

Discipline

Disciplinary action can be taken against an employer and/or apprentice/trainee of a registered training contract who has engaged in misconduct, as defined under the *Vocational Education, Training and Employment Act 2000 (the Act)*.

Information to get you started

What is it?

The employer and/or the apprentice or trainee is engaging in misconduct if they fail to carry out a reasonable and lawful instruction given by the Department of Education and Training (DET) relating to their obligations under the training contract.

Important information

An apprentice or trainee is engaging in misconduct if they fail to carry out a **reasonable and lawful instruction** given by their employer, their employer's agent, or their training organisation.

Examples of misconduct that relate specifically to the **apprentice or trainee** include:

- being absent from the employer's workplace without the employer's consent unless authorised under *the Act* or the *Industrial Relations Act 1999*
- being absent from training provided by the training organisation without permission of the training organisation
- not participating in training provided under the training plan
- failing because of deliberate neglect or default, to make reasonable progress in training provided under the training plan; or
- causing serious damage or risk of serious damage to the employers' business or business reputation.

Examples of misconduct that may relate either to the **employer and/or apprentice/trainee individually or collectively** includes:

- not keeping the training record as prescribed
- failing to produce the training record for inspection
- the employer and/or apprentice/trainee is convicted of an offence against *the Act*.

If DET believes the employer and/or apprentice/trainee has contravened *the Act* or engaged in misconduct, it can take **disciplinary action** and may make any of the following orders to:

- reprimand the employer and/or apprentice/trainee
- impose a fine
- direct the employer and/or apprentice/trainee to comply with the contract
- suspend the training contract for up to 30 days (apprentice or trainee)
- cancel the training contract.

Any disciplinary action taken by DET will be dealt with according to the fair procedures process. The employer and apprentice/trainee will receive written notice of imposed disciplinary action.

Who to contact?

For further information, contact Apprenticeships Info on 1800 210 210.