

ATIS-013

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Employer responsibilities

Information to get started

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

At the beginning of the apprenticeship or traineeship

The employer **must**:

- Contact an Australian Apprenticeship Support Network (AASN) provider to arrange the signing of a training contract.
- Ensure the training contract is signed by the parties within **14 days** of the start of the apprenticeship or traineeship.
- Select a training organisation in consultation with the apprentice or trainee.
- Take all reasonable steps to ensure that the training contract is given to the AASN provider within **28 days** of the start of the apprenticeship or traineeship.
- Negotiate and sign a training plan with the apprentice or trainee and the training organisation within **three months** of the start of the apprenticeship or traineeship.

Further responsibilities that relate specifically to school-based apprenticeships and traineeships:

- If the student is outside years 10, 11 or 12, prepare and submit a business case for the proposed school-based arrangement to the Department of Employment, Small Business and Training.
- Obtain the school's agreement to the school-based arrangement.

During the apprenticeship or traineeship

The employer **must**:

- Deliver training as negotiated in the training plan.
- Provide, or arrange to provide, the facilities and range of work as specified in the training plan, ensuring the apprentice or trainee is adequately supervised by a qualified person. Read the [ATIS-039 Adequate training arrangements in the workplace information sheet](#) for the definition of a qualified person.

- Pay the wages and provide the entitlements specified in the relevant industrial relations instrument.
- Release the apprentice or trainee from work and pay the appropriate wages to attend any off-the-job training, including assessment as provided for in the training plan. This may not apply to school-based apprentices and trainees and the employer would need to check the relevant industrial instrument.
- Discharge all lawful obligations of an employer, including those relating to workplace health and safety.
- At reasonable intervals of not more than **three months**, update the training record.
- Negotiate a training plan within **28 days** where the current training plan has ended due to change of training organisation or transfer of training contract.

Further responsibilities that relate specifically to school-based apprenticeships and traineeships:

- Provide the minimum 375 hours (50 days) of paid employment for each 12 months from the date of commencement of the school-based apprenticeship and traineeship. If in the electrotechnology field, the minimum is 600 hours (80 days).
- Ensure the school-based arrangement impacts the student's school timetable.

At completion of the apprenticeship or traineeship

The [ATIS-009 Completing an apprenticeship or traineeship information sheet](#) provides all requirements where the employer and their apprentice or trainee agree the apprenticeship or traineeship is ready for completion.

Events where the employer must notify their AASN provider or the department

The employer must notify their AASN provider or the department in writing within **14 days** of any of the following events:

- Agreement by the parties to cancel the training contract.
- Deciding that the apprentice or trainee is unlikely to meet the requirements of their training plan.

- If the apprenticeship or traineeship will not be completed within the nominal term and an extension is required.
- Sale or disposal of the business by the employer.
- Dissolution or change of business partnership.
- Where the purchaser of a business agrees to continue to train an apprentice or trainee, the employer must give notice to the AASN provider or the department 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).
Note that if a purchaser/new owner or new partnership of a business does not wish to retain an apprentice or trainee, they must notify the AASN provider or the department in writing before the change takes effect.
- Temporary transfer of a training contract (within **seven days** after the day the transfer takes effect).
- Suspension of a training contract – suspension effect date cannot be less than **seven days** from the date the advice was given to their AASN provider or the department.

However, if the training contract ends during the probationary period, the employer must notify their AASN provider or the department within **seven days** of the apprenticeship or traineeship ending.

School-based apprentices and some school-based trainees will not complete their apprenticeship or traineeship while at school. Employers are required to convert the training contract to full-time or part-time when the apprentice or trainee completes their final day at school.

This is an automatic process carried out by the department. However, if the student leaves school before the end of Year 12, the parties will need to convert the training contract using [ATF-035 Amendment of a registered training contract form](#). Once converted, appropriate award wages and conditions apply.

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

- **Obstruct or discourage** in any way, 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 the AASN provider or the department for further assistance and early intervention.

For further information

Contact:

- the nominated AASN provider for the training contract
- Apprenticeships Info on 1800 210 210, regarding employer obligations under the training contract
- [Fair Work Ombudsman](#) on 13 13 94, regarding employment concerns.

All forms can be found on the Apprenticeships Info website in the Information sheets, forms and resources section.

Related documents:

- [ATIS-052 Apprenticeships in the electrical industry – employer information](#)
- [Registering a training contract procedure \(Training website\)](#)
- [Guide to school-based apprenticeships and traineeships.](#)

