

SOUTHLAND PLUMBERS AND GASFITTERS.—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 Plumbing and Gasfitting trade within the Southland District as hereinafter defined.

Friday, the 17th day of May, 1940.

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 Invercargill in connection with the plumbing and gasfitting 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 Southland District as hereinafter defined, 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 the Southland, Wallace, Fiord, and Stewart Island Counties, and Kingston Riding of Lake County.

2. The trade or industry to which this order shall apply is plumbing and/or gasfitting. 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. 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, and its amendments.

4. The minimum age at which a person may commence to serve as an apprentice shall be fourteen years of age if he holds a Standard VI certificate, and fifteen years of age in other cases.

5. The term of apprenticeship shall be six years.

6. (a) An employer before employing an apprentice to learn the trade shall first apply to the Apprenticeship Committee for its approval, and when required he shall furnish in writing to the Committee particulars of the journeymen employed for the previous six months and also particulars of the apprentices employed and the apprentice intended to be employed, and shall satisfy the Committee that he is a suitable employer, is in a position to continue in business as an employer, and has the workshop facilities for properly teaching the apprentice the trade.

(b) The proportion of apprentices to any employer or firm shall be as follows: Each firm or employer shall be entitled to one apprentice when a journeyman has been employed for at least twelve months; after that the number employed shall not exceed one apprentice to each two journeymen employed for the previous six months. 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 full time for a period of six months preceding that date. It is further provided that the apprentice allowed to any employer or firm shall be allowed only where the employer or one member of the firm is a registered plumber who himself works substantially at the trade.

(c) Notwithstanding anything to the contrary in the foregoing, gas companies shall be permitted to apply for permission to engage apprentices notwithstanding that no registered journeymen plumbers are employed.

(d) No employer shall be permitted to employ apprentices to the plumbing trade who is not or who does not employ a registered plumber.

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. (a) The minimum rates of wages payable to apprentices shall be:—

			Per Week.		
			£	s.	d.
For the first six months	..	..	0	15	0
For the second six months	..	..	0	19	0
For the third six months	..	..	1	3	0
For the fourth six months	..	..	1	7	0
For the fifth six months	..	..	1	11	0
For the sixth six months	..	..	1	15	0
For the seventh six months..	..	..	2	0	0
For the eighth six months	..	..	2	4	0
For the ninth six months	..	..	2	8	0
For the tenth six months	..	..	2	12	0
For the eleventh six months..	..	..	3	0	0
For the twelfth six months..	..	..	3	10	0

(b) For the commencing age of eighteen years and over:—

			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	..	..	3	15	0
For the eleventh six months..	..	..	4	0	0
For the twelfth six months	..	..	4	5	0

9. If ordered to do so by the Court or a Committee, an apprentice residing within a radius of six miles from a technical college or school or other approved institution shall, during the first four years of his apprenticeship or until he shall have obtained the certificate hereinafter mentioned, attend the classes in such college, school, or institution in plumbing and/or gasfitting, 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 70 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 Education Department a notification that he has passed in theory and practice the Intermediate Grade of the Technological Examinations shall, upon production of such notification 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 and sixth years of his apprenticeship at the rate of not less than 7s. 6d. per week 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 three months in the case of a first apprenticeship to the trade, and shall not exceed one month 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 decisions 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 one month.

13. 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 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 in excess of two weeks in any year through sickness, or through accident not arising out of and in the course of the employment, 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 sixteen years of age to work more than six hours' overtime in any week.

17. (a) The minimum rates of overtime payment for apprentices shall be as follows: Time and a half for the first four hours, and double time thereafter, with a minimum rate of 1s. 6d. per hour.

(b) No apprentice shall be permitted to work overtime unless he is under the constant supervision of a competent tradesman.

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 membership of union) relating generally to the employment and not in conflict with this order shall be applicable to apprentices.

19. Employers shall provide the tools required by the apprentice, who shall keep them in good order (reasonable wear-and-tear excepted). Tools proved to be lost or damaged shall be replaced by the apprentice.

20. 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 herein, 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 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.

21. 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.

22. 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 plumbing and/or gasfitting, in accordance with the provisions of the Apprentices Act, 1923, and of this order, and any amendments thereof.

23. 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.

24. 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.

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

26. The apprenticeship order dated the 22nd day of December, 1924, and recorded in Book of Awards, Vol. XXV, p. 1752, and its amendments, governing the conditions of apprenticeship in the plumbing and gasfitting industry in the Otago and Southland Industrial District, is hereby revoked in so far as the above-described district is concerned.

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

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

MEMORANDUM.

The only matter in dispute related to clause 6 (d), which provides that no employer shall be permitted to employ apprentices to the plumbing trade who is not or who does not employ a registered plumber. This clause has been settled in accordance with the provision in operation throughout other parts of the Dominion.

J. A. GILMOUR, Stipendiary Magistrate.

[For suggested form of apprenticeship contract see page 41.]