

<b>College:</b> J D Women's College	<b>Subject:</b> Labor & Employment Laws in India
<b>Dept:</b> MBA	<b>Unit/Topic:</b> V/The apprenticeship act, 1961
<b>Semester:</b> 3 <sup>rd</sup> (HR specialization)	<b>Faculty Member:</b> Kundan Kumar Gautam

## **The Apprenticeship Act, 1961**

### **Lecture Notes - 3**

#### **Contract with Apprentice**

The apprentice who has been appointed must execute a contract of apprenticeship with the employer. The agreement must be registered with Apprenticeship Adviser. If an apprentice is minor, an agreement has to be signed via his father or mother. Apprentice is eligible for a Casual leave of 12 days, Medical Leave of 15 days and other leaves of 10 days in 12 months.

#### **Legal Role of Apprentices**

- An apprentice is not a workman throughout the apprentice training program. Statutory benefits like Bonus, PF, ESI Act, Gratuity, Industrial Disputes Act and so forth aren't applicable to the apprentice trainee.
- However, provisions of Factories Act concerning fitness, safety and welfare are applicable to the trainee. Apprentice is also entitled to get compensation from the employer for any kind of injuries happens during the period of employment.
- An employer is not obliged to employ the apprentice after of completion of apprenticeship.

## **Settlement of Disputes**

Any argument or dispute which could rise under the apprenticeship agreement shall be raised to the Apprenticeship Advisor for resolution. If any party to the apprenticeship agreement isn't pleased with the decision of the Apprenticeship Advisor, it can approach the Apprenticeship Council which shall employ a Committee for the purpose of listening to the plead of the parties for resolving the issue. The decision made by the council would be deemed as final.

## **Conducting the Test and Grant of Certificate and Conclusion of Training**

After successful completion of the apprenticeship training, every apprentice shall appear for an exam held by the National Council to evaluate his/her capabilities in related trade in which he/she has taken an apprenticeship training.

1. As per the sub-section (1), every apprentice who clears the apprentice test shall be awarded a certificate of skilfulness in the trade by the National Council.
2. The employer will evaluate the development of every Graduate or Technician apprentice, or Vocational apprentice periodically.
3. After successful completion of the apprenticeship training, each graduate or technician apprentice or Vocational Apprentice will be awarded a proficiency certificate by the regional board.

On successful completion of the apprenticeship training, the apprentice shall serve the employer despite whatever mentioned in sub-section (1), where there is a clause in the contract/ agreement. The employer is responsible for offering a suitable job to the apprentice and the apprentice is bound to work for the employer in that ability for that duration and on the remuneration which is specified in the agreement/contract. The Apprenticeship Advisor should find the remuneration and duration reasonable; If not

reasonable he may revise the duration and remuneration. The revised duration and remuneration shall be assumed to be the duration or remuneration accepted by both the employer and the apprentice.

### **Commencement Date of Apprenticeship Training**

The date on which the apprenticeship contract/agreement is executed is considered as the date of start of apprenticeship training program.

### **Registration**

- The employer should send a copy of the apprenticeship contract to the apprenticeship advisor for registration within three months from the date of its execution.
- The employer should get the contract registered by the concerned Apprenticeship Advisor. The apprenticeship advisor approves the contract once satisfied that the described apprentice candidate is well qualified as per the act.

### **Termination of Contract**

On completion of the duration of the apprenticeship training, the contract shall be terminated. The employer or The Apprentice can send the application for the termination of the contact to the concerned Apprenticeship Advisor and afterwards, can send a copy of the application to the other party.

On completion of the period of apprenticeship training, the contract/agreement of apprenticeship training shall terminate. Either party can apply for the termination of the contract to the concerned Apprenticeship Adviser and thereafter send a copy of the same to the other party. The Apprentice Advisor once satisfied that both employer and apprentice have abided by the terms and conditions of the contract and it is desired by

both the parties to terminate the contract, will register the same. Nevertheless, the employer shall pay the stipulated amount of compensation to the apprentice if the employer breaches the contract. In case the apprentice breaches the contract, he or his guardian shall refund the cost incurred on the training to the employer.