
**NEW ZEALAND REFRIGERATION 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 refrigeration engineering industry.

WHEREAS application has been made to the Court by the New Zealand Refrigeration Engineering Apprenticeship Committee for a new apprenticeship order governing the conditions of apprenticeship in the refrigeration 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 refrigeration engineering and servicing industry, domestic and commercial (hereinafter called “the industry”).

2. *Application of Order*—The provisions of this order shall apply to all employers of apprentices in the refrigeration engineering 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 on probation as an apprentice 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 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 industry.

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.

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 Committee on 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*—(a) Except as elsewhere provided in this clause, the term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour periods.

(b) In the case of an apprentice who has obtained a School Certificate or in the examination for that certificate has obtained not less than 50 per cent of the possible marks in each of such subjects as are approved from time to time by the New Zealand Committee, the term shall be 9,000 hours divided into nine 1,000-hour periods.

(c) Where an apprentice 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.

(d) A person who has attained the age of 18 years and who desires to enter into a contract of apprenticeship may apply to the local committee for a special contract of apprenticeship under section 25 of the Apprentices Act 1948.

(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 served.

(f) 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.

(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 application for the 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.

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) 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 two or fraction of two journeymen employed: Provided that on application made by a local committee, the New Zealand Committee may determine the proportion of apprentices to journeymen that may be employed by any employer.

(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 who at the date of making application to the local committee had been employed in the industry in that establishment for not less than eight months preceding that date.

(c) Where the local committee is satisfied that the employer meets the requirements laid down in subclause (b) of clause 4 hereof, it may, at its discretion, waive subclause (b) above.

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

(e) For the purposes of this order "journeyman" shall mean a worker who has completed a contract of apprenticeship or who has had at least five years' experience in the skills prescribed for the industry.

(f) 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*—The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to 40 times the minimum hourly rates of wages for journeymen fitters and turners as prescribed by the award or agreement relating to the employment of such journeymen in the locality in which the apprentice is employed and in force for the time being and from time to time:

For apprentices serving a 10,000-hour term of apprenticeship:	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 serving a 9,000-hour term of apprenticeship:	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

(b) (i) An apprentice passing the First Qualifying Examination of the New Zealand Trades Certification Board shall be entitled to 5s. a week in addition to the wages prescribed in subclause (a) of this clause from the date of the granting of a pass in the examination.

(ii) An apprentice passing the Second Qualifying Examination of the Trades Certification Board shall be entitled to 10s. a week in addition to the wages prescribed in subclause (a) of this clause from the date of the granting of a pass in the examination.

(iii) The New Zealand Committee may approve of any other examinations for the purposes of paragraphs (i) and (ii) of this clause.

12. *Technical Classes*—(a) Where an apprentice resides or works within a convenient distance of a school which the New Zealand Committee is satisfied can during normal working hours provide instruction on a syllabus approved by that committee, it may order such apprentice to attend during three years of his apprenticeship at such school for four continuous hours of instruction in each week, or alternatively, at the discretion of the New Zealand Committee, for eight hours of instruction in each fortnight. ("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) Alternatively the New Zealand Committee may order an apprentice to attend during three years of his apprenticeship for not more than four weeks in a year at a school which the New Zealand Committee is satisfied can provide courses of instruction on a syllabus approved by that Committee.

(c) Where an apprentice has been ordered to attend classes as provided in subclauses (a) or (b) above, the employer shall permit him to attend such classes.

(d) 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 14 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.

(e) An apprentice ordered to attend as provided in subclauses (a) or (b) above may also be ordered to attend evening classes working on the syllabus referred to for not more than two evenings a week during three years of his apprenticeship.

(f) As an alternative to attendance at evening classes as mentioned in the preceding subclause, the New Zealand Committee may order any apprentice ordered to attend as in subclauses (a) or (b) above, to enrol for and carry on with the Education Department's Technical Correspondence School a course in theory relating to his trade.

(g) Where an apprentice is required to attend a school or classes by virtue of the preceding subclauses of this clause, 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.

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 an employer in New Zealand 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 fourteen 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*—(a) An apprentice 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 12 hours in any fortnight.

(c) Apprentices over 18 years of age shall not be required or permitted to work overtime more than 20 hours in any fortnight.

(d) An employer shall not permit an apprentice to work overtime 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, country work, meal-money, overall allowance, and other matters (other than tool money) relating generally to the employment of journeymen and not in conflict with this order, shall apply to apprentices.

18. *Tool Money*—(a) Subject to the provisions of subclause (b) hereof, the employer shall pay to the apprentice tool money at the rate prescribed for workers in the award or agreement referred to in clause 11 of this order and the apprentice shall purchase each year tools to the value of the annual sum payable by way of tool money.

(b) The employer may either purchase, or advance to the apprentice by way of orders on suitable suppliers such sums as are sufficient for the purchase of, tools to at least the value of the annual sum payable by way of tool money, and the cost of such purchases, or such advances, shall be repaid by deductions from the tool money payable by virtue of subclause (a) of this clause.

(c) If a contract is terminated, the apprentice shall return to the employer any tools supplied or the value thereof in excess of the amount of tool money 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 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 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 industry 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, in accordance with the schedule to this order.

(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.

(d) Except within the limits of the electrical skills specified in paragraph 14 of the schedule to this order, an apprentice in the refrigeration engineering industry shall not be permitted to engage in the work of an apprentice in the electrical servicing branch, or that of an apprentice in the general wiring branch of the electrical industry as defined in the New Zealand Electrical Industry Apprenticeship Order.

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 Refrigeration Industry Apprenticeship Order, dated the 26th day of November 1952 and recorded in 52 Book of Awards 2314, 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. This order shall operate and take effect as from the day of the date hereof.

SCHEDULE

Operations and Skills

1. Knowledge of the technical principles of refrigeration and the operating of refrigeration apparatus and cycles.

2. Correct use and simple maintenance of the hand tools normally used in the industry.

3. The correct use of machine tools normally used in the industry where available.

4. Cutting and fitting of pipe threads and piping, flaring, soft brazing, soldering; and other simple means used for pipe joining. Pipe bending and erection of small ferrous and non-ferrous tube, application and use of cold rivets, bolts, studs, and other means used for attaching metal to metal.

5. The fitting of component parts of apparatus in a refrigerating machine such as pistons, rings, bearings, shafts, valves, seals, etc., and the assembly of such apparatus to enable a refrigerating machine to properly function.

6. The erection of refrigerating apparatus and proper aligning and assembling of component parts.

7. The use and adjustment of power transmissions such as belt chains and gears other than electrical apparatus.

8. Knowledge of the design, operation, installation, and adjustment of automatic control apparatus used in refrigerating plants.

9. Methods of dehydrating refrigerating apparatus, testing for gas tightness, evacuating system, and charging with refrigerant. Knowledge of the correct functioning of refrigerating apparatus. Knowledge of temperature-pressure relationship of refrigerant gases and the correct pressures to employ. Knowledge of the characteristics of refrigerant gases and their properties and hazards. Care of these gases in bulk or containers and dispensing of these gases.

10. Methods of first aid in cases of gas poisoning.

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11. Knowledge of the starting, running, and stopping of plants, the transferring of the refrigerant from one apparatus to another. Elimination of air, moisture, and other deleterious matter from the system. Operation of automatic controls and apparatus. Diagnosis of faults and remedy for same. Removal, cleaning, and replacement of all parts.

12. The use of pressure gauges for pressure, of thermometers for temperature, and other instruments necessary for air velocity measurements, humidity, and conditions pertaining to the interior condition of refrigerated spaces.

13. Use of dehydrated and other oil and method of lubrication and knowledge of lubrication apparatus and system.

14. At least 2,000 hours of experience in the following work associated with refrigeration equipment under the supervision and in the presence of a suitable registered person: replacement of fuse links, attachment and replacement of flexible cords, fitting of plug tops, adjustment or replacement of motor control equipment restricted to motors of 5 h.p. or under, adjustment or replacement of solenoid valves, pressure switches, and thermostats, assembly of refrigeration units, disconnection and reconnection of unit motors not exceeding 5 h.p.

Dated this 6th day of November 1962.

K. G. ARCHER, Judge.
