

Occupational Training Act

Cap. 42.

**OCCUPATIONAL TRAINING REGULATIONS,
1982**S.I.
1982/98.

Authority: These regulations were made on 24th May, 1982 by the Board with the approval of the Minister under section 35(1) of the *Occupational Training Act*.

Commencement: 27th May, 1982.

1. These Regulations may be cited as the *Occupational Training Regulations, 1982*.

2. (1) In these regulations "contract" means a contract of apprenticeship or training entered into under the Act.

(2) The forms prescribed in the Schedule must be used for the purposes of the Act and these regulations. Schedule.

3. (1) An application for apprenticeship or training must be in Form 1 as set out in the Schedule. Schedule.

(2) A contract of apprenticeship must be in Form 2 as set out in the Schedule.

(3) A contract of training must be in Form 3 as set out in the Schedule.

(4) An employer to whom a contract relates shall, on the satisfactory completion by an apprentice or a trainee of a period of apprenticeship or training specified in a contract, notify the Director, as in Form 4 as set out in the Schedule within 14 days of the completion.

(5) Where the Director is satisfied that any contract forwarded to him under paragraph (3) is discharged, he shall endorse it to that effect and return it to the employer who shall deliver it to the apprentice or trainee, as the case may be.

(6) Any employer who fails to comply with this regulation is guilty of an offence under the Act.

Schedule.

4. An employer shall keep a record in respect of each apprentice in Forms 5 and 6 as set out in the Schedule as the case requires.

5. An employer in a trade shall

- (a) provide an apprentice with the practical training and instruction specified in a prescribed scheme; and
- (b) permit the apprentice to attend such educational classes as are prescribed under that scheme.

6. (1) No person shall require an apprentice

- (a) to begin his hours of practical training or instruction earlier in a day than the hour at which a journeyman with whom the apprentice is working begins work; or
- (b) to continue working after that journeyman has concluded his work for that day.

(2) Any hours worked by an apprentice in excess of those hours in which he is being given practical training or instruction shall, unless approved by the Director, not be included in a computation of the hours spent in training or instruction.

7. (1) The number of hours required in respect of any period of apprenticeship or training must be determined by the Director.

(2) An apprentice or trainee must complete the required number of hours before he is granted a certificate under regulation 8.

(3) No certificate may be granted to an apprentice or trainee unless evidence is supplied to the Director that the apprentice or trainee has

- (a) completed the relevant course of study or training;
 - (b) performed such work or gained such experience; or
 - (c) passed such test or examinations,
- as the Director determines.

8. (1) Where an apprentice or trainee completes the required programme as the Director determines, the Director shall issue him a certificate of apprenticeship or training, as the case requires.

(2) Certificates of apprenticeship and training for the purposes of paragraph (1) must be in Forms 7 and 8, respectively as set out in the Schedule.

Schedule.

9. Unless otherwise prescribed, the rate of wages that must be paid to an apprentice for his regular hours of work, and for hours of work in excess of his regular hours are

- (a) during the first year not less than 45 per cent;
- (b) during the second year not less than 45 per cent; and
- (c) during the third year not less than 75 per cent, of the rate of wages paid to
- (d) a journeyman employed by an employer in that trade; or
- (e) a journeyman in the occupation in Barbados where the employer is the only journeyman employed.

10. (1) An employer to whom a contract is transferred shall perform that contract as fully and completely as if he were the employer with whom the contract was made.

(2) A transfer of a contract of apprenticeship or training must be in Form 9 as set out in the Schedule.

Schedule.

11. (1) Where an applicant for a certificate of qualification is the holder of a certificate of apprenticeship issued under the Act, the Director may, if there is satisfactory evidence as to the competence of the applicant in the particular trade, and upon payment by the applicant of the prescribed fee dispense with the examination and issue a certificate of qualification to the applicant.

(2) Where an applicant for a certificate of qualification is required to write an examination, the applicant shall pay the prescribed fee.

(3) Where an applicant for a certificate of qualification is not the holder of a certificate of apprenticeship in a trade, but

- (a) he has attended a training institution and has completed the period of training and instruction provided by that institution;

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(b) after graduation from a training institution, he has worked as an apprentice in that trade for a period approved by the Director; and

(c) he has passed an examination approved by the Director,

the Director, may, upon payment of the prescribed fee by that applicant issue him a certificate of qualification.

(4) A certificate of qualification for the purposes of this regulation and regulation 12 must be in Form 10 as set out in the Schedule.

Schedule.

12. (1) Where an applicant for a certificate of qualification who is not the holder of a certificate of apprenticeship

(a) has successfully completed a training programme approved by the Director as an alternative to an apprenticeship training programme;

(b) has satisfied the Director that he has been continuously engaged in the alternative training programme for a period equal to, or greater than, the apprenticeship training period required for the approved trade; and

(c) passes such examination as is approved by the Director,

the Director may, upon payment of the prescribed fee by that applicant, issue him a certificate of qualification.

(2) Where an applicant for a certificate of qualification satisfies the Director that the total period of time during which he has been engaged in an alternative training programme and as a journeyman in an approved trade is equal to or is greater than the period spent in the apprenticeship training programme the Director may, upon payment of a prescribed fee by the applicant, issue him a certificate of qualification.

13. Where a contract is terminated in accordance with section 19(1) of the Act, the Director shall notify the parties in Form 11 as set out in the Schedule.

Schedule.

SCHEDULE

(Regulation 2(2))

Form 1

(Regulation 3(1))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

APPLICATION FOR APPRENTICESHIP/TRAINING

Application for Apprenticeship/Training in the trade of:
(TRADE NAME):

NAME:
Surname First Others

ADDRESS:

TELEPHONE NO: NATIONAL REGISTRATION NO:

DATE OF BIRTH:
Year Month Day of Month

Name and address of Parent or Guardian (applies to persons under 18
years of age):

.

EDUCATION

Name of Primary
schools attended: From: To:
. From: To:

Name of Secondary
Schools attended: From: To:
. From: To:

Name of Vocational
or Technical School
attended: From: To:
. From: To:

STANDARD REACHED:

ACADEMIC QUALIFICATIONS:
(Certificates/Diplomas):
.
.

COURSES ATTENDED:
.
.

WORK EXPERIENCE

NAME OF BUSINESS/FIRM:

First:

Second:

Third:

Other:

ADDRESS:

PERIOD OF EMPLOYMENT: From: To:

From: To:

From: To:

I hereby apply to be registered in the National Training and
Apprenticeship Programme in the skill(s) of.
If I am accepted I will obey all rules/regulations laid down under the law
for my participation.

.
Signature of Applicant

Date:

FOR DEPARTMENTAL USE ONLY

DATE OF APPLICATION: DATE RECEIVED:

RECOMMENDED/NOT RECOMMENDED:
Year Month Day

CONTRACT APPROVED: EFFECTIVE DATE:

NAME OF COMPANY REGISTRATION NO. OF CONTRACT

.

NAME OF INSPECTOR/COUNSELLOR: SIGNATURE:

MEDICAL EXAMINATION:..... COMMENTS:.....

.....
Signature of Director of Training

ANY FURTHER COMMENTS:.....

.....

Form 2

(Regulation 3(2))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

CONTRACT OF APPRENTICESHIP

Made the day of 19
between
carrying on business situated at
hereinafter called "the employer" and
of aged (or apparent age) years,
hereinafter called "the apprentice" and
of the
father/mother, guardian/person in *loco parentis* of the apprentice
hereinafter called the "guardian". Witnesseth as follows:

1. That the apprentice, of his own free will and with the consent of his guardian, agrees
 - (a) to bind himself as an apprentice to the employer in order to learn the trade or occupation of for years commencing on the day of, 19.....,
 - (b) to obey all lawful and reasonable orders of the employer or his representative and the rules and regulations applicable to the work place;
 - (c) not to disclose or communicate to any person any information or matter that would be prejudicial to the business of the employer;
 - (d) not to absent himself without permission of the employer from work or from classes or courses of instruction for which he is released from work, except in the event of sickness or injury certified by a medical practitioner;

- (e) to pursue conscientiously any studies and attend regularly any classes that he is required under the contract to pursue or attend;
- (f) not to engage in, except with the employer's permission, any employment other than that of the employer during the prescribed working week or to engage in any employment that the Director considers detrimental to his training;
- (g) to provide himself with such tools as are recommended by the National Training Board;
- (h) to repay the determinable cost of any tool owned by the employer that is lost or damaged through the negligence of the apprentice.

2. That the employer agrees

- (a) to the best of his skill and ability to teach and instruct the apprentice or cause him to be taught and instructed in the trade or occupation concerned;
- (b) to pay the apprentice such wages as are fixed by the Board;
- (c) subject to paragraph 1(g) to provide, at his own expense, all other tools and materials for the purpose of instruction of the apprentice, provided that, in the case of such tools supplied to the apprentice as are recommended by the National Training Board, he is entitled to recover the cost thereof in accordance with the *Protection of Wages Act* by instalments from the apprentice;
- (d) to release the apprentice from his work when necessary to attend classes in connection with his apprenticeship and to continue to pay his wages during the period for which he is so released if the apprentice attends such classes;
- (e) to pay all fees in connection with such classes or any correspondence course that the apprentice might be required by the employer to attend or take, as the case may be, for his instruction, provided that where accommodation or food is provided for the apprentice in connection with such classes, the cost thereof is a charge on the apprentice and may be deducted from wages payable to him by the employer;
- (f) on completion of the apprenticeship to notify the Director of Training in writing of such completion.

3. This contract is subject to the provisions of the *Occupational Training Act, Cap. 42*.

In Witness Whereof the Contracting parties have hereunder affixed their signatures this day of 19.

Employer Witnessed by.

Apprentice. Witnessed by.

Parent, guardian or Person Witnessed by.

Person in *loco parentis*

FOR OFFICIAL USE ONLY

REGISTRATION

In accordance with the provisions of section 16 of the *Occupational Training Act, Cap. 42*, I hereby register this Contract.

Date:
Director of Training

Form 3

(Regulation 3 (3))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

CONTRACT OF TRAINING

Made the day of 19.
 between
 carrying on business situated at
 hereinafter called "the employer", and
 of
 aged
 years hereinafter called "the trainee", and
 of

 the father/mother, guardian/person in *loco parentis* of the trainee,
 hereinafter called the "guardian."

Witnesseth as follows:

1. That the trainee, of his own free will and with the consent of his guardian, agrees

- (a) to bind himself as a trainee to the employer in order to learn the trade or occupation of
 for years commencing on the day of 19
- (b) to obey all lawful and reasonable orders of the employer or his representative and the rules and regulations that apply to the work place;
- (c) not to disclose or communicate to any person any information or matter that would be prejudicial to the business of the employer;
- (d) not to absent himself without the permission of the employer from work or from classes or courses of instruction for which he is released from work, except in the event of sickness or injury certified by a medical practitioner;
- (e) to pursue conscientiously any studies and attend regularly any classes that he is required under the contract to pursue or attend;

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- (f) not to engage in, except with the employer's permission any employment other than that of the employer during the prescribed working week or to engage in any employment that the Director considers detrimental to his training;
- (g) to provide himself with such tools as are recommended by the National Training Board;
- (h) to repay the determinable cost of any tool owned by the employer that is lost or damaged through the negligence of the trainee.
2. That the employer agrees
- (a) to the best of his skill and ability to teach and instruct the trainee or cause him to be taught and instructed in the trade or occupation concerned;
- (b) to pay the trainee such wages as are fixed by the Board;
- (c) subject to paragraph 1(g) to provide, at his own expense, all other tools and materials for the purpose of instruction of the trainee, provided that, in the case of such tools supplied to the trainee as are recommended by the National Training Board, he is entitled to recover the cost thereof in accordance with the *Protection of Wages Act* by instalments from the trainee; Cap. 351.
- (d) to release the trainee from his work when necessary to attend classes in connection with his traineeship and to continue to pay his wages during the period for which he is so released if the trainee attends such classes;
- (e) to pay all fees in connection with such classes or any correspondence course that the trainee might be required by the employer to attend or take, as the case may be, for his instruction, provided that where accommodation or food is provided for the trainee in connection with such classes, the cost thereof is a charge on the trainee and may be deducted from wages payable to him by the employer;
- (f) on completion of the traineeship to notify the Director of Training in writing of such completion.
3. This contract is subject to the provisions of the *Occupational Training Act, Cap. 42*.

In Witness Whereof the Contracting parties have hereunder affixed their signatures this day of 19. . . .

Employer Witnessed by.

Trainee Witnessed by.

Parent, guardian or Witnessed by.

Person in *loco parentis*

FOR OFFICIAL USE ONLY

REGISTRATION

In accordance with the provisions of section 16 of the *Occupational Training Act, Cap. 42*, I hereby register this Contract.

Date:
Director of Training

Form 4

(Regulation 3(4))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

NOTIFICATION OF COMPLETION

To: Director of Training

In accordance with regulation 3(4) of the *Occupational Training Regulations, 1982*, I hereby certify that

S.I. 1982/
98.

. has satisfactorily completed his contract of apprenticeship/training and I accordingly request that he be granted the National Training Board's Certificate of Apprenticeship/Training.

.
Date *Signature of Employer.*

Form 7

(Regulation 8(2))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

CERTIFICATE OF APPRENTICESHIP

This is to certify that

during the period to

.

has satisfactorily completed a craft apprenticeship in the trade or
 occupation of.

.

under a Contract of Apprenticeship with.

.

.

.

Issued at Bridgetown by the National Training Board under the authority
 of the above-mentioned Act this day of

, 19 .

.
Employer

.
Director of Training

.
Chairman, National Training Board

Reg. No.:

Form 8

(Regulation 8(2))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

CERTIFICATE OF TRAINING

This is to certify that

during the period to

.

has satisfactorily completed training in the trade or occupation of

.

under a Contract of Training with.

.

.

.

Issued at Bridgetown by the National Training Board under the authority
of the above-mentioned Act this day of

, 19 .

.
Employer

.
Director of Training

.
Chairman, National Training Board

Reg. No.:

Form 9

(Regulation 10(2))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

TRANSFER OF CONTRACT

In accordance with section 17 of the *Occupational Training Act, Cap. 42*, it is hereby agreed that the rights and obligations under this contract shall from the date of registration thereof be transferred.

FROM:

(Present employer)
of
carrying on business as

TO:

(New employer)
of
carrying on business as

In Witness Whereof the contracting parties have hereunder affixed their
signatures this day of 19

Present employer.

Witnessed by.

New employer.

Witnessed by.

Apprentice/Trainee.

Witnessed by.

Parent, guardian or
.

person in *loco parentis*

Witnessed by.

I hereby approve this transfer and confirm its registration.

Date
Director of Training.

Form 10

(Regulation 11(4))

THE OCCUPATIONAL TRAINING ACT, CAP. 42

CERTIFICATE OF QUALIFICATION

This is to certify that
.
is qualified in the trade of
having successfully completed the following:

Issued at Bridgetown by the National Training Board under the
authority of the above-mentioned Act this
day of, 19

.
Director of Training

.
Chairman, National Training Board

Form 11

(Regulation 13)

THE OCCUPATIONAL TRAINING ACT, CAP. 42

TERMINATION OF CONTRACT

In accordance with section 19(1) of the *Occupational Training Act, Cap. 42* the contract between
. and
entered into on
has been terminated.

Date

.
Director of Training