

NEW ZEALAND LEAD-BURNING AND CHEMICAL PLUMBING  
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 Lead-burning and Chemical Plumbing Industry.

WHEREAS application has been made to the Court by the New Zealand Lead-burning and Chemical Plumbing Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the lead-burning and chemical plumbing 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 lead-burning and chemical plumbing in or about chemical-fertilizer works, hereinafter referred to as “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 sixteen years.

*Term of Apprenticeship*

7. (a) The term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour 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) Except for annual holidays under the Annual Holidays Act, 1944, 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, reckoning eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be time 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; but an apprentice working over-time shall have such time added to his ordinary time in calculating the respective period of his employment.

(e) Any time in excess of a continuous period of 1,000 hours 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.

(f) Subject to the provisions of subclauses (c), (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*

8. 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*

9. (a) The proportion of the total number of apprentices to the total number of journeymen employed by any employer in any establishment shall not be more than one to every three or fraction of three 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 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) 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*

10. The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of the minimum weekly 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:—

For apprentices commencing before their eighteenth birthdays:—

	Per Cent.
For the first period of 1,000 hours ..	35
For the second period of 1,000 hours ..	41
For the third period of 1,000 hours ..	47
For the fourth period of 1,000 hours ..	53
For the fifth period of 1,000 hours ..	59
For the sixth period of 1,000 hours ..	65
For the seventh period of 1,000 hours ..	71
For the eighth period of 1,000 hours ..	77
For the ninth period of 1,000 hours ..	83
For the tenth period of 1,000 hours ..	89

For apprentices commencing on or after their eighteenth birthdays:—

	Per Cent.
For the first period of 1,000 hours ..	41
For the second period of 1,000 hours ..	47
For the third period of 1,000 hours ..	53
For the fourth period of 1,000 hours ..	59
For the fifth period of 1,000 hours ..	65
For the sixth period of 1,000 hours ..	71
For the seventh period of 1,000 hours ..	77
For the eighth period of 1,000 hours ..	83
For the ninth period of 1,000 hours ..	89
For the tenth period of 1,000 hours ..	95

*Technical Classes*

11. 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.

*Apprentices From Overseas*

12. 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*

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 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*

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) An employer shall not require or permit an apprentice under the age of eighteen to work more than six hours' overtime in any week.

(b) No apprentice shall be permitted to work overtime unless in association with a journeyman.

(c) Payment for 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, transfer of workers, clothing allowances, meal-money,

and 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.

*Tools, &c.*

17. (a) Employers shall provide the tools required by the apprentice, other than rule and hammer. Employers shall also supply torches, for loss or damage to which (through their own default) apprentices shall be responsible.

(b) Employers shall supply apprentices with gumboots, gloves, and rubber aprons where necessary.

(c) Employers shall pay to apprentices any clothing allowance allowed to workers by the award or agreement referred to in clause 10 of this order.

*Contracts to Accord With Act*

18. 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*

19. 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 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*

20. 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.

*Premiums Forbidden*

21. 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*

22. 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*

23. 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 Lead-burning and Chemical Plumbing apprenticeship order, dated the 8th day of March, 1940, and recorded in 40 Book of Awards 205;

Taranaki Lead-burning and Chemical-plumbing apprenticeship order, dated the 26th day of June, 1940, and recorded in 40 Book of Awards 911;

Wellington Industrial District Lead-burning and Chemical Plumbing apprenticeship order, dated the 26th day of August, 1940, and recorded in 40 Book of Awards 1364;

Canterbury Industrial District Lead-burning and Chemical Plumbing apprenticeship order, dated the 6th day of August, 1940, and recorded in 40 Book of Awards 1180;

Otago and Southland Lead-burning and Chemical Plumbing apprenticeship order, dated the 17th day of July, 1940, and recorded in 40 Book of Awards 954.

*Date of Operation*

24. This order shall operate and take effect as from the 1st day of April, 1950.

Dated this 13th day of March, 1950.

[L.S.]

A. TYNDALL, Judge.