

(8466.) GISBORNE JUDICIAL DISTRICT FURNITURE TRADE.—
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 furniture trade within the Gisborne Judicial District.

Monday, the 21st day of December, 1925.

WHEREAS, pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up for the Gisborne Judicial District in connection with the furniture trade: 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 trade 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 that part of the Northern Industrial District lying within the Gisborne Judicial District.

2. The trade or industry to which this order shall apply is cabinet-making, upholstering, chair and frame making, machining, wood-carving, turning, pianoforte-making (in all branches), gramophone-making, casketmaking, french-polishing, wire-mattress making (in all

branches), and picture-frame making. Upholstering-work shall include all kinds of bedding, laying of carpets and linoleums, also fixing of drapings.

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: Provided that the Committee may, in cases where circumstances warrant it, grant a permit to a person under the age of fifteen years to commence to serve as an apprentice, but in no case shall the minimum age be below fourteen years.

5. The term of apprenticeship shall be five years in all cases except in the wire-mattress-making and picture-frame-making branches, where the term of apprenticeship shall be three years.

6. The proportion of the total number of apprentices to the total number of journeymen employed in the trade 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 two or fraction of two. Before taking an apprentice an employer shall have been in business for at least eight months.

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 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. (a.) The minimum rate of wages payable to apprentices shall be as follows :—

			Per Week.			
			£	s.	d.	
For the first year	0	15	0
For the second year	1	2	6
For the third year	1	10	0
For the fourth year	1	17	6
For the fifth year	2	5	0

(b.) The minimum rates of wages payable to apprentices in cases in which three years apprenticeship is permitted under this order shall be as follows :—

			Per Week.			
			£	s.	d.	
For the first year	0	15	0
For the second year	1	5	0
For the third year	1	17	6

9. If ordered to do so by the Court or a committee, any apprentice residing within a radius of ten miles from a technical college 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 or other approved institution, and in such cases the employer shall refund to the apprentice the amount of his fees for each term in which his attendance is not less than 75 per cent. of the maximum possible.

10. Every apprentice who, whether he has been ordered to attend such classes or not, shall have obtained from the Principal of the

college or institution in which he has attended classes as before-mentioned a certificate that he has passed an examination equivalent to that required to be passed in order to obtain a certificate, in the branch of the trade to which he is apprenticed, in Grade 2 of the City and Guilds of London Institute 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. 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 four months in the case of a first apprenticeship to the trade, and shall not exceed two months 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 three months, and shall not count in the local proportion.

13. An apprentice shall make up any time lost by him in any year through his own default, or sickness, or through accident (unless arising out of and in the course of his employment), 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.

14. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost by him through sickness in excess of two weeks in any year or through his own default.

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 six hours' overtime in any one week.

17. The minimum rate of overtime payment for apprentices shall be time and a half for the first two hours and double time thereafter, if worked continuously, or 9d. per hour, whichever is the greater.

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 (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.

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 or branch or branches of the trade to which the apprentice is apprenticed, as carried on by the employer, 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 or branch or branches of the trade to which the apprentice is apprenticed, 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 or branch or branches of the trade to which the apprentice is apprenticed.

22. 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.

23. 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.

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

25. 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 trade and locality, but reserving nevertheless power to the Court at any time, and from time to time, to withdraw all or any of such powers.

26. This order shall operate and take effect as from the 4th day of January, 1926.

[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.]