



BERMUDA

**NATIONAL CERTIFICATION AND APPRENTICESHIP BOARD
(APPRENTICESHIP AND TRAINING) REGULATIONS 2009**

BR 82 / 2009

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SCHEDULE

SCHEDULE

The National Certification and Apprenticeship Board, with the approval of the Minister responsible for the National Certification and Apprenticeship Board, in exercise of the powers conferred by section 28 of the National Certification and Apprenticeship Board Act 1997, makes the following Regulations:

PART 1

PRELIMINARY PROVISIONS

Citation

1 These Regulations may be cited as the National Certification and Apprenticeship Board (Apprenticeship and Training) Regulations 2009.

[Regulation 1 amended by 2023 : 30 s. 9 effective 1 January 2024]

Interpretation

2 In these Regulations—

“the Act” means the National Certification and Apprenticeship Board Act 1997;

“record book” means the record of employment in respect of an apprentice or trainee pursuant to section 21 of the Act.

[Regulation 2 amended by 2023 : 30 s. 9 effective 1 January 2024]

Forms

3 The Forms referred to in these Regulations are set out in the Schedule.

PART 2

CONTRACT OF APPRENTICESHIP AND TRAINING

Employing an apprentice or trainee

4 A person who wishes to employ an apprentice or trainee under section 12 of the Act shall, before doing so, apply to the Board in writing—

(a) for permission to do so; and

(b) for approval of the appointment of a person as the supervisor of the apprentice or trainee under section 26 of the Act.

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Registering a contract of apprenticeship or training

5 (1) Every contract of apprenticeship or training made pursuant to section 15 of the Act shall be in the form set out in Form 1.

(2) The Board may approve variations to the form of contract in respect of matters relating to an employer, apprentice, trainee or occupation.

(3) An employer who lodges a contract for registration shall, if the apprentice or trainee is a minor, lodge at the same time—

- (a) written proof that the minor is not of compulsory school age under section 40 of the Education Act 1996;
- (b) the consent, in writing, required under section 13(2) of the Act, or an order of a magistrate dispensing with consent under section 13(3) of the Act; and
- (c) the medical certificate required under section 14(1) of the Act.

(4) A person who enters into a contract of apprenticeship or training shall not employ or be employed as an apprentice or trainee unless the contract has been registered by the Director.

(5) Where the Director registers a contract, he shall issue an identification card to the apprentice or trainee.

[Regulation 5 amended by 2011 : 47 s.7(1) effective 18 December 2011]

Approval of transfer of contract

6 (1) Where an employer (the “first employer”), the apprentice or trainee, and another employer (the “second employer”) agree to transfer the rights and obligations of a contract, they shall sign an instrument of transfer indicating their consent to the transfer.

(2) The second employer shall, no later than one month from the date on which he signed the instrument of transfer, apply to the Board for approval of the transfer.

(3) An application made under paragraph (2) shall be accompanied by the following—

- (a) the signed instrument of transfer;
- (b) where the apprentice or trainee is a minor, the consent in writing, as is required under section 13(2) of the Act, or an order of a magistrate dispensing with consent as is required under section 13(3) of the Act; and
- (c) where the second employer does not have approval to employ an apprentice or trainee—
 - (i) an application to employ an apprentice or trainee; and
 - (ii) an application to approve the person appointed as the supervisor of the apprentice or trainee.

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(4) Where an application to transfer has been approved, the first employer shall send to the Director the original and the two endorsed copies of the contract, together with any record books in respect of the apprentice or trainee.

(5) The Director shall—

- (a) further endorse the particulars of registration of the second employer on the original, the two copies, and the filed copy of the contract;
- (b) send to the second employer—
 - (i) the original contract;
 - (ii) the original instrument of transfer;
 - (iii) any record books in respect of the apprentice or trainee; and
 - (iv) the two copies of the contract;
- (c) make and send a copy of the contract to the first employer; and
- (d) notify the Registrar-General of the transfer.

[Regulation 6 amended by 2011 : 47 s.7(1) effective 18 December 2011]

Probationary period

7 (1) At the end of a probationary period, an employer shall conduct and submit to the Board an evaluation of the performance of the apprentice or trainee.

(2) An employer, or an apprentice or trainee, who wishes to apply to the Board to have the probationary period extended or reduced under section 19 of the Act, shall do so in writing stating the reason for the requested extension or reduction.

Agreement to extend or terminate contract

8 (1) Where, after the probationary period has expired, the parties agree to extend or terminate a contract under section 18(1)(a) of the Act, the parties shall sign a written agreement to the extension or termination.

(2) The employer shall notify the Director, in writing, no later than thirty days after the date on which the agreement to extend or terminate the contract was signed by the parties.

(3) The notice shall be accompanied by the signed agreement, and where the apprentice or trainee is a minor the consent, in writing, as is required under section 13(2) of the Act, or an order of a magistrate dispensing with consent as is required under section 13(3) of the Act.

(4) The Director shall notify the Registrar-General that a contract has been extended or terminated.

[Regulation 8 amended by 2011 : 47 s.7(1) effective 18 December 2011]

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Extension or termination of contract by the Board

9 (1) Subject to paragraph (2), where only one party wishes to extend or terminate a contract under section 18(1)(b) of the Act, that party may apply to the Board in writing.

(2) Where the party applying under paragraph (1) is a minor, the application shall be accompanied by the consent, in writing, as is required under section 13(2) of the Act, or an order of a magistrate dispensing with consent as is required under section 13(3) of the Act.

(3) The Board shall notify the Registrar-General where it extends or terminates a contract.

PART 3

COMPLETION AND CERTIFICATE

Notice of completion of apprenticeship or training

10 No later than thirty days after an apprentice or trainee has completed a period of apprenticeship or training, the employer shall give notice of the completion to the Director in Form 2.

[Regulation 10 amended by 2011 : 47 s.7(1) effective 18 December 2011]

Certificate of completion and proficiency

11 (1) Where an apprentice or trainee has completed a period of apprenticeship or training he may, upon payment of the fee of \$50, apply to the Board for a certificate of completion and proficiency.

(2) Before issuing a certificate under paragraph (1), the Board shall satisfy itself that the apprentice or trainee has—

- (a) successfully completed the practical and theoretical training required by the scheme which is applicable to the apprentice or trainee; and
- (b) met the standard of proficiency required by that scheme.

PART 4

MISCELLANEOUS AND FINAL PROVISIONS

Supervisor vacating position

12 Where a person vacates the position of supervisor, the employer shall notify the Board, in writing, no later than seven days after the person vacates the position and shall, at the same time, seek the approval of the Board for the appointment of another person as the supervisor.

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Record of employment

13 Record books kept in respect of an apprentice or trainee pursuant to section 21 of the Act shall be in the form approved by the Board and shall be—

- (a) updated and signed by the employer each week;
- (b) submitted to the Board by the employer—
 - (i) no later than fourteen days after the date on which the last entry was made in a record book that is full; or
 - (ii) no later than thirty days from the date of termination of a contract; or
 - (iii) no later than thirty days after an apprentice or trainee has completed a period of apprenticeship or training.

Return of employer

14 (1) An employer of an apprentice or trainee shall furnish to the Board a return pursuant to section 28(1)(c) of the Act for each year ending 31 March.

(2) The return shall be in the form set out in Form 3 and submitted to the Board no later than 30 April of each year.

Commencement

15 These Regulations come into operation on 31 December 2009.

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SCHEDULE

SCHEDULE

FORM 1

(regulation 5)

CONTRACT OF APPRENTICESHIP OR TRAINING

WHEREAS *[name of employer]* (“the employer”) has permission, under the National Certification and Apprenticeship Board Act 1997, to employ an apprentice or trainee; and

WHEREAS *[name of apprentice or trainee]* (“the apprentice” or “the trainee”) is entitled under the National Certification and Apprenticeship Board Act 1997 to enter into a contract of apprenticeship or training;

NOW THEREFORE the employer and the apprentice or trainee agree to be bound by the following terms and conditions:

Training Scheme

1. The apprentice or trainee is employed by the employer in the occupation of *[name of occupation]* under a training scheme of the National Certification and Apprenticeship Board leading to certification under the National Certification and Apprenticeship Board Act 1997 and national certification under the National Occupational Certification Act 2004.

2. The employer shall facilitate and the apprentice or trainee shall participate in the training scheme as follows:

Year	Practical Training (no. of hours)	Theoretical Training (list courses)	Examinations	Other Requirements and Conditions (vocational competencies, etc)
1				
2				
3				

Probationary Period

3. This contract is subject to a *[three month] [two month]* probationary period during which time the contract may be terminated by either party, or extended or reduced upon application to the Board by either party.

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4. At the end of the probationary period, the employer will conduct an evaluation of the performance of the apprentice or trainee and will submit the evaluation to the National Certification and Apprenticeship Board.

Term of Contract

5. The term of this contract is for a period of *[number of years]* commencing on *[date]* and ending on *[date]* and may be extended or reduced by mutual agreement of the parties, or by the National Certification and Apprenticeship Board.

Hours of Work and Place of Work

6. The apprentice or trainee will work *[number]* hours per week from *[day]* to *[day]* beginning at *[blank]* a.m. and ending at *[blank]* p.m.

7. The usual place of work of the apprentice or trainee is *[address]*, but he may be required to work at *[specify other addresses or locations]*.

Remuneration, Benefits, and Deductions

8. The employer shall pay to the apprentice or trainee no less than the amount of the minimum wage set out in the training scheme for hours worked.

9. The employer shall arrange for the apprentice or trainee to receive his wages by *[means and frequency of payment]*.

10. The apprentice or trainee is entitled to *[number]* days of paid vacation leave, in addition to statutory public holidays.

11. The apprentice or trainee is entitled to sick leave, maternity or paternity leave, membership in the employer's health insurance plan, and membership in the employer's pension plan.

12. The employer is entitled to deduct from the wages of the apprentice or trainee—

- (a) payroll tax under section 4(1A) of the Payroll Tax Rates Act 1995 at the rate of *[blank]* %; and
- (b) social insurance contributions under the Contributory Pensions Act 1970.

Responsibilities of employer and the apprentice or trainee

13. The apprentice or trainee shall comply with all lawful instructions or directions given to him by the employer or the supervisor.

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14. The apprentice or trainee shall at all times during the performance of his tasks, assignments and duties, adhere to all rules, regulations and policies which are or may be established by the employer.

15. All data or other information concerning the employer obtained by the apprentice or trainee during the course of his employment shall be treated as confidential and shall not be disclosed by him to any other person without the written consent of the employer.

16. The discipline and grievance procedure to be followed are the procedures set out in the *[company or employee handbook]* as read with the *[name and date of the relevant collective agreement]*.

17. The employer and the apprentice or trainee shall comply with the additional duties set out in the Schedule which forms a part of this contract.

18. The employer shall lodge this contract with the National Certification and Apprenticeship Board for registration within six weeks of its being signed by both parties.

Jurisdiction

19. This contract is governed by the laws of Bermuda, in particular, the National Certification and Apprenticeship Board Act 1997, the National Occupational Certification Act 2004, and the Employment Act 2000.

Interpretation

20. Words importing the masculine gender include the feminine gender.

Registration of Contract

21. This contract is not binding unless it is registered by the National Certification and Apprenticeship Board.

22. The employer shall not employ, and the apprentice or trainee shall not be employed as, an apprentice or trainee under the terms of this contract unless the contract is registered by the National Certification and Apprenticeship Board.

[Insert any additional terms or conditions agreed to by the parties (which shall be subject to approval by the Board).]

[Schedule, Form 1 paragraph 10 amended by 2019 : 39 s. 5 effective 1 January 2020; Schedule, Form 1 amended by 2023 : 30 s. 9 effective 1 January 2024]

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SCHEDULE

(paragraph 17)

Additional Duties and Responsibilities

- A. The apprentice or trainee shall—
- (i) show due regard for the tools and goods of the employer so as to avoid damage, waste or loss;
 - (ii) adhere to the employer's dress code and all safety procedures;
 - (iii) provide to the employer satisfactory reasons for any absence from employment;
 - (iv) complete the practical training assigned by the supervisor;
 - (v) ensure, as far as possible, that the record book is kept up to date, accurate, and signed weekly by the employer;
 - (vi) carry the identification card at all times while at work and produce it upon request;
 - (vii) complete any additional training that may be identified by the employer or the Board;
 - (viii) attend the required theoretical training;
 - (ix) acquire text books and other supplies required for the theoretical training;
 - (x) notify employer of any other employment or change in employment;
 - (xi) notify the employer of any change in personal details including address and contact information.
- B. The employer shall—
- (i) provide the apprentice or trainee with practical training in all aspects of the occupation as required by the training scheme in so far as the facilities and the nature of the employer's work will permit;
 - (ii) ensure appropriate supervision of the apprentice or trainee;
 - (iii) allow the apprentice or trainee time off from work to attend the required theoretical training;
 - (iv) record the progress of the apprentice or trainee;
 - (v) accurately record, update, and sign on a weekly basis the record book of the apprentice or trainee;
 - (vi) submit to the Board or the Director all forms and other documents that are required by the National Certification and Apprenticeship Board Act 1997;

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(vii) notify the Director of any change in the personal details of the apprentice or trainee.

IN WITNESS WHEREOF the employer and the apprentice or trainee have hereto set their hands this *[blank]* day of *[blank]* 20*[blank]*.

Signature of Apprentice or Trainee:

Full Name:

[address]

Signature of Parent or Guardian:

Full Name:

[address]

Signature of Witness:

Full Name:

[address]

Signature (on behalf of Employer):

Full Name:

Position Held:

[address]

Signature of Witness:

Full Name:

[address]

FORM 2

(regulation 10)

NOTICE OF COMPLETION OF APPRENTICESHIP OR TRAINING

[date]

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National Certification and Apprenticeship Board

Hamilton, Bermuda

Please be informed that on *[date]*, *[name of apprentice or trainee]* completed, to my satisfaction, a period of apprenticeship or training in the occupation of *[name of occupation]* under a contract of employment reference *[number]* dated *[date]*.

Signature (on behalf of Employer):

Full Name:

Position Held:

[address]

FORM 3

(regulation 14)

ANNUAL RETURN OF EMPLOYER

(to be completed by employer for the year ending 31 March and submitted to the National Certification and Apprenticeship Board by 30 April)

(Employer to keep records to which return relates for examination by the Board)

Name of employer:

Part A

Contracts

No. of Apprentices in training scheme at 31 March 20[blank]	No. of Contracts Transferred	No. of Contracts Completed	No. of Contracts Terminated	No. of Contracts Subsisting at 31 March 20[blank]

No. of Trainees in training scheme at 31 March 20[blank]	No. of Contracts Transferred	No. of Contracts Completed	No. of Contracts Terminated	No. of Contracts Subsisting at 31 March 20[blank]

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Part B

Report on Apprentice or Trainee

(add additional page if necessary)

Full name of Apprentice or Trainee:		Occupation:
Registration No.	No. of days absent from work:	
Total no. of hours worked:	Total wages paid:	
Summary of progress and conduct of apprentice or trainee:		
Skills acquired by Apprentice or Trainee:		

Signature (on behalf of Employer):

Full Name:

Position Held:

[address]

Approved this 23rd day of December, 2009

Minister of Labour, Home Affairs and Housing

[Schedule, paragraph B (vi) and (vii) "Additional Duties and Responsibilities" amended by 2011 : 47 s.7(1) effective 18 December 2011; Schedule, Form 2 and 3 amended by 2023 : 30 s. 9 effective 1 January 2024]

Made this 23rd day of December, 2009

National Training Board

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[Amended by:

2011 : 47

2019 : 39

2023 : 30]