

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 electrical trade within the Otago Provincial District.

Tuesday, the 8th day of July, 1941.

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 electrical trade: 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 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 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 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 electrical trade. 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 of 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 fifteen years.

5. The term of apprenticeship shall be five years.

6. The proportion of apprentices to journeymen shall not exceed one apprentice to each journeyman employed. For the purposes of this clause an employer who himself works at the trade shall be entitled to count himself as a journeyman.

7. 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 not less than two-thirds full time for a period of six months preceding that date.

8. 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.

9. (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	12	0
For the sixth six months	..	1	17	0
For the seventh six months	..	2	2	6
For the eighth six months	..	2	7	6
For the ninth six months	..	2	15	6
For the tenth six months	..	3	5	0

(b) All rates of remuneration, including overtime and other special payments provided for in this order, shall be subject to the provisions of the general order dated 9th August,

1940, under the Rates of Wages Emergency Regulations 1940, increasing rates of remuneration by an amount equal to 5 per cent. thereof.

10. If ordered to do so by the Court or a Committee, any apprentice residing within a radius of twelve miles from a technical college or other approved institution shall, during the first three years of his apprenticeship or until he shall have obtained a certificate hereinafter mentioned, attend the classes in such college or institution in such subjects suitable to the branch of the trade followed by the apprentice, 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 75 per cent. of the maximum possible and provided he shall have obtained a pass in the examination.

11. Every apprentice who shall have obtained a license from the Registrar of the Electrical Wiremen's Registration Board shall be entitled to be paid at the rate of 10s. per week in excess of the minimum rate provided for in clause 9 hereof, such payment to be made for the seventh, eighth, ninth, and tenth six months only.

12. 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.

13. 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 Apprenticeship Committee a certificate from his former employer, and/or such other evidence (if any) as the Apprenticeship Committee may require, in order to show the time served by such person as an apprentice outside of New Zealand. The Apprenticeship Committee may refuse to register any contract of apprenticeship entered into under the provisions of this clause until such evidence has been furnished to it. Any party aggrieved by the decision of the Apprenticeship Committee 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.

14. An apprentice shall make up all time lost by him in any period through his own default, sickness, or for any cause not connected with the business of the employer before he shall be considered to have entered on the next succeeding six-

monthly period of his apprenticeship or, if in the final period, to have completed his apprenticeship; but an apprentice working overtime shall have such time added to his ordinary time in calculating the respective periods of his apprenticeship.

15. 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 accident not arising out of or in the course of the employment, or through his own default: Provided that if an apprentice is absent through sickness the employer may require the apprentice to furnish a medical certificate to the effect that sickness prevented him from attending at work, and if the apprentice fails to furnish such medical certificate the employer shall be entitled to make a rateable deduction from the wages of the apprentice for the time lost.

16. 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.

17. (a) An employer shall not require or permit an apprentice under the age of sixteen years to work more than six hours' overtime in any week.

(b) No employer shall make a practice of employing an apprentice during the nights that he is required to attend evening classes.

(c) No employer shall require an apprentice to work on night shift.

18. The minimum rate of overtime payment for apprentices shall be as follows: 1s. 6d. per hour.

19. The conditions of the award or industrial agreement referred to in clause 16 hereof in so far as they relate to the method and time of payment of wages, holidays (except in regard to deduction for holidays), travelling-time, suburban work, country work, meal-money, and other matters relating generally to the employment and not in conflict with this order shall be applicable to apprentices.

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 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.

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. (a) 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 electrical trade as carried on by the employer in accordance with the provisions of the Apprentices Act, 1923, and of this order, and any amendments thereof.

(b) It shall be an implied term in every contract of apprenticeship that when it is desired by an apprentice to obtain a training not carried out by his employer, arrangements may be made by the employer for a transfer not exceeding six months, such arrangement to be stated upon application to register a contract.

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. 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 7 of the Statutes Amendment Act, 1936.

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 within that part of the Otago Provincial 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.

26. The order dated the 17th day of October, 1929, and recorded in Book of Awards, Vol. XXIX, p. 725, and subsequent amendments, are hereby revoked.

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

[L.S.]

A. TYNDALL, Judge.