

TARANAKI INDUSTRIAL DISTRICT TINSMITHING AND SHEET-METAL WORKING INDUSTRY.—APPRENTICESHIP ORDER

In the Court of Arbitration of New Zealand, Taranaki Industrial District.—In the matter of the Apprentices Act, 1923, and its amendments; and in the matter of the conditions of apprenticeship in the tinsmithing and sheet-metal working industry in the Taranaki Industrial District.

Wednesday, the 11th day of December, 1946

WHEREAS application has been made for an apprenticeship order in the tinsmithing and sheet-metal working industry in the Taranaki Industrial District: And whereas the Court has heard the employers and workers concerned: And whereas the Court has deemed it expedient to make an order under section 5 of the Apprentices Act, 1923, 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 the Taranaki Industrial District.

2. The trade or industry to which this order shall apply is tinsmithing and sheet-metal working.

3. 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.

4. Every employer shall within three days after engaging any person as an apprentice give notice of such engagement to the District Registrar.

5. 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 in the manner prescribed by the Apprentices Act, 1923, and its amendments.

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

7. The term of apprenticeship in the case of persons commencing to serve as apprentices between the ages of fifteen to 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 and over the term of apprenticeship shall be four years.

8. The proportion of the total number of apprentices to the total number of journeymen employed by any employer shall be not more than one to two or fraction thereof: Provided that for a period of one year from the date of the making of this order the proportion of the number of apprentices to the number of journeymen employed by any employer may be modified by the District Apprenticeship Committee or, in the absence of an Apprenticeship Committee, by the District Registrar, if in the opinion of the Committee or the Registrar, as the case may be, circumstances warrant such course being taken, but in no case shall the proportion exceed one apprentice to one journeyman.

9. 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 making 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.

10. The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to forty times the nominal hourly rate of wages for journeymen, as prescribed by the award or agreement relating to the employment of journeymen in force from time to time in the locality:—

For apprentices commencing their apprenticeship when under eighteen years of age—

	Per Cent.
For the first six months	23
For the second six months	29
For the third six months	35
For the fourth six months	41
For the fifth six months	47
For the sixth six months	53
For the seventh six months	59
For the eighth six months	65
For the ninth six months	71
For the tenth six months	77

For apprentices commencing their apprenticeship when eighteen years of age or over—

	Per Cent.
For the first six months	35
For the second six months	41
For the third six months	47
For the fourth six months	53
For the fifth six months	59
For the sixth six months	65
For the seventh six months	71
For the eighth six months	77

11. All rates of remuneration, including wages and overtime and any other special payments, provided for in this order shall be increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively.

12. Where 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 sheet-metal working and tin-smithing, 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.

13. Every apprentice who 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 which has been mutually agreed upon by the Apprenticeship Committee and the principal of an approved institution shall, upon production of such certificate to his employer, be paid during the remainder of his apprenticeship at the rate of not less than five shillings (5s.) per week in excess of the minimum rate provided in clause 10 hereof. The additional payment shall be made from the date of passing his examination.

14. 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.

15. 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 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 one month.

16. 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;

but an apprentice working overtime shall have such time added to his ordinary time in calculating the respective periods of his apprenticeship.

17. 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.

18. 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 purposes 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.

19. 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.

20. An employer shall not require or permit an apprentice under seventeen years of age to work more than ten hours' overtime in any week. An employer shall not permit or request an apprentice to work overtime on any night he has to attend classes at a technical or other college.

21. The minimum rates for overtime payment for apprentices shall be proportionate to those fixed by the current awards or industrial agreements for journeymen in each branch of the industry, with a minimum of 1s. 6d. per hour.

22. The conditions of the award or industrial agreement referred to in clause 19 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.

23. (a) The employer on the coming into operation of this order shall see that each apprentice is supplied with snips, rivet sets, groovers, and hammers, and a locker (with key) to contain same, but after being once supplied the apprentice shall be responsible for the tools, and in the event of his leaving his employ all of the said tools shall be returned to the employer or replaced at the expense of the apprentice unless he can show that any of such tools have been broken in the carrying-out of his work.

(b) The employer shall supply all other tools required, such tools to remain the property of the employer and not to be taken off the premises.

24. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1923, and this order, shall make provision, either expressly or by reference to the said Act or this order,

for the several matters provided 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 not be less favourable to the apprentice than the minimum requirements of this order.

25. 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: Provided, further, that if an apprentice becomes aware of a defect or fault in any electrical, mechanical, or other equipment which he uses in the ordinary course of his employment, it shall be the duty of such apprentice to report such defect or fault to his employer or foreman without delay.

26. 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 tinsmith and sheet-metal worker 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 tinsmith and sheet-metal worker, 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 tinsmith and sheet-metal worker.

27. 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.

28. 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.

29. 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.

30. The powers conferred on the Court by paragraphs (b) to (l) inclusive of subsection (4) of section 5 of the said Act are hereby conferred by the Court on the District Registrar of Apprentices at New Plymouth in so far as those powers relate to the said industry in the Taranaki Industrial District, but reserving, nevertheless, power to the Court at any time and from time to time to withdraw all or any of such powers.

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

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The order embodies the provisions agreed upon by the organizations of employers and workers concerned.

A. TYNDALL, Judge.
