

Workplace Learning and the Code

Overview

This statement sets out NZQA's expectations for the application of the Code to learners based in workplaces – or 'workplace learning'.

The Code ensures that New Zealand's reputation as having a quality education provision is upheld irrespective of the location of the education.

Workplace learning means that learners receive education *in, through, for, and/or during work*.

Workplace learning can also be called:

- workplace training
- work-based learning/training²
- field-based learning/training
- on-job learning/training
- cadetship
- internship
- practicum
- apprenticeship²
- trainees
- employees' professional development.

Clear roles and responsibilities

In workplace learning contexts, where the provider has less direct oversight and control over learner safety and wellbeing, it is important to clarify roles and responsibilities upfront. This means that the provider, learner and employer understand what their responsibilities are, so that:

- expectations are managed
- learners understand how they can raise concerns
- providers and employers understand their respective roles.

Providers should evaluate their Code obligations while considering the employer's obligations.

Ways to clarify (and evidence) roles and responsibilities include having:

- a learner enrolment contract and information that is clear for learners, so they are aware of all relevant parties' responsibilities before undertaking workplace learning (e.g. a work placement handbook)

- a written contract with each employer outlining what support the provider and the employer will provide (e.g. clearly stating that academic support is provided by the education provider, and physical safety is ensured by the employer).

Using tools like these will help ensure that the provider, learners and employers understand the intent of the Code for workplace learning, and how it will be applied in their context.

What applies, and what is practicable?

The Code currently applies to all workplace learners who are enrolled with registered PTEs, Te Pūkenga, universities or wānanga.

How the Code is applied and what is practicable will look different depending on each scenario.

For example:

- the nature of workplace learning
 - e.g. a work placement arranged by the provider as part of a wider programme, versus a short training module all employees are expected to complete with an external provider
 - e.g. working under supervision, versus learning by observing others in the workplace
- the length of the workplace learning
 - e.g. a one-day first aid course for employees, versus a six-month internship as part of an undergraduate degree
- the location of the workplace learning
 - e.g. on a construction site as an apprentice, versus online at the employer's offices.

The practicable support provided might look like:

- a student being placed into work as part of programme requirements may be eligible for all student support while attending lectures and could go to their education provider for help during their study
- an employee on a short course could expect to have a safe and inclusive learning environment on the day, but not access to the student support services offered to full-time campus-based students. This should be clarified in the enrolment contract

² See the Education and Training Act for a detailed definition.

- an apprentice could expect to have support for their study and access to student services, but their employer may be responsible for their health and safety in the working environment.

Requirements may be met in a different or more limited way in practice than they would be for learners in campus or class-based learning.

An example

Outcome 3: Safe, inclusive, supportive, and accessible physical and digital learning environment

Clause 18(a): Providers must have practices for providing healthy and safe learning environments

This clause requires providers to ensure that learners are in a learning environment that is physically and mentally safe for them.

In some workplace learning settings, however, it will not be practicable for a provider to ensure physical or mental safety where the risks and issues are related to the worksite or the employment situation within which learners are placed.

The employer will also already be responsible under other legislation for ensuring the health and safety of employers, volunteers, interns, trainees and visitors in the workplace.

However, for this requirement there are still ways that providers can ensure they have done everything they practicably can to ensure that their workplace learners are physically safe. For example, providers can:

- obtain the health and safety policy developed and implemented by the employer
- obtain the health and safety audit result conducted by the relevant industry regulatory body, if available
- clarify roles and responsibilities, with regard to Code obligations, with all parties (i.e. provider, employer, learner) to ensure that:
 - learners understand with whom they can raise concerns
 - employers understand what their responsibilities are
 - providers are assured that all Code requirements are met through the provider or the employer or jointly.

NZQA’s expectations about what is appropriate

Determining what is practicable, reasonable and therefore appropriate in practice in workplace learning settings is ultimately the responsibility of each individual provider.

Under the Code, providers must implement all processes in a way that appropriately responds to the needs of learners in context and that is consistent with Code Administrator’s expectations (clause 3(2)).

The Code also applies to any activities provided by – or organised by or on behalf of – a provider for enrolled domestic or international tertiary learners (clause 3(3)).

As the Code Administrator, NZQA expects providers to take responsibility for determining what is appropriate practice for learners enrolled with them and based in workplaces, including practice undertaken by any contracted third party.

When determining what learner wellbeing and safety practices are appropriate for their workplace learners, NZQA expects providers will:

- work proactively with learners and relevant stakeholders, for example; consult, co-operate and co-ordinate with employers to evaluate the most appropriate support for their workplace learners
- use quality evidence, e.g.
 - input from diverse learners and other stakeholders, such as employers
 - relevant quantitative and qualitative data (including from learner complaints), where practicable, disaggregated by diverse learner groups (clause 8(2))
- make robust, defensible and documented decisions about what is appropriate and why
- inform workplace learners and other relevant stakeholders about the level of pastoral care provided, and who will provide this.

Other legislative requirements and the Code

The Code does not override other legislative obligations, requirements, rules, orders or professional codes of conduct. For example:

- Each industry must comply with its own sector’s legislative requirements – for instance, if your organisation delivers a programme for:
 - o future aviation professionals, any workplace learning must comply with the Civil Aviation Rules³
 - o future professionals working with young children, any workplace learning must comply with the Children’s Act 2014
 - o future social workers, any workplace learning must comply with the Social Workers’ Registration Board’s Code of Conduct.
- For New Zealand Apprenticeships programmes, providers have responsibilities under the Code of Good Practice for New Zealand Apprenticeships, published by the Tertiary Education Commission (TEC).
- Other relevant legislative obligations must be complied, such as the Health and Safety at Work Act 2015 (HSWA)⁴.

It is important that each provider evaluates which Code practices are reasonable and necessary given any other legislation or regulations that supersede or have a nexus with the Code.

³ Set by The Civil Aviation Authority; a Crown entity responsible to the Minister of Transport.

⁴ WorkSafe – Mahi Haumaru Aotearoa, a Crown entity, is the regulator of the workplace health and safety system under the HSWA. PCBU is defined in section 17 of the HSWA.