

NEW ZEALAND PLUMBING AND GASFITTING INDUSTRY.—
APPRENTICESHIP ORDER

In the Court of Arbitration of New Zealand.—In the matter of the Apprentices Act, 1923, and its amendments; and in the matter of the conditions of apprenticeship in the plumbing and gasfitting industry.

WHEREAS application has been made to the Court by the New Zealand Plumbers' Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the plumbing and gasfitting industry (hereinafter called "the 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 5 of the Apprentices Act, 1923, 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 plumbing and/or gasfitting.

Application of Order

2. The provisions of this order shall apply to all employers of apprentices in the 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 the industry, and to all contracts of apprenticeship between such employers and apprentices. (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 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, shall furnish in writing to the local Committee the names and particulars of the journeymen employed for the previous six months, and also the names and particulars of apprentices employed and the apprentice intended to be employed, and shall satisfy the Committee that he is a suitable employer, is in a position to continue in business as an employer, and has the workshop facilities for properly teaching the apprentice the industry.

Contracts to be registered

4. Every contract of apprenticeship and every alteration or amendment thereof shall be registered with the appropriate District Commissioner 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 after the making of the alteration.

If the contract or alteration is not presented for registration as aforesaid, the parties thereto shall be severally liable to a fine of £10 under the Apprentices Act, 1923, and its amendments.

Minimum Age

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

Prerequisite Education

6. It shall be necessary for a person desiring to become an apprentice after this order comes into effect to produce to the local Committee or to the District Commissioner, as the case may be, satisfactory evidence that he has completed two years' post-primary education or has attained an equivalent standard of education.

Term of Apprenticeship

7. (a) The term of apprenticeship shall be 12,000 hours, subdivided into periods of 1,000 hours as set forth in sub-clause (a) of clause 10 of this order.

(b) All statutory and other holidays, except the annual holiday period (computed at eight hours per day), shall be counted as time served.

(c) Where, during the first ten periods of his apprenticeship, an apprentice passes the Plumbers' Board of New Zealand Examination in Theory and Practical Plumbing, or an equivalent examination recognized by the Plumbers' Board for the registration of plumbers, or any examination approved of by the New Zealand Apprenticeship Committee, his term of apprenticeship shall be reduced by 2,000 hours. Where an apprentice qualifies by examination in the manner prescribed above during the eleventh or twelfth period of his apprenticeship, his term of apprenticeship shall be deemed to be completed on the date of his so qualifying.

(d) An apprentice shall make up all time lost by him in each period through sickness or any accident or through his own default 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 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 period of his employment.

(e) In crediting an apprentice with service under his contract of apprenticeship, only actual working-hours shall be taken into account, except as otherwise provided in this clause.

Period of Probation

8. 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 industry, and shall not exceed one month in any other case.

Proportion

9. (a) Each employer or firm shall be entitled to one apprentice if the employer or a member of the firm is a registered plumber who is working substantially at the work of a journeyman plumber, but shall not be entitled to a second apprentice until the total number of journeymen and employers or members of the firm working substantially at the work of a journeyman plumber is three.

(b) For the purpose of this order a member of a partnership who is a *bona fide* plumber shall be entitled to count himself as a journeyman if he works substantially at the work of a journeyman plumber.

(c) 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 every two journeymen employed full time for a period of six months prior to the date of making application to the local Committee.

(d) An employer or partner who counts as a journeyman for the purposes of subclauses (a) and (b) of this clause shall be reckoned only once in the calculation of the proportion of apprentices to journeymen.

(e) No employer shall be permitted to employ apprentices to the industry of plumbing and/or gasfitting who is not a registered plumber or who does not employ a registered plumber.

(f) The powers and discretions provided for in section 13 of the Apprentices Act, 1923, 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

10. (a) Subject to clause 17 of this order, the minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to forty times the minimum hourly rate of wages for journeymen plumbers and gasfitters 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 locality:—

For apprentices commencing their apprenticeship when under eighteen years of age:—	Per Cent.
For the first period of 1,000 hours ..	23
For the second period of 1,000 hours ..	29
For the third period of 1,000 hours ..	35
For the fourth period of 1,000 hours ..	41
For the fifth period of 1,000 hours ..	47
For the sixth period of 1,000 hours ..	53
For the seventh period of 1,000 hours ..	59
For the eighth period of 1,000 hours ..	65
For the ninth period of 1,000 hours ..	71
For the tenth period of 1,000 hours ..	77
For the eleventh period of 1,000 hours ..	83
For the twelfth period of 1,000 hours ..	89

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

	Per Cent.
For the first period of 1,000 hours ..	35
For the second period of 1,000 hours ..	41
For the third period of 1,000 hours ..	47
For the fourth period of 1,000 hours ..	53
For the fifth period of 1,000 hours ..	59
For the sixth period of 1,000 hours ..	65
For the seventh period of 1,000 hours ..	71
For the eighth period of 1,000 hours ..	77
For the ninth period of 1,000 hours ..	83
For the tenth period of 1,000 hours ..	89
For the eleventh period of 1,000 hours ..	92
For the twelfth period of 1,000 hours ..	95

(b) Every apprentice who, whether he has been ordered to attend classes or not, shall have obtained from the Education Department a notification that he has passed in theory and practice the Intermediate Grade of the Technological Examinations or any examination approved of by the New Zealand Apprenticeship Committee shall, upon production of such notification to his employer, be paid during the seventh and eighth period of his apprenticeship at the rate of not less than 5s. per week in excess of the minimum rate provided in subclause (a) of this clause, and during the ninth, tenth, eleventh and twelfth periods of his apprenticeship at the rate of not less than 7s. 6d. per week in excess of such minimum rate.

(c) The foregoing subclause (b) shall not apply in the ninth, tenth, eleventh, and twelfth periods in respect of apprentices who commence or have commenced their apprenticeship when over eighteen years of age.

Technical Classes

11. (a) If and when suitable classes in plumbing and/or gasfitting are, to the satisfaction of the New Zealand Apprenticeship Committee, available at a technical school or other approved institution during ordinary working-hours, an employer shall permit an apprentice to absent himself from work for a period of not more than four hours in each week to enable him to attend such classes. Subject to subclause (b) of this clause, no deduction from the weekly wage of the apprentice shall be made in respect of such attendance.

(b) Where permission is given in accordance with sub-clause (a) hereof, it shall be obligatory upon the apprentice to attend the classes. Failure to attend for reasons other than sickness or accident shall entitle the employer to make a rateable deduction from the wages of the apprentice.

(c) An employer shall not be required to comply with sub-clause (a) hereof after the apprentice has passed a qualifying examination of the nature prescribed in subclause (c) of clause 7 of this order.

(d) In any cases where an apprentice does not apply for permission under subclause (a) of this clause, and in cases where no suitable classes in plumbing and/or gasfitting are available during ordinary working-hours, the local Committee shall have power to order an apprentice, during the first eight periods of his apprenticeship or until he shall have obtained the notification mentioned in subclause (b) of clause 10 of this order, to attend evening classes in a technical school or other approved institution in plumbing and/or gasfitting.

(e) The employer shall refund to the apprentice when attending classes under either subclause (a) or subclause (d) of this clause the amount paid by the apprentice in tuition fees in respect of each term during which his attendance has been not less than 70 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 industry outside of New Zealand may complete the term of apprenticeship herein provided for with an employer in New Zealand on furnishing to the District Commissioner a certificate from his former employer and/or such other evidence (if any) as the District Commissioner may require in order to show the time served by such person as an apprentice outside of New Zealand. The District Commissioner 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 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 period

(as set forth in subclause (a) of clause 10) or through the default of the apprentice. 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 the payment of and deductions from wages and making up of 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 plumbers and gasfitters in accordance with the provisions of the award or agreement relating to the employment of such journeymen for the time being and from time to time in force in the locality.

Overtime

15. (a) An employer shall not require or permit an apprentice under sixteen years of age to work overtime.

(b) An employer shall not require or permit an apprentice under eighteen years of age to work more than five 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 has to attend classes at a school or approved institution.

(e) Overtime shall be calculated in the manner prescribed for journeymen in the award or agreement referred to in clause 14 of this order and at the wage-rate received by the apprentice: Provided that the minimum payment shall be 2s. an hour in any case.

Conditions of Award to apply

16. The conditions of the award or agreement referred to in clause 14 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 relating generally to the employment (but not in regard to tool and overall allowance or union membership) and not in conflict with this order, shall apply to apprentices.

Tool and Overall Allowance

17. (a) During the first eight periods of apprenticeship any tool and overall allowance prescribed for journeymen in the award or agreement referred to in clause 14 of this order shall be added to the minimum hourly rate of wages for journeymen to form the basis of the calculation of the minimum weekly rates of wages as prescribed in subclause (a) of clause 10 of this order.

(b) During the remaining periods of apprenticeship any tool and overall allowance prescribed for journeymen in the award or agreement referred to in clause 14 of this order shall be paid to apprentices.

(c) The employer may advance to an apprentice at the beginning of his employment by way of an order on a suitable supplier a sum sufficient to allow the purchase of overalls and tools suitable to the class of work on which the apprentice will be engaged in the first two periods of his apprenticeship, such advance to be repaid by deduction from any tool or overall allowance payable by virtue of subclause (a) of this clause.

Contracts to accord with Act

18. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1923, and its amendments, 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 or youths, except as provided in clause 22 of this order. 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 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

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 industry of plumbing and/or gasfitting, or any recognized branch thereof, in accordance with the provisions of the Apprentices Act, 1923, and of this order, and any amendments thereof.

(b) In every contract of apprenticeship 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

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.

Master and Apprentice Act, 1908, not to apply

22. 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.

Special Contracts

23. 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 19 of the Apprentices Amendment Act, 1946.

Effect of Order

24. Subject to the provisions of section 14 of the Apprentices Amendment Act, 1946, all contracts of apprenticeship to which the Apprentices Act, 1923, applies in respect of the plumbing and/or gasfitting industry and which are in force on the date of the coming into force of this order shall be read subject to the terms of this order and be deemed to be modified hereby accordingly.

Revocation of Orders

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

Northern Industrial District Plumbers and Gasfitters' apprenticeship order, dated 19th October, 1936, and recorded in 36 Book of Awards 865.

Taranaki Plumbers and Gasfitters' apprenticeship order, dated 31st March, 1939, and recorded in 39 Book of Awards 335.

Wellington Industrial District Plumbers and Gasfitters' apprenticeship order, dated 30th November, 1938, and recorded in 38 Book of Awards 3479.

Marlborough Plumbers and Gasfitters' apprenticeship order, dated 21st September, 1939, and recorded in 39 Book of Awards 1416.

Nelson Industrial District Plumbers and Gasfitters' apprenticeship order, dated 24th August, 1939, and recorded in 39 Book of Awards 1231.

Westland Plumbers and Gasfitters' apprenticeship order, dated 26th August, 1927, and recorded in 27 Book of Awards 616.

Canterbury Plumbers and Gasfitters' apprenticeship order, dated 4th October, 1939, and recorded in 39 Book of Awards 1581.

Oamaru (Ten-miles Radius) Plumbers and Gasfitters' apprenticeship order, dated 12th August, 1925, and recorded in 25A Book of Awards 767.

Otago Plumbers and Gasfitters' apprenticeship order, dated 6th November, 1940, and recorded in 40 Book of Awards 1891.

Southland Plumbers and Gasfitters' apprenticeship order, dated 17th May, 1940, and recorded in 40 Book of Awards 684.

26. This order shall operate and take effect as from the 21st day of June, 1948.

Dated this 25th day of May, 1948.

[L.S.]

A. TYNDALL, Judge.