

ATIS-055

Version 1, March 2020

Temporary suspension of a registered training contract by employer

The department is aware a range of direct and indirect impacts are being experienced by some businesses as a result of Coronavirus (COVID-19). If the impact has contributed to the reasons for a temporary suspension application, include details of how COVID-19 has affected the business. The department will take impacts of COVID-19 into account when actioning temporary suspension applications.

Information to get started

During an apprenticeship or traineeship there may be short periods of time when the employer is temporarily unable to provide the training to an apprentice or trainee outlined in their training plan.

If the reason is due to seasonal employment, the [ATIS-047 Suspension of a registered training contract information sheet](#) has further information about suspending a training contract in these circumstances.

To provide a temporary bridge to assist the employer with keeping the apprentice or trainee in the training arrangement, and avoid cancelling the training contract, the employer may apply to the Department of Employment, Small Business and Training for approval to temporarily suspend the training contract.

Temporary suspension of a training contract is not intended for permanent situations or to suit management practices. It should be used as a last resort after all other options to maintain the continuity of the apprenticeship or traineeship have been attempted, such as:

- arranging for the apprentice or trainee to attend training delivered by their training organisation
- allowing the apprentice or trainee to take their paid entitlements, e.g. annual leave, if the apprentice or trainee is agreeable
- temporarily or permanently transferring the training contract to another employer.

The employer may apply to temporarily suspend a training contract for a period of **no more than 30 days**. The department will decide the application and the date the temporary suspension commences. The temporary suspension can commence only on or after the date the department received the completed application.

If a decision is made to approve the temporary suspension of a training contract, the employer may decide to stand down the apprentice or trainee unless

the employer and apprentice or trainee agree otherwise. The employer may stand down the apprentice or trainee without pay only in accordance with the information notice issued by the Chief Executive (i.e. the department).

The application process

The employer will be required to state the reasons for the application and the period of the proposed temporary suspension in the application. The [ATF-048 Temporary suspension of a registered training contract by employer form](#) has been developed for this purpose.

The employer must immediately give a copy of the completed application to the apprentice/trainee, and advise the apprentice/trainee they have the option to provide information regarding the proposed temporary suspension to the department (via the Apprenticeships Info phone number below) within **5 days** of receiving the application.

The employer must keep a copy of the application and a record of having provided a copy of it to the apprentice/trainee.

Early return to training during an approved temporary suspension period

If circumstances change during an approved temporary suspension period and the employer can provide the apprentice or trainee with training outlined in their training plan (including training delivered by their training organisation), the employer must resume training the apprentice or trainee and notify the department immediately, in writing and by telephone.

For further information

Contact:

- Apprenticeships Info on 1800 210 210.
- [Fair Work Ombudsman](#) on 13 13 94, to discuss an employer's obligation under the relevant industrial relations instrument and the *Fair Work Act 2009*, particularly if an approved period of temporary suspension under the *Further Education and Training Act 2014* encompasses one or more public holidays.

Related document:

- [Temporary suspension of a registered training contract procedure](#).

