the apprenticeship.
- 16) Be aware if the required standard is not achieved for a particular trade and the apprenticeship is terminated by FÁS, that FÁS reserves the right to refuse a further application from the apprentice for the same trade.

## **Standards of Performance and Conduct**

### **Apprentices**

The FÁS apprenticeship programme requires the apprentice to be responsible for their own learning throughout their apprenticeship. Apprentices are required to abide by this code of practice and any training centre, institute of technology or approved college of further education rules applying at any time during the apprenticeship.

FÁS will assist apprentices to comply with this code of practice by advising them where possible of potential or apparent breaches of the standards set out herein. However, FÁS reserves the right to impose the appropriate sanctions up to and including the removal from the apprenticeship programme of an apprentice who fails to meet the standards set out in this code of practice.

### **Sanctions**

The sanctions which may be imposed by FÁS on apprentices are as follows:-

- ❑ Written warning, which will remain on file for 6 months.
- ❑ Final written warning, which will remain on file for 1 year.
- ❑ Suspension from the apprenticeship programme for a stated period.
- ❑ Termination of apprenticeship programme.
- ❑ Refusal to permit an apprentice to apply for further apprenticeships for a defined period/indefinitely.

*While FÁS will, where appropriate, adopt a process of progressive sanctions, for the avoidance of doubt, it should be noted in cases of serious breach of this code of practice FÁS may impose such sanction as it deems necessary. Apprentices may appeal such sanction to the Appeals Sub-Committee. Appeals must be lodged within 6 months of the incident which has led to the appeal occurring. FÁS retains absolute discretion to extend this time limit if appropriate.*

### **Non-Attendance**

Apprentices will be called on up to three (3) occasions for each off-the-job assessment. Those who fail to attend on the third occasion will not be scheduled to attend further assessment events and apprentices and their employers shall be notified that their apprenticeship status has been recorded as “holding”.

Apprentices who wish to be called on a subsequent occasion must make an application to the FÁS Training Adviser to request to have their status re-activated and be called for the assessment. If, after a period of 6 months has elapsed, no such application has been received the apprentice programme

will be automatically terminated. Apprentices may appeal a refusal to re-activate and/or refusal to call for a subsequent occasion and/or a termination to the Appeals Sub-Committee. The time limit for making such an appeal is referred to above.

### **Failure to reach standards**

Apprentices have an opportunity to attempt each off-the-job assessment on three occasions. In accordance with the National Quality Assurance Handbook, the apprentice can request that the result can be rechecked, reviewed and appealed by the relevant training provider on each occasion. Thereafter, if the failure of the assessment has been confirmed by the relevant training provider on the third and final occasion, the apprenticeship programme shall be automatically terminated.

Apprentices and their employers shall be notified of this termination in writing. Apprentices may appeal such termination to the Appeals Sub-Committee. The time limit for making such an appeal is referred to above – i.e. 6 months from the date of termination.

### **Appeals**

A fee of €50 shall apply in respect of any application to the Appeals Sub-Committee. Details of such applications can be obtained from the FÁS Training Adviser.

### **Compliance**

Apprentices must comply with all statutory obligations including:

- 1) All current employment legislation. Information may be obtained from the Department of Enterprise, Trade and Innovation at 01-6614444 or [www.deti.ie](http://www.deti.ie) or from the Equality Authority at 1890-245545 or [www.equality.ie](http://www.equality.ie).
- 2) Safety, Health and Welfare at Work Act, 2005, and the regulations and codes of practice made thereunder. In particular, apprentices must ensure that they have undergone a Safety Awareness Training Programme where applicable. Information may be obtained from the Health and Safety Authority at 1890 289 389 or [www.hsa.ie](http://www.hsa.ie)
- 3) The Industrial Training Act, 1967, as amended, the Labour Services Acts 1987 and 2009 and any Apprenticeship Rules made thereunder. Information on apprenticeship may be obtained from FÁS at 01-6070600 or [www.fas.ie](http://www.fas.ie)
- 4) Qualifications (Education and Training) Act, 1999, as may be amended from time to time. Information may be obtained from FÁS at 01-6070600 or [www.fas.ie](http://www.fas.ie)