

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

The Apprenticeship Act, 1961

Lecture Notes – 4

Common Misuses of Apprentice Act

- Some employers engage the apprentices who are not qualified enough for hiring and also fail to execute the terms and conditions of a contract/agreement of apprenticeship or breach the provisions of the Act regarding the number of apprentices which they are supposed to hire as per the provisions of the act.
- The Employer is supposed to make appropriate arrangements in his workshop for offering the practical training to the apprentice in compliance with the apprentice act. Most of the employers do not adhere to it. They do not obtain permission from central and state Apprenticeship Advisor.
- Sometimes apprentice is not allowed by the employer to learn the work related to their trade, which is mandatory as per the Section 10 of Apprentice Act, 1961. The employers may not treat the time spent by the apprentice in attending such kind of workshops as part of their paid period of work.
- Most of the employers are not paying the stipend to the apprentice as per the Rule 11 of the Apprenticeship Rules, 1991.
- The employers are violating the provisions of the act and are not paying the stipend for the month before the 10th day of the following month.

- If an apprentice takes a casual leave or medical leave, some of the employers are deducting from the stipend, which is against the act.
- Some companies are engaging the apprentices to work in night shifts between 10 p.m. to 6 a.m. without the permission of the Apprenticeship Adviser.
- In some cases, the total number of hours per week is more than the prescribed hours i.e. 42 to 48 hours.
- The employers are not allowing the apprentice any holidays which are followed in the establishment.
- During apprenticeship training, if any apprentice meets with any accident or personal injury, the employer is responsible for paying the compensation to the apprentice as per the provisions of the Workmen's Compensation Act.
- An employer may not be concerned about health, safety and welfare of an apprentice as per the provisions of the Factories Act.
- The employer may appoint an apprentice on any work which is not related or connected with the training of the apprentice.
- The employer may not extend his cooperation to the concerned authority for visiting, inspecting, examining or inquiring.
- The employer may pay to an apprentice on hourly work rate basis, which is in the provision of the act.
- The employer may not encourage an apprentice to participate in any schemes like output bonus or incentive schemes.
- The employer may not allow the Central Apprenticeship Advisor to enter the organization to check whether the training rendered to the apprentices is an approved program.
- Some employers are employing apprentices who are untrained and not taken any training in any institute or school which is recognised or affiliated by the National Council or state council or any recognised board.

- As per Section 3(A), employers aren't reserving a training site for SC and ST apprentices for every assigned trade, training.

Amendment to the Apprentices Act – Significant Changes

To make sure that the Apprentice Act is implemented effectively, some changes were also made by the Apprentices (Amendment) Act, 2014 and it came into effect on 22 December 2014.

Below given are some of the main modifications which are brought about by the Amendment.

- To include agency workers and contractual workers, the definition of 'worker' has been widened. That is applicable because the number of employees in a status quo is one of the constituents which might be considered even as determining the number of apprentices to be appointed within the company.
- The amendment to the apprentice Act has paved the way for the transformation of conventional methods of maintaining records to electronic records and information systems by launching a portal. The portal would allow certain activities like registering the apprenticeship contract, maintenance of records and filing the returns etc., which can be done online now.
- Due to the amendment in the apprentice act, there is a change in the procedure of checking the strength of apprentices to be employed.
- If anyone violates the Apprentice Act imprisonment is no more a penalty. Following the amendment, if anyone is not abiding the provisions of the Act payment of a fine is the only punishment.

The main objective behind these changes seems to make sure that employers employ more and more apprentices, and to encourage the organizations abide by the provisions of the Apprentices Act.

Benefit of Apprenticeship to Employers

- By participating in apprenticeship schemes the organizations or employers are getting skilled and trained employees, which serves as an investment in coming times.
- Employer's participation in apprenticeship programs aids the organization in attracting top talent.
- The employer can hire competent and well-qualified employees, who are capable enough of progressing to more responsible and challenging positions.
- By participating in apprenticeship programs the employer can make sure that the training standards are met and are revamped. The cost incurred on training is also minimized and employee turnover also lessened.