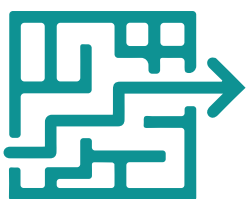


# Dispute resolution

## Changes to the *Apprenticeship and Traineeship Act 2001*

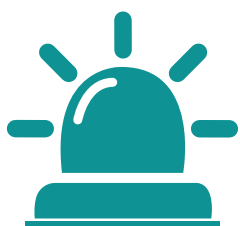
May 2018



### 1. Try resolving your problem



### 2. Seek help



### 3. Escalate

We've made changes to the *Apprenticeship and Traineeship Act 2001* to support the needs of business in our dynamic NSW economy. These changes bring the Act up to date.

We have simplified the dispute resolution process while still maintaining important safeguards for employers, apprentices and trainees.

There is now a clear escalation model for disputes. If you can't resolve your dispute with the help of a Training Services NSW training advisor, it will escalate to the Commissioner for Vocational Training.

#### What do you need to know?

##### 1. Try resolving your problem

Whether you're an employer, an apprentice or trainee, or a registered training organisation, you're obliged to ensure good progress is being made with the training outlined in the apprenticeship or traineeship training plan.

Issues preventing that progress need to be addressed.

Employers have 14 days to report to Training Services NSW any matters that could impact the successful completion of an apprenticeship or traineeship.

Training organisations have 21 days to report on matters concerning an employer's failure to allow an apprentice or trainee to participate in training or allow the training organisation to conduct training or assessment.

Many problems can be resolved through direct communication, and your discussion should be focused on desired actions and behaviour.

If you've tried discussing your issue, but there's no improvement, we can help.



## Tips for dispute resolution

- Give each party notice of the issues for discussion so strong emotions can dissipate.
- Remain calm and be clear about what you want.
- If necessary, write down what you're unhappy with and steps for improvement.
- Give each party a chance to respond to criticism and an opportunity to set things right.
- Stay open-minded; recognise that each party has rights, opinions and a view.
- If an apprentice or trainee is a minor, encourage a parent or guardian to attend.

## 2. Seek help

The first thing you should do is call Training Services NSW on 13 28 11.

Our training advisors are trained and experienced in mediation and dispute resolution. They will offer you confidential and fair advice that will help get the training program back on track.

We may visit your workplace or arrange a meeting away from work to help resolve your dispute and broker a mutually agreed resolution.

You'll be encouraged to resolve your matter through structured discussion and negotiation. Working with our training advisors gives you more say in the process and your desired outcome.

If you and the other party are unable to agree on a solution, our training advisor will refer your case to the commissioner.

## 3. Escalate to the commissioner

If your matter is referred to the Commissioner for Vocational Training, you'll need to give serious consideration to the actions and attempts you've made to try to resolve the issues that have given rise to the dispute. This demonstrates your good will for a solution and can assist you when you present your case.

The commissioner may convene a hearing where both parties can explain their side of the story, and with the commissioner's help, come to an acceptable settlement.

You will need to clearly document your complaint, the process of trying to resolve the matter and the issues that are impacting on a satisfactory resolution. Your documentation should contain as much detail and evidence as possible.

Representatives may be present at your hearing. They may speak on behalf of the NSW Government, employers and their associations, industry groups, unions, and public or private registered training organisations.

The commissioner will then order you or the other party to take a particular course of action.

If you're unhappy with the commissioner's decision, you can apply for an internal review under Section 53 of the *Administrative Decisions Review Act 1997*. You can make a further appeal to the NSW Civil and Administrative Tribunal.

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All changes to the *Apprenticeship and Traineeship Act 2001* commenced on 1 January 2018.