

NEW ZEALAND SHEET METAL WORKING 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 sheet metal working industry.

WHEREAS application has been made to the Court by the New Zealand Sheet Metal Working, Tinsmithing, and Coppersmithing Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the sheet metal working 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 13 of the Apprentices Act, 1948, 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 the sheet metal working industry which shall be deemed to include the working of all sheet metals not heavier than No. 8 Birmingham Wire Gauge which are normally worked by sheet metal workers (hereinafter referred to as and included in the term "the industry").

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.)

Interpretation

3. Where no local Apprenticeship Committee has been appointed in any locality or where the Court has discharged any local Apprenticeship Committee, the words "local Apprenticeship Committee" wherever used in this order shall be deemed to mean "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 the industry, shall first satisfy the local Apprenticeship 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.

Contracts to be Registered

5. Every contract of apprenticeship and every alteration thereof shall be in writing and shall be registered with the appropriate District Commissioner of Apprenticeship within 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.

Prerequisite Education

7. It shall be necessary for a person desiring to become an apprentice after this order comes into effect to produce to the local Apprenticeship Committee satisfactory evidence that he has completed two years' post-primary education, or, in exceptional cases approved by the Committee, that he has attained a standard of education satisfactory to the Committee.

Term of Apprenticeship

8. (a) For apprentices commencing before their seventeenth birthday, the term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour periods.

(b) For apprentices commencing on or after their seventeenth birthday, the term of apprenticeship shall be 9,000 hours, divided into nine 1,000-hour periods; but if such apprentices do not produce to the local Apprenticeship Committee satisfactory evidence that they have completed at least three years' post-primary education or have attained an equivalent standard of education, the term shall be 10,000 hours.

(c) 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.

(d) Except for annual holidays under the Annual Holidays Act, 1944, all holidays provided for in the award or agreement referred to in clause 11 of this order which are taken by an apprentice shall be deemed to be time served under his contract, with a maximum of eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be time served.

(e) All time lost by an apprentice through his own default or sickness in any period of his employment shall be made up before such apprentice shall be considered to have entered upon the next succeeding period of his employment, and the total period of his employment shall be extended by a period equivalent to such lost time; but an apprentice working overtime shall have such time added to his ordinary time in calculating the respective period of his employment.

(f) Subject to the provisions of subclauses (d) and (e) of this clause, only working-hours shall be reckoned as time served.

(g) Where the New Zealand Apprenticeship 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 6,000 hours.

Period of Probation

9. 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.

Proportion

10. (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.

(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 classified as such in terms of the relevant award or agreement who at the date of making application to the local Apprenticeship Committee had been employed 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 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 of Apprenticeship and a 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

11. (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 rate of wages for journeymen in the industry, 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 apprentices are employed, or if there is no such award or agreement, 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 a locality including the City of Wellington:—

For apprentices serving a 10,000-hour term—

	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 apprentices serving a 9,000-hour term—

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

(b) An apprentice passing an examination approved by the New Zealand Apprenticeship Committee at the end of a three-year course shall 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 passes a further approved examination at the end of a four-year course he shall 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.

Technical Classes

12. (a) Where an apprentice resides or works within a convenient distance of a school which the New Zealand Sheet Metal Working, Tinsmithing, and Coppersmithing Apprenticeship Committee is satisfied can during normal working-hours provide instruction on a syllabus approved by the New Zealand Apprenticeship Committee it may order such apprentice to attend during three years of his apprenticeship at such school for two continuous hours of instruction in each week, provided, however, that the New Zealand Apprenticeship Committee shall have power if it thinks fit to approve of arrangements for such instruction in which the two hours in each week are not continuous. ("Convenient distance" shall be determined by the New Zealand Apprenticeship Committee, having regard to distance, transport facilities, and the home circumstances of the apprentice and to any recommendation that may be made by the local Apprenticeship Committee.)

(b) Where an apprentice resides or works at a distance beyond that at which he can conveniently attend a school in normal working-hours the New Zealand Apprenticeship Committee may order him to attend during three years of his apprenticeship for not more than two weeks in a year at a school which the New Zealand Apprenticeship Committee is satisfied can provide courses of instruction on the syllabus prescribed by the New Zealand Apprenticeship Committee.

(c) An employer shall not be entitled to make any deduction from the wages of an apprentice ordered to attend a school during normal working-hours; but absence without leave from such school shall be treated as absence through the apprentice's default, and the employer shall be entitled to make a rateable deduction from the wages as provided in clause 14 of this order. For the purposes of the term of apprenticeship, time spent at a school during normal working-hours shall be reckoned as time served.

(d) An apprentice ordered to attend as provided in subclause (a) above may also be ordered to attend evening classes working on the syllabus referred to for not more than two evenings a week during three years of his apprenticeship.

(e) As an alternative to attendance at evening classes as mentioned in the preceding subclause, the New Zealand Apprenticeship Committee may order any apprentice ordered to attend as in subclauses (a) or (b) above to enrol with the Education Department's Technical Correspondence School for an approved course.

(f) Where the New Zealand Apprenticeship Committee is not satisfied that a school can provide instruction during normal working-hours it may order any apprentice in the area served by that school to attend evening classes for not more than two evenings a week during three years of his apprenticeship, or to enrol at the Education Department's Technical Correspondence School for an approved course.

(g) Where during any calendar month an apprentice ordered by virtue of subclauses (d) and (f) hereof to attend evening classes does not attend 75 per cent. of the classes held, the local Apprenticeship Committee may exercise the powers delegated to it by the Court under section 13 (4) (i) and (j) of the Apprentices Act, 1948; viz., it may order that any increase of wages shall be withheld for a period equivalent to the time spent at school in normal working-hours during that month, and it may also order that the period for which the increase of wages is withheld shall not be included in the relevant 1,000-hour period of apprenticeship.

(h) If a local Apprenticeship Committee receives from the Technical Correspondence School an unsatisfactory report on an apprentice's progress in his studies, it may exercise the same powers as are set out in subclause (g) above.

Apprentices From Overseas

13. 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 of Apprenticeship a certificate from his former employer and such other evidence as the District Commissioner of Apprenticeship 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 of Apprenticeship may 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 local Apprenticeship Committee. 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

14. 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 1,000-hour 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

15. 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 11 of this order.

Overtime

16. (a) Apprentices under sixteen years of age shall not be permitted to work overtime.

(b) Apprentices under eighteen years of age shall not be required or permitted to work overtime more than six hours in any one week, or more than 100 hours in any 1,000-hour period.

(c) Apprentices over eighteen years of age shall not be required or permitted to work more than 100 hours' overtime in any 1,000-hour period.

(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 11 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

17. The conditions of the award or agreement referred to in clause 11 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 other matters relating generally to the employment of journeymen and not in conflict with this order, shall apply to apprentices.

Tools

18. (a) The employer shall see that each apprentice is supplied with snips, rivet sets, groovers, and hammers, and a locker (with key) to contain these tools, but after being once supplied the apprentice shall be responsible for the tools, and in the event of his leaving his employ, all of the said tools shall be returned to the employer or replaced at the expense of the apprentice unless he can show that any of such tools have been broken in the carrying out of his work, or lost through no fault of his own.

(b) The employer shall supply all other tools required, such tools to remain the property of the employer and not to be taken off the premises.

Contracts to Accord With Act

19. 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 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

20. 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 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

21. (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) 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.

Premiums Forbidden

22. 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

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 25 of the Apprentices Act, 1948.

Revocation of Orders

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

- Northern Industrial District Tinsmiths and Sheet-metal Workers' apprenticeship order, dated the 6th day of March, 1939, and recorded in 39 Book of Awards 161;
- Taranaki Industrial District Tinsmithing and Sheet-metal Working Industry apprenticeship order, dated the 11th day of December, 1946, and recorded in 46 Book of Awards 2048;
- Wellington Industrial District Tinsmiths and Sheet-metal Workers' apprenticeship order, dated the 11th day of December, 1946, and recorded in 46 Book of Awards 2076;
- Canterbury Industrial District Tinsmiths and Sheet-metal Workers' apprenticeship order, dated the 11th day of October, 1938, and recorded in 38 Book of Awards 2849;
- Otago and Southland Engineering Trades' apprenticeship order, dated the 19th day of June, 1939, and recorded in 39 Book of Awards 769, in so far as it relates to the industry to which this order applies.

Date of Operation

25. This order shall operate and take effect as from the 16th day of May, 1949.

SCHEDULE

List of Operations and Skills

The operations and skills to be taught to an apprentice shall be based on the following list. Variations from it shall be permissible with the approval of the local Apprenticeship Committee:—

- (i) Marking and laying out.
- (ii) Cutting to the requirements of the sheet metal working industry.
- (iii) A knowledge of all trade hand tools.
- (iv) The use and application of folders.
- (v) Setting and operations of rollers.
- (vi) Seaming of all descriptions.
- (vii) Soldering and preparation for soldering.
- (viii) Elementary gas welding, brazing, and silver soldering.
- (ix) General trade shop practice.

Dated this 14th day of April, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The New Zealand Sheet Metal Working, Tinsmithing, and Coppersmithing Apprenticeship Committee desires to bring to the notice of employers the following:—

“From 1st April, 1949, the State Fire and Accident Insurance Office will regard apprentices attending classes in normal working hours as ‘workers’ within the meaning of the Workers’ Compensation Act, provided the employers have brought the wages of the apprentices to account in their wages statements to the State Fire and Accident Insurance Office.

Apprentices ordered to attend evening classes will also be regarded as ‘workers’, as above, provided the employers have requested *voluntary* cover for them.”

A. TYNDALL, Judge.