

Employer responsibilities

A training contract is a legally binding contract for the **training** of an apprentice or trainee. The parties to the training contract are identified as the employer, the apprentice or trainee and parent/guardian (where applicable).

Information to get you started

What is it?

Both the employer and apprentice or trainee have certain roles and obligations to fulfil under the training contract.

Obligations of the employer:

Prior to registration the employer **must**:

- ensure a training contract is signed by the parties before the end of the probationary period
- select a training organisation in consultation with the apprentice or trainee
- negotiate a training plan with the apprentice or trainee and the training organisation
- forward the signed training contract to the selected Australian Apprenticeships Centre before the end of the probationary period.

For the duration of the apprenticeship or traineeship the employer **must**:

- deliver training and provide, or arrange to provide, the facilities, range of work and supervision as specified in the training plan
- provide a minimum of the equivalent of 48 days full time paid employment each year for school based apprenticeships and traineeships
- pay the wages and provide the entitlements specified in the relevant employment agreement or award
- discharge all lawful obligations of an employer, including those relating to workplace health and safety

- at reasonable intervals of not more than three months, check that the training record has been updated.

The employer must notify the Department of Education and Training (DET) in writing within **14 days** of any of the following events:

- agreement by the parties to amend or cancel the training contract
- sale or disposal of the business by the employer
- dissolution of a partnership
- deciding that the apprentice or trainee is failing to make reasonable progress
- if the apprenticeship or traineeship will not be completed within the nominal term and an extension is required
- where the purchaser of a business agrees to continue to train an apprentice or trainee, the employer must give notice to DET of the agreement. On receipt of this notification, the training contract is taken to be assigned to the purchaser of the business (the new employer).

Where the parties agree to cancel the training contract, the employer must advise the training organisation in writing of the cancellation within **seven days** after agreement to cancel.

The employer **must not**:

- knowingly enter into a training contract with a person who is already being trained as an apprentice or trainee under a registered training contract in the same apprenticeship or traineeship by another employer

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- terminate the employment of the apprentice or trainee unless the apprenticeship or traineeship is completed or the training contract has been cancelled.

The employer **must not** directly or indirectly:

- **obstruct or discourage** in anyway, the apprentice or trainee from participating in the training required under the training plan to be delivered by the training organisation
- place the apprentice or trainee at a disadvantage, because they participate or attempt to participate in the required training.

It is **very** important that parties maintain open lines of communication and attempt to resolve disputes between themselves in the first instance. If these attempts fail, disputes should be referred to DET for further assistance and early intervention.

Who to contact?

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