

Resolving conflict

Help is available if problems arise between an employer and their apprentice or trainee.

8.1 Problems that can lead to disputes

Disputes can arise as a result of:

- claims that the employer is not fulfilling their obligations to provide on-the-job training and supervision
- claims that the employer is not fulfilling their obligation to release an apprentice or trainee for off-the-job training, or to provide support for formal training through the registered training organisation
- claims that the employer is not fulfilling their other responsibilities, such as meeting the conditions of the industrial award or workplace agreement, or providing a workplace that is safe and free of harassment
- claims that the apprentice/trainee is not making satisfactory progress in developing their skills
- claims that the apprentice/trainee is not making satisfactory progress in their formal training through the registered training organisation
- claims that the apprentice/trainee is not meeting their obligation to follow the instructions of their employer
- personal differences between the apprentice/trainee and their employer or other employees
- failure of the parties to agree about a request to transfer, suspend, cancel or vary the training contract.

8.2 Help available through the State Training Services

Employers, apprentices and trainees can seek confidential advice from a Training Advisor at their local State Training Services centre (ph 13 28 11) about any of these problems if required. The Training Advisor will discuss the issues with each of the parties and may visit the workplace or arrange a meeting to try and resolve the dispute.

If difficulties arise between apprentices/trainees and their employers, State Training Services should be contacted immediately - ph. 132811

8.3 Disputes may be referred to the Vocational Training Tribunal

If the Training Advisor is not able to resolve the dispute, the matter will be referred to the NSW Vocational Training Tribunal (VTT) for resolution. The Tribunal will convene a hearing at which it will attempt to reach a settlement that is acceptable to all parties.

In the event that the dispute cannot be resolved, the VTT will make a determination that may result in the complaint being dismissed or in variation, suspension or cancellation of the apprenticeship or traineeship. The VTT also has the power under the Act to caution or reprimand either one or both of the parties, and to order a party to a training contract to redress the situation as it sees fit.

The Apprenticeship and Traineeship Act 2001 makes provision for certain decisions by

the Commissioner or the VTT to be appealed. Information on this process can be obtained from your local State Training Services centre (ph 13 28 11).

An appeal will be heard by the Vocational Training Appeal Panel, at which new evidence or information may be given. A final appeal can be made to the NSW Industrial Relations Commission. This can only occur through an application to the Commission for leave to appeal. Such applications must be made within six months of the Appeal Panel's determination unless otherwise allowed by the Commission.

