

(8455.) NORTHERN INDUSTRIAL DISTRICT COACH AND MOTOR-BODY BUILDERS.—APPRENTICESHIP ORDER.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Apprentices Act, 1923, and in the matter of the conditions of apprenticeship in the coach and motor-body building industry within the Northern Industrial District.

Friday, the 18th day of December, 1925.

WHEREAS, pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up for that portion of the Northern Industrial District situate within a radius of ten miles from the Chief Post-office in the City of Auckland in connection with the coach and motor-body building industry: And whereas the Court has heard the employers, workers, 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 locality, 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 Northern Industrial District.

2. The trade or industry to which this order shall apply is the coach and motor-body building industry and all its branches.

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 fourteen years.

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 two. 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 two or fraction of two in the branch of the trade to which any apprentice is apprenticed. Each apprentice in a smith-shop after serving three years shall be entitled to a fire, and another apprentice may be taken on when an apprentice goes to a fire. An apprentice may be taken on in other departments every fourth year of the previous apprentice's time. Apprentices transferred from other employers are not to be computed in the calculation for the additional apprentice in the third year of the smith and the fourth year in other departments.

7. (a.) For the purpose of ascertaining 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 requirements 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 per week for the second year, £1 5s. per week for the third year, £1 10s. per week for the fourth year, and £2 5s. per week for the fifth year.

9. 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 three months in any other case.

10. 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 three months.

11. An apprentice shall make up all time lost by him in any year through his own default, sickness, or accident, or for 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.

12. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost by him through sickness or default, or through no fault of the employer, or by his voluntary absence from work with the consent of the employer.

13. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time during which the factory is closed for the purpose of cleaning or repairing the machinery, but not for a longer period or periods than two weeks in all in any year of the apprenticeship.

14. 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.

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

16. The minimum rate of overtime payment for apprentices shall be as follows: 1s. per hour.

17. The conditions of the award or industrial agreement referred to in clause 14 hereof, in so far as they relate to the method and time of payment of wages, holidays (except in regard to deductions for 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.

18. 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.

19. 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.

20. 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 coach and motor-body builder, or specified branch thereof, in accordance with the provisions of the Apprentices Act, 1923, and of this order, and any amendments 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 coach and motor-body builder, or specified branch thereof, 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 coach and motor-body builder, or the specified branch of the trade to which the apprentice is apprenticed.

21. 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.

22. 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.

23. 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.

24. 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 part of the Northern Industrial District lying within a radius of ten miles from the Chief Post-office in the City of Auckland, but reserving nevertheless power to the Court at any time and from time to time to withdraw all or any of such powers.

25. This order shall operate and take effect as from the 28th day of December, 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.]