

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 Mechanical Engineering Industry 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 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 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 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 engineering industry (hereinafter called “the industry”) in the following branches:

- (1) Fitting and turning;
- (2) Patternmaking;
- (3) Toolmaking;
- (4) Engineering draughting;
- (5) Brassfinishing;
- (6) Engine-smithing;
- (7) General smithing;
- (8) Farrier-smithing;
- (9) Copper-smithing;
- (10) Millwrighting;
- (11) Plastics engineering.

2. *Application of Order*—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 (including those in force at the time of the 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 him the branch of the industry.

(c) An employer in the plastics engineering branch of the industry before taking an apprentice to learn that branch of the industry, shall first satisfy the local committee that he can carry out a programme of training approved by the New Zealand Committee.

5. *Contracts to be Registered*—The parties to any contract of apprenticeship to which this order applies shall, within 28 days of the commencement of the employment of the apprentice or the making of an alteration, as the case may be, submit the contract or the alteration to the District Commissioner for the locality concerned for registration. If the contract or alteration is not submitted for registration within the prescribed time, the parties thereto shall be severally liable to a penalty not exceeding 20 pounds.

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

7. *Pre-requisite Education*—It shall be necessary for a person desiring to become an apprentice to produce to the local committee evidence that he has satisfactorily 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 may require that the apprentice shall attend evening classes or take a correspondence course in general subjects for such time as the New Zealand Committee considers necessary.

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

(b) For apprentices in farrier-smithing the term of apprenticeship shall be 8,000 hours, divided into eight 1,000-hour periods.

(c) For an apprentice in any branch of the industry except farrier-smithing who produces to the local committee evidence that he has satisfactorily 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.

(d) 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.

(e) 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.

(f) All time lost by an apprentice through accident 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.

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

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

(i) 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 the term of apprenticeship.

(j) 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.

(k) Where an apprentice serving a 10,000-hour term passes the Trade Certificate Examination of the New Zealand Trades Certification Board when he has more than 1,000 hours of his apprenticeship to serve his term of apprenticeship shall be reduced by 1,000 hours, but where an apprentice passes that examination during the last 1,000 hours of his apprenticeship his term of apprenticeship shall be deemed to be completed from the date on which he produces to his employer a notification of the passing of the examination.

(l) Where an apprentice serving a 9,000-hour term as provided in subclause (c) above passes the Trade Certificate Examination of the New Zealand Trades Certification Board when he has more than 500 hours of his apprenticeship to serve his term of apprenticeship shall be reduced by 500 hours, but where an apprentice passes that examination during the last 500 hours of his apprenticeship his term of apprenticeship shall be deemed to be completed from the date on which he produces to his employer a notification of the passing of 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*—(a) (i) 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.

(ii) Notwithstanding the foregoing provision the New Zealand Committee, on the recommendation of a local committee, may approve a proportion in excess of one to one in cases where the local committee is satisfied that the employer has the necessary facilities for teaching the branch or branches of the industry mentioned in the contract of apprenticeship; provided that in no case shall the proportion of apprentices to journeymen exceed two to one.

(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 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.

(c) For the purposes 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.

(d) 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.

11. *Wages*—(a) The minimum weekly rates of wages payable to apprentices shall be the under-mentioned percentages of the minimum weekly wage rate for journeymen (or if no weekly wage rate is prescribed, then an amount equal to 40 times the minimum hourly rate of wages for 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 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	.....	32
For the second period of 1,000 hours	.....	37
For the third period of 1,000 hours	.....	42
For the fourth period of 1,000 hours	.....	47
For the fifth period of 1,000 hours	.....	52
For the sixth period of 1,000 hours	.....	57
For the seventh period of 1,000 hours	.....	62
For the eighth period of 1,000 hours	.....	67
For the ninth period of 1,000 hours	72
For the tenth period of 1,000 hours	77

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For the first period of 1,000 hours	37
For the second period of 1,000 hours	42
For the third period of 1,000 hours	.....	47
For the fourth period of 1,000 hours	.....	52
For the fifth period of 1,000 hours	.....	57
For the sixth period of 1,000 hours	.....	62
For the seventh period of 1,000 hours	.....	67
For the eighth period of 1,000 hours	.....	72
For the ninth period of 1,000 hours	.....	77

For apprentices serving an 8,000-hour term of apprenticeship:		Per Cent
For the first period of 1,000 hours	.....	32
For the second period of 1,000 hours	.....	38
For the third period of 1,000 hours	.....	44
For the fourth period of 1,000 hours	.....	51
For the fifth period of 1,000 hours	.....	58
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

(b) (i) Every apprentice who produces to his employer a notification from the New Zealand Trades Certification Board that he has passed or been exempted from the First Qualifying Examination of that Board shall from the date of production of the notification to his employer be paid for the remainder of his apprenticeship at a rate not less than 5s. a week in excess of the minimum rate provided in subclause (a) of this clause; and if he produces to his employer a notification of a pass in the Second Qualifying Examination of that board shall from the date of production of the notification to his employer be paid for the remainder of his apprenticeship at a rate of not less than 10s. a week in excess of the minimum rate provided in subclause (a) of this clause: Provided that an apprentice exempted from the First Qualifying Examination shall not be entitled to the payment of 5s. a week until he has completed 500 hours of his term of apprenticeship, and provided, further, that where exemption has been granted to the apprentice on the grounds of his having completed three years as a student in any engineering course approved by the Department of Education, he shall furnish a certificate signed by the head of the educational institution in which he took the course that his work and progress were satisfactory.

(ii) The New Zealand 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) 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 relating to the examinations of the New Zealand Trades Certification Board or those for the Certificate in Engineering 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 order an apprentice to attend at classes working on a syllabus relating to the examinations of the New Zealand Trades Certification Board or those for the Certificate in Engineering for not more than four hours a week during normal working hours, or alternatively, at the discretion of the New Zealand Committee, for eight hours in each fortnight.

(d) As an alternative to attendance at weekly classes during normal working hours the New Zealand Committee may order 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.

(e) If an apprentice is ordered 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.

13. *Apprentices from Overseas*—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 an employer in New Zealand 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 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 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.

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 and Shift Work*—(a) Apprentices under 16 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 18 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) Payment for 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.

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, 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.

18. *Tools and Tool Allowance*—(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, the apprentice shall refund to the employer the cost of any advances made in excess of the amount of the tool allowance provided for by subclause (a) of this clause.

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 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 not be 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 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 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 every contract 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.

(c) Every contract in the fitting and turning, and toolmaking branches of the industry shall contain a list of operations and skills to be taught the apprentice, based on the Schedule to this order, and approved by the local committee: Provided always that the list of operations and skills set out in the Schedule to the order shall be used as a guide and the teaching of the whole list shall not be mandatory upon the employer but that the skills set out in the apprenticeship contract be substantially those that, in the opinion of the local committee, can be taught and learned within the workshop of the employer in accordance with the branch of the industry covered by the contract.

(d) An employer of a patternmaking apprentice may be allowed by the local committee to arrange for that apprentice to have where practicable a maximum of 1,000 hours' experience in a moulding shop at some time after he has completed 2,000 hours of apprenticeship.

(e) An employer of an apprentice in engine-smithing shall provide the apprentice with a fire of his own after he has served 6,000 hours of his apprenticeship.

(f) Nothing in this order shall be held to prevent an employer arranging with a university or a technical college to provide further training for any apprentice who has completed at least 2,000 hours of his apprenticeship.

(g) Where an employer has the facilities for teaching acetylene and/or electric cutting and welding of metals as prescribed in paragraph 9 of the Schedule to this order he shall include that paragraph in the list of operations and skills to be taught an apprentice.

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 Engineering Industry Apprenticeship Order, dated the 19th day of August 1959 and recorded in 59 Book of Awards 833 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 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

Operations and Skills in Fitting, Turning, and Toolmaking

1. Correct use and maintenance of the hand tools normally used in the industry.
2. Use of measuring instruments and knowledge of fits and limits normally used in the industry.

3. Working from and use of sketches and scale drawings, blue-prints, etc.
4. Use of lathes, including turning, boring, and facing operations, and in cutting of internal and external screw-threads. Operation of other machines normally used in the industry.
5. Fundamentals of making, hardening, tempering, and sharpening tools for machines normally used in the industry.
6. Knowledge and use of templates, simple fixtures, and gauges, and the use of the marking-off table.
7. The fitting, aligning, and erection or assembly, repair, and maintenance of various types of machinery.
8. Correct use of various metals and their heat treatment.
9. Acetylene and/or electric cutting and welding of various metals.
10. Correct and safe use of lifting gear.
11. Experience in the drawing office.
12. Additional operations and skills in toolmaking:

Use of precision grinding equipment, together with a knowledge of the allowances for stock removal, from the prehardening to the finished component. A knowledge of the difference in clearances and fits required in dies and mouldmaking respectively.

Types of tool metals, their general characteristics, and heat treatment.

A knowledge of die sinking, and the use of machine tools used for that purpose.

Dated this 6th day of December 1962.

[L.S.]

K. G. ARCHER, Judge.
