

OTAGO **SOLID PLASTERERS.**—APPRENTICESHIP ORDER.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Apprentices Act, 1923, and its amendments; and in the matter of the conditions of apprenticeship in the solid plastering industry within the Otago Provincial District.

Monday, the 16th day of October, 1939.

WHEREAS, pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up for that portion of the Otago and Southland Industrial District lying within a radius of twenty miles from the chief post-office in the City of Dunedin in connection with the solid plastering industry: And whereas the duly appointed delegate of 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 duly appointed delegate of 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 Otago Provincial District, and prescribing such other matters and things as the Court is required and authorized by the said section to prescribe: Now, therefore, the duly appointed delegate of the Court doth hereby order and prescribe as follows:—

1. The locality in which this order shall have effect is that portion of the Otago and Southland Industrial District known as the Otago Provincial District.

2. The trade or industry to which this order shall apply is the solid plastering industry. The provisions of this order shall apply to all employers of apprentices in the trade in the district (whether bound by an award or industrial agreement relating to the said trade or not) and to all apprentices employed by such employers in such trade, 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. The term of apprenticeship shall be five years.

6. (a) The proportion of apprentices to journeymen shall be as follows: One apprentice to every two journeymen employed; and in computing the number of journeymen, the employer shall be reckoned as one journeyman. For the purpose of determining the proportion of apprentices to journeymen in taking on a new apprentice, the calculation shall be based upon two-thirds full-time employment of the journeymen employed during the previous six calendar months.

(b) It shall not be competent for an employer to employ a youth as an apprentice until he has been established in business for at least two years, unless he satisfies the committee that he is in a position to continue as an employer.

(c) 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 apprentice, after inquiring into facilities within the scope of the proposed employer's business for teaching the proposed apprentice the branch or branches of the trade.

7. 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 order.

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

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

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 one month 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 or sickness or for any cause not directly connected with the business of the employer before he shall be considered to have entered upon 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 in excess of two weeks in any year, or through his own default or through no fault of the employer: Provided that a deduction may be made for time lost through sickness up to two weeks in any year unless a medical certificate is produced.

13. Accidents not arising out of and in the course of the employment shall be deemed to be sickness, and the provisions of this order relative to payment of and deductions from wages and making up time in case of sickness shall apply accordingly.

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: Provided that no apprentice under sixteen years of age is permitted to be employed for a greater number of hours than nine on any one day.

15. (a) The minimum rates of overtime payment for apprentices shall be 1s. per hour for the first year, and shall be increased in ratio to the wages each year for the remainder of the period of the apprenticeship.

(b) Subclause (a) hereof shall have no application to the employment of apprentices while engaged upon "country work" as defined by any award for the time being in force in the industry in the district to which this order applies.

Such apprentices shall be paid in respect of all time worked in excess of eight hours on the first five days of the week (Monday to Friday inclusive) or on Saturday, at the following rates:—

During the first two and a half years of the apprenticeship, 1s. an hour; and

During the latter two and a half years of the apprenticeship, at the rate of 1s. 6d. an hour.

16. 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, meal-money, and other matters (other than membership of union) relating generally to the employment and not in conflict with this order, shall be applicable to apprentices.

17. 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.

18. 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.

19. 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 solid plasterer 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 solid plasterer, 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 solid plasterer.

20. 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.

21. 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.

22. 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.

23. 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 portion of the Otago and Southland Industrial District lying within a radius of twenty miles from the chief post-office in the City of Dunedin, but reserving, nevertheless, power to the Court at any time and from time to time to withdraw all or any of such powers.

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

[L.S.] J. A. GILMOUR, Stipendiary Magistrate,  
Acting as a duly appointed delegate  
of the Court of Arbitration.

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MEMORANDUM.

This order embodies the recommendations of the Apprenticeship Committee.

J. A. GILMOUR, Stipendiary Magistrate.

[For suggested form of apprenticeship contract see page 94.]