

NEW ZEALAND PAINTING AND DECORATING 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 Painting and Decorating Industry.

WHEREAS application has been made to the Court by the New Zealand Painting and Decorating Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the painting and decorating 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 branches of the industry of painting and decorating to which this order shall apply are painting and paperhanging, glazing, and signwriting (which may include poster and display artistry, ticket-writing, and silk-screen processes), (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 apprentices employed by such employers in the industry, and to all contracts of apprenticeship (including those in force at the time of coming into force of this order) 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 as an apprentice on probation 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 first satisfy the Committee or the District Commissioner, as the case may be, that he is a suitable employer, is in a position to continue in business as an employer, and has the facilities for properly teaching the apprentice the branch or branches of the industry to which he 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 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.

Prerequisite Education

7. A person desiring to enter into a contract of apprenticeship after the coming into force of this order shall be required to produce evidence to the local Committee that he has obtained a Primary School Leaving Certificate or has obtained an equivalent educational qualification.

Term of Apprenticeship

8. The term of apprenticeship shall be—

(a) In all branches except glazing only, 10,000 hours (divided into ten 1,000-hour periods) for apprentices commencing before their eighteenth birthdays.

(b) In all branches except glazing only, 8,000 hours (divided into eight 1,000-hour periods) for apprentices commencing on or after their eighteenth birthdays.

(c) For glazing only, 8,000 hours (divided into eight 1,000-hour periods) for apprentices commencing before their eighteenth birthdays.

(d) For glazing only, 6,000 hours (divided into six 1,000-hour periods) for apprentices commencing on or after their eighteenth birthdays.

(e) Except for annual holidays under the Annual Holidays Act, 1944, all holidays provided for in the award or agreement referred to in clause 10 of this order which are taken by an apprentice shall be deemed to be time served under his contract, reckoning eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be time served.

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

(g) Except as provided in subclauses (e) and (f) of this clause, only working-hours shall be reckoned as time served.

(h) 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.

Proportion

9. The New Zealand Committee may determine at its discretion the number of apprentices, or the proportion of apprentices to journeymen, that may be employed by any employer.

Wages

10. (a) The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to forty times the minimum hourly wage rate for

journeymen painters and decorators, as prescribed by the award or agreement relating to the employment of such journeymen in the establishment in which the apprentice is employed and in force for the time being and from time to time.

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

	Per Cent.
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 apprentices to glazing only 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	.. 30
For the third 1,000-hour period	.. 38
For the fourth 1,000-hour period	.. 46
For the fifth 1,000-hour period	.. 54
For the sixth 1,000-hour period	.. 62
For the seventh 1,000-hour period	.. 70
For the eighth 1,000-hour period	.. 77

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

	Per Cent.
For the first 1,000-hour period	.. 38
For the second 1,000-hour period	.. 46
For the third 1,000-hour period	.. 54
For the fourth 1,000-hour period	.. 62
For the fifth 1,000-hour period	.. 70
For the sixth 1,000-hour period	.. 77

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

Technical Classes

11. (a) If ordered to do so by the New Zealand Committee, apprentices shall be required to attend classes at a school working on a syllabus approved by the Committee: Provided that apprentices residing or working beyond a distance from the school determined by the New Zealand Committee shall not be required to attend.

(b) Where an apprentice is required so to attend, the employer shall refund to him the amount paid in fees in each year in which his attendance is not less than 75 per cent. of the maximum possible.

Apprentices from Overseas

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 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 aggrieved 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

13. 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 any time lost through his 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 deduction 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

14. 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 10 of this order.

Overtime

15. (a) An employer shall not require or permit an apprentice under eighteen years to work overtime in excess of five hours in any one week, provided that when the apprentice is engaged on country work he shall not be required or permitted to work overtime in excess of sixteen hours in any one week. Provided that the parent or guardian of an apprentice under eighteen years of age shall have the right to object to the apprentice being employed on country work.

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

(c) An employer shall not require or permit an apprentice to work overtime when the apprentice is attending evening classes at a technical college, school, or approved institution.

(d) The provisions of subclause (c) of this clause shall not apply to apprentices on country work.

(e) Payment for overtime or for overtime on country work shall be calculated in the manner prescribed for journeymen for overtime or for overtime on country work in the award or agreement referred to in clause 10 of this order, and at the wage rate received by the apprentice provided that the minimum payment shall be 1s. 9d. an hour in any case.

Conditions of Award to Apply

16. The conditions of the award or agreement referred to in clause 10 of this order, in so far as they relate to the method and time of payment of wages, holidays, travelling-time, suburban work, country work, meal-money, and other matters (other than membership of union) relating generally to the employment of journeymen and not in conflict with this order, shall apply to apprentices.

Tools

17. The employer shall provide each apprentice with a full kit of tools as required by him from time to time to learn the branch of the industry to which he is apprenticed, but once during his term of apprenticeship.

Contracts to Accord With Act

18. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1948, 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

Obligations of Apprentice

19. 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 will not absent himself 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 will not commit or permit or be accessory to any such 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.

Obligations of Employer

20. (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 branch or branches of the industry to which he is apprenticed, in accordance with the provisions of the Apprentices Act, 1948, and of this order and any amendments thereof.

(b) 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.

Premiums Forbidden

21. 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

22. 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

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

Northern Industrial District (except Gisborne Judicial District) Painters and Decorators' apprenticeship order, dated the 26th day of April, 1944, and recorded in 44 Book of Awards 202:

Gisborne Judicial District Painting and Decorating apprenticeship order, dated the 30th day of January, 1945, and recorded in 45 Book of Awards 1:

Taranaki Painting, Paperhanging, Decorating, and Leadlight-working Industry apprenticeship order, dated the 12th day of July, 1946, and recorded in 46 Book of Awards 763, in so far as it relates to the industry to which this order applies:

Hawke's Bay Painters and Decorators' apprenticeship order, dated the 8th day of October, 1924, and recorded in 25 Book of Awards 1026:

Masterton District Painters and Decorators' apprenticeship order, dated the 17th day of November, 1925, and recorded in 25A Book of Awards 1043:

Palmerston North Painters and Decorators' apprenticeship order, dated the 9th day of April, 1925, and recorded in 25A Book of Awards 277:

Wanganui District Painters and Decorators' apprenticeship order, dated the 19th day of December, 1924, and recorded in 25 Book of Awards 1651:

Wellington (Fifty-miles' Radius) Painters and Decorators' apprenticeship order, dated the 26th day of August, 1924, and recorded in 25 Book of Awards 779:

Nelson Industrial District Painters and Decorators' apprenticeship order, dated the 19th day of December, 1924, and recorded in 25 Book of Awards 1711, in so far as it relates to the industry to which this order applies:

Westland Industrial District Painters and Decorators' apprenticeship order, dated the 19th day of December, 1946, and recorded in 46 Book of Awards 2289:

North Canterbury Painters and Decorators' apprenticeship order, dated the 27th day of March, 1925, and recorded in 25A Book of Awards 228:

South Canterbury Painters and Decorators' apprenticeship order, dated the 31st day of October, 1929, and recorded in 29 Book of Awards 707:

Otago and Southland Painters and Decorators' apprenticeship order, dated the 21st day of November, 1924, and recorded in 25 Book of Awards 1294.

Date of Operation

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

Dated this 14th day of December, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The New Zealand Committee desires it to be recorded that, although it is agreed upon the principle of technical education, it is not yet ready to make full recommendations on the method of providing that education. When it has discussed various methods in the light of information to be obtained for it, it will be able to make further specific recommendations.

A. TYNDALL, Judge.
