Construction Trainees and Learners

UCATT believes the best way for young people to enter the construction industry is through the traditional route of a three or four-year apprenticeship. Apprenticeships offer young people the chance to earn-and-learn and there are clear rules about apprentices’ rights at work (see UCATT Employment Law Briefing: Apprentices).

However, the number of construction apprentices completing their apprenticeship in England fell to just 7,280 in 2013, half the figure for 2008/09. And last year the government introduced a new Traineeships programme. This is targeted at 16-24 year olds who are unemployed and who need to gain additional skills to find an Apprenticeship or employment.

UCATT agrees that high-quality work experience is important in helping young people into work, but we think that poor quality schemes could lead to exploitation, with trainees being used as free labour.

We meet many construction “trainees” and “learners” at colleges and private training providers, employed through Apprentice Training Agencies (ATA) or working for employers, who are uncertain about their rights at work. We have produced this briefing to help.

UCATT Youth & Apprenticeships page on website: www.ucatt.org.uk/apprenticeships-young-construction
Trainees and Learners – Your Rights at Work

However your employer describes your post, your entitlements depend on the actual circumstances of your job or role.

Unfortunately, some employers call someone a “trainee”, when that person is really an employee, in order to avoid having to pay tax and national insurance and shirk other responsibilities they have towards their employees.

But just because your employer describes you as a trainee or learner, this does not automatically strip you of your rights at work.

If you are carrying out work of real value for an employer you are likely to be a “worker” and therefore be entitled to basic employment rights – like the right to be paid the National Minimum Wage (NMW) and the right to paid holidays for example.

If you are classed as an “employee” you have more rights at work – including the right to an employment contract.

Whether you are a “worker” or an “employee” will depend on your employment “status”. To be able to work this out, it is important to look at the actual working relationship between you and your employer. If you are unsure about your status and your rights at work, contact your local UCATT rep or the Regional Office (see below).

If you are a Trainee under the government’s Traineeships Programme you are not entitled to be paid the NMW. Unfortunately the government did not make it a requirement that Trainees under this scheme are paid an allowance or wage.

The Traineeships Programme

The government’s Traineeships Programme is aimed at young people aged 16-23 (and those with learning difficulty assessments up to the age of 25) who are unemployed and need extra help to gain an apprenticeship or a job. Traineeships consist of:

• A work placement;
• Work preparation training; and if required
• English and maths support.

A Traineeship should provide a “learning opportunity” (lasting for between six weeks and six months) to help a Trainee get a job by developing their skills and allowing them to gain workplace experience.

The TUC (www.tuc.org.uk) has drawn up a Model Traineeships Charter (www.unionlearn.org.uk/sites/default/files/charter%20for%20traineeships.pdf) which UCATT supports. This sets out guidance on what a good quality Traineeship should look like:

• Work placements should be well supervised;
• Short, structured placements rather than one long placement are generally better;
• Traineeships should give Trainees relevant skills and support them into a job, Apprenticeship or further training;
• Trainees should receive careers guidance;
• Traineeships should develop English and Maths skills;
• Trainees should receive information about their employment rights and responsibilities;
• Trainees should be guaranteed an interview where there is an appropriate job or other vacancy at the end of their work placement;
• Where the Trainee is carrying out work of value, employers should pay them the rate for the job; and
• Employers should take steps to ensure the health and safety of Trainees.

This briefing provides an overview of the rights of trainees and learners and the government’s Traineeship Programme. For further information contact your workplace or site Convenor, Shop Steward, Branch Secretary or contact your Regional Office.

UCATT Learning Organisers deliver Employee Rights and Responsibilities sessions to groups of trainees, learners and apprentices.

If you would like to find out if UCATT could run the ERR programme at your workplace or college please contact:

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