

ACTUS WORKPLACE LAWYERS

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Employment contracts and practices for apprentices

Many employers will be hiring new apprentices in the New Year. It is important for employers to ensure that employment contracts for apprentices are well drafted to avoid unnecessary risks and that employment practices take account of the relevant exemptions in the Fair Work Act.

Also, at the time when the employment commences, or as soon as practicable afterwards, employers need to provide the [Fixed Term Contract Information Statement](#) and the [Fair Work Information Statement](#) to new apprentices.

The drafting of employment contracts for apprentices raise some unique issues. Such contracts have traditionally been characterised as contracts for a specific period of time (as determined by a Full Bench of the Australian Industrial Relations Commission in [Qantas v Fetz](#) (1998) 84 IR 52). However, contracts need to be drafted in a manner that takes into account the fact that apprenticeships are typically competency-based and often completed in a shorter period of time than four years.

If contracts are not well-drafted, risks can arise, particularly when the employment relationship comes to an end at the completion of the apprenticeship period or earlier.

A further important point to keep in mind is that if an apprentice is not going to be employed once the apprenticeship is completed, the employment should come to an end on the last day of the apprenticeship. Once the employee has been engaged beyond the term of the apprenticeship, the employer is exposed to claims that the relevant exemptions under the unfair dismissal and redundancy laws no longer apply.

For further advice or assistance on apprenticeship issues, please contact Justine Smith, Lawyer of Actus Workplace Lawyers on 0414 947 651 or Email: justine.smith@actuslawyers.com.au.