

NEW ZEALAND PIANO REPAIRING AND TUNING 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 Piano Repairing and Tuning Industry.

WHEREAS application has been made to the Court by the New Zealand Piano Repairing and Tuning Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the piano repairing and tuning industry for the whole of New Zealand: And whereas the Court has considered the recommendations made to it by the said committee and has afforded the employers, workers, and other persons concerned an opportunity of being heard: 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 authorised by the said section or elsewhere to prescribe: Now, therefore, the Court doth hereby order and prescribe as follows:

1. *Industry to Which Order Applies*—The industry to which this order shall apply is the piano repairing and tuning industry.

2. *Application of Order*—The provisions of this order shall apply to all employers of apprentices in the piano repairing and tuning 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 such industry, and to all contracts of apprenticeship (including those in force at the time of 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 103 of the Industrial Conciliation and Arbitration Act 1954, or an agreement filed under section 8 of the Labour Disputes Investigation Act 1913.)

3. *Interpretation*—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”, hereinafter referred to as the “local committee” and “District Commissioner” respectively.

4. *Prior Consent of Committee*—(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 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 the apprentice the branch or branches of the industry to which he is apprenticed.

5. *Contracts to be Registered*—Every contract of apprenticeship, and every alteration thereof, shall be registered with the appropriate District Commissioner within a period of 28 days after the commencement of the employment of the apprentice (in the case of an original contract), or within 14 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.

6. *Minimum Age*—The minimum age at which a person may commence to serve as an apprentice shall be 15 years.

7. *Term of Apprenticeship*—(a) The term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour periods. Except as provided in subclauses (b) and (d) of this clause, only working hours shall be reckoned.

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

(c) 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 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.

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

(e) 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 by or through a local committee fix the term of apprenticeship.

(f) A person who has attained the age of 18 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.

8. *Period of Probation*—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 in the case of a first apprenticeship to the industry, and shall not exceed one month in any other case.

9. *Proportion*—(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 the first two journeymen employed and one to each two or fraction of two thereafter.

(b) For the purposes of this order an employer who himself works at the industry shall be entitled to count himself as a journeyman.

(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.

10. *Wages*—The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of the minimum weekly rate of wages for journeymen piano tuners 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 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 Auckland.

	Per Cent
For the first 1,000 hours	32
For the second 1,000 hours	37
For the third 1,000 hours	42
For the fourth 1,000 hours	47
For the fifth 1,000 hours	52
For the sixth 1,000 hours	57
For the seventh 1,000 hours	62
For the eight 1,000 hours	67
For the ninth 1,000 hours	72
For the tenth 1,000 hours	77

11. *Technical Education*—The New Zealand Committee may order an apprentice to attend a school or institution approved by it for instruction on a syllabus approved by that committee.

12. *Apprentices from Overseas*—A person who has served part of his apprenticeship to the trade 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 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 14 days, appeal to the Court, whose decision shall be final and conclusive.

13. *Deductions by Employer*—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 days in any 1,000-hour period or 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 the 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.

14. *Hours*—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.

15. *Overtime*—(a) Apprentices under 16 years of age shall not be required or permitted to work overtime.

(b) Apprentices under 18 years of age shall not be required or permitted to work overtime more than eight hours in any one week, and then only if under the supervision of 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.

16. *Conditions of Award to Apply*—The conditions of the award or agreement referred to in clause 10 hereof, in so far as they relate to the method and time of payment of wages, holidays, meal-money, and other matters (other than membership of union) relating generally to the employment and not in conflict with this order, shall be applicable to apprentices.

17. *Contracts to Accord With Act*—Every contract of apprenticeship shall accord with the provisions of the Apprentices Act 1948, and with 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 provision 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.

18. *Obligations of Apprentice*—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 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 hurt or damage if known to him, but will do everything in his power to prevent the same.

19. *Obligations of Employer*—(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 repairing and/or tuning of pianos and the assembling, fitting and adjusting of pianos and their mechanism, in accordance with the provisions of the Apprentices Act 1948 and of this order and any amendments thereof.

(b) 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.

20. *Premiums Forbidden*—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.

21. *Special Contracts*—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.

22. *Date of Operation*—This order shall operate and take effect from the 1st day of February 1959.

Dated this 22nd day of December 1958.

[L.S.]

A. TYNDALL, Judge.