

**NEW ZEALAND MASONRY AND TERRAZZO WORK INDUSTRIES—
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 Masonry and Terrazzo Work Industries.

WHEREAS application has been made to the Court by the Commissioner of Apprenticeship for a new apprenticeship order governing the conditions of apprenticeship in the masonry and terrazzo work industries for the whole of New Zealand: And whereas the Court has afforded the employers, workers, and other persons concerned an opportunity of being heard and has considered the recommendations made to it by the said Commissioner: 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 industries, and prescribing such other 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. *Industries to Which Order Applies*—The industries to which this order shall apply are: stone and/or monumental masonry, and terrazzo work (hereinafter called “the industries”).

2. *Application of Order*—The provisions of this order shall apply to all employers of apprentices in the industries 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 industries, 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 engaging an apprentice shall furnish in writing to the local committee the names and particulars of the journeymen employed for the previous six months, and also the names and particulars of apprentices employed and the apprentice intended to be employed.

(c) An employer before taking an apprentice to learn one or more of the industries, 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 or industries.

(d) An employer shall not be permitted to take an apprentice until he has been established in business in one of the industries for at least 12 months.

(e) A local committee may waive the requirements of subclause (d) of this clause in exceptional circumstances.

(f) In the case of a first application to a local committee an employer shall supply such particulars as the committee requires to satisfy itself regarding his qualifications as an employer, together with a declaration that the information supplied is accurate and true.

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 a primary school course to Form II, or has attained an equivalent standard of education.

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

(b) In terrazzo work the term of apprenticeship shall be 8,000 hours, divided into eight 1,000-hour periods.

(c) In masonry the term of apprenticeship for an apprentice who commences his apprenticeship before his eighteenth birthday and who has obtained a School Certificate including such subjects as are approved from time to time by the Court shall be 8,000 hours, divided into eight 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 time served.

(e) An apprentice shall make up any time lost by him in any 1,000-hour period through his own default or sickness or through accident or for any cause not directly connected with the business of the employer, before he shall be considered to have entered on the next succeeding 1,000-hour period of the apprenticeship, or if in final period, to have completed the apprenticeship. Any time lost through accident arising out of and in the course of the employment shall be made up by the extension of the final period, with wages at the rate prescribed for that period.

(f) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective 1,000-hour period of the apprenticeship. Each hour worked as overtime shall be deemed to be one hour for the purpose of computing each 1,000-hour period of apprenticeship.

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

(h) Where the Court 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.

(i) 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.

9. *Period of Probation*—The period of probation to be prescribed in any contract of apprenticeship to enable the employer of an apprentice to determine his fitness shall not exceed three months in the case of a first apprenticeship to an industry to which this order applies and shall not exceed one month in any other case.

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.

(b) Notwithstanding the provisions of subclause (a) of this clause one additional apprentice may be employed by any employer when there is an apprentice who has completed eight periods of his apprenticeship, but only one such apprentice additional to the number permitted by subclause (a) of this clause may be employed by any employer at any time. The apprentice whose entry into the ninth period has permitted the engagement of the additional apprentice shall not be reckoned as a journeyman for the purpose of calculating the proportion.

(c) 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 by him full time for a period of not less than six months preceding that date.

(d) For the purpose of this order an employer who himself works at one of the industries shall be entitled to count himself as a journeyman in that industry.

(e) The powers and discretions provided for in section 29 of the Apprentices Act 1948, may be exercised by the District Commissioner of Apprenticeship and a local 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) Except for terrazzo workers 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 in the industry to which the apprentice is apprenticed, 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:

	Column A When Apprentice has a 10,000 hour term Per Cent	Column B When Apprentice Qualified for an 8,000-hour Term by Virtue of Sub- clause (c) of Clause 8 Per Cent
First 1,000-hour period	32	44
Second 1,000-hour period	37	49
Third 1,000-hour period	42	54
Fourth 1,000-hour period	47	59
Fifth 1,000-hour period	52	64
Sixth 1,000-hour period	57	69
Seventh 1,000-hour period	62	73
Eighth 1,000-hour period	67	77
Ninth 1,000-hour period	72	—
Tenth 1,000-hour period	77	—

(b) The minimum weekly rates payable to apprentices in terrazzo work shall be the undermentioned percentages of an amount equal to 40 times the minimum hourly wage rate for journeymen in the industry to which the apprentice is apprenticed, 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:

	Per Cent
First 1,000-hour period	32
Second 1,000-hour period	39
Third 1,000-hour period	46
Fourth 1,000-hour period	53
Fifth 1,000-hour period	59
Sixth 1,000-hour period	65
Seventh 1,000-hour period	71
Eighth 1,000-hour period	77

(c) Apprentices who have served at least 2,000 hours and who pass an examination approved by the Court shall receive an addition of 2s. 6d. a week to the wage paid them; and apprentices who have served at least 6,000 hours and who pass a further approved examination shall receive a further addition of 7s. 6d. a week to the wage paid to them.

12. *Technical Classes*—(a) If and when suitable classes in subjects which the Court considers should be studied by apprentices in any of the industries covered by this order are available to the satisfaction of the Court at a technical school or other approved institution during ordinary working hours, an employer shall permit an apprentice to absent himself from work for a period of not more than four hours in each week to enable him to attend such classes during the first six periods of his apprenticeship. Subject to subclause (b) of this clause, no deduction from the wages of the apprentice shall be made in respect of such attendance.

(b) Where permission is given in accordance with subclause (a) of this clause it shall be obligatory upon the apprentice to attend the classes. Failure to attend for reasons other than sickness or accident shall entitle the employer to make a rateable deduction from the wages of the apprentice.

(c) In any case where an apprentice does not apply for permission to attend classes as provided for in subclause (a) of this clause the Court shall have power to order an apprentice during the first six periods of his apprenticeship to attend evening classes at a technical school or other approved institution where suitable classes in appropriate subjects are being conducted; or alternatively, the Court may order the apprentice to enrol during the first year of his apprenticeship with the Education Department's Technical Correspondence School for a course of instruction approved by the Court.

(d) The employer shall refund to the apprentice when attending classes under either subclause (a) or subclause (c) of this clause the amount paid by the apprentice in tuition fees in respect of each term during which his attendance has been not less than 70 per cent of the maximum possible.

13. *Apprentices from Overseas*—A person who has served part of his apprenticeship to one of the industries 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 of Apprenticeship 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 six months, 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 in the industry to which the apprentice is apprenticed as prescribed by the award or agreement referred to in clause 11 of this order.

16. Overtime—(a) Subject to the provisions of the Factories Act 1946, an apprentice under 16 years of age shall not be required or permitted to work overtime more than five hours in any one week, except on country work.

(b) Apprentices over 16 years and under 18 years of age shall not be required or permitted to work more than 10 hours' overtime in any one week, except on country work.

(c) Apprentices under the age of 18 years may be required or permitted while on country work to work up to 20 hours' overtime in any one week, but not exceeding a total of 80 hours in any six-monthly period.

(d) An employer shall not permit an apprentice to work overtime after 5 p.m. 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, country work, meal money, travelling time, suburban work, 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 supply to the apprentice a full kit of tools and maintain them during the period of apprenticeship.

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—(a) 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.

(b) It shall be a breach of this order for any apprentice to accept employment at his trade from any person other than his employer whilst serving his apprenticeship.

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 to which he is apprenticed, in accordance with the provisions of the Apprentices Act 1948, and of this order and any amendments thereof, provided that an employer may teach an apprentice such operations and skills of an industry to which this order applies, but which are not specified in the contract of apprenticeship, as come within the scope of his business.

(b) In every contract made after the coming into force of this order there shall be included the title of the person who is to undertake or supervise the actual training of the apprentice. The responsibility of the person so included by his title shall be limited to actual training or supervision thereof, and shall not be held to relieve the employer as contracting party of his contractual responsibilities.

(c) (i) In the stonemasonry industry an apprentice shall serve not less than three years on the banker during his term of apprenticeship.

(ii) In the monumental masonry industry an apprentice shall serve not less than two years on cemetery work during his term 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 Bricklaying, Masonry, and Plastering Industries Apprenticeship Order, dated the 27th day of September 1949, and recorded in 49 Book of Awards 2753, 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.

Dated this 14th day of November 1963.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

This order is made for the purpose of incorporating in consolidated and separate form the conditions of apprenticeship for masonry and terrazzo work which were previously included in a composite order applying also to bricklaying and plastering, but for which trades separate orders now operate.

A. TYNDALL, Judge.