

# APPRENTICESHIP BILL, 2024

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## APPRENTICESHIP BILL, 2024

### A BILL FOR AN ACT TO REPEAL AND REPLACE THE APPRENTICESHIP ACT, TO MAKE PROVISION FOR THE REGULATION OF THE TRAINING OF APPRENTICES AND FOR CONNECTED PURPOSES.

Enacted by the Parliament of The Bahamas

#### PART I – PRELIMINARY

**1. Short title and commencement.**

- (1) This Act, may be cited as the Apprenticeship Act , 2024.
- (2) This Act shall come into operation on a date to be appointed by the Minister, by notice published in the *Gazette*.

**2. Interpretation.**

In this Act, unless the context otherwise requires —

“**apprentice**” means a person who enters into, and is bound by, an apprenticeship agreement;

“**apprenticeship**” means a form of structured and remunerated or otherwise financially compensated education and training, consisting of both on-the-job and off-the-job learning that leads to recognized competencies and qualification required for work in an occupation, and enables an apprentice to work in that occupation;

“**apprenticeship agreement**” means an agreement whether originally in writing or not, entered into by an apprentice with an employer who

undertakes to employ the apprentice and to educate and train or to have him educated and trained pursuant to an apprenticeship programme established under section 10;

“**apprenticeship order**” means an apprenticeship order made in accordance with section 17;

“**employer**” means any person, or undertaking, corporation, company, public authority or entity which employs an apprentice to train and qualify him in any occupation under an apprenticeship agreement;

“**medical practitioner**” has the meaning assigned to it by section 2 of the Medical Act (*Ch. 224*);

“**Minister**” means the Minister responsible for Labour;

“**minor**” means a person who has attained the age of sixteen and is under the age of eighteen years;

“**National Apprenticeship Board**” or “**Board**” means the National Apprenticeship Board established by section 4;

“**National Apprenticeship Unit**” or “**NAU**” means the body established by section 6;

“**occupation**” means any art, craft, skill, trade, profession or other field of endeavour or undertaking specified in an apprenticeship order;

“**programme**” means the apprenticeship programme established by section 10;

“**registered agreement**” means an apprenticeship agreement registered in accordance with section 20; and

“**Sector Skill Council**” means a Council established by section 7 specified in a Sector Skill Order made by the Minister.

### 3. Objectives.

The objectives of this Act are —

- (a) to establish and make available, programmes for training of apprentices through public or private partnerships;
- (b) to build capacity and skills in the labour market by providing on-the-job training of apprentices in order to meet current and projected future employment needs of The Bahamas; and
- (c) to increase the employability and access to quality jobs by improving the quality and productivity of workers through apprenticeship programmes.

## PART II – NATIONAL APPRENTICE BOARD

### 4. National Apprentice Board.

- (1) The Minister may, by notice published in the *Gazette*, establish a Board to be known as the National Apprenticeship Board.
- (2) The provisions of the *Schedule* shall have effect with respect to the constitution of the Board and otherwise in relation thereto.
- (3) Subject to the provisions of this Act, the Board shall —
  - (a) provide the governance and oversight framework for the programme including strategic support, guidance, and direction; and
  - (b) be supported administratively by the National Apprenticeship Unit.

### 5. Functions of the Board.

Without prejudice to the generality of section 4(3), the Board shall —

- (a) set up the institutional framework for a quality programme;
- (b) review the annual budget of the NAU and submit the review to the Minister;
- (c) support apprentices to transition from learning to work;
- (d) evaluate the programme;
- (e) in collaboration with the relevant Sector Skill Council, approve the number of apprentices required to be trained in any occupation to ensure that sufficient skilled workers will be available to satisfy the requirements of the relevant sectors within the labour market;
- (f) review and approve all standards of training of apprentices recommended by the relevant Sector Skill Council;
- (g) at the request of the Minister, investigate and make recommendations on any matters connected with this Act; and
- (h) perform such duties and functions regarding any matter concerning apprenticeship as may be prescribed by regulations made under section 34.

## NATIONAL APPRENTICESHIP UNIT

### 6. Establishment and functions of the National Apprenticeship Unit.

- (1) For the purposes of this Act, there is hereby established a body to be known as the National Apprenticeship Unit or NAU, which shall be

administratively responsible for the programme including the provision of secretariat services to the Board.

- (2) The NAU established under subsection (1), shall be comprised of persons appointed by the Minister who have the requisite skills and experience as necessary to administer the programme, and to support the Board in the execution of the Board's functions.
- (3) The Minister shall select one of the members appointed to the NAU to head the NAU, and that person shall sit as a member of the Board.
- (4) In the exercise of its functions under this section, the NAU shall —
  - (a) register all employers who sign up to participate in the programme;
  - (b) register all apprenticeship agreements;
  - (c) monitor the training of apprentices;
  - (d) coordinate the development and implementation of final assessments;
  - (e) develop and maintain Standard Operating procedures for the programme; and
  - (f) assist the Board in any other matters relating to the operation of the programme as the Board may direct.

## **7. Appointment of Sector Skill Council.**

There shall be established by the Minister by order, a Sector Skill Council for each sector within the labour market as in his opinion is necessary for carrying into effect, the objectives of this Act.

## **8. Responsibilities of Sector Skill Council.**

A Sector Skill Council shall —

- (a) represent the group of employers competing, operating, and training in the same sector of the labour market;
- (b) collaborate with those employers for the purpose of pursuing the common goal of creating a pool of skilled workers for that sector; and
- (c) be responsible for —
  - (i) assessing the skills needs in its sector;
  - (ii) collaborating with training providers in designing apprenticeship training programmes and corresponding curricula for its sector;
  - (iii) identifying quality assurance standards for the assessment, certification and evaluation of apprentice training programmes and corresponding curricula for its sector; and

- (iv) setting quality assurance standards for the assessment, certification and evaluation of proposed training programmes and corresponding curricula.

**9. Composition of Sector Skill Council.**

- (1) Each Sector Skill Council shall consist of seven members appointed by the Minister, one of whom shall be elected as Chairman by the members of the Council, who shall preside over the proceedings of the Council.
- (2) The members appointed to each Council shall include —
  - (a) a sector training provider;
  - (b) five representatives from employers competing, operating, and training in that sector of the labour market; and
  - (c) a representative who is a resident of a Family Island.
- (3) The Chairman may invite any person to attend a meeting of the Council where he considers it necessary or desirable so to do.

**PART III – ESTABLISHMENT OF THE  
APPRENTICESHIP PROGRAMME**

**10. Apprenticeship programmes.**

There is hereby established an apprenticeship programme consisting of theoretical and practical instruction developed for the training of apprentices in occupations specified by an apprenticeship order.

**11. Accredited Public and Private Providers.**

There shall be such public and/or private institutions and professionals engaged by the Board as providers for the programme, to —

- (a) develop curricula and learning materials;
- (b) provide certification for graduates;
- (c) support transition of apprentices from apprenticeship to further education and training;
- (d) develop apprenticeship training plans including formative assessment in numeracy and literary skills as approved by the National Accreditation and Equivalency Council of The Bahamas, in preparation for entering the programme; and
- (e) coordinate the development and implementation of final assessments in the programme.

**12. Who may be an apprentice.**

A person who —

- (a) is sixteen years and older;
- (b) if a minor, with the consent of his parent or guardian, or if no parent or guardian, with the consent of the Board;
- (c) a Bahamian citizen, a permanent resident with the right to work in The Bahamas, or the holder of a Belonger's permit; and
- (d) certified fit by a medical practitioner as provided by section 13, may enter into an apprenticeship agreement, in any occupation specified in an apprenticeship order under this Act.

**13. Medical fitness for employment.**

Before entering in an apprenticeship agreement with an employer, the applicant shall provide the employer with a medical certificate from a medical practitioner certifying he is in good health and medically fit to be employed.

**14. Who may be an employer.**

- (1) Any person, undertaking, corporation, company, public authority, or entity, who —
  - (a) is qualified, skilled or proficient in an occupation;
  - (b) is desirous of participating in the programme;
  - (c) makes application to the Board in writing to participate in the programme;
  - (d) enters into a funding agreement with the Board pursuant to section 16 or sets up self-funding for the training of apprentices; and
  - (e) is approved by the Board, shall be an employer for the purposes of this Act and may enter into an apprenticeship agreement.
- (2) Notwithstanding the provisions of subsection (1), employers who before the commencement of this Act, operated their own apprenticeship programmes, may continue to do so, provided such programmes are registered in accordance with this Act.
- (3) An employer under this Act shall —
  - (a) promote and offer apprenticeship opportunities to employees;
  - (b) recruit suitable persons to participate in the programme;
  - (c) ensure the faithful compliance with apprenticeship agreements entered into with apprentices; and
  - (d) develop and support training provider relationships.



**15. Permission to employ apprentices.**

- (1) Subject to the provisions of this section, an employer shall not, after the commencement of this Act, employ a person under an apprenticeship agreement in any occupation covered by the programme without having first obtained the written permission of the Board to do so.
- (2) The Board shall not grant permission to a person seeking to employ a person under an apprenticeship agreement unless the employer —
  - (a) satisfies the Board that his organization offers such training as is recommended by the Board for apprentices of the description applied for; and
  - (b) discloses the number of apprentices for which permission is sought, with particulars of the apprenticeship training to be provided.
- (3) Subject to subsection (4), an employer who at the date of commencement of this Act —
  - (a) employs an apprentice in an occupation which is subsequently specified in an apprenticeship order; or
  - (b) employs an apprentice in its own apprenticeship program, may continue to so employ that apprentice.
- (4) Upon the occupation becoming subject to an apprenticeship order, an employer referred to in subsection (3), shall forthwith transmit an apprenticeship agreement to the Board, who shall register it in accordance with section 20.
- (5) Where permission is granted by the Board under this section, the Board shall specify the maximum number of apprentices the person to whom permission is granted may employ at any one time.
- (6) The Minister may, upon the application of any person aggrieved by the decision of the Board under this section, review such decision and may confirm, vary, or reverse the same, which decision shall be final.
- (7) Subject to subsections (3) and (4), a person who employs an apprentice without first obtaining the written permission of the Board may be subject to the sanctions imposed by section 33.

**16. Financial arrangements.**

Each employer approved by the Board to participate in the programme shall either enter into an apprenticeship funding agreement with the Board, or establish self-funding for its apprentices, which shall provide *inter alia* for the percentage of salaries and training expenses of apprentices to be disbursed by the employer.

## APPRENTICESHIP ORDERS

### 17. Power of Minister to make apprenticeship orders.

- (1) Subject to the provisions of this section, the Minister may, after consultation with the Board and the relevant Sector Skill Council, make apprenticeship orders to establish and regulate apprenticeships in any occupation in any sector as specified in the order.
- (2) An apprenticeship order shall contain any, or all, of the following —
  - (a) the minimum age at which a person may be employed as an apprentice;
  - (b) the sector and occupational skills covered by the order;
  - (c) the standard of education which a person shall be required to attain for employment as an apprentice in the occupation to which the order relates;
  - (d) the system of theoretical and practical instruction to be adopted for the training of apprentices covered by the order;
  - (e) the grant to apprentices of vacation, sick, and study leave;
  - (f) the probationary period of apprenticeship;
  - (g) the minimum rate of pay and the allowances for travelling and subsistence to be granted to apprentices;
  - (h) the maximum hours of work of apprentices;
  - (i) the requirement that an employer who has, or proposes to establish, a voluntary savings fund for apprentices, record the contributions paid into the fund by apprentices, and record the remittance of those contributions from the fund;
  - (j) the requirement that an employer furnish to the Board, returns, reports, evaluations, and monetary records of apprentices, and keep a record of all documents so furnished; and
  - (k) any other rights and conditions of service of apprentices, as the Minister deems fit.
- (3) Prior to making an apprenticeship order, the Minister shall consult the Board and the following persons from the sector to which the order relates —
  - (a) training providers;
  - (b) employers;
  - (c) skilled artisans, craftsmen, tradesman, professionals, and workmen; and
  - (d) such other persons as the Minister deems appropriate.

- (4) Persons referred in subsection (3) may in relation to an apprenticeship order, submit to the Minister any —
  - (a) objections to the order or to any provisions of the order;
  - (b) representations in relation to any matter contained in the order; and
  - (c) evidence in support of any objections or representations made.
- (5) Subject to this section, the Minister may, at any time, amend or revoke an apprenticeship order.
- (6) An apprenticeship order shall not take effect until the date of its commencement is published by the Minister by Notice published in the *Gazette*.

## APPRENTICESHIP ORDERS

### **18. Apprenticeship agreements to be subject to apprenticeship order.**

- (1) Subject to subsection (2), all apprenticeship agreements in respect of any occupation specified in an apprenticeship order shall be subject to the provisions of that order.
- (2) Subject to subsection (4)(b), where an apprenticeship agreement was entered into before the commencement of this Act, it shall be deemed to continue to subsist after the date of commencement of this Act and shall be registered under section 20 if it is in writing and if not in writing shall be reduced to writing and registered within sixty working days after execution.
- (3) Any party to a contract deemed to subsist under subsection (2), may apply to the Board to modify the contract of apprenticeship in so far as it is inconsistent with an apprenticeship order under this Act and affects the apprenticeship agreement.
- (4) Pursuant to subsection (3), the Board may —
  - (a) with the written agreement of the employer and apprentice, make such modification to the contract of apprenticeship as the Board thinks fit to bring it in compliance with any apprenticeship order made under this Act; or
  - (b) direct that the parties enter a new apprenticeship agreement which complies with the relevant apprenticeship order under this Act.

### **19. Requirements for apprenticeship agreements.**

An apprenticeship agreement entered in after the commencement of this Act, shall be in writing, shall be signed by the employer and the apprentice, or where such apprentice is a minor, by his parent or guardian, or if he has no parent or

guardian, by the Board, and shall be subject to the provisions of the Employment Act (*Ch. 321A*).

## **20. Registration of apprenticeship agreements.**

- (1) An employer who enters in an apprenticeship agreement with any person after the date of commencement of this Act shall, within fourteen working days after execution of the agreement, electronically, digitally, or manually lodge with the Board, for registration —
  - (a) the apprenticeship agreement, together with two copies thereof where the agreement is manually lodged; and
  - (b) the medical certificate required by section 13.
- (2) No apprenticeship agreement made before or after the commencement of this Act shall be binding unless it has been registered by the Board.
- (3) In every case where the Board registers an agreement, it shall —
  - (a) endorse the particulars of registration thereon and on the copies referred to in paragraph (a) of subsection (1);
  - (b) return the agreement and a copy to the employer; and
  - (c) file the other copy referred to in paragraph (a) of subsection (1).
- (4) The employer shall deliver a copy of the agreement endorsed under subsection (3)(a) to the apprentice.
- (5) Any employer who fails to comply with the provisions of this section may be subject to the sanctions imposed by section 33.

## **21. Body corporate a party to apprenticeship agreement.**

Where a party to an apprenticeship agreement is a body corporate, the agreement shall be signed in the name of, or on behalf of, the body corporate by such person legally authorized on its behalf, to execute agreements and to affix its common seal.

## **22. Refusal to register an apprenticeship agreement.**

The Board may refuse to register any apprenticeship agreement if, in its opinion, it is not —

- (a) in the best interests of the apprentice; or
- (b) compliant with the provisions of this Act.

## **23. Probationary Period.**

- (1) Subject to subsection (3), an apprentice shall be subject to such period of probation as prescribed by an apprenticeship order during which the agreement may be terminated by either the apprentice or the employer.

- (2) The employer shall within one month of the termination of a contract under subsection (1), give notice to the Board of such termination, and any employer who fails to give such notice within the period, may be subject to the sanctions imposed by section 33.
- (3) The probationary period referred to in subsection (1), may be extended by the Minister at the request of an employer.

#### **24. Suspension of apprenticeship agreement by employer.**

- (1) An employer who is satisfied that an apprentice has committed a breach of —
  - (a) the terms of the apprenticeship agreement; or
  - (b) any conditions of apprenticeship applicable to such apprentice; or
  - (c) the Employment Act (*Ch. 321A*),may forthwith suspend the apprentice without pay for not more than twenty-eight working days provided the breach is not one which may justify termination under section 26(2).
- (2) An employer who has suspended an apprentice shall report the matter in writing to the Board forthwith and in any case not later than seven working days after the suspension.
- (3) The Board shall cause an investigation to be made into the matter within seven working days of receipt of the report and shall confirm or set aside the suspension of the apprentice or vary the terms thereof before the expiration of the period of suspension.
- (4) Where no decision is made by the Board pursuant to subsection (3), the apprenticeship agreement is deemed terminated, and the employer shall pay to the apprentice such wages as may be owed to him for the period during which he was suspended.

#### **25. Suspension of apprenticeship agreement by Board.**

- (1) The Board may, whether a complaint has been lodged by the employer or not, order the suspension of an apprentice during any investigation it may see fit to conduct.
- (2) Where the Board sets aside the suspension of an apprentice, the employer shall pay to the apprentice such wages as may have been withheld from him for the period of suspension.

#### **26. Termination of apprenticeship agreement.**

- (1) Subject to the provisions of this section, an apprenticeship agreement is terminated —

- (a) on expiration of the agreement;
  - (b) by mutual agreement in writing of the parties to the agreement;
  - (c) by the employer where an apprentice has committed a fundamental breach of the terms of his agreement or any conditions of the apprenticeship as prescribed by subsection (2);
  - (d) by the Board at the instance of any party thereto if it is satisfied that it is expedient to do so; or
  - (e) by the apprentice, if the employer's business ceases, due to the death of the employer who is the sole owner of the business employing the apprentice, or if the employer is adjudged bankrupt, or if the employer's business is otherwise terminated.
- (2) A fundamental breach of the terms and conditions of the apprenticeship agreement for the purposes of subsection (1)(c) may include, but are not limited to —
- (a) consistently poor performance by the apprentice, or failure to adapt to the employer's system of work on the part of the apprentice;
  - (b) unjustified absence by the apprentice from—
    - (i) work for more than twenty-eight working days in a year; or
    - (ii) training or school which results in grade retention; or
  - (c) such misconduct or acts of incompetence on the part of the apprentice that would justify termination under the Employment Act (*Ch. 321A*) if he were an employee other than an apprentice.
- (3) The employer shall give notice to the Board of the termination of any apprenticeship agreement under subsection (1)(a), (b), (c), or (e), and any employer who fails to give such notice within a period of ten working days may be subject to the sanctions imposed by section 33.
- (4) An apprenticeship agreement is not terminated under subsection (1)(d) unless both parties to the agreement have been given an opportunity to be heard orally, or to make representations in writing, to the Board.
- (5) Where an apprenticeship agreement is terminated for fundamental breach under subsection (2), the grounds on which the agreement is terminated shall be set out in an evaluation report prepared by the employer which shall be forwarded to the Board forthwith, and the agreement shall not be considered terminated unless the Board is satisfied on a balance of probabilities that the apprentice committed the acts of which he is accused.

**27. Prohibited terms or conditions in apprenticeship agreement.**

Notwithstanding the provisions of any other law for the time being in force in The Bahamas, any term of an apprenticeship agreement or any condition of apprenticeship which —

- (a) provides that the whole or any part of the wages of an apprentice shall be based on the quantity of the work done; or
- (b) requires an apprentice under seventeen years of age to work overtime; or
- (c) except with the consent of the Board, provides for an apprentice to be employed outside The Bahamas,

shall be null and void.

**28. Transfer of rights and obligations to other employers.**

- (1) The rights and obligations of an employer under any apprenticeship agreement may be transferred to another employer —
  - (a) with the consent of the apprentice, both employers; and
  - (b) with the approval of the Board.
- (2) Notwithstanding subsection (1), no transfer of the rights and obligations of an employer under any apprenticeship agreement shall take effect until an instrument of transfer —
  - (a) is reduced to writing and signed —
    - (i) by or on behalf of the employer transferring such rights and obligations;
    - (ii) by or on behalf of the employer to whom such rights and obligations are being transferred;
    - (iii) by the apprentice; or
    - (iv) where such apprentice is a minor, by his parent or guardian, or if he has no parent or guardian, by the Board; and
  - (b) is approved and registered by the Board.
- (3) The Board may —
  - (a) approve a transfer of the rights and obligations of an employer under a contract of apprenticeship where the Board is satisfied that the transfer is in the interest of the apprentice, and shall so endorse the transfer instrument; or
  - (b) refuse the transfer of the rights and obligations of an employer, where the transfer is not in the interest of the apprentice and shall so endorse the transfer instrument.
- (4) The new employer to whom an apprenticeship agreement is transferred under subsection (1), shall lodge the transfer instrument with NAU for

registration, within one month of the date on which the instrument of transfer is approved and endorsed by the Board.

- (5) An employer who fails to lodge an instrument of transfer in accordance with subsection (1), may be subject to the sanctions imposed by section 33.

**29. Records to be kept by employer.**

- (1) Every employer shall keep in respect of each apprentice —
- (a) the apprenticeship agreement;
  - (b) on the job training and competency assessment records;
  - (c) records which identify the type of work performed by the apprentice, certificates of compliance in relation to work performed under supervision by the apprentice, logbooks, or journals;
  - (d) disciplinary records, where necessary;
  - (e) a time record for the apprentice for each day of scheduled on-the-job training including start and finish times, meal and other break times, endorsed by the employer’s personnel responsible for supervision of the apprentice;
  - (f) a time record for the apprentice for each day of scheduled off-the-job training including start and finish work times, and meal or other break times, endorsed by training provider personnel responsible for supervising the apprentice for each day while on off-the-job training;
  - (g) pay records for each pay period, including the rate of remuneration paid to the apprentice, the gross and net amounts paid to him, any deductions made, any bonus, or monetary allowance, or any separately identifiable entitlements paid to the apprentice;
  - (h) leave records, including annual leave, sick leave, compassionate leave, and the balance of any outstanding leave (if any); and
  - (i) any other records or assessments at reporting intervals as may be prescribed.
- (2) Every employer shall retain all records made in accordance with this section for a period of twelve months after the date of termination of the contract of apprenticeship and shall thereafter submit such records to the Board.
- (3) Any employer who fails to keep the required records, or every employer who fails to retain any record made in accordance with the provisions of this section for the required period, or who fails to submit the same to the Board, may be subject to the sanctions imposed by section 33.



## PART IV – MISCELLANEOUS

### 30. Appointment of inspectors.

The Minister may designate any suitable and qualified public officer as an inspector for the purposes of this Act.

### 31. Powers of inspectors.

- (1) An inspector may without a warrant —
  - (a) at any reasonable time during working hours enter any premises in which he has reasonable cause to believe that an apprentice is, or has within the previous six months, been employed;
  - (b) examine, any records pertaining to any person whom he has reasonable cause to believe was an apprentice employed on such premises within the preceding twelve months;
  - (c) require the production of any of the records required to be kept under the provisions of this Act; and
  - (d) examine and make extracts from, and copies of, any such documents produced.
- (2) The inspector shall —
  - (a) give reasonable notice to the employer prior to his arrival at the premises;
  - (b) on arrival, notify the employer or his representative of his presence on the premises;
  - (c) produce written evidence of his appointment as an inspector if requested;
  - (d) not enter or inspect a private dwelling house without a warrant, or without the consent of the occupier thereof; and
  - (e) if required by the employer or representative of the employer, permit the employer or such representative to accompany him during the inspection or examination.
- (3) All information and records gathered by an inspector pursuant to his powers under this section shall be produced to the Board.
- (4) A person commits an offence, who —
  - (a) refuses or fails to comply with any reasonable requests made by an inspector during an inspection pursuant to the provisions of this section; or
  - (b) willfully hinders an inspector in the lawful exercise of his powers, commits an offence and is liable on summary conviction to a fine of one thousand dollars.

**32. Enticement of apprentices.**

An employer who —

- (a) induces or attempts to induce an apprentice to quit the service of his employer; or
- (b) employs a person as an apprentice whom he knows to be bound by an apprenticeship agreement to another employer,

shall be subject to the sanctions imposed by section 33.

**33. Sanctions for failure to comply.**

The Board may —

- (a) terminate the apprenticeship of any person who fails to comply with the provisions of this Act or Regulations made hereunder;
- (b) remove an employer from participating in the programme who —
  - (i) employs a person under an apprenticeship agreement without first obtaining the permission of the Board;
  - (ii) fails to apply for registration of an apprenticeship agreement in accordance with section 20;
  - (iii) fails to give notice to the Board of suspension or termination of an apprenticeship agreement in accordance with sections 24, and 26;
  - (iv) entices or attempts to induce an apprentice to breach section 32;
  - (v) acts in a manner inconsistent with any of the policies underlying the programme; or
  - (vi) fails to comply with the provisions of this Act or any Regulations made hereunder; or
- (c) withdraw funding from the apprenticeship programme of any employer who fails to comply with the provisions of this Act, or any regulations made hereunder.

**34. Regulations.**

The Minister, after consultation with the Board and Sector Skill Councils, may make regulations generally for giving effect to the provisions of this Act and without prejudice to the generality of this section, shall prescribe the arrangements for the funding of the programme, the remuneration to be paid to apprentices, and the contributions to be made by the Government and employers.

**35. Repeal.**

The Apprenticeship Act (*Ch. 320*) is repealed.

**36. Transitional provision.**

Any person who at the commencement of this Act has an apprentice in his employment may, subject to section 15, continue to employ that apprentice.

**SCHEDULE**

(section 4(2))

**THE NATIONAL APPRENTICESHIP BOARD**

**1. Membership.**

- (1) The National Apprenticeship Board shall consist of thirteen members appointed by the Minister, as follows —
  - (a) three members representing the interests of employers, one of whom shall be a member of the National Tripartite Council, one who represents a Family Island, and one who represents the most representative body of employers;
  - (b) three members representing the interests of trade unions, one of whom shall be a member of the National Tripartite Council, one who represents the Family Islands, and one who represents the most representative body of trade unions;
  - (c) one member representing The Bahamas Technical and Vocational Institute;
  - (d) one member representing the University of The Bahamas;
  - (e) one member from a professional association representing women;
  - (f) one member from a professional association representing youth;
  - (g) one member from a professional association representing persons with disabilities;
  - (h) the head of the National Apprenticeship Unit; and
  - (i) the Director of Labour.
- (2) A member shall hold office for such period, not exceeding three years, as shall be specified at the time of his appointment and shall be eligible for reappointment.
- (3) The Minister shall appoint from among the members of the Board, a Chairman, Vice Chairman, a Secretary, and such other officers as may be considered necessary for the functioning of the Board, who shall perform such duties as the Board may determine.

- (4) A quorum of a meeting of the Board shall be seven and must include a member representing each of the employers and trade unions, either the head of the National Apprenticeship Board or the Director of Labour, a member from either The Bahamas Vocational Institute, or the University of The Bahamas, and a member from either of the professional associations.
- (5) The Minister may at any time terminate the appointment of any non-government member of the Board, as specified in subsubparagraphs (a), (b) and (c) of subparagraph (1).

## **2. Remuneration.**

There shall be paid to the Chairman and members of the Board, such remuneration and allowances as the Minister may determine.

## **3. Resignation of members.**

Any member of the Board may resign his appointment by notice in writing to the Minister.

## **4. Advice to Board.**

- (1) The Chairman of the Board may co-opt any one person or more than one person, to attend a meeting or meetings of the Board for the purpose of assisting or advising the Board, but no such co-opted person or persons shall have a vote.
- (2) The quorum of the Board for any meeting shall be seven members.

## **5. Rules and Procedures.**

Subject to the provisions of this section, the Board shall have power to regulate its own proceedings.

## OBJECTS AND REASONS

The Bill repeals the Apprenticeship Act (*Ch. 320*) and makes new provision for the regulation of the training of Apprentices through a new national Apprenticeship programme.

Clauses 1 to 3 makes provision for the Short Title and commencement, Interpretation and objectives of the Bill.

Clauses 3 through 5 set out the objectives of the Act which include the establishment of the new Apprenticeship programme under which apprentices will be trained through public/private partnerships aimed at building skills and capacity in the labour market, and enabling apprentices to make seamless transitions from education to work.

The programme will be designed to enhance the employability of apprentices through the acquisition of relevant skills, personal development and a recognized qualification in an art, craft, skill, trade, profession, or other field of endeavour or undertaking.

Through the Apprenticeship programme, it is hoped that the employability of young people, and the access by them to quality jobs will be accomplished by the improvement in their qualifications and productivity, and so enable The Bahamas to meet its current and projected future employment needs.

To achieve the above objectives, a National Apprenticeship Board is established by clause 4 and sets out the functions of the Board which are to administer the programme through its governance, oversight, strategic support, and guidance.

In carrying out its functions, the Board will be administratively supported by the National Apprenticeship Unit established by Clause 6. The NAU shall comprise persons appointed by the Minister who possess the requisite skills and experience necessary to assist in the administration of the programme.

Clause 7 provides for the establishment of Sector Skill Councils for each sector of the labour market which the Minister may identify by order.

Clause 8 prescribes the responsibilities of the Sector Skill Councils, which include, assessing the skills needs of their sectors, and collaborating with training providers in designing training programmes and curricula for their sectors. They are further tasked with identifying and setting quality assurance standards for assessment, certification, and evaluation of apprenticeship programmes for their sectors.

Clause 9 provides for the composition of each Sector Skill Council to include sector training providers and representatives from employers competing, operating, and training in the relevant labour sector.

Clause 10 establishes the Apprenticeship Programme and Clause 11 provides for the accreditation of such public and private institutions and professionals to develop and support the programme in the ways mentioned in that Clause.

Clause 12 defines who is eligible to be an apprentice, namely a Bahamian citizen, a permanent resident, or the holder of a Belonger's permit, who is over sixteen years old and under eighteen years old with the consent of a parent or guardian, or if no guardian with the consent of the Board, or a person over eighteen years old.

Clause 13 provides that a person entering the programme must be in good health and medically fit for employment as certified by a medical practitioner.

Clause 14 defines who may be an employer of an apprentice. Persons so qualified, include an undertaking, company, public authority, or entity qualified skilled or proficient in an occupation as defined, is desirous of participating in the programme, makes application to the Board to participate in the programme, enters into a funding agreement or sets-up self-funding for the training of apprentices, and is approved by the Board to participate. This Clause also provides for the functions of the employer enrolled in the programme.

Clause 15 provides for the process of application for permission by employers to have apprentices pursuant to the programme and provides for the grandfathering into the programme of those employers who have apprentices in their employ at the date of commencement of the Act.

Clause 16 provides for the financial arrangements which may be made by employers with the approval of the Board for funding apprenticeships, which arrangements must provide for the percentage of salaries and training expenses of apprentices to be covered by employers.

Clause 17, under this Clause the Minister may make apprenticeship orders after consultation with the Board and the relevant Sector Skill Council to provide for the establishment and regulation of apprenticeships in any occupation in any sector specified in the order.

Clause 18 makes provision for apprenticeship agreements between employers and apprentices in respect of occupations specified in an apprenticeship order under the Act, including contracts of apprenticeship in existence prior to the commencement of this Act.

Clauses 19, 20, 21 and 22 set out respectively, the legal requirements for entering into apprenticeship agreements including where the employer is a body corporate, the registration of those agreements, and the discretion of the Board not to register agreements where the agreement is not in the best interests of the apprentice or does not comply with the Act.

Clauses 23, 24, 25 and 26 provide for probationary period of an apprenticeship, for the suspension and termination of apprenticeship agreements.

Clause 27 provides for prohibited terms and conditions to be included in apprenticeship agreements.

Clause 28 makes provision for the transfer of the rights and obligations under an apprenticeship agreement to a subsequent employer.

Clause 29 tasks employers with the obligation to keep records in respect of each apprentice.

Clauses 30 and 31 provide for the appointment of inspectors for the purposes of the Act and for the powers of such inspectors, subject to giving reasonable notice to the employer, enter premises where apprentices are employed, to examine any records pertaining to apprentices, require the production of any records required by the Act to be kept by employers and may examine those records and take extracts from, and copies of, such documents.

Clause 32 forbids an employer from inducing an apprentice to quit his apprenticeship or to employ an apprentice he knows to be bound by an apprenticeship agreement and provides sanctions for breach.

Clause 33 provides for sanctions to be imposed by the Board on employers for non-compliance with the terms of an apprenticeship agreement or with the provisions of the Act including enticement. Such sanctions include removing the employer from participating in the apprenticeship programme or withdrawing funding from an employer's apprenticeship programme.

Clauses 34 and 35 provide, respectively, for the making of Regulations by the Minister, for the repeal of the existing Act and the transitioning of existing apprenticeships .

The Schedule to the Bill provides for the Composition of the Board, and other matters related thereto.