

(8404.) OTAGO AND SOUTHLAND CARPENTERS AND JOINERS.—
APPRENTICESHIP ORDER.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Apprentices Act, 1923; and in the matter of the conditions of apprenticeship in the Carpentering and Joinery Industry within the Otago and Southland Industrial District.

Friday, the 6th day of November, 1925.

WHEREAS, pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up for the Otago District in connection with the carpentering and joinery industry: And whereas the Court has heard the workers, employers, and other persons concerned, and has considered the recommendations made to it by the said committee: And whereas the Court has deemed it expedient to make an order under section 5 of the said Act prescribing the wages, hours, and other conditions of employment to be incorporated in contracts of apprenticeship in the said industry in the said district, and prescribing such other matters and things as the Court is required and authorized by the said section to prescribe: Now, therefore, the Court doth hereby order and prescribe as follows:—

1. The locality in which this order shall have effect is the Otago and Southland Industrial District.

2. The trade or industry to which this order shall apply is carpentering and joinery.

3. Every contract of apprenticeship and every alteration or amendment thereof shall be in writing signed by the employer and the apprentice, and, if the apprentice is under the age of twenty-one years, by the parent or guardian (if any) of the apprentice, and shall be registered by the employer in the prescribed manner, within fourteen days of the date thereof, with the District Registrar.

4. The minimum age at which a person may commence to serve as an apprentice shall be fifteen years, except in special circumstances, when the committee may sanction the employment of a boy less than fifteen years as an apprentice.

5. The term of apprenticeship shall be five years.

6. The proportion of the total number of apprentices to the total number of journeymen employed in the industry in the district shall be not more than one to three. The proportion of the total number of apprentices to the total number of journeymen employed by any employer shall be not more than one to three. For the purpose of determining the number of journeymen when taking on a new apprentice each apprentice who has completed three years of his apprenticeship shall be counted as a journeyman.

7. (a.) For the purpose of determining the number of journeymen employed in the trade or industry in the district every employer shall, during the month of April in each year, furnish to the District Registrar a return of the average number of journeymen employed by him during the twelve months ended on the 31st day of March last preceding. Such average shall be calculated in manner following :—

(i.) The number of journeymen employed for two-thirds full time shall be ascertained for each week of the year ended on the said 31st day of March. Journeymen who are absent from work on full pay on any day or days shall be reckoned as if actually employed at work during such absence.

(ii.) The weekly numbers ascertained under (i) shall be totalled and the sum divided by 52. If the custom of the employer or of the trade or industry is to suspend operations for not more than two weeks in the year, the week or two weeks during which operations are suspended by the employer shall be omitted from the computation under (i), and the divisor under (ii) shall be 51 or 50, as the case may be, instead of 52.

(b.) The proportion of apprentices to journeymen employed in the trade or industry in the district shall, for the purpose of determining whether an employer is entitled to enter into a contract of apprenticeship with an apprentice, be based upon the number of

journeymen employed in the trade or industry in the district as shown by the last returns furnished to the District Registrar in accordance with the provisions of the last preceding subclause. If, previously to being furnished with returns for the year ending on the 31st day of March, 1926, the District Registrar is in doubt as to the district proportion of apprentices to journeymen having been reached, he may require all employers in the trade or industry in the district to furnish interim returns for the period between the 1st day of April, 1925, and the last day of the calendar month preceding the date on which he requisitions for such interim returns, and it shall be the duty of every employer to furnish an interim return within fourteen days of the date on which he is notified of the requirement of the District Registrar.

(c.) The proportion of apprentices to journeymen employed by any employer shall, for the purpose of determining whether such employer is entitled to enter into a contract of apprenticeship with an apprentice, be based upon the number of journeymen who at the date of the making of the contract of apprenticeship had been employed by that employer for not less than two-thirds full time for a period of six months preceding that date.

(d.) For the purposes of this order, an employer who himself works at the trade shall be entitled to count himself as a journeyman.

8. The minimum rates of wages payable to apprentices shall be 15s. per week for the first year, £1 2s. 6d. per week for the second year, £1 10s. per week for the third year, £1 17s. 6d. per week for the fourth year, and £2 5s. per week for the fifth year.

9. If ordered to do so by the Court or a committee, any apprentice residing within a radius of five miles from a technical college or school or other approved institution shall, during the first three years of his apprenticeship, or until he shall have obtained the certificate hereinafter mentioned, attend the classes in such college, school, or institution, and in such case the employer shall refund to the apprentice the amount of the fees for each term in which his attendance is not less than 75 per cent. of the maximum possible, provided that the report of the Director is satisfactory.

10. Every apprentice who, whether he has been ordered to attend such classes or not, shall have obtained from the principal of the college, school, or institution in which he has attended classes as before mentioned a certificate that he has passed an examination of a standard to be arranged between the management of the college, school, or institution and the committee shall, upon production of such certificate to his employer, be paid during the fourth year of his apprenticeship at the rate of not less than 5s. per week in excess of the minimum rate provided in clause 8 hereof, and during the fifth year of his apprenticeship at the rate of not less than 7s. 6d. per week in excess of such minimum rate.

11. The period of probation to be prescribed in any contract of apprenticeship to enable the employer of any apprentice to determine his fitness shall not exceed three months in the case of a first apprenticeship to the trade, and shall not exceed one month in any other case.

12. A person under twenty-one years of age who has served part of his apprenticeship to the trade outside of New Zealand may complete the term of apprenticeship herein provided for with an employer in the district on furnishing to the District Registrar a certificate from his former employer, and/or such other evidence (if any) as the District Registrar may require, in order to show the time served by such person as an apprentice outside of New Zealand. The District Registrar may refuse to register any contract of apprenticeship entered into under the provisions of this clause until such evidence has been furnished to him. Any party aggrieved by the decision of the District Registrar may within fourteen days appeal to the Court, whose decision shall be final and conclusive. The period of probation in cases coming within the scope of this clause shall not exceed two months.

13. An apprentice shall make up all time lost by him in any year through his own default, or sickness or accident from any cause not directly connected with the business of the employer, before he shall be considered to have entered on the next succeeding year of his apprenticeship, or, if in the final year, to have completed his apprenticeship, but any overtime worked during any year shall be taken into consideration when computing the time lost.

14. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for (a) any time lost by him through sickness or accident not arising out of his employment in excess of eighty-eight hours in any year, or (b) through his own default or other circumstance not connected with the business of the employer.

15. The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by journeymen in accordance with the provisions of the award or industrial agreement relating to the employment of journeymen for the time being in force in the district.

16. An employer shall not require or permit an apprentice under seventeen years of age to work more than seven hours' overtime in any week.

17. The minimum rate of overtime payment shall be 1s. per hour.

18. The conditions of the award or industrial agreement referred to in clause 15 hereof, in so far as they relate to the method and time of payment of wages, holidays, travelling-time, suburban work, country work, meal-money, and other matters (other than preference to unionists) relating generally to the employment, and not in conflict with this order, shall be applicable to apprentices.

19. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1923, and this order, and shall make provision, either expressly or by reference to the said Act or this order, for the several matters provided for therein, and shall not contravene the provisions of any Act relating to the employment of boys or youths. In default of such provision being made in any such contract of apprenticeship, or in so far as such provision is defective or ambiguous, the contract shall be deemed to provide that the conditions of apprenticeship shall be not less favourable to the apprentice than the minimum requirements of this order.

20. It shall be an implied term in every contract of apprenticeship that the apprentice will diligently and faithfully obey and serve the employer as his apprentice for the prescribed term, and will not absent himself from the employer's service during the hours of work without the leave of the employer or except as permitted by this order, and, further, will not commit or permit or be accessory to any hurt or damage to the employer or his property, nor conceal any such hurt or damage if known to him, but will do everything in his power to prevent the same.

21. It shall be an implied term in every contract of apprenticeship that the employer will during the prescribed term, to the best of his power, skill, and knowledge, train and instruct the apprentice, or cause him to be trained and instructed, as a competent journeyman in the trade of a carpenter and joiner, in accordance with the provisions of the Apprentices Act, 1923, and of this order, and any amendment thereof: Provided, however, that, if the business carried on by the employer does not comprise all the operations usually included in the training of a journeyman in the trade of a carpenter and joiner, the operations to be taught the apprentice shall be specifically set out in the contract of apprenticeship, and in default thereof the employer shall be deemed to have contracted to train and instruct the apprentice in all the operations usually included in the training of a journeyman in the trade of a carpenter and joiner.

22. It shall not be competent for an employer to employ a youth as an apprentice until he has been established in business for at least two years, unless he satisfies the committee that he is in a position to continue as an employer.

23. No premium in respect of the employment of any person as an apprentice shall be paid to or received by an employer, whether such premium is paid by the person employed or by any other person.

24. The provisions of this order shall not necessarily apply in the case of a special contract of apprenticeship entered into under the provisions of section 11 of the Apprentices Act, 1923.

25. It shall be an implied term in every contract of apprenticeship that the provisions of the Master and Apprentice, Act, 1908, shall not apply thereto.

26. The powers conferred on the Court by paragraphs (b) to (l) inclusive of section 5 (4) of the said Act are hereby delegated by the Court to the said committee in so far as those powers relate to the said industry in that area lying within a radius of fifty miles from the Chief Post-office in the City of Dunedin, but reserving nevertheless power to the Court at any time and from time to time to withdraw all or any of such powers.

27. This order shall operate and take effect as from the 21st day of November, 1925.

[L.S.]

____ F. V. FRAZER, Judge.

MEMORANDUM.

A suggested form of apprenticeship contract is appended.

F. V. FRAZER, Judge.

[For suggested form of apprenticeship contract see p. 45.]

SUGGESTED FORM OF APPRENTICESHIP CONTRACT.

THIS DEED, made the day of , 19 , between [Full name of employer], of [Address and occupation], (hereinafter called "the master") of the first part, [Full name of apprentice's parent or guardian], of [Address and occupation], (hereinafter called "the guardian") of the second part, and [Full name and address of apprentice], a minor born on the day of , 19 (hereinafter called "the apprentice") of the third part, witnesseth as follows:—

1. The master hereby covenants with the apprentice, and also as a separate covenant with the guardian, that he will take the apprentice as his apprentice in the trade of a (or that branch of the trade known as), and the apprentice and the guardian hereby jointly and severally covenant with the master that the apprentice will serve the master as such apprentice for the term and upon and subject to the conditions hereinafter set forth.

2. The term of the apprenticeship shall be years, commencing on the day of , 19 , and shall be served at [State place].

3. The master shall pay to the apprentice during the said term wages at the rates hereinafter specified, to wit: during the first year, per week [and so on for each period].

4. The provisions of the Apprentices Act, 1923, and the regulations made thereunder, and the general order of the Court of Arbitration, dated the day of , 19 , governing the conditions of apprenticeship in the trade, are, save as hereinafter expressly provided, deemed to be incorporated in these presents.

5. The period of probation referred to in section 12 of the said Act shall be months.

6. The apprenticeship shall be subject to the minimum conditions provided in and by the said general order, except as follows [Here state conditions agreed to, in so far as they differ from those of the general order].

7. [If the employer does not carry on a business that comprises all the operations usually included in the training of an apprentice as a journeyman in the trade, state specifically the operations to be taught the apprentice.]

In witness whereof these presents have been executed by the parties hereto the day and year first before written.

[Employer's signature.]

Signed by the said in the }
presence of—

[Witness's signature, occupation, and address.]
[Continue similarly for guardian and apprentice.]

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT.

(8493.) OTAGO AND SOUTHLAND CARPENTERS AND JOINERS.—
DELEGATING POWERS TO APPRENTICESHIP COMMITTEE.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Apprentices Act, 1923 ; and in the matter of the Otago and Southland Carpenters and Joiners' apprenticeship order, dated the 6th day of November, 1925, and recorded in Book of Awards, Vol. XXVA, p. 1000.

Wednesday, the 23rd day of December, 1925.

WHEREAS on the 6th day of November, 1925, an order was made under the provisions of the Apprentices Act, 1923, prescribing the wages, hours, and other conditions of employment to be incorporated in contracts of apprenticeship in the carpentering and joinery industry in the Otago and Southland Industrial District : And whereas an Apprenticeship Committee has been set up for the Southland Provincial District : And whereas the said committee has applied to the Court to have delegated to it the powers conferred on the Court by paragraphs (b) to (l) inclusive of section 5 (4) of the said Act : Now, therefore, the Court doth hereby order that, as from the 11th day of January, 1926, the said powers be and the same are hereby delegated to the said committee in so far as those powers relate to the said industry in the Southland Provincial District, but reserving nevertheless power to the Court at any time and from time to time to withdraw all or any of such powers.

[L.S.]

F. V. FRAZER, Judge.