



Fact sheet

Suspension by parties of a training contract

A training contract may be suspended following agreement between the parties involved in that training contract. Suspension of a training contract ceases the training contract obligations for both the employer and the apprentice* for an agreed period. At the conclusion of the agreed period, the training contract will resume.

Duration of suspension

The period of suspension cannot exceed a continuous period of 12 months without prior approval from the Apprenticeship Office.

The Apprenticeship Office must be advised if the apprentice has not returned or does not intend to return on the agreed suspension end date to discuss alternative options.

If the parties cancel the suspension prior to the agreed suspension end date, the employer should provide written notice to the Apprenticeship Office stating the date that both parties agree to the cancellation of the suspension.

Notifying the Apprenticeship Office of a suspension

Consistent with the *Vocational and Education and Training (General) Regulations 2009*, an employer must provide the Apprenticeship Office with written notice if the training contract is suspended within 21 days after **the parties agreed to the suspension** (this is not to be confused with the effective date of the suspension).

The written notice must indicate agreement from the parties and include:

- the date on which the suspension takes effect;
- the period of suspension; and
- the date when the parties agreed to the suspension.

Extending the training contract as a result of the suspension

Suspension of a training contract does not change its expiry date. If the parties wish to extend the nominal duration of the training contract by the same period as the suspension, they should indicate so in the written notice. Please note: the extension option on the '*Notice by parties to suspend a training contract*' form applies to the nominal term of the training contract only and does not impact on the probation period.

Extension requests received after the training contract expiry date cannot be considered.

Suspending a training Contract in the probation period

A training contract still in its probation period may be suspended, however the probation period end date of the training contract remains. Should an extension to the probation period be requested by the parties, please submit an '*Application to extend the probation period of a training contract*' form together with the '*Notice by parties to suspend a training contract*' form.

Submitting the suspension notice

A 'Notice by parties to suspend a training contract' form can be downloaded from the Apprenticeship Office website at dtwd.wa.gov.au/apprenticeshipoffice. Alternatively, employers may email the Apprenticeship Office with the required information at apprenticeshipoffice@dtwd.wa.gov.au.

Penalties

Please note: if an employer does not provide the Apprenticeship Office with written notice about the suspension, or fails to notify the Apprenticeship Office within 21 days after the parties have agreed to the suspension, it is considered a breach of the *Vocational Education and Training (General) Regulations 2009* and a penalty may apply.

**The term 'apprentice' covers apprentices, trainees, cadets and interns.*