

NEW ZEALAND **BOOT-REPAIRING AND BESPOKE BOOTMAKING 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 Boot-repairing and Bespoke Bootmaking Industry.

WHEREAS application has been made to the Court by the New Zealand Boot Trades Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the boot-repairing and bespoke bootmaking 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 boot-repairing and bespoke bootmaking in these branches: repairing of every class of leather footwear, and/or the clicking, rough-stuff cutting, making, and finishing of bespoke footwear.

Application of Order

2. The provisions of this order shall apply to all employers of apprentices in the boot-repairing and bespoke bootmaking industry 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 such 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 of the industry, shall first satisfy the local 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 him 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 after 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 industry 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 five years, divided into ten six-monthly periods: Provided that in any contract of apprenticeship in force at the time of coming into force of this order the term of apprenticeship shall not be extended beyond that contained in that contract.

(b) An apprentice shall make up any time lost by him in any six-monthly period through his own default or sickness, or through accident 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 period of the apprenticeship or, if in the final period, to have completed the apprenticeship. Any time lost through accident arising out of and in the course of the employment shall be made up by the extension of the final period, with wages at the rate prescribed for that period.

(c) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective six-monthly period of the apprenticeship. Each hour worked as overtime shall be deemed to be one hour for the purpose of each six-monthly period of apprenticeship.

(d) 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 contract, reckoning eight hours for any one day. Time worked on such holidays shall be added to time deemed to be time served.

Proportion

8. (a) 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 every three or fraction of the first three journeymen employed.

(b) The proportion of apprentices to journeymen employed by any employer shall, for the purpose of determining whether or not 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 application to the local Committee or the District Commissioner, as the case may be, had been employed in that establishment full time for a period of six months preceding that date.

(c) A local Committee or, where there is no Committee, a District Commissioner may in special circumstances modify the requirements of subclause (b) above.

(d) For the purposes of this order an employer who himself works substantially at a branch of the industry shall be entitled to count himself as a journeyman.

(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 quota of apprentices as deter-

mined by this order: Provided, however, that such a transfer in excess of the quota shall be approved only if there is no other employer in the locality willing and able to employ the apprentice.

Wages

9. 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 boot-repairers 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 apprentices commencing their apprenticeship when eighteen years of age or over—	Per Cent.
First six months ..	23	First six months ..	35
Second six months ..	29	Second six months ..	41
Third six months ..	35	Third six months ..	47
Fourth six months ..	41	Fourth six months ..	53
Fifth six months ..	47	Fifth six months ..	59
Sixth six months ..	53	Sixth six months ..	65
Seventh six months ..	59	Seventh six months ..	71
Eighth six months ..	65	Eighth six months ..	77
Ninth six months ..	71	Ninth six months ..	83
Tenth six months ..	77	Tenth six months ..	89

Technical Education

10. (a) The New Zealand Apprenticeship Committee may order any apprentice to attend at a school or institution approved by it for instruction in boot-repairing and bespoke bootmaking for periods of not less than a week at a time and totalling not more than four weeks in any one year.

(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 usual place of residence shall be paid by the employer at the appropriate weekly rate, subject to the local Committee or, where there is no Committee, the District Commissioner receiving a satisfactory report from the school on the apprentice's attendance and conduct.

Apprentices from Overseas

11. 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 appropriate 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 six-monthly 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 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 sixteen years of age shall not be required or permitted to work overtime.

(b) Apprentices under eighteen years of age shall not be required or permitted to work overtime more than six hours in any one week, and then only if under the supervision of a journeyman.

(c) Apprentices over eighteen years of age shall not be required or permitted to work overtime more than ten hours in any one week, and then only if under the supervision of a journeyman.

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

(e) 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 received by the apprentice: Provided that the minimum payment shall be 1s. 9d. 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 and time of payment of wages, provision of tools, 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.

Contracts to Accord with Act

16. 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. 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

17. 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 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

18. 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 industry of boot-repairing and/or bespoke footwear-making in accordance with the provisions of the Apprentices Act, 1948, and of this order and any amendments thereof.

Premium Forbidden

19. 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

20. 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

21. 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 Boot-repairing and Bespoke Footwear Manufacturing apprenticeship order, dated the 17th day of December, 1936, and recorded in 36 Book of Awards 1859.

Wellington Industrial District Boot-repairing and Bespoke Footwear apprenticeship order, dated the 9th day of July, 1942, and recorded in 42 Book of Awards 828.

Canterbury Boot-repairing apprenticeship order, dated the 4th day of April, 1927, and recorded in 27 Book of Awards 243.

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

Dated this 3rd day of December, 1948.

[L.S.]

A. TYNDALL, Judge.