

NEW ZEALAND PAINTING AND DECORATING 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 painting and decorating industry.

WHEREAS application has been made to the Court by the New Zealand Painting and Decorating Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the painting and decorating 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 a new 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 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 branches of the industry of painting and decorating to which this order shall apply are painting and paperhanging, glazing, and sign-writing (which may include poster and display artistry; ticket-writing; and designing, cutting of stencils, and air brushing used in connection with silk screen work), (hereinafter called “the industry”).

2. *Application of Order*—The provisions of this order shall apply to all employers of apprentices in the industry, or any branch thereof, 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 (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 or branches of the industry, shall furnish in writing to the local committee the names and qualifications of the journeymen employed for the previous six months and also the names and particulars of the apprentices employed and of the apprentice to be employed, and shall satisfy the 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 an apprentice the branch or branches of the industry.

5. *Contracts to be Registered*—Every contract of apprenticeship, and every alteration thereof, shall be registered with the appropriate District Commissioner within 28 days after the commencement of the employment of the apprentice (in the case of an original contract) or within 14 days of 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. *Prerequisite Education*—It shall be necessary for a person desiring to become an apprentice to produce to the local committee satisfactory evidence that he has completed two years post-primary education: Provided however that in any case where the proposed apprentice has not completed two years post-primary education the New Zealand Apprenticeship Committee upon application shall have power to waive the requirements of this clause subject to such conditions if any it may deem fit to impose.

8. *Term of Apprenticeship*—The term of apprenticeship shall be—

- (a) In all branches except glazing only, 10,000 hours (divided into ten 1,000-hour periods) for apprentices commencing before their eighteenth birthdays.
- (b) In all branches except glazing only, 9,000 hours (divided into nine 1,000-hour periods) for apprentices who have obtained School Certificates and who commence before their eighteenth birthdays.
- (c) In all branches except glazing only, 8,000 hours (divided into eight 1,000-hour periods) for apprentices commencing on or after their eighteenth birthdays.
- (d) For glazing only, 8,000 hours (divided into eight 1,000-hour periods) for apprentices commencing before their eighteenth birthdays.
- (e) For glazing only, 6,000 hours (divided into six 1,000-hour periods) for apprentices commencing on or after their eighteenth birthdays.

- (f) 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.
- (g) 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.
- (h) Except where otherwise provided, 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 by or through a local committee, fix the term of apprenticeship.
- (j) Where during any period of his apprenticeship except the final period an apprentice passes an examination approved by the New Zealand Apprenticeship Committee, his term of apprenticeship shall be reduced by 1,000 hours, but where an apprentice passes such an examination during the final period of his apprenticeship, his term of apprenticeship shall be deemed to be completed on the date of notification of his passing the examination.

9. *Period of Probation*—(a) The period of probation to be prescribed in any contract to enable the parties to determine whether or not it shall be continued shall not exceed three months.

(b) When an apprentice is transferred from one employer to another, there shall be a period of probation not exceeding three months to enable the parties to the contract to determine whether or not it shall be continued with the employer to whom the apprentice is transferred.

10. *Proportion*—The New Zealand Apprenticeship Committee may determine at its discretion the number of apprentices, or the proportion of apprentices to journeymen, that may be employed by any employer.

11. *Wages*—(a) The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to 40 times the minimum hourly wage rate for journeymen painters and decorators, as prescribed by the award or agreement relating to the employment of such journeymen in the establishment in which the apprentice is employed and in force for the time being and from time to time.

For apprentices other than glaziers commencing their apprenticeship under 18 years of age with 10,000 hour term:

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

For apprentices other than glaziers commencing their apprenticeship under 18 years of age with 9,000-hour term as provided in subclause (b) of clause 8:

	Per Cent
For the first 1,000-hour period	37
For the second 1,000-hour period	42
For the third 1,000-hour period	47
For the fourth 1,000-hour period	52
For the fifth 1,000-hour period	57
For the sixth 1,000-hour period	62
For the seventh 1,000-hour period	67
For the eighth 1,000-hour period	72
For the ninth 1,000-hour period	77

For apprentices other than glaziers commencing their apprenticeship when 18 years of age or over:

	Per Cent
For the first 1,000-hour period	42
For the second 1,000-hour period	47
For the third 1,000-hour period	52
For the fourth 1,000-hour period	57
For the fifth 1,000-hour period	62
For the sixth 1,000-hour period	67
For the seventh 1,000-hour period	72
For the eighth 1,000-hour period	77

For apprentices to glazing only commencing their apprenticeship when under 18 years of age:

	Per Cent
For the first 1,000-hour period	32
For the second 1,000-hour period	38
For the third 1,000-hour period	44
For the fourth 1,000-hour period	51
For the fifth 1,000-hour period	58
For the sixth 1,000-hour period	65
For the seventh 1,000-hour period	71
For the eighth 1,000-hour period	77

For apprentices to glazing only commencing their apprenticeship when 18 years of age or over:

	Per Cent
For the first 1,000-hour period	44
For the second 1,000-hour period	51
For the third 1,000-hour period	58
For the fourth 1,000-hour period	65
For the fifth 1,000-hour period	71
For the sixth 1,000-hour period	77

(b) (i) Every apprentice who has obtained from the New Zealand Trades Certification Board a notification that he has passed the First Qualifying Examination of that board shall from the date of that notification be paid for the remainder of his apprenticeship at a rate not less than 7s. 6d. a week in excess of the minimum rate provided in subclause (a) of this clause; and if he produces a notification of a pass in the Second Qualifying Examination of that board be paid during the remainder of his apprenticeship at a rate of not less than 15s. a week in excess of the minimum rate provided in subclause (a) of this clause.

(ii) The New Zealand Apprenticeship Committee may approve of any other examination conducted by a recognised authority for the purposes of paragraph (i) of this subclause.

12. *Technical Classes*—(a) (i) In addition to courses provided for in subclause (c) of this clause the New Zealand Apprenticeship Committee may order an apprentice to enrol for and carry on with the Education Department's Technical Correspondence School a course approved by the committee.

(ii) As an alternative to paragraph (i) above the New Zealand Apprenticeship Committee may order an apprentice who lives within a convenient distance of a school working on a syllabus approved by the committee to attend classes for one evening a week at that school. ("Convenient distance" shall be determined by the committee having regard to distance, transport facilities, and the home circumstances of an apprentice and to any recommendations that may be made by the local committee.)

(b) Where an apprentice is required so to attend, the employer shall refund to him the amount paid in fees in each year in which his attendance is not less than 75 per cent of the maximum possible.

(c) The New Zealand Apprenticeship Committee may order an apprentice to attend during normal working-hours at a school or institution approved by it for courses of instruction related to his trade for periods not exceeding three weeks in each of three school years, provided that such attendance shall not be required beyond the end of the school year in which he completes 8,000 hours of his apprenticeship.

(d) If an apprentice is ordered to attend courses as provided in subclause (c) of this clause, his normal weekly wages for the time spent in attending such courses, and if he is obliged to live away from home to attend them, for time spent in travelling to and from them during normal working-hours, 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 courses.

(e) For the purposes of the term of apprenticeship time spent at such courses during normal working-hours shall be reckoned as time served.

13. *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.

14. *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 working-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 this order relating to payment of and deduction 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.

15. *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 11 of this order.

16. *Overtime*—(a) An employer shall not require or permit an apprentice under 18 years to work overtime in excess of five hours in any one week, provided that when the apprentice is engaged on country work he shall not be required or permitted to work overtime in excess of 16 hours in any one week: Provided that the parent or guardian of an apprentice under 18 years of age shall have the right to object to the apprentice being employed on country work.

(b) No apprentice shall be permitted to work overtime unless he is under the constant supervision of a competent tradesman.

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

(d) The provisions of subclause (c) of this clause shall not apply to apprentices on country work.

(e) Payment for overtime or for overtime on country work shall be calculated in the manner prescribed for journeymen for overtime or for overtime on country work in the award or agreement referred to in clause 11 of this order, and at the wage rate received by the apprentice.

17. *Conditions of Award to Apply*—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, suburban work, country work, 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.

18. *Tools*—The employer shall provide each apprentice with a full kit of tools as required by him from time to time to learn the branch of the industry to which he is apprenticed, but once during the term of apprenticeship. (See the Schedule to this order for a minimum list of tools for apprentices in painting and paperhanging and in glazing.)

19. *Contracts to Accord With Act*—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 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.

20. *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 such hurt or damage if known to him, but will do everything in his power to prevent the same.

21. *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 branch or branches 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) Where, in the opinion of the local committee, any employer is not able to train fully an apprentice in a recognised branch of the industry, the committee shall grant the apprenticeship only if an interchange of apprentices is arranged with one or more other employers in a similar position, to the satisfaction of the committee, and the conditions written into the contract.

(c) (i) An employer shall not permit an apprentice to engage in spray-painting of any kind during his first 2,000 hours of apprenticeship.

(ii) An employer may permit an apprentice who has completed 2,000 hours of his apprenticeship to engage in spray-painting for decorative work for not more than 60 hours in each 1,000-hour period of apprenticeship.

22. *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.

23. *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.

24. *Revocation of Order*—The New Zealand Painting and Decorating Industry Apprenticeship Order, dated the 25th day of March 1953, and recorded in 53 Book of Awards 449, and any amendments thereto are hereby revoked as from the date of coming into operation of this order, but all resolutions and orders of the New Zealand Apprenticeship Committee, or of local committees, made by them pursuant to the said order and its amendments shall continue in force as fully and effectually as if they had been made pursuant to this order, and accordingly shall where necessary be deemed to have so been made.

25. *Date of Operation*—This order shall operate and take effect as from the day of the date hereof.

SCHEDULE

The following is a minimum list of painters' and paperhangers' tools as required for the full kit mentioned in clause 18 of this order: stopping knife, chisel knife, hacking knife, three-inch stripping knife, paperhangers' laying-on brush, three-foot rule, pair of paperhangers' scissors, tack hammer.

The following is a minimum list of glaziers' tools as required for the full kit mentioned in clause 18 of this order: wood chisel, hacking knife, glazing knife, dusting brush, glass cutter, glass pliers, wood pincers, claw hammer, pin hammer, punches (2), three-foot folding rule, suitable container.

Dated this 8th day of March 1961.

[L.S.]

A. TYNDALL, Judge.