



## AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY

Letter to the Editor of the Australian Financial Review by ACCI Chief Executive Peter Hendy - Employing Apprentices - 12 August 2005

### “Employers Need Clarity Over Duties”

by Peter Hendy- Chief Executive, Australian Chamber of Commerce and Industry

Your headline "Employers want more power to sack apprentices" (August 8) does not convey the balanced view that Australian Chamber of Commerce and Industry urges employers to take when employing apprentices and trainees. Employers do not want more power to sack apprentices. They want the same rights in respect of apprenticeships that apply to traineeships, because these are comparable forms of employment.

If an apprentice is employed on the basis that their employment will conclude when a specific end point is reached, such as when an apprentice attains the competencies required to attain a national qualification, employers should not then face an unfair dismissal claim.

This is the existing law in relation to trainees. It was the long-understood position in relation to apprentices until recent unfair dismissal decisions of the Australian Industrial Relations Commission.

Whether an employer keeps employing a trainee or an apprentice after the period of their agreed contract is another matter altogether. Many employers do if they can afford it, and for good reason.

Apprentices and employers need to be very clear on their obligations from the outset and the parties can extend the relationship if they desire. In fact, the ACCI has encouraged large companies to take on additional apprentices for the benefit of their broader industry as a contribution to meeting skills and labour shortages.

It is not unfair for a person's employment to finish on the terms agreed when they first started. What is unfair is a law which forces an employer to defend an unfair dismissal case when they have fully met their legal obligations.

Peter Hendy  
Chief Executive  
Australian Chamber of Commerce and Industry  
Canberra