

Grant of Leave for Apprentices engaged under Apprentices Act

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Grant of leave to apprentices:

In establishments where proper leave rules do not exist or the total leave of different types admissible to their Workers is less than thirty-seven days in a year, the apprentice shall be entitled to the following kinds of leave and subject to the conditions specified under each kind of leave.

Casual leave:

- a) Casual leave shall be admissible for a maximum period of twelve days in a year.
- b) Any holiday intervening during the period of casual leave shall not be counted for the purpose of the limit of twelve days.
- c) Casual leave not utilised during any year shall stand lapsed at the end of the year.
- d) Casual leave shall not be combined with medical leave. If casual leave is preceded or followed by medical leave, the entire leave taken shall be treated either as medical or casual leave, provided that it shall not be allowed to exceed the maximum period prescribed in respect of medical or casual leave, as the case may be.
- e) Except in case of extreme urgency, applications for such leave shall be made to the appropriate authority and sanction obtained prior to availing of leave.

Medical leave:

- a) Medical leave up to fifteen days for each year of training may be granted to the apprentice who is unable to attend duty owing to illness. The unused leave shall be allowed to accumulate up to a maximum of forty days.
- b) Any holiday intervening during the period of medical leave shall be treated as medical leave and accounted for in the limits prescribed under clause (i) above.

- c) The employer may call upon the apprentice to produce a medical certificate from a registered medical practitioner in support of his medical leave. A Medical Certificate shall, however, be necessary if the leave exceeds six days.
- d) It shall be open to the employer to arrange a special medical examination of an apprentice if he has reason to believe that the apprentice is not really ill or the illness is not of such a nature as to prevent attendance. 1[(v) A female apprentice with one surviving child may be granted maternity leave for a period of 90 days from the date of its commencement without payment of stipend and the apprenticeship training period shall be extended accordingly. The monthly stipend shall be paid to the apprentice during such extended period.]

Extraordinary leave: Extraordinary leave up to a maximum of ten days or more in a year may be granted to the apprentice, after he has exhausted the entire casual and medical leave, if the employer is satisfied with the genuineness of the grounds, on which the leave is applied for.

In establishments where proper leave rules exist for workers, the leave to apprentices shall be granted by the employers in accordance with those rules: Provided that in the case of trade apprentices grant of such leave shall be subject to the following conditions, namely:—

- a) that every apprentice engaged in an establishment which works for five days in a week (with a total of 45 hours per week) shall put in a minimum attendance of 200 days in a year out of which one sixth, namely, 33 days shall be devoted to related instructions and 167 days to practical training;
- b) that every apprentice engaged in an establishment which works for 5.5 days or six days in a week shall put in a minimum attendance of 240 days in a year, out of which one-sixth, namely 40 days, shall be devoted to related instruments and 200 days to practical training;
- c) an apprentice who for any reason is not able to undergo training for the period specified in clause (a) or clause (b), shall be given an opportunity to make up for the shortfall in the following year and shall be eligible to take the test conducted by the National Council
- d) if he is engaged in an establishment referred to in clause (a) only if he has completed the period of training and has put in a minimum attendance of 600 days or 800 days accordingly as the period of training is three years or four years;

- e) if he is engaged in an establishment referred to in clause (b) only if he has completed the period of training and has put in a minimum attendance of 720 days or 900 days accordingly as the period of training is three years or four years.

If the trade apprentice is not able to put in the minimum period of attendance specified in clause (c) of the proviso to sub-rule (2) during the period of training for circumstances beyond his control and the employer is satisfied with the grounds for shortfall in attendance and certifies that the apprentice has otherwise completed the full apprenticeship course, he shall be considered as having completed the full period of training and shall be eligible to take the test conducted by the National Council.

If a trade apprentice is not able to put in the minimum period of apprenticeship specified in clause (c) of the proviso to sub-rule (2) during the period of training and has not completed the full apprenticeship course, he shall not be considered as having completed the full period of training and the employer shall, under sub-rule (2) of rule 7, extend his period of training until he completes the full apprenticeship course and the next test is held.

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