

NEW ZEALAND

Department of Labour and Employment

AWARDS, AGREEMENTS, ORDERS, AND DECISIONS

UNDER THE

**Industrial Conciliation and Arbitration, Apprentices,
and Labour Disputes Investigation Acts,
and other relevant Acts**

NEW ZEALAND COACHBUILDING 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 Coachbuilding Industry.

WHEREAS application has been made to the Court by the New Zealand Coachbuilding Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the coachbuilding industry for the whole of New Zealand: And whereas the Court of Arbitration has delegated its powers in respect of the said application to Douglas James Dalglish, a Deputy Judge of the Court: And whereas the said Deputy Judge has heard the employers, workers, and other persons concerned, and has considered the recommendations made by the said Committee: And whereas the said Deputy Judge 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 said industry for the whole of New Zealand, and prescribing such other matters and

things as the Court of Arbitration is required and authorized by the said section or elsewhere to prescribe: Now therefore, the said Deputy Judge doth hereby order and prescribe as follows:—

Industry to Which Order Applies

1. The industry to which this order shall apply is the coachbuilding industry, in the following branches: bodybuilding (in wood and/or metal), panelbeating, coach-painting, motor-trimming, radiator-repairing, coachsmithing, and such other branches as a local Apprenticeship Committee may think desirable.

Application of Order

2. The provisions of this order shall apply to all employers of apprentices in the coachbuilding 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 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 a period of 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.

Minimum Age

5. 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 10,000 hours, divided into ten 1,000-hour periods. Except as provided in subclauses (b) and (d) of this clause, only working-hours shall be reckoned.

(b) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective 1,000-hour period of the apprenticeship.

(c) An apprentice shall make up any time lost by him in any 1,000-hour 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.

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

Period of Probation

7. 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.

Proportion

8. (a) In all branches except panelbeating 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 two or

fraction of two journeymen employed in the branch in which the apprentice is apprenticed. In the case of panelbeating the proportion shall be not more than one apprentice to each journeyman employed in that branch.

(b) Except in the smith-shop, apprentices may be taken on to replace apprentices who have completed the 8,000 hours of their apprenticeship, and an apprentice who has served not less than 8,000 hours shall be reckoned neither as an apprentice nor as a journeyman for the purposes of proportion.

(c) In a smith-shop each apprentice, after serving 6,000 hours, shall be entitled to a fire, and another apprentice may be taken on when an apprentice goes to a fire. In a smith-shop an apprentice who has served not less than 6,000 hours shall be reckoned neither as an apprentice nor as a journeyman for the purposes of proportion.

(d) The proportion of apprentices to journeymen employed by an 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 in the relevant branch of the industry full time for a period of not less than six months preceding that date.

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

(f) Notwithstanding the foregoing provisions of this clause, an employer shall not be entitled to employ an apprentice until he has been in business for twelve months, but the local Committee may vary this provision in special cases.

(g) 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, provided that the District Commissioner and the local Committee are satisfied that there is no other employer who is willing and able to carry out the obligations of the original employer and who is not already employing the full proportion of apprentices.

Wages

9. (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 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:—

	Per Cent.
For the first 1,000 hours	23
For the second 1,000 hours	29
For the third 1,000 hours	35
For the fourth 1,000 hours	41
For the fifth 1,000 hours	47
For the sixth 1,000 hours	53
For the seventh 1,000 hours	59
For the eighth 1,000 hours	65
For the ninth 1,000 hours	71
For the tenth 1,000 hours	77

(b) A person who has attained the age of eighteen years and who desires to enter into a contract of apprenticeship may apply for a special contract of apprenticeship under section 25 of the Apprentices Act, 1948.

(c) Every apprentice who produces to his employer and the local Committee evidence that he has passed an examination approved by the New Zealand 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 subclause (a) of this clause.

Apprentices from Overseas

10. 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

11. 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 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 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

12. 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

13. (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 seven 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) 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 received by the apprentice: Provided that the minimum payment shall be 1s. 9d. an hour in any case.

Conditions of Award to Apply

14. 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, holidays, meal-money, and other matters (other than tool allowance and membership of union) relating generally to the employment and not in conflict with this order, shall be applicable to apprentices.

Tools

15. In any branch of the industry in which an apprentice is required by the custom of the trade to have his own tools, the employer shall supply such tools (but once only) to a value not exceeding £5 during the apprenticeship; but in the body-building branch, tools shall be supplied by the employer to a value not exceeding £5 in each of the first two years of the apprenticeship. The "custom of the trade" shall be determined by the local Committee where necessary.

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 provisions 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. (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 or instructed, as a competent journeyman in the branch 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) 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

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:—

Northern Industrial District Coach and Motor Body Builders apprenticeship order dated the 24th day of July, 1939, and recorded in 39 Book of Awards 982.

Wellington (Twenty-five-miles Radius) Coach and Motor Body Builders apprenticeship order dated the 27th day of August, 1924, and recorded in 24 Book of Awards 792.

Nelson Industrial District Coach and Motor Body Builders apprenticeship order dated the 26th day of September, 1940, and recorded in 40 Book of Awards 1511.

Canterbury Coach and Motor Body Builders apprenticeship order dated the 29th day of September, 1925, and recorded in 25A Book of Awards 823.

Otago and Southland Coach and Motor Body Builders apprenticeship order dated the 16th day of December, 1925, and recorded in 25A Book of Awards 1372.

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 applies to coach and motor-car painting.

Date of Operation

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

Dated this 1st day of February, 1949.

[L.S.]

D. J. DALGLISH, Deputy Judge,
acting in pursuance of an order of delegation of the
Court of Arbitration.

MEMORANDUM

The New Zealand Committee unanimously decided that voluntary attendance at courses in trade drawing and other subjects directly applied to the industry was the most desirable method of giving apprentices a suitable technical education. It urges employers to encourage apprentices to take advantage of such classes wherever they

are established. It also suggests to technical schools and local Committees that courses in coachbuilding should be established as soon as possible where they do not already exist.

D. J. DALGLISH, Deputy Judge.

NEW ZEALAND **COACHBUILDING INDUSTRY**—DELEGATION OF
POWERS TO APPRENTICESHIP COMMITTEE

In the Court of Arbitration of New Zealand.—In the matter of the Apprentices Act, 1948.

DELEGATION OF POWERS TO NEW ZEALAND COACHBUILDING
APPRENTICESHIP COMMITTEE

PURSUANT to section 14 (1) of the Apprentices Act, 1948, the Court doth hereby delegate to the New Zealand Coachbuilding Apprenticeship Committee, registered on the 5th day of May, 1948, all the powers conferred on it by paragraphs (a), (f), (g), (h), (k), and (l) of subsection (4) of section 13 and by section 33 of the said Act, in so far as those powers relate to the industry in respect of which the Committee has been appointed—namely, the coachbuilding industry—but reserving nevertheless, power to the Court at any time to revoke or vary such delegation.

Dated this 18th day of February, 1949.

[L.S.]

A. TYNDALL, Judge.
