

NEW ZEALAND **ENGINEERING 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 engineering industry.

WHEREAS application has been made to the Court by the New Zealand General Engineering and Blacksmithing Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the engineering 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 said industry, 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 engineering industry (hereinafter called "the industry") in the following branches:—

Group A—

- (1) Fitting and turning;
- (2) Patternmaking;
- (3) Toolmaking;
- (4) Engineering draughting.

Group B—

- (1) Aircraft engineering;
- (2) Aircraft radio engineering;
- (3) Aircraft instrument engineering.

Group C—

- (1) Brassfinishing;
- (2) Engine-smithing;
- (3) Farrier-smithing;
- (4) Copper-smithing;
- (5) Armature winding;
- (6) Millwrighting.

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 subsequent clauses of 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 (hereinafter called the "local Committee").

(b) An employer, before taking an apprentice to learn a branch of the industry shall first satisfy the local 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 him the branch of 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 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.

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 Committee satisfactory evidence that he has completed two years' post-primary education or, in exceptional cases approved by the New Zealand Committee, that he has attained a standard of education satisfactory to that Committee. In approving of such exceptions, the New Zealand Committee shall require that the apprentice shall attend evening classes or take a correspondence course in general subjects for such time as is necessary to attain a standard satisfactory to it.

Term of Apprenticeship

8. (a) Except as provided in subclause (b) of this clause, the term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour periods.

(b) For an apprentice who commences on or after his seventeenth birthday, and after the coming into force of this order, and who produced to the local Committee satisfactory evidence that he has completed at least three years' post-primary education in subjects related to engineering and meeting with the approval of the New Zealand Committee, the term shall be 9,000 hours, divided into nine 1,000-hour periods.

(c) 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, reckoning eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be served.

(d) 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.

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

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

(g) Except where otherwise provided, only working-hours shall be reckoned as time served.

(h) Where the New Zealand Committee is of the opinion that time served in a related or similar 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 Committee, fix a term of not less than 6,000 hours.

(i) 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.

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) Except in the branches of the industry set out in Group B in clause 1, 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 journeyman employed in the branch of the industry to which the apprentice is apprenticed.

(b) In the branches of the industry set out in Group B in clause 1 the proportion of the total number of apprentices to the total number of aircraft tradesmen employed by any employer shall not be more than one to every two aircraft tradesmen employed in the branch of the industry to which the apprentice is apprenticed, provided that where fewer than two aircraft tradesmen are employed, one apprentice may be employed, provided that on application made by a local Committee the New Zealand Committee may vary the proportion in any branch by fixing the proportion of apprentices to journeymen that may be employed by any employer.

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

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

(e) The powers and discretions provided for in section 29 of the Apprentices Act, 1948, may be exercised by the District Commissioner and a local 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 the minimum weekly wage rate for aircraft tradesmen or journeymen, as the case may be, or, if no weekly wage rate is prescribed, then an amount equal to forty times the minimum hourly rate of wages for aircraft tradesmen or 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 aircraft tradesmen or journeymen for the time being and from time to time in force in the establishment in which the apprentices are employed.

For apprentices serving a 10,000-hour term of apprenticeship—	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 of apprenticeship—	
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, 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) If ordered to do so by the New Zealand Committee apprentices shall be required to attend evening classes at a school working on a syllabus approved by the Committee, provided that apprentices residing beyond a convenient distance from the school shall not be required to attend. ("Convenient distance" shall be determined by the New Zealand 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 Committee.)

(b) As an alternative to attendance at evening classes the New Zealand Committee may order an apprentice who resides or works beyond the distance referred to in subclause (a) of this clause to undertake a correspondence course with the Education Department's Technical Correspondence School.

(c) The New Zealand Committee may permit an apprentice to attend at classes working on a syllabus approved by the Committee for not more than four hours a week during normal working-hours, provided that the apprentice has qualified for such classes in the manner prescribed in subclause (e) of this clause.

(d) As an alternative to attendance at weekly classes during normal working-hours the New Zealand Committee may permit an apprentice to attend at courses of instruction of not less than a week at a time and totalling not more than four weeks in any year, provided that the apprentice has qualified for such courses in the manner prescribed in subclause (e) of this clause.

(e) To qualify for classes or courses of instruction during normal working-hours an apprentice must produce to the New Zealand Committee evidence that he has either—

- (i) During the period of his post-primary education referred to in clause 7 of this order undertaken a course which the New Zealand Committee in its discretion considers adequate for the purposes of this clause; or
- (ii) For such a period as the New Zealand Committee may determine made 75 per cent. of the possible number of attendances at approved evening classes for two evenings a week; or
- (iii) For such period as the New Zealand Committee may determine made satisfactory progress in correspondence study with the Technical Correspondence School; and
- (iv) Obtained or exceeded in an examination approved by the New Zealand Committee a percentage decided by that Committee.

(f) If an apprentice is permitted to attend at classes or courses as provided in subclauses (c) and (d) of this clause his wages for time spent in attending such classes or courses shall be paid by the employer at the appropriate weekly rate, subject to the apprentice producing to the employer and to the local Committee evidence of satisfactory attendance and conduct at the classes or courses ; and, for the purpose of the term of apprenticeship, time spent in attending such classes or courses during normal working-hours shall be reckoned as time served.

Apprentices from Overseas

13. A person who has served part of his apprenticeship to a branch of 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 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 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 and Shift Work

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

(b) No apprentice shall be compelled to work overtime or on shift work.

(c) An apprentice under eighteen years of age shall not be requested or permitted to work overtime on more than two days in any week, nor more than four hours on any day, nor a total of more than six hours in any week.

(d) An employer shall not permit an apprentice to work overtime or on shift work on any night on which he has to attend classes at a school.

(e) 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 all other matters (other than tool-allowance and membership of union) relating generally to the employment of journeymen and not in conflict with this order, shall apply to apprentices.

Tools and Tool Allowance

18. (a) Subject to the provisions of subclause (b) of this clause, the employer shall pay to the apprentice tool allowance at the rate prescribed for workers in the award or agreement referred to in clause 11 of this order.

(b) The employer shall advance to the apprentice in each year of the apprenticeship, by way of orders on suitable suppliers, sums sufficient to allow of the purchase of tools to the value of the tool allowance for the year, and such advances shall be repaid by deductions from the tool allowance payable by virtue of subclause (a) of this clause.

(c) If a contract is terminated during or at the end of the period of probation provided for by clause 9 of this order, the apprentice shall refund to the employer the cost of any advance made in excess of the amount of the tool allowance provided for by subclause (a) of this clause.

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 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 leave of the employer (subject to appeal to the local 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 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 the branches of the industry set out in Group B in clause 1 the employer shall instruct the apprentice according to a training schedule approved by the local 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 Engineering Trades' apprenticeship order, dated 7th day of March, 1939, and recorded in 39 Book of Awards 166.

Taranaki Engineers' apprenticeship order, dated the 31st day of March, 1939 and recorded in 39 Book of Awards 344.

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

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

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

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

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

Date of Operation

25. This order shall operate and take effect as from the 15th day of December, 1949.

Dated this 1st day of December, 1949.

[L.S.]

A. TYNDALL, Judge.