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**NEW ZEALAND FOOTWEAR MANUFACTURING 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 footwear manufacturing industry.

WHEREAS application has been made to the Court by the New Zealand Footwear Manufacturing Apprenticeship Committee for a new apprenticeship order governing the conditions of apprenticeship in the footwear manufacturing 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 footwear-manufacturing industry (hereinafter called “the industry”) in the following branches or departments: (i) pattern making, (ii) clicking, (iii) rough stuff, (iv) making, (v) finishing, (vi) cleaning; and includes the manufacture of slippers in cases where there are sufficient operations and skills performed in the factory in which the apprenticeship is proposed (whether in one or more of the abovementioned departments).

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 coming into force of this order) between such employers and apprentices. (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 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 operations provided for in the proposed contract.

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.

A contract of apprenticeship may be altered in respect of the branch or department or in respect of the operations or skills to be taught if the prior written approval of the local committee is obtained.

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) For apprentices commencing before their sixteenth birthdays, the term of apprenticeship shall be 10,000 hours divided into 10 periods of 1,000 hours.

(b) For apprentices commencing on or after their sixteenth birthdays the term of apprenticeship shall be 8,000 hours divided into eight periods of 1,000 hours.

(c) 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.

(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 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.

(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; but an apprentice working overtime shall have such time added to his ordinary time in calculating the respective period of his employment. Each hour worked as overtime shall be deemed to be one hour for the purpose of computing each 1,000 hour period of apprenticeship.

(f) Except as elsewhere provided in 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 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 the term of apprenticeship.

8. *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) Where 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.

9. *Proportion*—(a) The proportion of the total number of apprentices to the total number of adult male workers employed by any employer in the operations or skills in respect of which under this order any apprentice may be apprenticed shall not be more than one to every two or fraction of two of such adult male workers as aforesaid who are employed in the department to which the apprentice is to be apprenticed: Provided that in the case of apprentices in the cleaning department the proportion shall be not more than one apprentice to every five or fraction of five of such adult male workers as aforesaid who are employed in the cleaning department. For the purposes of this clause a slipper factory shall be deemed to be one department.

(b) The proportion of apprentices to adult male workers 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 adult male workers who at the date of making application to the local committee had been employed in that department in that establishment for not less than two-thirds 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 the industry shall be entitled to count himself as an adult worker in one department 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, provided, however, that such a transfer in excess of proportion shall be approved only if there is no other employer in the locality willing and able to employ the apprentice.

(e) If through a change in the home circumstances of an apprentice he desires to transfer his apprenticeship to an employer in another locality, the local committee in the locality to which he desires to be transferred may approve of his transfer, 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, provided, however, that such a transfer in excess of proportion shall be approved only if there is no other employer in the locality willing and able to employ the apprentice.

10. *Wages*—The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to 40 times the minimum hourly rate of wages for adult male workers engaged in the operations or skills in respect of which the apprentice is apprenticed as prescribed in the award or agreement relating to the employment of such workers 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 adult male workers for the time being and from time to time in force in a locality including the city of Wellington.

	Those Serving a 10,000-Hour Term Per Cent	Those Serving a 8,000-Hour Term Per Cent
For the first 1,000-hour period .....	32	42
For the second 1,000-hour period .....	37	47
For the third 1,000-hour period .....	42	52
For the fourth 1,000-hour period .....	47	57
For the fifth 1,000-hour period .....	52	62
For the sixth 1,000-hour period .....	57	67
For the seventh 1,000-hour period .....	62	72
For the eighth 1,000-hour period .....	67	77
For the ninth 1,000-hour period .....	72	.....
For the tenth 1,000-hour period .....	77	.....

11. *Technical Classes*—(a) An apprentice residing within such distance of a technical school or such other place as may be determined by a local committee may be ordered by the New Zealand Committee to attend during three years of his apprenticeship at classes for four hours on two evenings a week in each year.

(b) Subject to the local committee receiving a report from the technical school that the apprentice's progress, attendance, and conduct at classes have been satisfactory, the employer shall, within 28 days of the closing of classes in each term, pay to the apprentice a sum equivalent to the minimum rates prescribed by clause 10 for the number of hours he has attended classes.

(c) Time spent at such classes shall be reckoned as time served.

(d) The New Zealand Apprenticeship Committee may order any apprentice to attend at a school or institution approved by it for instruction during normal working hours on a syllabus approved by it for periods of not less than a week at a time and totalling not more than three weeks in a year.

(e) An employer shall not be entitled to make any deduction from the wages of an apprentice ordered to attend a school during normal working hours; but absence without leave from such school shall be treated as absence through the apprentice's default and the employer shall be entitled to make a rateable deduction from the wages as provided in clause 13 of this order. For the purposes of the term of apprenticeship, time spent at a school during normal working hours shall be reckoned as time served.

(f) Where an apprentice has been ordered to attend classes as provided in subclause (d) above, the employer shall permit him to attend such classes.

12. *Apprentices from Overseas*—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 an employer in New Zealand on furnishing to the District Commission a certificate from his former employer and such other evidence (if any) as the District Commission 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 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.

14. *Hours*—The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by adult male workers 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 permitted to work overtime.

(b) Apprentices under 18 years of age shall not be required or permitted to work overtime more than seven hours in any one week.

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

(d) Payment for overtime shall be calculated in the manner prescribed for adult male workers 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 of this order, in so far as they relate to the method and time of payment of wages, holidays, materials, and other matters (other than membership of union) relating generally to the employment of adult workers and not in conflict with this order, shall apply to apprentices.

17. *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 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.

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 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.

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 worker in the department 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) Every contract shall contain a list of the operations and skills to be taught the apprentice, based on the schedule to this order and approved by the local committee. It shall be the duty of the employer to teach the apprentice such minor operations as are contingent or incidental to the major operations and skills specified in the contract.

(c) 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.

20. *Obligations of Local Committee*—The appropriate local committee may review the work done by each apprentice, and may interview him regarding his work, after each six monthly period of the apprenticeship (excluding the period of probation prescribed in clause 8 of this order).

21. *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.

22. *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.

23. *Revocation of Order*—The New Zealand Footwear Manufacturing Industry Apprenticeship Order, dated the 30th day of June 1950, and recorded in 50 Book of Awards on page 577, 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.

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

#### SCHEDULE

##### *List of Operations and Skills*

I. *Pattern Making Department*—Not less than three of the following operations or skills shall be taught:

- (a) Pattern designing.
- (b) Pattern cutting.
- (c) Grading patterns.
- (d) Binding patterns.

II. *Clicking Department*—All the operations in this department shall be taught.

III. *Rough Stuff Department*—Not less than three of the operations or skills in this department shall be taught, selected from the following operations or skills and from such other operations or skills as the local committee may approve:

- (a) Cutting bends or shoulders or bellies or other sole or insole materials.
- (b) Sole rounding.
- (c) Channelling or ply-rib attaching.
- (d) Preparation of soles.
- (e) Slugging, heel-building, compressing, breasting.

IV. *Making Department*—Not less than four of the operations or skills in this department shall be taught, selected from the following operations or skills and from such other operations or skills as the local committee may approve:

- (1) *Machine Sewn and Cement Work*—
  - (a) Pulling over – hand or machine.
  - (b) Console lasting or other type by hand or machine.
  - (c) Bed lasting.
  - (d) Seat lasting.
  - (e) Toe lasting.
  - (f) Pounding.
  - (g) Upper roughing.
  - (h) Laying stuff for machine sewn or cement work.
  - (i) Blake.
  - (j) Levelling.
  - (k) Heel attaching; seat fitting.
- (2) *Welt Plant*—
  - (a) Pulling over – hand or machine.
  - (b) Bed lasting.
  - (c) Seat lasting.
  - (d) Staple lasting or other type.
  - (e) Pounding.
  - (f) Welt sewing.
  - (g) Inseam trimming.
  - (h) Rough rounding.
  - (i) Stitching.
  - (j) Levelling.
  - (k) Heel attaching.
- (3) *Heavy Work*—
  - (a) Pulling over – hand or machine.
  - (b) Console lasting or hand lasting.
  - (c) Seat lasting or toe lasting.
  - (d) Pounding.
  - (e) Bottom stock laying.
  - (f) Screwing, pegging, loose nailing, etc.
  - (g) Stitching.
  - (h) Blake sewing.
  - (i) Levelling.
  - (j) Heel attaching.
- (4) *Veldt Schoen*—
  - (a) Staple lasting.
  - (b) Stitching.
  - (c) Leather heel attaching.
  - (d) Combination toe forming.
  - (e) Thread lasting.
  - (f) Sole laying (other than crepe).
  - (g) Rough rounding.



(5) *Pump Process*—

- (a) Turn shoe sewing.
- (b) Loose nailing.
- (c) Heel attaching.
- (d) Wood heel fitting.

(6) *Vulcanising Process*—

- (a) Pulling over – hand or machine.
- (b) Console lasting, or other type by hand or machine.
- (c) Seat lasting.
- (d) Bed lasting or toe lasting.
- (e) Pounding.
- (f) Upper or welt roughing.
- (g) Vulcanising press.

V. *Finishing Department*—Not less than three of the operations or skills in this department shall be taught, selected from the following operations or skills and from such other operations or skills as the local committee may approve:

- (a) Heel paring.
- (b) Edge trimming.
- (c) Edge setting.
- (d) Heel scouring, bottom scouring, bottom finishing.

VI. *Cleaning Department*—All the operations in this department shall be taught.

VII. *Slipper Factories*—Such operations and skills – not being less than three in number – as in the opinion of the local committee are adequate and sufficient having regard to the requirements for apprenticeship in the various separate branches of the industry.

Dated this 12th day of September 1962.

[L.S.]

K. G. ARCHER, Judge.