
NEW ZEALAND **COOPERING 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 Coopering Industry.

WHEREAS application has been made to the Court by the New Zealand Coopering and Ship, Yacht, and Boat Building Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the coopering 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 coopering.

Application of Order

2. The provisions of this order shall apply to all employers of apprentices in the coopering 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 (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 District Commissioner

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 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 District Commissioner 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 industry.

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 five years, divided into ten six-monthly periods.

(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.

(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. Time worked on such holidays shall be added to 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 the application for engagement of an apprentice should be credited to the apprentice, it may, on application by or through a District Commissioner, fix a term of not less than three years.

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) The proportion of apprentices to journeymen shall not exceed one to every two journeymen or fraction of two employed.

(b) For the purpose of determining the number of apprentices that an employer may employ, the number shall be computed upon the total number of journeymen employed in the establishment full time for six months prior to the date of application to the District Commissioner.

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

(d) The powers and discretions provided for in section 29 of the Apprentices Act, 1948, may be exercised by the District Commissioner 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. The minimum weekly rates of wages payable to apprentices beginning their apprenticeship after the coming into force of this order shall be the undermentioned percentages of the minimum weekly wage rate for journeymen coopers (or, where no such weekly wage rate is prescribed, of an amount equal to forty times the minimum hourly wage rate for journeymen coopers) as prescribed by the award or agreement relating to the employment of journeymen coopers 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 journeymen coopers 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 monthly period	23	First six monthly period	35
Second six monthly period	29	Second six monthly period	41
Third six monthly period	35	Third six monthly period	47
Fourth six monthly period	41	Fourth six monthly period	53
Fifth six monthly period	47	Fifth six monthly period	59
Sixth six monthly period	53	Sixth six monthly period	65
Seventh six monthly period	59	Seventh six monthly period	71
Eighth six monthly period	65	Eighth six monthly period	77
Ninth six monthly period	71	Ninth six monthly period	83
Tenth six monthly period	77	Tenth six monthly period	89

Technical Classes

10. (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 that 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

11. A person who has served part of his apprenticeship to the industry 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 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 his satisfaction. 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 for 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 eighteen years of age shall not be required or permitted to work overtime.

(b) Apprentices over eighteen years of age shall not be required or permitted to work overtime more than ten hours in any one week.

(c) 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.

(d) Payment for overtime shall be calculated in the manner prescribed for journeymen coopers in the award or agreement referred to in clause 9 of this order, and at the wage rate paid to the apprentice. Provided that the minimum payment shall be 2s. 6d. an hour in any case.

Conditions of Award to Apply

15. The conditions of the award or agreement referred to in clause 9 of this order, in so far as they relate to the method and time of payment of wages, holidays, suburban work, meal-money, overall allowance, and other matters (other than membership of union) relating generally to the employment of journeymen coopers and not in conflict with this order, shall apply to the apprentices.

Tools

16. The employer shall provide the apprentice with the use of all tools necessary for his work.

Contracts to Accord with Act

17. 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

18. 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 his employer's service during working-hours without the leave of the employer (subject to appeal 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

19. (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, 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 District Commissioner any employer is not able to train fully an apprentice in a recognized section of the industry, the District Commissioner 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 District Commissioner, and the conditions written into the contract.

(c) 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

20. 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

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 25 of the Apprentices Act, 1948.

Date of Operation

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

Dated this 18th day of February, 1949.

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