

Employer temporarily unable to provide work

An employer of an apprentice or trainee has a responsibility to ensure the apprentice or trainee receives training as outlined in the training plan. An employer who is temporarily unable perform this duty may choose to temporarily assign or apply for temporary stand down of their apprentice or trainee.

Information to get you started

What is it?

Temporary assignment is an **informal agreement** for the apprentice or trainee to work with another employer to continue to gain training and experience relevant to the apprenticeship or traineeship.

Temporary stand down is a **formal arrangement** approved by the Department of Education and Training (DET) for employers who are temporarily unable to perform their duties under the training plan. Approved temporary stand down provides for periods of unpaid absence from work.

Temporary assignment

The employer may advise DET of the temporary assignment details including:

- the expected term of the temporary assignment
- the date on which the apprentice or trainee is expected to return to their employ.

DET will make a record of these details.

The employer and the apprentice or trainee must notify their training organisation of the proposed new training arrangement. The apprentice or trainee is required to keep their training record up to date with details of work undertaken with the temporary employer.

When the temporary assignment ends, the original employer must accept the returning

apprentice or trainee and resume training in accordance with the training plan.

Temporary stand down

An application for temporary stand down can only be considered for an apprentice or trainee with a registered training contract. For an application to be considered the employer must complete a [temporary stand down form](#) (see further if employer is in meat processing or shearing industries) and provide the following information:

- details of annual leave taken or available to the apprentice or trainee
- details of supervised training options available to the apprentice or trainee
- information regarding the size of the employer's workforce and their intentions in relation to the other workers
- information on the employer's recent and current work situation and their expectations for the future
- it is advisable that the issue is discussed with the apprentice or trainee (and parent/guardian if applicable).

In addition, written application for stand down of apprentices and trainees employed by a group training organisation must also contain the following information:

- details of other host employers and attempts to place the apprentice or trainee with one of those host employers

- details of ancillary employment provided to the apprentice or trainee
- details of attempts to rotate the apprentice or trainee with another who plans to attend supervised training or take leave.

Applications for stand down **must be lodged and approved** by DET **before** the proposed commencement date of the temporary stand down. Applications lodged after the proposed date of temporary stand down **will not be considered or approved** by DET.

Apprentices and trainees who wish to have their details placed on an [out-of-trade register](#) to gain assistance with job seeking and attendance of training while on stand down, **must sign the stand down application form**.

The *Industrial Relations Act 1999* requires an employer to pay the apprentice's or trainee's wages until the application for temporary stand down is approved.

By agreeing to temporary stand down the apprentice or trainee agrees to forfeit training and wages for the duration of the temporary stand down period.

School-based and part-time apprentices and trainees can be subject to temporary stand down. Applications for temporary stand down for school-based apprentices and trainees can only be made **after** the minimum 48 working days per year has been met.

If temporary stand down and temporary assignment have been exercised and the original employer is still unable to fulfil their contractual obligations, alternative arrangements must be made. It is recommended the employer contact DET immediately to discuss this situation.

Temporary stand down in the meat processing sector and shearing industry

If temporary stand down of apprentices or trainees is approved for an employer in the meat processing sector, the employer is required to submit monthly reports on the frequency and reasons for the stand down to DET. The [stand down for the abattoir sector form](#) has been developed for this process.

Shearing contractors wishing to stand down their apprentices or trainees are required to apply to DET's nearest district office prior to the stand down or as soon as possible afterwards. The [stand down for the shearing industry form](#) has been developed for this process.

Timeframe

Temporary stand down can be approved for a **maximum of 30 days** and may be applied for the whole or part of that period.

Who to contact?

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