

(11026.) NORTHERN INDUSTRIAL DISTRICT PHOTO-ENGRAVERS.—
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 photo-engraving trade in the Northern Industrial District.

Thursday, the 16th day of April, 1936.

WHEREAS pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up for the Northern Industrial District in connection with the photo-engraving trade: And whereas the Court has heard the employers, workers, and other persons concerned: 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:—

Definitions.

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 photo-engraving trade as defined in the agreement dated

the 14th day of February, 1936, between the New Zealand Photo-engravers' Guild (Incorporated) and Messrs. Wilson and Hortons, Ltd., and other employers.

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

4. The period of apprenticeship shall be six years, but six months' probation shall be allowed the first employer of any apprentice to determine his fitness, such six months to be included in the period of apprenticeship.

5. 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.

6. Any apprentice who at the date of the commencement of this order is employed by any employer party to this order otherwise than under a contract of apprenticeship, and any apprentice who upon entering the service of any employer party to this order shall have previously served part of his apprenticeship to the trade whether within or without New Zealand, and whether or not under a contract of apprenticeship, shall enter into a contract of apprenticeship for a period sufficient to enable him to complete his apprenticeship, and in default of agreement between the employer and the apprentice, such period shall be determined by the Apprenticeship Committee.

This clause shall be read subject to the provisions of section 11 of the Apprentices Act, 1923.

Registration of Contracts.

7. 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; and the District Registrar shall forward a copy of such notice to the Apprenticeship Committee.

8. 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.

Proportion.

9. The proportion of the total number of apprentices to the total number of journeymen employed by any employer shall not exceed the following: One for the house, and one for every three journeymen employed. The proportion of apprentices to journeymen shall, for the purpose of determining whether an employer is entitled to enter into a contract of apprenticeship, be based upon the number of journeymen who at the time 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. For the purposes of this computation, the term "journeyman" shall include apprentices who have completed five years of their apprenticeships, improvers, and any employer who himself works at the trade.

10. 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 this Apprenticeship Order.

Wages, Hours, and Overtime.

11. The minimum rates of wages payable to apprentices shall be:—

				Per Week.		
				£	s.	d.
First year ..	..	..	..	1	0	0
Second year	..	..	..	1	5	0
Third year	..	..	..	1	10	0
Fourth year	..	..	..	2	0	0
Fifth year ..	..	..	..	2	10	0
Sixth year	..	..	..	3	0	0

12. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost by him through his own default or sickness, or accident not arising out of or in the course of the employment, or any other cause over which the employer has no control.

13. Time so lost by an apprentice in any year of his apprenticeship shall be made up by him 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. The employer shall accordingly be entitled to defer increases of wages by the period of any time lost in any year of the apprenticeship. With the consent of the employer, and if the apprentice is under the age of twenty-one years with the consent of the parent or guardian (if any), the apprentice may in like manner make up time lost by reason of an accident within the meaning of the Workers' Compensation Act.

14. The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by journeymen.

15. An employer shall not require or permit an apprentice under seventeen years of age to work more than six hours' overtime in any week, and no apprentice shall work overtime for more than half an hour on any day unless under the supervision of a journeyman.

16. The minimum rates of overtime payment for apprentices shall be time and a half rates, or 9d. per hour, whichever is the greater.

Duties of Employers.

17. 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 during the prescribed term so that he may become a competent journeyman in the industry or branch or branches of the industry to which he is apprenticed as carried on by the employer: 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 industry or branch or branches of the industry to which the apprentice is apprenticed, or if it is agreed to teach the apprentice only specified operations, the operations to be taught the apprentice shall be specifically set out in the contract of apprenticeship.

18. Whenever for any reason (including the completion of his contract of apprenticeship) an apprentice ceases to be employed by an employer it shall be the duty of the employer to supply the apprentice with a statement setting forth the service of the apprentice.

Duties of Apprentices.

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 shall not absent himself from the employer's service during the hours of work without the leave of the employer, and, further, shall 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 shall do everything in his power to prevent the same.

20. Should any employer be dissatisfied with the conduct or progress of an apprentice he may appeal to the Apprenticeship Committee, which shall thereupon make inquiry into the conduct of the apprentice, and take such action as it may deem necessary in the interests of the apprentice and the employer.

21. The provisions of section 15 of the Apprentices Amendment Act, 1930, regarding suspension and discharge of apprentices for misconduct or grave incapacity shall apply hereto.

Transfers.

22. An apprentice who has been apprenticed to one branch of the trade may agree with the employer, with the consent of the parent or guardian (if any) if the apprentice is under the age of twenty-one years, to be transferred to another branch of the trade and complete his apprenticeship in that branch. Every such transfer shall be registered with the District Registrar of Apprentices as an amendment of the contract of apprenticeship as provided in clause 8.

23. If an employer at any time before the completion of a contract of apprenticeship desires to be relieved from the contract by reason of slackness of work or other sufficient cause, and the apprentice and (where the apprentice is under the age of twenty-one years) his parents or guardian (if any) do not agree to the termination of the contract or to the transfer of the apprentice to another employer, the employer may apply to the Apprenticeship Committee for a transfer of the apprentice to another employer willing and able to carry out the obligations of the original employer. The Apprenticeship Committee shall thereupon inquire into the circumstances of such application, and may grant or refuse the transfer accordingly.

24. If an apprentice is dissatisfied with the opportunities afforded him of learning and becoming efficient in the trade or industry or part thereof to which he is apprenticed as carried on by his employer, he may appeal to the Apprenticeship Committee, which shall thereupon inquire into the facilities provided by the employer for the training of the apprentice and take such action as it may deem necessary in the interests of the apprentice and the employer.

25. (a) Nothing herein contained shall prevent an employer during periods of slackness of work from temporarily transferring an apprentice to another employer who is able and willing to employ him: Provided that the provisions of clause 9

of this order relating to the two-thirds full time employment shall not apply in the case of any temporary transfer made in accordance with this clause.

(b) Any employer employing an apprentice in accordance with this clause shall for the time being, and during the period of the said employment, be bound by all the conditions of the contract entered into by the original employer and the apprentice, but this shall not relieve the original employer of his obligations under the said contract.

(c) An apprentice shall not be employed under a temporary transfer as aforesaid without the permission of the Apprenticeship Committee, or for any longer period than approved by the Committee.

General.

26. 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.

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 Auckland Photo-engraving Trades Apprenticeship Committee in so far as those powers relate to the said industry within that part of the Northern Industrial District lying within a radius of twenty 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.

30. This order shall operate and take effect as from the day of the date hereof.

[L.S.]

E. PAGE, Judge.

MEMORANDUM.

Save as to certain minor verbal alterations, this order embodies the terms of an agreement reached at a conference between employers and the New Zealand Photo-engravers' Guild (Inc.).

Mr. Monteith's dissenting opinion is attached.

—
E. PAGE, Judge.

DISSENTING OPINION OF MR. MONTEITH.

This is the first Apprenticeship Order for process engravers in New Zealand, and, while applying only to Auckland, was admitted to be the basis of a Dominion Order. I am of the opinion that, because of the Dominion basis, an opportunity should have been given the parties in other centres to place their views before the Court before the order was made.

[For suggested form of apprenticeship contract see p. 87.]