

(10903.) NORTHERN INDUSTRIAL DISTRICT (EXCEPT GISBORNE JUDICIAL DISTRICT) BAKERS AND PASTRYCOOKS.— APPRENTICESHIP ORDER.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Apprentices Act, 1923, and its amendments; and in the matter of the conditions of apprenticeship in the baking and pastrycooking industry in the Northern Industrial District, except that part thereof which is included in the Gisborne Judicial District.

Monday, the 7th day of October, 1935.

WHEREAS pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up for the Northern Industrial District, except that part thereof which is included in the Gisborne Judicial District, in connection with the baking and pastrycooking 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 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 Northern Industrial District, except that part thereof which is included in the Gisborne Judicial District.

2. The branches of the trade or industry to which this Order shall apply are (1) baking and (2) pastrycooking. The provisions of this order shall apply to all employers of apprentices in the industry in the district (whether bound by an award or industrial agreement relating to the said industry or not) and to all apprentices employed by such employers in such industry, and to all contracts of apprenticeship between such employers and apprentices.

3. Every employer shall within three days after engaging any person as an apprentice give notice of such engagement to the District Registrar of Apprentices for the locality concerned.

4. Contracts of apprenticeship, and every alteration or amendment thereof, shall be registered with the District Registrar for the district within a period of fourteen days after the commencement of the employment of the apprentice, or the expiration of any period of probation served by him, pursuant to the Apprentices Act (in the case of an original contract) or

within fourteen days after the making of the alteration. If the contract or alteration is not presented for registration as aforesaid the parties thereto are severally liable to a fine of £10 under the Apprentices Act, 1923.

5. Every employer desiring to employ an apprentice in any branch or branches of the trade shall, before engaging the proposed apprentice, make application in writing to the Apprenticeship Committee, and the Committee shall either grant or refuse the application, after inquiring into the facilities within the scope of the proposed employer's business for teaching the proposed apprentice: Provided, however, that after the Committee has been satisfied as to an employer's facilities for teaching an apprentice in any branch or branches of the trade it shall not be necessary for the employer, previously to engaging further apprentices (up to his quota) for that branch or those branches, to make such application to the Committee, if his facilities for teaching apprentices remain equally efficient; but if the Committee in granting permission to employ an apprentice shall have notified an employer that his facilities for teaching apprentices are insufficient to justify the employment of more than a limited number of apprentices, it shall in such case be necessary for that employer to make such application as hereinbefore mentioned in respect of any apprentices he may thereafter wish to engage in excess of that number.

6. The minimum age at which a person may commence to serve as an apprentice shall be fourteen years.

7. The term of apprenticeship in the case of persons commencing to serve as apprentices between the ages of fourteen and eighteen years shall be five years, and in the case of persons commencing to serve as apprentices after having attained the age of eighteen years the term of apprenticeship shall be four years.

8. (a) The proportion of apprentices to journeymen in each branch of the trade shall be one apprentice to every three or fraction of three journeymen employed.

(b) For the purposes of determining the number of apprentices each employer may employ, the number shall be computed upon the total number of journeymen employed for two-thirds full time for six months prior to the taking-on of an apprentice in each of the following branches of the trade—viz.: (a) baking, and (b) pastrycooking.

(c) Before taking an apprentice an employer shall have been in business for at least eight months.

9. The powers and discretions provided for in section 13 of the Apprentices Act, 1923, may be exercised by the District

Registrar and the Apprenticeship Committee notwithstanding that the employer to whom it is proposed to transfer an apprentice is already employing the full quota of apprentices as determined by the Apprenticeship Order.

10. (a) The minimum rates of wages payable to apprentices whose age at the time of commencing to serve as apprentices does not exceed eighteen years shall be—

	Per Week.		
	£	s.	d.
For the first six months	1	7	0
For the second six months	1	11	6
For the third six months	1	16	0
For the fourth six months	2	0	6
For the fifth six month	2	5	0
For the sixth six months	2	9	6
For the seventh six months	2	14	0
For the eighth six months	2	18	6
For the ninth six months	3	3	0
For the tenth six months	3	12	0

(b) For apprentices commencing to serve as apprentices after having attained the age of eighteen years the minimum rates of wages shall be—

	Per Week.		
	£	s.	d.
For the first six months	1	16	0
For the second six months	2	0	6
For the third six months	2	5	0
For the fourth six months	2	9	6
For the fifth six months	2	14	0
For the sixth six months	2	18	6
For the seventh six months	3	3	0
For the eighth six months	3	12	0

(c) If an employer provides an apprentice with board and lodging, the value of the board and lodging shall be agreed upon between the employer and the Apprenticeship Committee.

11. 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 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 institution, and in such cases the employer shall refund 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.

12. 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, but at least 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 and fifth years of his apprenticeship at the rate of not less than 5s. per week in excess of the minimum rate provided in clause 10 hereof.

13. 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 two months in any other case.

14. 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 proportion.

15. 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.

An apprentice working overtime shall have such time added to his ordinary time in calculating the respective years of his apprenticeship.

16. 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 accident not arising out of and in the course of the employment, or through his own default.

17. 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.

18. 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.

19. The minimum rates of overtime payment for apprentices shall correspond with those fixed by the award for journeymen, or 9d. per hour, whichever is the greater.

20. The conditions of the award or industrial agreement referred to in clause 17 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.

21. 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 and 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.

22. 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.

23. 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 he is apprenticed, as carried on by the employer, 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 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.

24. 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.

25. 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.

26. 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.

27. In pursuance and exercise of the powers conferred by section 6 (1) of the Apprentices Act, 1923, and section 6 (3) of the Apprentices Amendment Act, 1930, the powers conferred on the Court by paragraphs (b) to (l) inclusive of section 5 (4) of the Apprentices Act, 1923, are hereby delegated by the Court to the said Committee in so far as those powers relate to the said industry within the Northern Industrial District, except that part thereof which is included in the Gisborne Judicial District, but reserving nevertheless power to the Court at any time and from time to time to withdraw all or any of such powers.

28. The Northern Industrial District Bakers and Pastrycooks' Apprenticeship Order, dated the 26th day of November, 1924, and recorded in Book of Awards, Vol. XXV, p. 1323, is hereby revoked.

29. This order shall operate and take effect as from the 28th day of October, 1935.

[SEAL.]

E. PAGE, Judge.

MEMORANDUM.

The only matter referred to the Court was wages. These the Court has settled.

Mr. Prime wishes to record his dissent from the rates fixed; he holds that, having regard to the rates paid to apprentices in other industries, and making allowance for the special circumstances of employment in bakehouses, the rates herein fixed for bakers' apprentices are unduly high.

E. PAGE, Judge.

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.]