



FACT SHEET

Guidelines for determining existing worker status for traineeship training contracts

The State Government provides a range of support to trainees. The level of support can vary, depending on whether the trainee is regarded as a new entrant or an existing worker.

In general, when an employer signs a training contract with someone who has already been working for them for more than three months full time equivalent,¹ that person is considered to be an existing worker.

Eligibility for some Australian Government incentive payments may also be dependent on whether the trainee is an existing worker. Contact an [Australian Apprenticeship Support Network](#) provider for more information about Australian Government incentives.

Any worker who is not considered an existing worker is deemed to be a new entrant.

Incentive payments and publicly funded training

The Western Australian Department of Training and Workforce Development subsidises the course fees for traineeships that are considered high priority. The *Eligible traineeships list* and the *Existing worker traineeships list* are both available on [the Training page of the Jobs and Skills WA website](#).

New entrant trainees who go on to a second traineeship with the same employer within the three months full time equivalent timeframe can maintain their new entrant funding status if they articulate to a higher level qualification.

Payroll tax exemption

The Western Australian State Government's payroll tax exemption requirement relating to employers of trainees includes the following.

- Wages for new entrant trainees are exempt from payroll tax providing the employee's rate of pay for ordinary hours of work does not exceed \$100,000 per annum.
- New entrant trainee wages are exempt from payroll tax for the nominal duration of the traineeship. Nominal durations are provided on the [Register of class A and B qualifications](#).
- Training contracts lodged on or after 1 December 2017 for existing worker traineeships are not eligible for payroll tax exemption.
- If a traineeship training contract is extended beyond the nominal duration, the payroll tax exemption ceases to apply. The payroll tax exemption also ceases to apply during any period when the training contract is suspended.

Transitional arrangements apply for existing worker trainees who lodged a training contract prior to 1 December 2017, providing the rate of pay for ordinary hours worked did not exceed \$100,000 per annum at the time the contract was lodged.

Further information on the eligibility requirements for payroll tax exemption is available [from the Office of State Revenue website](#).

Full time, part time and casual employment

¹ Further information on 'full time equivalent' can be found under 'Calculating the period of Employment' or using the calculator tool.

‘Full time equivalent’ is a key element of the existing worker definition for traineeships and can be a combination of part time, casual and full time work. Any periods of approved leave are included in the calculation.

Someone who has already been working with an employer for more than three months full time equivalent, is considered an existing worker.

In general, a full time employee has ongoing employment and works on average 38 hours per week. They are eligible for paid sick leave and annual leave.

In general, a part time employee has ongoing employment and works regular hours that are fewer than 38 hours per week on average. They are eligible for paid sick leave and annual leave.

In general, casual employees work irregular hours. They are usually not eligible for paid sick leave or annual leave.

Further details of full time, part time and casual employment can be obtained [from the Fair Work Ombudsman website at fairwork.gov.au](https://www.fairwork.gov.au).

Calculating the period of employment

The full time equivalent value of casual/part time employment can be calculated using the attached calculator tool. A number of examples are set out on page 3 to provide guidance on how existing worker status is determined.

The following types of employment are not included in the calculation.

- Where the person was employed while also completing secondary school, or through home education (see example 1).
- Where the person was undertaking a previous traineeship **as a new entrant**, and articulates to a higher level qualification within three months after the successful completion of the previous traineeship (see example 2).
- Where the person was employed as part of a Community Development Employment Projects (CDEP) program.

If there has been a break in employment of six months or more prior to the commencement date of the training contract, any employment before that break is not counted (see example 3).

Defining the employer

If a business changes ownership, it is still considered to be the same employer (see example 4).

Different companies within a group company are considered to be the same employer (see example 5).

Labour hire companies and group training organisations are considered to be the employer. If a person moves between end users or host employers it does not affect the determination of existing worker status.

Example 1 – Secondary school students

Riley was employed as a casual worker for one year while completing secondary school. When he finished school, he continued working for the same employer as a casual worker. Four months after Riley finished school the employer offered him an apprenticeship.

Riley is not considered to be an existing worker. He is considered a 'new entrant'. He has worked for the employer for one month full time equivalent. The period when he worked while attending secondary school is not counted.

Example 2 – Second traineeship

Jane commenced a Certificate III traineeship with her employer as a new entrant. After completing her traineeship, Jane continued working for the employer on a full time basis for six weeks. She then commenced a Certificate IV traineeship with the same employer.

Jane is considered to be a new entrant for her second traineeship. She undertook her first traineeship as a new entrant so the time spent in that traineeship is excluded when calculating her period of employment, and she is articulating to a higher level qualification within three months so she maintains her new entrant status.

Example 3 – Break in employment

Lee worked as a casual worker from 13 June 2014 to 13 October 2014. After a four month break, Lee returned to work for the same employer full time from 15 February to 30 April 2015. On 1 May 2015, Lee commenced a traineeship with this employer.

Lee is considered to be an existing worker as he has worked a total of three and a half months full time equivalent with the employer; one month full time equivalent for the period between 13 June and 13 October 2014, then two and half months as a fulltime worker. The break in employment was less than six months, so it has no effect on the calculation.

Example 4 – Change of business ownership

Ben has worked full time for ABC Cleaning for four months. When he started working there, ABC Cleaning was owned by a legal entity called Jones Services Pty Ltd. It was then sold to a legal entity called Smith Services Pty Ltd. Ben is now entering into a training contract with Smith Services Pty Ltd.

Ben is considered to be an existing worker. He has worked for ABC Cleaning for four months full time equivalent, and the change of ownership of the business does not affect the calculation of his continued employment.

Example 5 – Group employers

For the last five years, Rod has had continuous full time employment with various subsidiary companies within the XYZ Group of companies. One month ago he transferred from subsidiary company A to subsidiary company B. He has just been offered a traineeship by subsidiary company B.

Rod is considered to be an existing worker. His previous employer and current employer are within the same group. The transfer to a different subsidiary company does not affect the calculation of his continued employment.