

(10986.) 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 that part of the Northern Industrial District which is included in the Gisborne Judicial District.

Wednesday, the 4th day of December, 1935.

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

2. The branches of the trade or industry to which this order shall apply are baking, pastrycooking, and home-made-cake shops and tea-rooms 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 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. 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 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.

7. The proportion of apprentices to journeymen pastrycooks shall be as follows: In the pastrycooking department, where one or no journeyman is employed, one apprentice; where two journeymen are employed, two apprentices; where three journeymen are employed, two apprentices; where four journeymen are employed, two apprentices; where five journeymen are employed, three apprentices. In the bread-baking department every employer shall be allowed to have one apprentice whether he employs any journeyman or not. If an employer employs more than two journeymen he shall be allowed to have two apprentices, but not more than two apprentices shall be allowed in the bread-baking department of any bakehouse.

8. (a) For the purpose of determining from time to time the total number of journeymen employed by any employer or in the trade or industry in the district, each employer shall, on request, furnish to the District Registrar a statement of the number of journeymen employed by him for at least two-thirds full time during the preceding six months.

(b) 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 rates of wages shall be:—

	Per Week.		
	£	s.	d.
For the first six months	1	10	0
For the second six months	1	15	0
For the third six months	2	0	0
For the fourth six months	2	5	0
For the fifth six months	2	10	0
For the sixth six months	2	15	0
For the seventh six months	3	0	0
For the eighth six months	3	5	0
For the ninth six months	3	10	0
For the tenth six months	4	0	0

In the case of a five-year apprenticeship where board and lodging is provided by the employer, he shall be entitled to deduct the sum of 10s. per week for the first year, 12s. 6d. per week for the second year, 15s. per week for the third year, 17s. 6d. per week for the fourth year, and 20s. per week for the fifth year.

(b) For apprentices commencing to serve as apprentices after having attained the age of eighteen years the minimum does not exceed eighteen years shall be:—

	Per Week.		
	£	s.	d.
For the first six months	2	0	0
For the second six months	2	5	0
For the third six months	2	10	0
For the fourth six months	2	15	0
For the fifth six months	3	0	0
For the sixth six months	3	5	0
For the seventh six months	3	10	0
For the eighth six months	4	0	0

In the case of a four-year apprenticeship (commencing at the age of eighteen years or over) and where board and lodging is provided by the employer, he shall be entitled to deduct the sum of 12s. 6d. per week for the first year, 15s. per week for the second year, 17s. 6d. per week for the third year, 20s. per week for the fourth year.

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 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 in baking and/or pastrycooking, 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 66 $\frac{2}{3}$ 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 equivalent to that required to be passed in order to obtain a certificate in baking and/or pastrycooking shall, upon production of such certificate to his employer, be paid during the remaining years of his apprenticeship at the rate of not less than 5s. per week in excess of the minimum rates 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 three months in any other case.

14. A person who has served part of his apprenticeship to the trade in any part of the British Empire 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.

15. An apprentice shall make up all time lost by him in any year through his own default 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.

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 through his own default.

17. 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.

18. 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.

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

20. The minimum rates of overtime payment for apprentices shall correspond with those fixed by the award for journeymen and others.

21. The conditions of the award or industrial agreement referred to in clause 18 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.

22. Decorative piping-tubes shall be found by the employee; all other tools shall be found by the employer.

23. 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.

24. 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.

25. 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 baker and/or pastrycook in accordance with the provisions of the Apprentices Act, 1923, and its amendments.

26. 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.

27. 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.

28. 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.

29. 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 the said district, but reserving nevertheless power to the Court at any time and from time to time to withdraw all or any of such powers.

30. This order shall operate and take effect as from the 9th day of December, 1935.

[L.S.]

E. PAGE, Judge.

[For suggested form of apprenticeship contract see p. 79.]
