NEW ZEALAND **BRICKLAYING, MASONRY, AND PLASTERING INDUSTRIES**—AMENDMENT OF APPRENTICESHIP ORDER

In the Court of Arbitration of New Zealand.—In the matter of the Apprentices Act 1948; and in the matter of the New Zealand Bricklaying, Masonry, and Plastering Industries Apprenticeship Order, dated the 27th day of September 1949, and recorded in 49 Book of Awards 2753.

WHEREAS by section 13 (2) of the Apprentices Act 1948 the Court is empowered to amend any apprenticeship order: And whereas applications have been made to the Court by the New Zealand Bricklaying, Masonry, and Plastering Apprenticeship Committee and by the New Zealand (except Otago and Southland) Plasterers' and Related Trades Industrial Union of Workers for amendment of the New Zealand Bricklaying, Masonry and Plastering Industries Apprenticeship Order, dated the 27th day of September 1949, and recorded in 49 Book of Awards 2753: 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: Now, therefore, the Court, in pursuance and exercise of the powers vested in it by the said Act, doth hereby order as follows:—

1. That the said apprenticeship order shall be amended in the manner following:—

(1) By deleting clause 8 and substituting the following clause:—

"8. *Term of Apprenticeship.*—(*a*) Except as provided in subclauses (*b*), (*c*), and (*d*) of this clause, the term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour periods.

"(*b*) In terrazzo work the term of apprenticeship shall be 8,000 hours, divided into eight 1,000–hour periods.

"(*c*) In industries other than terrazzo work and after the 24th day of November 1952 the term of apprenticeship for an apprentice who commences his apprenticeship before his eighteenth birthday and who has obtained a School Certificate including such subjects as are approved from time to time by the New Zealand Committee shall be 8,000 hours, divided into eight 1,000–hour periods.

"(*d*) In bricklaying after the 1st day of March 1955 the term of apprenticeship for an apprentice who commences his apprenticeship on or after his eighteenth birthday shall be 8,000 hours, divided into eight 1,000–hour periods.

"(*e*) 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 time served.

"(*f*) An apprentice shall make up any time lost by him in any 1,000–hour 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 1,000–hour 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.

"(*g*) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective 1,000–hour period of the apprenticeship. Each hour worked as overtime shall be deemed to be one hour for the purpose of computing each 1,000–hour period of apprenticeship.

"(*h*) Subject to the provisions of subclauses (*e*) and (*g*) of this clause, only working hours shall be reckoned as time served.

"(*i*) Where the New Zealand Apprenticeship Committee is of the opinion that time served in a related occupation prior to the date of application for 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.

"(*j*) 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."

(2) By deleting subclause (*a*) of clause 11 (Wages) and substituting the following subclause:—

"11. (*a*) (i) Except for terrazzo workers and except as provided in paragraph (ii) of this subclause, the minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to forty times the minimum hourly wage rate 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 in the locality in which the apprentice is employed in force for the time being and from time to time:—

	Column A When Apprentice Commences Before His Eighteenth Birthday	Column B When Apprentice Commences After His Eighteenth Birthday	Column C When Apprentice Qualifies for an 8,000-hour Term by Virtue of Subclause (*c*) or (*d*) of Clause 8
	Per Cent	Per Cent	Per Cent
"First 1,000-hour period	23	35	35
Second 1,000-hour period	29	41	41
Third 1,000-hour period	35	47	47
Fourth 1,000-hour period	41	53	53
Fifth 1,000-hour period	47	59	59
Sixth 1,000-hour period	53	65	65
Seventh 1,000-hour period	59	71	71
Eighth 1,000-hour period	65	77	77
Ninth 1,000-hour period	71	83	......
Tenth 1,000-hour period	77	89	......

"(ii) In the Canterbury Industrial District the minimum weekly rates of wages payable to apprentices in the solid-plastering, fibrous plastering, and tile-laying industries shall be the undermentioned percentages of the minimum weekly wage rate for journeymen, or if no weekly wage rate is prescribed, then of an amount equal to forty times the minimum hourly wage rate 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 in the locality in which the apprentice is employed in force for the time being and from time to time:—

	Column A When Apprentice Commences Before His Eighteenth Birthday	Column B When Apprentice Commences After His Eighteenth Birthday	Column C When Apprentice Qualifies for an 8,000-hour Term by Virtue of Subclause (*c*) of Clause 8
	Per Cent	Per Cent	Per Cent
"First 1,000-hour period	35	45	45
Second 1,000-hour period	40	50	50
Third 1,000-hour period	45	55	55
Fourth 1,000-hour period	50	60	60
Fifth 1,000-hour period	55	65	65
Sixth 1,000-hour period	60	70	70
Seventh 1,000-hour period	65	75	75
Eighth 1,000-hour period	70	80	80
Ninth 1,000-hour period	75	85	......
Tenth 1,000-hour period	80	90	......"

2. That this order shall operate from the day of the date hereof.

Dated this 1st day of March 1955.

[L.S.] A. TYNDALL, Judge.

MEMORANDUM

The Court has before it two applications for amendment of the New Zealand Bricklaying, Masonry, and Plastering Industries Apprenticeship Order.

One application is made by the New Zealand Bricklaying, Masonry, and Plastering Apprenticeship Committee and involves an alteration to the term of apprenticeship in the bricklaying industry (clause 8 (*d*) of the above order) and a consequential alteration to the wages clause (Column C of clause 11 (*a*) (i) of the above order). The recommendations of the New Zealand Committee represent a majority decision by that Committee, and at the hearing by the Court the adoption of these recommendations was not opposed.

The effect of the other proposed amendment is to increase the minimum prescribed rates of wages payable to apprentices employed in the solid plastering, fibrous plastering, and tile-laying industries in the Canterbury and Westland Industrial Districts, and its object is to induce more youths in those districts to enter the said industries, which are stated to be acutely short of skilled man-power. Not only is it hoped to divert boys from so called "blind alley" occupations, but it is also hoped to divert apprentices from some of the more popular trades, and thus ultimately achieve a more balanced force of skilled labour in the said districts.

This application is made by the New Zealand (except Otago and Southland) Plasterers' and Related Trades' Industrial Union of Workers and is strongly supported by the Canterbury Master Plasterers Industrial Union of Employers. On the other hand, the application is opposed by the New Zealand Master Builders' Federation (Inc.), which body also most strongly protests (in the event of any amendment being made) against the proposal to limit its operation to the Canterbury and Westland districts.

Section 13 (5) of the Apprentices Act 1948 directs that the Court shall, in making any order under the section, take into account any recommendation that may be made by the New Zealand Apprenticeship Committee for the industries concerned. The application was considered by the appropriate New Zealand Committee, which agreed that its chairman should inform the Court that the Committee is divided on the application, the representatives of the workers being in favour of the proposed change and the representatives of the employers being against it.

Section 13 (3) of the statute also directs that before any amendment is made to an apprenticeship order the Court shall afford the employers and the workers in the industry, and any other persons whom the Court may deem to be concerned, an opportunity of being heard and of calling evidence in respect thereof.

It is obviously the intention of the legislature that the Court should give careful consideration to the views of the employers and workers in the industry affected by any application. In the present case there is complete accord between the workers and those employers most intimately and extensively concerned, namely, the master plasterers in the Canterbury Industrial District. There is, however, no direct evidence before us as to the attitude of the employers in the Westland Industrial District.

The grounds submitted by the New Zealand Master Builders' Federation in support of its objection are:—

(*a*) That an increase is not warranted;

(*b*) That it is not desirable for an increase in minimum wages to apply only to certain apprentices in specified districts;

(*c*) That there are other means by which apprentices can be encouraged to enter the industries in question.

It is undoubtedly true that one of the objects of Dominion Apprenticeship Orders is to achieve much greater uniformity in wage rates and conditions of employment for apprentices than prevailed prior to 1946.

Section 15 of the Apprentices Act 1948 deals with New Zealand orders and reads:—

"15. The Court shall not make any apprenticeship order in respect only of a specified locality, but shall make apprenticeship orders in respect of each industry or branch thereof for the whole of New Zealand:

"Provided that nothing in this section shall be deemed to prohibit the Court from making in any apprenticeship order special provisions which do not relate to the whole of New Zealand, or from amending any apprenticeship order in force on the commencement of this Act."

It is clear from the proviso above that the legislation contemplates the application of special provisions to limited areas, in such cases no doubt where the circumstances appear to the Court to be exceptional. The Court has exercised this power on a limited number of occasions, even where there has been no measure of agreement amongst the interested parties.

It was pointed out by the objecting organization that "there is nothing to prevent any employer or group of employers, if they so desire, voluntarily increasing the starting wage in those sections of the building industry, if there is difficulty in obtaining apprentices". We agree with this statement, but we doubt whether it should be treated as conclusive against the proposed amendment.

The New Zealand Master Builders' Federation fears that if the amendment is made, there will be "a stream of applications from all other unions for corresponding variations in the percentages paid to apprentices in all other industries and in all districts throughout the country".

In the present case a union of employers supports the application.

If, at any time, there emerges a stream of similar applications, all supported by unions of employers, the Court will undoubtedly be constrained to give them very serious consideration.

In the result the Court has reached the conclusion that this amendment should be made, but that its operation should be restricted to the Canterbury Industrial District, as no clear indication has been given that the employers in the Westland Industrial District support the application.

A. Tyndall, Judge.