

Technical and Vocational Education and Training Council Cap. 43.

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING COUNCIL REGULATIONS, 1997 1997/104.

Authority: These Regulations were made on 22nd September, 1997 by the Council, with the approval of the Minister, under section 25 of the *Technical and Vocational Education and Training Council Act*.

Commencement: 22nd September, 1997.

1. These Regulations may be cited as the *Technical and Vocational Education and Training Council Regulations, 1997*. Citation.

2. In these Regulations, Definitions.

"contract of training" means a contract for the provision of technical or vocational education and training entered into pursuant to the Act;

"Director" means the Executive Director appointed under section 8 of the Act;

"trainee" means

(a) a person who has entered into a programme of technical or vocational training

(i) in accordance with the provisions of the *Occupational Training Act*; and Cap. 42.

(ii) in accordance with any scheme formulated or programme provided in accordance with the Act; and

(b) a person who is employed under a contract of employment and who undergoes technical or vocational training provided by his employer as a result of funding provided under the Act and pursuant to any scheme formulated under the Act.

Proof of educational qualification.

3. (1) Proof of the educational qualifications of an applicant for training under the Act shall be

- (a) certificates or diplomas issued by
 - (i) the University of the West Indies or any college or school in Barbados;
 - (ii) any educational institution outside of Barbados that is approved by the Council; or
- (b) a passing grade in any examination conducted or approved by the Council; or
- (c) evidence by an employer, supervisor or former employer or supervisor that an applicant for training under the Act has undergone a period of practical training of a standard and for a period approved by the Council.

Schedule.

(2) The proof referred to in paragraph (1) shall be submitted together with Form 1 set out in the *Schedule* by the applicant to the institution responsible for conducting his training, at the time of applying for such training or such other time as stipulated by the institution.

Terms of contract.

4. (1) A contract of training entered into by

Schedule.

(a) the Council and an employer shall be in Form 2 set out in the *Schedule*;

Schedule.

(b) the Council and an institution or association of training shall be in Form 3 set out in the *Schedule*, and

shall include the terms specified in paragraph (2).

(2) The terms of a contract of training shall include

- (a) the duration of the contract;
- (b) the type and period of training to be provided;
- (c) the level of proficiency to be attained;

- (d) the system to be used for monitoring the performance of the trainee;
 - (e) the names, qualifications and experience of the persons responsible for providing
 - (i) the training required;
 - (ii) the general supervision of the trainee;
 - (iii) the day to day supervision of the trainee; and
 - (iv) assistance in any way with the training;
 - (f) the nature of the reports required to be submitted to the trainee;
 - (g) the venue where the training is to be conducted;
 - (h) the quantum of the grant or loan given to the employer or training institution and the manner of disbursement of the grant or loan;
 - (i) an undertaking by the employer or training institution to act in accordance with the schemes relevant to the training to be provided.
- (3) An employer or a training institution or association that has entered into a contract of training pursuant to the Act shall
- (a) provide a trainee with the training and instruction specified in the contract and in any scheme formulated pursuant to the Act that relates to the training;
 - (b) permit the trainee to attend such educational classes as are specified in the scheme; and
 - (c) keep records of the training conducted, the number of hours of such training and the monitoring system used in respect of each trainee.

Registration of contracts. **5.** (1) An employer or any institution or association of training that has entered into a contract of training shall lodge with the Director, for the purpose of registration, the contract and two copies thereof before the commencement of training to which the contract relates.

(2) A contract of training is not binding until it is registered by the Director.

(3) Where the Director is satisfied that a contract of training complies with the provisions of the Act and regulations, the Director shall register the contract of training by

(a) entering the particulars of the contract in a Register kept for the purpose;

(b) endorsing on the contract and the copies thereof a registration number; and

(c) filing a copy.

(4) Within 14 days of registering a contract, the Director shall return the contract and one copy thereof to the employer or the institution or association of training, as the case may be.

Reports. **6.** Every employer who has entered into a contract of training shall submit to the Council

Schedule. (a) quarterly reports, in Form 4 set out in the *Schedule*, on the level of training provided;

(b) a final report which shall contain

(i) an assessment of the outcome and impact of the training to which the contract refers; and

(ii) a statement of account of the application of the funds provided under the Act.

Transfer of contracts. **7.** (1) The rights and obligations of an employer under a contract of training may, with the written consent of the Council, be transferred to another employer that is capable of providing the training required under the contract between the Council and the employer.

(2) The Council may refuse to consent to a transfer to which paragraph (1) refers if, in the opinion of the Council, the transfer is not in the interest of the trainee.

8. (1) An employer to whom a contract of training relates shall, on the satisfactory completion of the training specified in the contract, notify the Director, in Form 5 set out in the *Schedule*, within 14 days of its completion. Expiration of contracts. Schedule.

(2) Where the Director is satisfied that a contract of training entered into pursuant to the Act has been discharged, he shall endorse it to that effect and return it to the employer.

(3) Any employer who fails to comply with this regulation is guilty of an offence.

9. (1) Subject to paragraph (3), a contract of training Termination or extension.

(a) may be terminated or extended by mutual agreement in writing by the parties;

(b) shall be terminated at the direction of the Council where

(i) both parties to the contract have not performed the contract;

(ii) one party has violated the contract; or

(iii) there has been reduced funding available to the Council.

(2) A party who desires to terminate a contract of training shall give to the other party not less than 30 days notice in writing of the termination.

(3) Where the Council desires to terminate a contract of training, it shall give to the other party to the contract a Notice of Termination of Contract in Form 6 set out in the *Schedule*. Schedule.

(4) An employer who fails to comply with paragraph (2) is guilty of an offence.

(5) A person who is aggrieved by the decision of the Council to terminate or extend a contract of training may request the Council to review that decision within one month of the date on which the decision of the Council was given or communicated to that person.

(6) The Council shall give notice in writing to an aggrieved person referred to in paragraph (5) of its final decision.

(7) A person aggrieved by the final decision of the Council may appeal to the Minister within 6 weeks of receiving a notice referred to in paragraph (6).

(8) The decision of the Minister is final when an appeal is made pursuant to paragraph (7).

(9) The Minister shall, within 30 days of receiving an appeal from a person referred to in paragraph (7), give notice to that person of his final decision.

(10) Upon receipt of a notice given under paragraph (6) or (9) as the case may be,

- (a) the Contractor shall discontinue any training or related activities;
- (b) any obligation or liability on the part of the Council, except in respect of any training or related activity conducted by the Contractor prior to receipt of such notice, shall cease.

(11) A Contractor shall within 3 months of the receipt of a notice referred to in paragraph (9) submit the final report referred to in regulation 6 to the Council.

(12) A contract that is terminated under this regulation is terminated for all purposes but without limiting or affecting any right of action that may have accrued before the date of termination.

Examina-
tions.

10. (1) Tests set by the Council or an educational institution authorised by the Council shall be held for trainees

- (a) at the completion of the relevant training programme; and

(b) at such other times as the Council deems necessary.

(2) Each trainee shall be required to take tests in order to determine the level of competency attained by the trainee.

(3) The tests to which paragraph (1) refers may be conducted for persons other than trainees under the Act who voluntarily enter for the tests.

(4) The Council shall specify the testing procedures to be used for training in respect of each occupation to which the schemes relate, and may specify different testing procedures for those persons to whom paragraph (2) refers.

(5) The Council shall determine the standards required for receiving certificates of proficiency.

11. (1) The Council shall issue a certificate of completion to each trainee who successfully completes his or her programme of training. Certificates.

(2) A trainee or a person to whom regulation 10(3) refers is to be regarded as having successfully completed his programme of training where

(a) the employer of the trainee has notified the Council in Form 5 set out in the *Schedule* that the training has been completed, in accordance with regulation 8; Schedule.

(b) the Council has received the results of the tests to which regulation 10 refers, and the trainee has satisfied the competency testing; and

(c) the trainee has attended at least 80% of the training programme.

(3) A certificate referred to in paragraph (1) shall be in Form 7 set out in the *Schedule*. Schedule.

12. The Council may modify or adapt the relevant schemes made pursuant to the Act, to differentiate between categories of employers. Miscellaneous.

Name of vocational or technical school attended: From: To:
..... To: To:

STANDARD REACHED:

ACADEMIC QUALIFICATIONS:
(Certificates/Diplomas):

COURSES ATTENDED:
.....

WORK EXPERIENCE

NAME OF COMPANY, FIRM OR EMPLOYER WITH WHICH YOU WERE EMPLOYED

First: From:
..... To:

Second: From:
..... To:

Third: From:
..... To:

Fourth: From:
..... To:

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Name of Company/Firm/Employer:
.....

Address:

Registration No. of Contract:

Date:

Executive Director:

Form 2

(Regulation 4)

*TECHNICAL AND VOCATIONAL EDUCATION
AND TRAINING COUNCIL ACT*
Cap. 43

CONTRACT OF TRAINING FOR EMPLOYERS

This Contract of Training made the day of 20.....
between
carrying on business situated at
hereinafter called "the employer" and the Technical and Vocational Education and
Training Council, , hereinafter called "the Council".

Witnesseth as follows:

1. In this agreement, in consideration of a (a) Grant in the amount of
\$ or
(b) Loan in the amount of
\$

The employer agrees to provide the following training:

- Employer based training for new employees
- Employer based training to upgrade skills of existing employees
- Institution based training
- Retraining of re-trenched workers
- Initial skills training for the unemployed
- Entrepreneurial Development Training
- Management training

- Special Skills Development Training Programme for specific groups
- Career Mobility Training Programme
- Any other training approved by the Council

2. The employer agrees to provide the specific training described in
 - (i) Appendix A,
 - (ii) the application for the grant or loan of training submitted by the employer, and
 - (iii) any revision of the proposed training approved by the Council as set out in Appendix B.
3. The employer agrees:
 - (a) to conduct all training specified in paragraphs 1 and 2 and to record that training;
 - (b) to submit the quarterly reports to the Council within 14 days of the end of the quarter.
4. It is hereby stipulated that:
 - (a) any failure by the employer to abide by the terms of the contract; or
 - (b) any variance by the employer in the performance, outcome or costs of training as specified in the contract

may result in delayed payments, reduced payments or the termination by this contract at the Council's discretion.

5. The Council agrees to pay to the employer the grant or loan specified in the contract subject to the terms of the contract and in the following instalments:
 - (a) at the time notified by the employer of the commencement of the training;
 - (b) on the submission of each quarterly report; and
 - (c) on the completion of the contract when that completion is notified in accordance with the Act.

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6. This contract is subject to the provisions of the *Technical and Vocational Education and Training Council Act*.

IN WITNESS WHEREOF the Contracting Parties have hereunder affixed their signatures this day of 20

Employer

Witnessed by

Executive Director, Technical and Vocational Education and Training Council

.....

Witnessed by

FOR OFFICIAL USE ONLY

REGISTRATION

In accordance with the provisions of section 25 of the *Technical and Vocational Education and Training Council Act*, Cap. 43, I hereby register this Contract.

..... Date

Executive Director, Technical and Vocational Education and Training Council

Registration Number of Contract:

APPENDIX A

State:

(a) the specific details of the training to be conducted under the contract; and

(b) the requirements stipulated under paragraph (2) of regulation 4.

APPENDIX B

State any variances between the training proposed at Appendix A and that approved by the Council. Each variance offered by the Council to the employer through this contract is to be referenced to the original proposal duplicated in Appendix A.

Form 3

(Regulation 4)

TECHNICAL AND VOCATIONAL EDUCATION
AND TRAINING COUNCIL ACT
Cap. 43

CONTRACT OF TRAINING FOR TRAINING INSTITUTIONS
AND ASSOCIATIONS

Made the day of 20

between

a training institution/association, hereinafter called "the Contractor", situated at
.....and the Technical and Vocational
Education and Training Council, hereinafter called the "Council", of

.....

WITNESSETH AS FOLLOWS:

1. The Contractor agrees that this is a contract for:

- Initial skills acquisition education or training which will accommodate
..... students or trainees in the occupation
(number)
of
- Upgrade training of
(number)
students or trainees
in
(instructional topic)
- Re-training of persons who were previously employed in the occupa-
tion of

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- Other Technical and Vocational Education and Training as specified
.....
.....
.....

- Training-related Services as specified in Appendix A attached
.....
.....
.....
.....

Appendix A provides specific details of the items listed above, to include curriculum outlines, course syllabus or a description of specific training related services to be rendered as appropriate.

2. The Contractor agrees to provide specific training described in Appendix A or any revision of that training made by the Contractor and approved by the Council in writing and attached to this contract.

3. It is stipulated that
- (a) any failure by him to abide by the terms of the contract; or
 - (b) any variance by him of the performance, outcome or costs of the training as specified in the contract

may result in delayed payments, reduced payments, or the termination of this contract, at the Council's discretion.

4. The Council agrees to pay the Contractor the amounts stipulated in Appendix B in the manner set out in that Appendix.

5. This contract is subject to the provisions of the *Technical and Vocational Education and Training Council Act*.

IN WITNESS WHEREOF the Contracting Parties have hereunder affixed their signatures this day of 20.....

Contractor

Witnessed by

Executive Director, Technical and Vocational Education and Training Council

Witnessed by

FOR OFFICIAL USE ONLY

REGISTRATION

In accordance with the provisions of section 25 of the *Technical and Vocational Education and Training Council Act*, Cap. 43, I hereby register this Contract.

..... Date

*Executive Director, Technical and Vocational
Education and Training Council*

Registration Number of Contract:

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APPENDIX A

Form 4

(Regulation 6)

**TECHNICAL AND VOCATIONAL EDUCATION
AND TRAINING COUNCIL ACT**
Cap. 43

QUARTERLY TRAINING PERFORMANCE REPORT

In accordance with sections 16 and 25 of the *Technical and Vocational Education and Training Council Act*, this form shall be submitted on a quarterly basis by all employers, training institutions or associations.

Name of Association, Training Institution or Employer

Type of Contract: Grant Loan

Registration Number of Contract

Commencement Termination

Date Submitted Quarter Covered

1. Summary Description of the Project

.....
.....

2. Budget Status

Budget Category	Projected Expenditure To Date	Actual Expenditure To Date
Training Supervisor's Wages or Benefits		
Trainer's Wages or Benefits		
Contracted Training Costs		
Tuition/Books		
Curriculum Development Costs		
Training Supplies		
Training Equipment		
Travel		
Total		

3. Training Provided

Category of Trainee	Number projected to be Trained By this Date	Actual Number Trained to to Date	Hours of Training Projected	Hours of Training Utilised
Full-Time Employee				
Part-Time Employee				
Skills Upgrade				
Initial Skills				
Acquisition				
Age under 25				
Age 25-40				
Age 41-55				
Age over 55				
Male				
Female				
Able-Bodied				
Disabled				

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and Training Council Regulations, 1997

4. Skills Gained

List the skills needed and skills gained by each trainee at the time of this Report. Use as many sheets as necessary to provide this information for all trainees.

Name of Trainee	Skills Needed	Skills Gained

5. Evaluation

The total cost of the training project was \$

The total reimbursement due from the Council for this project is \$.....

Total number of persons trained

Description of the benefits which have accrued to the employer as a result of this training

.....

.....

.....

.....

Can you provide a \$ value estimate of these benefits? No Yes, \$

Description of the benefit of this project to the trainees or employees

.....

.....

Form 5

(Regulations 8 and 11)

*TECHNICAL AND VOCATIONAL EDUCATION
AND TRAINING COUNCIL ACT
Cap. 43*

NOTICE OF COMPLETION OF TRAINING

To: Executive Director
Technical and Vocational Education and Training Council

In accordance with section 25 of the *Technical and Vocational Education and Training Council Act*, notice is hereby given that

(a) _____
the Association/Training Institution/Employer

being the party responsible for the conduct of training under the contract bearing the registration number _____ has completed the training agreed under that contract on the _____ day of _____, 20____ ;

(b) the persons listed in the Schedule to this Notice have satisfactorily completed their training in the occupations specified in the second column of the Schedule.

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and Training Council Regulations, 1997

<u>Name of Trainee</u>	<u>Occupation</u>

Signature
Association/Training Institution/Employer

Form 6

(Regulation 9)

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AND TRAINING COUNCIL ACT*
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NOTICE OF TERMINATION OF CONTRACT

The Council, in accordance with section 25 of the *Technical and Vocational Education and Training Council Act*, gives notice that the contract made between _____ and the Council bearing registration number _____ shall be terminated on the _____ day of _____ 20____ for the following reasons:

Date _____

Executive Director, Technical and Vocational
Education and Training Council

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Form 7

(Regulation 11)

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TECHNICAL AND VOCATIONAL EDUCATION AND
TRAINING COUNCIL

CERTIFICATE

This is to certify that _____
has successfully completed the training programme in _____
conducted by _____
(Employer/Institution/Association)
in conjunction with _____
(Training Institution(s))
under the auspices of the Technical and Vocational Education and Training Council.

Chairman _____ Date _____

Technical and Vocational Education and Training
Council.