

**NEW ZEALAND WATCH AND CLOCK MAKING AND REPAIRING
AND MANUFACTURING JEWELLERY, ETC., INDUSTRY—
APPRENTICESHIP ORDER**

In the Court of Arbitration of New Zealand.—In the matter of the Apprentices Act, 1948; and in the matter of the conditions of apprenticeship in the Watch and Clock Making and Repairing and Manufacturing Jewellery, &c., Industry.

WHEREAS application has been made to the Court by the New Zealand Watch and Clock Making and Repairing and Manufacturing Jewellery, &c., Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the watch and clock making and repairing and manufacturing jewellery, &c., industry for the whole of New Zealand: And whereas 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 Court has deemed it expedient to make an order under section 13 of the Apprentices Act, 1948, prescribing wages, hours, and other conditions of employment to be incorporated in contracts of apprenticeship in the industry for the whole of New Zealand, and prescribing such other matters and things as the Court is required and authorized by the said section or elsewhere to prescribe: Now, therefore, the Court doth hereby order and prescribe as follows:—

Industry to Which Order Applies

1. The industry to which this order shall apply is that which includes the following branches: watch and clock making and repairing, manufacturing jewellery, gem-setting, badgemaking, and engraving and/or die-sinking (hereinafter called "the industry").

Application of Order

2. The provisions of this order shall apply to all employers of apprentices in the industry or any branch thereof throughout New Zealand (whether bound by an award or agreement relating to the industry or not), and to all male and female apprentices employed by such employers in such industry, and to all contracts of apprenticeship between such employers and apprentices, whether or not such contracts have been reduced to writing. (An "agreement" is an industrial agreement filed under section 28 of the Industrial Conciliation and Arbitration Act, 1925, or an agreement filed under section 8 of the Labour Disputes Investigation Act, 1913.)

Prior Consent of Committee

3. (a) No employer shall engage any person on probation as an apprentice or enter into any contract of apprenticeship without the prior consent in writing of the appropriate local Apprenticeship Committee (hereinafter called "the local Committee") or, where there is no such Committee, of the District Commissioner of Apprenticeship (hereinafter called the "District Commissioner").

(b) An employer, before taking an apprentice to learn a branch or branches of the industry, shall furnish in writing to the local Committee or the District Commissioner, as the case may be, the names and particulars of the journeymen employed for the previous six months and also the names and particulars of the apprentices employed and of the apprentice to be employed, and shall satisfy the Committee or the District Commissioner that he is a suitable employer, is in a position to continue in business as an employer, and has the facilities for properly teaching an apprentice the branch or branches of the industry to which he or she is apprenticed.

Contracts to be Registered

4. Every contract of apprenticeship, and every alteration thereof, shall be registered with the appropriate District Commissioner within twenty-eight days after the commencement of the employment of the apprentice (in the case of an original contract) or within fourteen days of the making of the alteration (in the case of an altered contract). If the contract or alteration is not presented for registration as aforesaid, the parties thereto shall be severally liable to a fine not exceeding £10 under the Apprentices Act, 1948

Period of Probation

5. The period of probation to be prescribed in any contract of apprenticeship to enable the employer of an apprentice to determine his or her 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.

Minimum Age

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

Term of Apprenticeship

7. (a) The term of apprenticeship shall be 10,000 hours, subdivided into periods of 1,000 hours as set forth in subclause (a) of clause 9 of this order.

(b) Except for annual holidays under the Annual Holidays Act, 1944, all holidays provided for in the award or agreement referred to in clause 9 of this order which are taken by an apprentice shall be deemed to be time served under his or her contract, reckoning eight hours for any one day. Time worked on such holidays shall be added to time deemed to be time served.

(c) All time lost by an apprentice through his or her own default or sickness in any period of his or her employment shall be made up before such apprentice shall be considered to have entered upon the next succeeding period of his or her employment, and the total period of his or her employment shall be extended by a period equivalent to such lost time; but an apprentice working overtime shall have such time added to his or her ordinary time in calculating the respective period of his or her employment.

(d) Except as provided in subclauses (b) and (c) of this clause, only working-hours shall be reckoned as time served.

(e) Where the New Zealand Apprenticeship Committee is of the opinion that time served in a related occupation prior to the date of application for engagement of an apprentice should be credited to the apprentice, it may, on application by or through a local Committee, fix a term of not less than 6,000 hours.

(f) Every apprentice whose contract is in force at the time of coming into operation of this order and whose term is hereby completed, or shortened so that he or she will have less than one year to serve, shall, notwithstanding the provisions of subclause (a) above, serve 1,000 hours over the period of 10,000 hours, receiving not less than journeymen's rates of pay for those 1,000 hours.

Proportion

8. (a) The proportion of the total number of apprentices to the total number of journeymen employed by any employer shall not be more than one to three or fraction of three.

(b) Notwithstanding the provisions contained in subclause (a) hereof, an employer may, with the consent of the local Committee, or where there is no Committee, the District Commissioner, take on a further apprentice when any apprentice in the branches of general engraving (but not in badge and medal-making) and watch and clock making and repairing has served three years. When an additional apprentice is employed by virtue of the provision of this subclause, the apprentice whose entry into the fourth year has allowed of the engagement of the additional apprentice shall be counted neither as an apprentice nor as a journeyman for the purpose of proportion.

(c) For the purpose of determining the proportion of apprentices to journeymen when taking any new apprentices on, the calculating shall be based on the number of journeymen, who, at the date of making application to the local Committee or the District Commissioner, as the case may be, had been employed full time for the previous four calendar months.

(d) For the purposes of this order an employer who is a tradesman and who is substantially employed at the trade as a tradesman shall be entitled to be counted as a journeyman when determining the number of apprentices to be employed.

(e) The powers and discretions provided for in section 29 of the Apprentices Act, 1948, may be exercised by the District Commissioner and the local Committee notwithstanding that the employer to whom it is proposed to transfer an apprentice is already employing the full proportion of apprentices as determined by this order.

Wages

9. (a) The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of the minimum weekly rate of wages for journeymen in the branch of the industry to which the apprentice is apprenticed as prescribed by the award or agreement relating to the employment of such journeymen for the time being and from time to time in force in the establishment in which the apprentice is employed or, if there is no such award or agreement, as

prescribed by the award or agreement relating to the employment of such journeymen for the time being and from time to time in force in a locality including the City of Wellington:—

For apprentices commencing their apprenticeship, when under eighteen years of age—		Per Cent.
For the first 1,000-hour period	..	23
For the second 1,000-hour period	..	29
For the third 1,000-hour period	..	35
For the fourth 1,000-hour period	..	41
For the fifth 1,000-hour period	..	47
For the sixth 1,000-hour period	..	53
For the seventh 1,000-hour period	..	59
For the eighth 1,000-hour period	..	65
For the ninth 1,000-hour period	..	71
For the tenth 1,000-hour period	..	77

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

For the first 1,000-hour period	..	35
For the second 1,000-hour period	..	41
For the third 1,000-hour period	..	47
For the fourth 1,000-hour period	..	53
For the fifth 1,000-hour period	..	59
For the sixth 1,000-hour period	..	65
For the seventh 1,000-hour period	..	71
For the eighth 1,000-hour period	..	77
For the ninth 1,000-hour period	..	83
For the tenth 1,000-hour period	..	89

(b) Every apprentice who produces to the employer and the local Committee evidence that he or she has passed an examination approved by the New Zealand Apprenticeship Committee shall be paid during the seventh and eighth periods of the apprenticeship at a rate of not less than 5s. a week in excess of the minimum rate provided in this clause, and during the ninth and tenth periods at a rate of not less than 7s. 6d. a week in excess of that rate.

Technical Classes

10. (a) The New Zealand Apprenticeship Committee may order any apprentice to attend at a school or institution approved by it for instruction during normal working-hours in the branch of the trade to which he or she is apprenticed for periods of not less than a week at a time, and periods

totalling in any one year not less than an amount fixed by the New Zealand Committee. If the Committee fails to agree on that amount, the matter shall be referred to the Court for decision.

(b) If an apprentice is so ordered to attend, wages for time spent at such a school or institution and in travelling between it and his or her usual place of residence shall be paid by the employer at the appropriate weekly rate, subject to the local Committee receiving a satisfactory report from the school on the apprentice's attendance and conduct.

For the purposes of the term of apprenticeship, time spent at a school during normal working-hours shall be reckoned as time served.

Apprentices from Overseas

11. A person under twenty-one years of age who has served part of his or her apprenticeship to the trade outside of New Zealand may complete the term of apprenticeship herein provided for with any employer on furnishing to the District Commissioner a certificate from his former employer and such other evidence (if any) as the District Commissioner and the local Committee may require in order to show the time served by such person as an apprentice outside of New Zealand. The District Commissioner shall refuse to register any contract of apprenticeship entered into under the provisions of this clause until such evidence has been furnished to the satisfaction of himself and the Committee. Any party affected by the decision of the District Commissioner may, within fourteen days, appeal to the Court, whose decision shall be final and conclusive.

Deductions by Employer

12. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost through sickness in excess of five working-days in any 1,000-hour period, or for any time lost through his or her own default. Accidents not arising out of and in the course of the employment shall be deemed to be sickness and the provisions of this order relating to payment of and deductions from wages and making up time in case of sickness shall apply also. The employer may require the production of a medical certificate before payment is made for time lost through sickness or accident.

Hours

13. The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by journeymen as prescribed by the award or agreement referred to in clause 9 of this order.

Overtime

14. (a) Apprentices under eighteen years of age shall not be required or permitted to work overtime.

(b) An apprentice over eighteen years of age shall not be required or permitted to work more than three hours' overtime in any one week.

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

(d) An employer shall not require or permit an apprentice to work overtime on any night on which he or she has to attend classes at a school or approved institution.

(e) Payment for overtime shall be calculated in the manner prescribed for journeymen in the award or agreement referred to in clause 9 of this order and at the wage rate paid to the apprentice: Provided that the minimum payment shall be 2s. 6d. an hour in any case.

Conditions of Award to Apply

15. The conditions of the award or agreement referred to in clause 9 hereof in so far as they relate to the method of payment of wages, holidays, 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.

Tools

16. (a) An employer in manufacturing jewellery, gem-setting, badgemaking, and die-sinking and engraving shall provide each apprentice with the use of all tools necessary to learn the trade during his or her apprenticeship.

(b) (i) An employer of an apprentice in watch and clock making and repairing during the first four periods of the apprenticeship shall supply for the use of the apprentice tools to a value of not less than ten pounds (£10), such tools, on completion of the contract of apprenticeship, to become the property of the apprentice.

(ii) In any case where an employer of an apprentice in watch and clock making and repairing is not prepared to provide the apprentice with the use of a lathe and/or any other tools or equipment not covered by subclause (a) of this clause but deemed necessary by the local Committee to enable the apprentice to be properly trained as a competent journeyman or journeywoman, the employer shall advance to the apprentice such amount as is deemed adequate by the local Committee to enable the apprentice to purchase a lathe and such other necessary tools or equipment.

(iii) Any amount advanced under the immediately preceding paragraph shall be free of interest, and shall be repaid by the apprentice to the employer prior to the completion of the contract of apprenticeship upon such terms and conditions as may be approved by the local Committee.

(iv) Where there is no local Committee in existence, the powers referred to in paragraphs (ii) and (iii) of this subclause shall be exercisable by the District Commissioner of Apprenticeship.

Contracts to Accord with Act

17. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1948, and with 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 or females. 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.

Obligations of Apprentice

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, that he or she will not absent himself or herself from the employer's service during working-hours without the leave of the employer (subject to appeal to the local Committee or, where there is no Committee, to the District Commissioner) or except as permitted by this order, and that he or she 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 or her, but will do everything in his or her power to prevent the same.

Obligations of Employer

19. (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 or her to be trained and instructed, as a competent journeyman or journeywoman in the branch or branches of the industry to which he or she is apprenticed in accordance with the provisions of the Apprentices Act, 1948, and of this order and any amendments thereof.

(b) Every contract shall contain a list of the operations and skills to be taught the apprentice, as set out in the schedule to this order.

(c) Where, in the opinion of the local Committee, any employer is not able to train fully an apprentice in a recognized branch of the industry, the Committee shall grant the apprenticeship only if an interchange of apprentices is arranged with one or more other employers in a similar position, to the satisfaction of the Committee, and the conditions written into the contract.

(d) In every contract made after the coming into force of this order there shall be included the title of the person who is to undertake or supervise the actual training of the apprentice. The responsibility of the person so included by his title shall be limited to actual training or supervision thereof, and shall not be held to relieve the employer as contracting party of his contractual responsibilities.

Premiums Forbidden

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.

Special Contracts

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 25 of the Apprentices Act, 1948.

Revocation of Orders

22. The following apprenticeship orders and any amendments thereto are hereby revoked as from the date of coming into operation of this order:—

Northern Industrial District Jewellers' apprenticeship order, dated the 6th day of July, 1925, and recorded in 25A Book of Awards 603.

Wellington Industrial District Jewellers, Watchmakers', &c., apprenticeship order, dated the 8th day of March, 1937, and recorded in 37 Book of Awards, 993.

Canterbury Watchmakers, Clockmakers, and Manufacturing Jewellers' apprenticeship order, dated the 25th day of August, 1938, and recorded in 38 Book of Awards 2043.

Date of Operation

23. This order shall operate and take effect as from the 1st day of January, 1949.

Dated this 17th day of December, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The New Zealand Committee requests that the following note in regard to clause 10 (technical classes) be recorded:—

“The Committee has agreed that suitable schools shall be set up as soon as possible and that all apprentices will be required to attend such schools, but a number of matters concerning the operation of this clause affect the Committee's decision on certain details. These matters cannot be discussed until arrangements for schools are well in hand, for much will depend on the kind of arrangements made, the nature of the syllabus of instruction, and the qualifications of the instructors. The details to be settled at a later date are:—

- (i) The total amount of schooling in any year; and
- (ii) The payment of fees.”

A. TYNDALL, Judge.

SCHEDULE

The operations and skills to be taught in each branch of the industry are—

- (a) *Watch and Clock Making and Repairing.*—Cleaning and overhauling of watches and clocks to include bushings, &c., jewelling, fitting of hairsprings (collating, timing, studding). Forming overcoils of Breguets hairsprings. Turning of balance staffs, pinions, and stems. Drilling and plugging. General bench practice. Hardening, tempering case repairs.

- (b) *Manufacturing Jewellery*.—Alloying, melting, rolling, drawing, soldering, and testing of precious metals in relation to the trade. The manufacturing of jewellery; mounting of gems, gilding and polishing, repairing and remaking of jewellery.
 - (c) *Gem-setting*.—As carried on by the employer and approved by the local Committee or, where there is no Committee, by the District Commissioner.
 - (d) *Badge and Medal Making*.—Striking of badges (using press tools); piercing, enamelling, and finishing.
 - (e) *Engraving*.—General engraving (jewellery, heraldic, steel, plastic); engraving for the printing trade, brass plates and memorial tablets; stencils; and drawing (designing and mechanical).
 - (f) *Die-sinking*.—As carried on by the employer and approved by the local Committee or, where there is no Committee, by the District Commissioner.
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