



# RECOMMENDATION REGARDING TRAINEESHIP

This recommendation is issued in accordance with art. 3, 2nd section of the Regulation of Professional obligations, approved by RD of 18 April 1985 (B.S., 8 May 1985).

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### INTRODUCTION

The recommendation of the traineeship of 21 April 1989 followed the procedure for modification of the traineeship regulation established by the Order. This recommendation drawn up according to art. 3 (2nd paragraph) of the RD of 18 April 1985 must at present be modified in view of the evolution of the profession.

#### **1. Traineeship philosophy**

The traineeship is set out in the law of 26 June 1963 (Chapter IV) and described in the RD of 13 May 1965 for the approval of the traineeship regulation, drawn up by the National Council of the Order of Architects. The traineeship provides the required additional training and practical training. The traineeship is followed under the supervision of an authorised traineeship supervisor, for a legally set period.

The trainee will be given the opportunity during his traineeship, under the supervision of the traineeship supervisor, to learn the various aspects of the profession in order to take his professional responsibility. That competence will be assessed by the Council of the Order at the end of the traineeship.

The procedure will be adapted to the European directives as the case may be.

#### **2. Traineeship modalities**

##### 2a) Traineeship duration

The normal duration of the traineeship is established in article 50 of the law of 26 June 1963. Any change to the duration of the traineeship is strictly limited in application by the articles 51 and 52 of the above law.

The periods that are to be considered for traineeship are of course those during which the traineeship was validly completed.

## 2b) Interruption

The traineeship can be interrupted; the interruption is set by the Council. It is only authorised in case of act of God; it never is a sanction. However, such a period cannot be considered for the establishment of the traineeship duration.

The trainee remains under the control of the Council of the Order which sets the limits and conditions under which he carries out his professional activities in that period. This can e.g. be the case for the completion of a started assignment. This activity will always be limited in time however. The previous advice of the Council is mandatory. The interruption periods must necessarily be short and can only be authorised in exceptional cases.

## 2c) Omission ('weglating') (the text of the RD indicates 'deletion' – 'schrapping')

The omission of the list of trainees is provided in art. 7 of the Traineeship regulations; it is not a disciplinary sanction as such, but the consequence of noticing that a trainee no longer meets the legal traineeship conditions.

In principle omission is only decided at the explicit request of the trainee (art. 12 of the House Rules); in the absence of such a request, the Council shall remind the trainee of his obligations in the matter. If there is no reaction to this reminder, the Council shall decide on the omission of the trainee at its own initiative, observing the regular disciplinary procedure. This procedure allows the Council to avoid having to take a disciplinary sanction against a young colleague.

The omission removes the competence of the Council on the trainee and the right of the latter to exercise the profession. The omission ceases to exist when the Order has established that the trainee again meets the legal conditions of the traineeship.

## 2d) The sanctions

In case of insufficient performance or if the traineeship does not run according to the imposed conditions, the Council of the Order can refuse to recognise it in full or in part. The Council can also impose a disciplinary sanction to both the trainee and the traineeship supervisor (article 24 of the RD of 13 May 1965). It is useful to inform the trainee that he, like any other member of the Order, is subject to the application of the Regulations of Professional obligations and therefore could incur the disciplinary sanctions defined therein.

## **3. Relation between trainee and traineeship supervisor**

The traineeship supervisor shall ensure the traineeship runs smoothly; he shall give the trainee moral support. The latter must be able to ask him for advice at all times. The traineeship supervisor is in charge of the professional training of the trainee. He assists him with his professional experience and transfers it to him. He gives him the opportunity to take part in all aspects of professional life: office work, the building site, contacts with administration, with the clients, manufacturers, suppliers, various tradesmen, etc.

The traineeship supervisor encourages his trainee to improve by giving him the possibility to take part in activities organised by the Order, the professional associations and the educational institutions.

The traineeship supervisor is not liable for the personal professional actions of his trainee, but nevertheless he must assist him with his first steps in the profession.

The traineeship contract must conform to the template defined by the National Council of the Order and approved by the Minister of Middle Class, according to article 14 of the Traineeship regulation.

Unless agreed between parties, the traineeship contract can only be terminated unilaterally with a notice period of one month.

#### **4. Relation between traineeship supervisor and the Order**

The architect wishing to be traineeship supervisor or wishes to become one again, shall provide the additional professional training of the trainee.

Although the number of trainees per traineeship supervisor is not restricted by law, it is nevertheless of the highest importance that a traineeship supervisor can fulfil his role with the trainee. If requested, the provincial Councils, separately and after investigation, shall decide whether it is desirable to allow several trainees.

The traineeship supervisor must co-sign all the documents that the trainee must return to the Council in the context of the traineeship, including: the traineeship contract, the monthly traineeship form and the certificate that must be submitted together with the visa application of the trainee.

In addition, the traineeship supervisor shall forward a synthesis report to the Council every six months. He shall also immediately inform his Council of any change in his relation with the trainee, such as an interruption in the traineeship, change of statute, end of the traineeship, impossibility to continue the traineeship, etc.

#### **5. List of traineeship supervisors**

In order to facilitate the steps of the trainee in the search for a traineeship supervisor, each Council of the Order shall keep a list of traineeship supervisors that on the one hand indicates traineeship supervisors who actually look after a trainee and on the other hand indicates architects who meet the conditions for being a traineeship supervisor and who have informed the Council of their wish to be included in that list.

#### **6. Relation between trainee and the Order**

The trainee is subject to the authority of the Council of the Order from his registration in the list of trainees.

The Council approves the start and end date of the traineeship. At the registration in the list of trainees, the Council announces the start date of the traineeship that will be considered for the final evaluation of the traineeship. The end date of the traineeship is set as soon as the Council recognises the validity of the traineeship. The trainee shall submit his application to obtain the certificate indicating the end of the traineeship on time. He can simultaneously submit his application for registration in the table of the Order to the Council where he completed his traineeship, which will enable him to continue exercising the profession.

The trainee shall also immediately inform his Council of any change in his relation with the traineeship supervisor: interruption of the traineeship, change in statute, shortcoming in the application for the traineeship contract etc.

The trainee regularly completes the monthly forms he forwards to his Council. Those forms must be co-signed by the traineeship supervisor.

He shall also send a six monthly report to his Council.

#### **7. Location of the traineeship**

In principle, the location of the traineeship is the place of business of the traineeship supervisor. Any deviation from this rule requires prior approval by the Council. The latter must have the opportunity at all times to effectively audit the traineeship.

The place where the traineeship is run may under no circumstance be confused with the residence of the trainee or the office of the trainee.

#### **8. Audit of the traineeship**

Every provincial council establishes a 'traineeship committee' and sets the number of effective and deputy members. That committee's task is to audit the traineeship. The traineeship is audited twice a year. It would be desirable for one of these audits to take place in the offices of the traineeship supervisor, the other audit can take place at

a location chosen by the Council. Neither the trainee nor the traineeship supervisor can avoid the audits of the traineeship.

To fulfil its task the committee has the administrative file of the provincial Council. It can access the personal file of the trainee and the traineeship supervisor.

The administrative file of the provincial Council includes:

- the traineeship form with details about the trainee and the phases of the traineeship;
- a copy of the traineeship contract;
- the monthly forms completed by the trainee with the report of the daily activity and co-signed by the traineeship supervisor;
- the six monthly synthesis reports, drawn up by the traineeship supervisor;
- the six monthly synthesis reports, drawn up by the trainee;
- the audit reports.

The personal files

Both the traineeship supervisor and the trainee draw up a traineeship file

It contains:

- a copy of the contract;
- a copy of the monthly forms;
- a copy of the six monthly forms;
- the timetable of the performance;
- the forms relating to the traineeship fee;
- any other useful document.

## **9. Personal work**

Importance of personal work of the trainee

The trainee, who accepts a personal assignment, must have sufficient experience, resources and time to complete it satisfactorily. The personal activity may under no circumstance lead to lowering of the quality of the traineeship. In fact, a trainee should only exceptionally accept a personal assignment.

Only in the circumstances above can the trainee enter a temporary association with an architect other than his traineeship supervisor. Such an association shall be submitted to the prior approval by the Council of the Order however.

## **10. Traineeship fee**

The traineeship is paid.

The traineeship contract submitted to the Council of the Order shall determine the amount of the fee. The traineeship fee shall meet the requirements in article 12, 1st and 2nd section of the Regulation of Professional obligations. Any dispute relating to the traineeship fee is the competence of the Council of the Order.

## **11. Non-traditional traineeship - experience outside an architects agency**

This includes work in disciplines that are directly linked to the activities of the architect. Such non-traditional traineeships are only considered once during the traineeship and for six months maximum.

Any non-traditional traineeship is a specific case. The previous approval of the Council is required. The traineeship must be supervised by a traineeship supervisor.

## **12. Insurances**

Article 15 of the Regulation of Professional obligations imposes the architect-trainee to cover his personal professional liability with an insurance policy.

On the other hand the traineeship supervisor shall cover his civil liability towards the trainees who act on his behalf, both in the context of professional liability and liability for work accidents.

### **13. End provisions**

This Recommendation suspends the previous recommendations ('additional directives for the traineeship regulation') regarding the traineeship, approved at the sessions of 19 December 1980 and 27 May 1983 and reconfirmed in May 1985 and replaces them.

This Recommendation becomes effective on 26 June 2015.

Approved by the National Council at the session of 26 June 2015.