

**NEW ZEALAND BAKING AND PASTRYCOOKING 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 baking and pastrycooking industry.

WHEREAS application has been made to the Court by the New Zealand Bakers and Pastrycooks' Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the baking and pastrycooking 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 branches of the industry to which this order shall apply are bread-baking and/or pastrycooking.

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 (male or female) 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" means 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 to learn any branch of the industry, shall first satisfy the local Committee or the District Commissioner, as the case may be, that he or she is a suitable employer, is in a position to continue in business as an employer, and has the facilities for properly teaching him or her the branch or branches of the industry.

Contracts to be registered

4. All contracts 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 or her 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.

Minimum Age

5. Subject to the provisions of the Factories Act, 1946, the minimum age at which a person may commence to serve as an apprentice shall be fifteen years.

Term of Apprenticeship

6. (a) The term of apprenticeship shall be four years (divided into eight six-monthly periods) in the branches of bread-baking or pastrycooking, and five years (divided into ten six-monthly periods) if both branches are to be taught to an apprentice: 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 or her in any six-monthly period through his or her own default or sickness, or through accident or for any cause not directly connected with the business of the employer, before he or she 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 served for the purposes of each six-monthly period of the apprenticeship.

(d) All holidays provided for in the award or agreement referred to in clause 13 of this order which are taken by an apprentice shall be deemed to be time served under the contract of apprenticeship, reckoning eight hours for any one day: Provided, however, that when an apprentice works on a holiday each hour worked shall be deemed to be an additional hour 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 made by or through a local Committee) fix a term of not less than three years.

(f) Every apprentice whose contract of apprenticeship is in force at the time of coming into force 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 one month in excess of four years for every three months or fraction thereof of the unexpired term of his or her contract of apprenticeship.

Period of Probation

7. The period of probation to be prescribed in any contract of apprenticeship to enable the employer of any 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.

Proportion

8. (a) The proportion of apprentices to journeymen or journeywomen in each branch of the industry shall be one apprentice to every three or fraction of three journeymen or journeywomen employed.

(b) For the purpose of determining the number of apprentices each employer may employ, the number shall be computed upon the total number of journeymen or journeywomen employed for two-thirds full time for six months prior to the taking on of an apprentice in each of the following branches of the industry: bread-baking and/or pastrycooking: Provided that the total number of apprentices employed in all the branches carried on by the employer shall not exceed the number that would be allowed if all his or her journeymen or journeywomen were engaged in one branch only.

(c) Before taking an apprentice an employer shall have been in business for at least twelve months.

(d) Where the local Committee is satisfied that the employer meets the requirements laid down in subclause (b) of clause 3 of this order, it may, at its discretion, waive subclause (c) above.

(e) An employer who himself or herself works substantially as a journeyman or journeywoman shall be entitled to count as such for the purposes of this clause.

(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 quota of apprentices as determined by the apprenticeship order.

Wages

9. (a) The minimum weekly rates of wages payable to apprentices, male or female respectively, shall be the under-mentioned percentages of the minimum weekly rate of wages for journeymen or journeywomen bakers and pastrycooks respectively as prescribed by the award or agreement relating to the employment of such journeymen or journeywomen for the time being and from time to time in force in the locality:—

	Per Cent.
For the first six months	29
For the second six months	35
For the third six months	41
For the fourth six months	47
For the fifth six months	53
For the sixth six months	59
For the seventh six months	65
For the eighth six months	71
For the ninth six months	77
For the tenth six months	83

For apprentices serving a four-year term of apprenticeship:—

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

(b) Where the award or agreement referred to in sub-clause (a) above makes provision for additional payment to journeymen starting earlier than the hour prescribed in that award or agreement, an apprentice starting earlier than that prescribed hour shall receive as additional payment the same percentage of the payment provided for journeymen as that on which his weekly wage is calculated: Provided that the minimum payment shall be 1s. 3½d. an hour.

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 in baking and/or pastrycooking 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 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.

(c) 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 remainder of the apprenticeship at the rate of not less than 5s. a week in excess of the minimum rate provided in clause 9 of this order.

Apprentices from Overseas

11. A person under twenty-one years of age who has served part of his or her 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 or her 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

12. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost by him or her through sickness or accident not arising out of and in the course of the employment, or through his or her own default.

Hours

13. The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by journeymen or journeywomen bakers and/or pastrycooks in accordance with the provisions of the award or agreement relating to the employment of such journeymen or journeywomen for the time being and from time to time in force in the locality.

Overtime

14. (a) An employer shall not require or permit an apprentice under eighteen years of age to work more than six hours' overtime in any one week.

(b) Overtime shall be calculated in the manner prescribed for journeymen or journeywomen in the award or agreement referred to in clause 13 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 13 of this order, in so far as they relate to the method and time of payment of wages, holidays, and other matters (other than union membership) 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, 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, youths, and girls, except as provided in clause 20 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

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 an 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 or her 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

18. (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, as carried on by the employer, in accordance with the provisions of the Apprentices Act, 1923, and its amendments, 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 section of the industry, the Committee shall only give its consent to the apprenticeship 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 of apprenticeship.

(c) 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 or her 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

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 another person.

Master and Apprentice Act excluded

20. 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

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 19 of the Apprentices Amendment Act, 1946.

Revocation of Orders

22. 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 (except Gisborne Judicial District) Bakers and Pastrycooks' apprenticeship order, dated 7th October, 1935, and recorded in 35 Book of Awards 1052.

Gisborne Judicial District Bakers and Pastrycooks' apprenticeship order, dated 4th December, 1935, and recorded in 35 Book of Awards 1484.

Taranaki Bakers and Pastrycooks' apprenticeship order, dated 30th September, 1925, and recorded in 25A Book of Awards 919.

Wellington Industrial District Bakers and Pastrycooks' apprenticeship order, dated 26th November, 1924, and recorded in 25 Book of Awards 1360.

Wanganui District Bakers and Pastrycooks' apprenticeship order, dated 4th July, 1927, and recorded in 27 Book of Awards 527.

Nelson Industrial District Bakers and Pastrycooks' apprenticeship order, dated 9th November, 1937, and recorded in 37 Book of Awards 2202.

Canterbury Bakers and Pastrycooks' apprenticeship order, dated 26th November, 1924, and recorded in 25 Book of Awards 1227.

Otago and Southland Bakers and Pastrycooks' apprenticeship order, dated 26th November, 1924, and recorded in 25 Book of Awards 1306.

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

Dated this 28th day of May, 1948.

[L.S.]

A. TYNDALL, Judge.
