

NEW ZEALAND TIMBER 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 Timber Industry.

Whereas application has been made to the Court by the New Zealand Timber Industry Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the timber 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 an 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:

INDUSTRY TO WHICH ORDER APPLIES

1. The industry to which this order shall apply is the timber industry as defined in the New Zealand (except Marlborough, Nelson, and Westland) Timber Workers Award, in the following branches, machining, saw-doctoring, hereinafter referred to as “the industry”.

APPLICATION OF ORDER

2. The provisions of this order shall apply to all employers of apprentices in the timber 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.)

INTERPRETATION

3. 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.

PRIOR CONSENT OF COMMITTEE

4. (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 engaging an apprentice shall furnish in writing to the local committee the numbers of the workers employed, and also the names and particulars of apprentices employed and the apprentice intended to be employed.

(c) The employer if not a member of the New Zealand Timber Merchants’ Federation, the New Zealand Sawmillers’ Federation or the New Zealand (Timber) Boxmakers’ Association shall satisfy the local committee that he is a suitable employer, that he has been in business for the two years immediately preceding the date of his application, or that he is in a position to continue in business as an employer, and that he has the facilities for properly teaching the apprentice the branch of the industry to which he is to be apprenticed.

CONTRACTS TO BE REGISTERED

5. 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 \$40.

MINIMUM AGE

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

TERM OF APPRENTICESHIP

7. (a) The term of apprenticeship shall be 6,000 hours, divided into six 1,000-hour periods.

(b) 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 a term of not less than 4,000 hours.

(c) 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 the 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.

(d) 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.

(e) All statutory and other holidays, except the annual holiday period, shall be counted as time served, computed at eight hours a day. Time worked on such holidays shall be added to time deemed to be time served.

(f) Subject to the provisions of subclauses (d) and (e) of this clause only working hours shall be reckoned as time served.

PERIOD OF PROBATION

8. 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 an apprentice serving his first apprenticeship to the industry and shall not exceed one month in any other case.

PROPORTION

9. The New Zealand Committee may determine at its discretion the number of apprentices, or the proportion of apprentices to workers, that may be employed by an employer.

WAGES

10. (a) The minimum weekly rates of wages payable to apprentices in machining shall be the undermentioned percentages of an amount equal to 40 times the minimum hourly rate for a millwright and to apprentices in saw doctoring the same percentages of an amount equal to 40 times the minimum hourly rate for a saw doctor, as prescribed by the New Zealand (except Marlborough, Nelson, and Westland) Timber Workers Award in force for the time being and from time to time:

				Per Cent
First 1,000-hour period	..	..	..	50
Second 1,000-hour period	..	..	..	55
Third 1,000-hour period	..	..	..	60
Fourth 1,000-hour period	..	..	..	65
Fifth 1,000-hour period	..	..	..	75
Sixth 1,000-hour period	..	..	..	85

(b) Every apprentice who produces to his employer a notification from the New Zealand Trades Certification Board that he has passed 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 not less than 50 cents a week in excess of the minimum rate provided in subclause (a) of this clause.

(c) Every apprentice who produces to his employer a notification from the New Zealand Trades Certification Board that he has passed 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 not less than \$1 a week in excess of the minimum rate provided in subclause (a) of this clause.

TECHNICAL CLASSES

11. (a) The New Zealand Committee may order an apprentice to attend courses of instruction at a school or institute approved by it for not more than three weeks in any year.

(b) The New Zealand Committee may order any apprentice to enrol with the New Zealand Technical Correspondence Institute for a course of instruction and to continue the course either to the level of the Second Qualifying Examination or until he has passed that examination.

(c) 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 12 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.

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

(e) Subject to satisfactory reports, the employer shall be responsible for payment of enrolment or class fees incurred when an apprentice is ordered to attend classes or courses of instruction or to enrol with the New Zealand Technical Correspondence Institute.

APPRENTICES FROM OVERSEAS

12. 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 (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.

DEDUCTIONS BY EMPLOYER

13. 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 40 hours in any 1,000-hour period, but not less than eight hours at any one time, 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 the 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.

HOURS

14. The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by workers as prescribed by the award or agreement referred to in clause 10 of this order.

OVERTIME

15. (a) Apprentices under 16 years of age shall not be required or permitted to work overtime.

(b) Apprentices over 16 years of age and under 18 years of age shall not be required or permitted to work more than 20 hours' overtime in any fortnight.

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

(d) Payment for overtime shall be calculated in the manner prescribed for workers in the award referred to in clause 10 of this order, and at the wage rate received by the apprentice: Provided that the minimum payment shall be 30 cents an hour in any case.

CONDITIONS OF AWARD TO APPLY

16. The conditions of the award referred to in clause 10 of this order in so far as they relate to the method and time of payment of wages, holidays, travelling time, sub-urban work, country work, meal money and other matters (other than membership of union) relating generally to the employment and not in conflict with this order shall be applicable to apprentices.

CONTRACTS TO ACCORD WITH ACT

17. 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.

OBLIGATIONS OF APPRENTICE

18. (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 leave of the employer 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) Without the consent of the local committee and of the employer to whom he is apprenticed, an apprentice shall not work for another employer in the industry.

OBLIGATIONS OF EMPLOYER

19. (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, to be a competent worker in the branch or branches of the industry in 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 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) The employer shall give an apprentice in machining opportunities for experience on machines commonly used in the industry, including the foursider, and he shall instruct him or cause him to be instructed in the grinding and shaping of moulding irons and other cutters.

(d) The employer shall give an apprentice in saw-doctoring opportunities for experience in the keeping of saws.

PREMIUM FORBIDDEN

20. 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.

SPECIAL CONTRACTS

21. 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.

REVOCATION OF ORDER

22. The New Zealand Industry Apprenticeship Order dated the 26th day of July 1956 and recorded in 56 Book of Awards 1146, and any amendment thereto, is hereby revoked 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.

DATE OF OPERATION

23. This order shall operate and take effect as from the day of the date hereof.

Dated this 16th day of December 1969.

A. P. BLAIR, Judge.