



## CAN AN APPRENTICE BE SACKED?

### THE TRAINING CONTRACT

The Training Contract is a legally binding document, signed by the apprentice and the employer which states that they agree to work and train together for a certain period of time.

If under 18 years of age, a parent/guardian must also sign the Contract.

### CANCELLATION OF THE TRAINING CONTRACT

As a legally binding Contract, the apprentice cannot just 'quit' nor can the employer simply "sack" the apprentice.

When the probationary period of the apprenticeship/traineeship expires, cancellation of the Contract can only occur through either mutual consent between the apprentice and the employer (and if under 18, the parent/guardian), or by application to DETE by one of the parties.

Where only one party seeks to cancel the Training Contract, the Training Contract is not cancelled until DETE approves the application and provides a date of effect of cancellation. The employer and apprentice or trainee are still required to fulfil their obligations under the Training Contract including maintaining employment, training and payment of wages, until DETE decides the matter.

Cancellation of a Training Contract should only be considered as a last resort once all efforts have been made to resolve the issues that threaten the apprenticeship or traineeship.

### DISCIPLINE AND MISCONDUCT

If either the employer or the apprentice fail to uphold their obligations under the Contract, (this includes if the employer tries to sack the apprentice) either party can lodge a complaint with DETE. If either party do not agree with a DETE decision they can lodge an appeal with the Queensland Industrial Relations Commission.

### WHAT TO DO IF YOU ARE AN APPRENTICE AND YOU HAVE BEEN SACKED OR THINK YOU ARE GOING TO BE SACKED:

The first step is to contact the Union. Your Organiser will talk you through the process and make all of the necessary calls. The Union is usually able to resolve these type of issues however if necessary, an officer of the Department can attend a meeting with the Union and the employer to resolve the issue. If the matter still cannot be resolved, the Union will assist with lodging a complaint with DETE.