

**NEW ZEALAND BOILERMAKING AND MOULDING INDUSTRIES
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 boilermaking and moulding industries.

WHEREAS application has been made to the Court by the New Zealand Boilermaking and Moulding Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the boilermaking and moulding industries 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

industries 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:—

Industries to Which Order Applies

1. The industries to which this order shall apply are boilermaking (with a branch called "boilermaker-welder" as defined in the Schedule to this order) and moulding (hereinafter called "the industries").

Application of Order

2. The provisions of this order shall apply to all employers of apprentices in the industries throughout New Zealand (whether bound by an award or agreement relating to the industries or not), and to all apprentices employed by such employers in the industries and to all contracts of apprenticeship (including those in force at the time of the 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.)

Interpretation

3. Where no local Apprenticeship Committee has been appointed in respect of any locality or where the Court has discharged any local Apprenticeship Committee, the words "local Apprenticeship Committee" wherever used in the subsequent clauses of this order shall be deemed to mean "District Commissioner of Apprenticeship." The expression "District Commissioner" where used in this order means the appropriate District Commissioner of Apprenticeship.

Prior Consent of Committee

4. (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.

(b) An employer, before taking an apprentice to learn one of the industries or a branch thereof, shall first satisfy the Committee 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 or the branch thereof.

Contracts to be Registered

5. Every contract of apprenticeship and every alteration or amendment 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

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.

(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) All holidays provided for in the award or agreement referred to in clause 10 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 the time deemed to be served.

(d) Except as provided in subclause (e) of this clause, all time lost by an apprentice through his own default or sickness in any period of the apprenticeship shall be made up before such apprentice shall be considered to have entered upon the next succeeding period of his apprenticeship, or, if in the final period, to have completed the apprenticeship, and the total period of the apprenticeship shall be extended by a period equivalent to such lost time.

(e) If an apprentice loses through sickness a continuous period of time in excess of four weeks in any year, the local Apprenticeship Committee shall have power to reduce the amount of time to be made up provided that the apprentice produces medical certificates and that the New Zealand Committee approves of the amount of reduction.

(f) All time lost by an apprentice through accident arising out of and in the course of his employment shall be made up by the extension of the final period of his apprenticeship with wages at the rate prescribed for that period.

(g) An apprentice working overtime shall have such time added to his ordinary time in calculating the respective period of his employment.

(h) Where the New Zealand Committee is of the opinion that time served in a related occupation prior to the date of engagement of an apprentice should be credited to the apprentice, it may, on application made to it by or through a local Apprenticeship Committee, fix a term of not less than three years.

Period of Probation

8. The period of probation to be prescribed in any contract of apprenticeship to enable the contracting parties to determine the apprentice's fitness for the industry shall not exceed three months.

Proportion

9. (a) 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 or fraction of two journeymen employed in the industry or branch thereof to which the apprentice is apprenticed.

(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 in the industry or branch thereof to which the apprentice is apprenticed, who at the date of making application to the local Apprenticeship Committee had been employed in the industry or branch in that establishment full time for a period of six months immediately preceding that date.

(c) For the purposes of this order an employer who himself works substantially at an industry or branch thereof shall be entitled to count himself as a journeyman in that industry or branch only.

(d) The powers and discretions provided for in section 29 of the Apprentices Act, 1948, may be exercised by the District Commissioner and the local Apprenticeship Committee, notwithstanding that an 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) The minimum weekly rates of wages payable to each apprentice shall be the undermentioned percentages of an amount equal to forty times the minimum hourly rate of wages for journeymen in 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 six-monthly period ..	23
For the second six-monthly period ..	29
For the third six-monthly period ..	35
For the fourth six-monthly period ..	41
For the fifth six-monthly period ..	47
For the sixth six-monthly period ..	53
For the seventh six-monthly period ..	59
For the eighth six-monthly period ..	65
For the ninth six-monthly period ..	71
For the tenth six-monthly period ..	77

(b) An apprentice who has passed an examination approved by the New Zealand Apprenticeship Committee shall, after two years of his apprenticeship, be paid during the remainder of his apprenticeship at the rate of not less than 5s. a week in excess of the minimum rate prescribed by subclause (a) of this clause, and, if he has passed a further approved examination he shall, after three years of his apprenticeship, be paid during the remainder of his apprenticeship at the rate of not less than 10s. a week in excess of that minimum rate. The additional payment shall be made from the date of the notification of the passing of the examination, or from the date of the completion of two years or, as the case may be, three years of his apprenticeship, which-ever is the later date.

Technical Classes

11. If ordered to do so by the New Zealand Apprenticeship Committee, apprentices shall be required to attend classes at a school working on a syllabus approved by the New Zealand 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.

Apprentices from Overseas

12. A person who has served part of his apprenticeship to one of the industries or a branch thereof 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 Apprenticeship 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

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 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

14. 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 10 of this order.

Overtime

15. (a) No employer shall require or permit an apprentice under sixteen years of age to work overtime.

(b) No employer shall require or permit an apprentice under eighteen years of age to work overtime in excess of eight hours in any one week.

(c) No employer shall require or permit an apprentice to work overtime on any night on which he has to attend classes at a school.

(d) Overtime shall be calculated in the manner prescribed for journeymen in the award or agreement referred to in clause 10 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

16. The conditions of the award or agreement referred to in clause 10 of this order, in so far as they relate to the method and time of payment of wages, holidays, travelling-time, outside work, meal-money, and all other matters (other than membership of union) relating generally to the employment of journeymen and not in conflict with this order, shall apply to apprentices.

Contracts to Accord With Act

17. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1948, 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. In default of such provisions being made in any such contract of apprenticeship, or in so far as any such provision is defective or ambiguous, the contract shall be deemed to provide that the conditions of apprenticeship shall not be 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 the employer's service during working-hours without leave of the employer (subject to appeal to the local Apprenticeship Committee) 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 or branch thereof to which he is apprenticed in accordance with the provisions of the Apprentices Act, 1948, and of this order and any amendments thereof.

(b) Every contract shall contain a list of the operations and skills to be taught the apprentice, based on the schedule to this order, and approved by the local Apprenticeship Committee.

(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.

(d) No apprentice shall be required to lift weights or perform other work which may be beyond his safe physical capacity.

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.

Revocation of Orders

22. The following apprenticeship orders and any amendments thereto are hereby revoked to the extent to which they relate to the industries to which this order applies as from the date of coming into operation of this order:—

Northern Industrial District Engineering Trades apprenticeship order, dated 7th March, 1939, and recorded in 39 Book of Awards, 166.

Taranaki Engineers Apprenticeship Order, dated 31st March, 1939, and recorded in 39 Book of Awards, 344.

Wellington Industrial District Engineering Trades apprenticeship order, dated 11th August, 1943, and recorded in 43 Book of Awards, 424.

Nelson Industrial District Engineering Trades apprenticeship order, dated 23rd March, 1925, and recorded in 25A Book of Awards, 206.

Westland Engineering, Metal-Working, and Motor Trades apprenticeship order, dated 7th July, 1925, and recorded in 25A Book of Awards, 599.

Canterbury Industrial District apprenticeship order, dated 11th October, 1938, and recorded in 38 Book of Awards, 2821.

Otago and Southland Engineering Trades apprenticeship order, dated 19th June, 1939, and recorded in 39 Book of Awards, 769.

Date of Operation

23. This order shall operate and take effect on and from the 1st day of July, 1949.

SCHEDULE

LIST OF OPERATIONS AND SKILLS

Boilermaker

1. Use of all machinery generally used by boilermakers. An apprentice shall not be allowed to handle any machine or mechanical tool unless first instructed in the working and manipulation of such machine or mechanical tool by the foreman or by a qualified tradesman.

2. Rivetting and caulking by hand and machine on all classes of work available.

3. Marking and making templates. Setting out of work from plans.

4. Manufacture and fabrication of steel structures of all steel sections.

5. Fire work, as usually done by boilermakers.

6. Manufacture (including tempering) of hand tools, such as chisels and caulking tools, usually used by boilermakers.

7. Cutting and welding by electric and oxy-acetylene processes (not less than six months).

Boilermaker Welder

The apprentice is to spend not less than three years of his total time on the operations and skills in paragraphs 1 to 6 above, and the remainder of his time on welding by electric and oxy-acetylene processes, working on steel and other metals.

Moulder

Not more than six months on core bench. Remainder of time on floor moulding with not less than eighteen months with a journeyman. During the last year cupola practice and practical assessing of floor weights.

Dated this 9th day of May, 1949.

[L.S.]

D. J. DALGLISH,

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