

NEW ZEALAND PIANO REPAIRING AND TUNING
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 Piano Repairing and Tuning Industry.

Whereas application has been made to the Court by the New Zealand Piano Repairing and Tuning Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the piano repairing and tuning 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:

INDUSTRY TO WHICH ORDER APPLIES

1. The industry to which this order shall apply is the piano repairing and tuning industry.

APPLICATION OF ORDER

2. The provisions of this order shall apply to all employers of apprentices in the piano repairing and tuning 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 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 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 the apprentice the industry.

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 8,000 hours, divided into eight 1,000-hour periods. Except as provided in subclauses (b) and (d) of this clause, only working hours shall be reckoned.

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

(c) 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. Time lost through accident arising out of or 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) 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 this contract reckoning eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be served.

(e) 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 the term of apprenticeship.

(f) 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.

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 a first apprenticeship to the industry, and shall not exceed one month in any other case.

PROPORTION

9. (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 each journeyman.

(b) Subject to approval of the local committee an additional apprentice may be employed by any employer when he has in his employment an apprentice who has completed 6,000 hours of his term of apprenticeship, notwithstanding the provisions of subclause (a) of this clause. The apprentice who has completed 6,000 hours of his term of apprenticeship and permitted the engagement of the additional apprentice shall not be reckoned as an apprentice or as a journeyman for the purpose of calculating the proportion.

(c) 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 apprenticeship 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.

WAGES

10. The minimum weekly rates of wages payable to apprentices shall be the under-mentioned percentages of the minimum weekly rate of wages for journeymen piano tuners 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 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 journeymen for the time being and from time to time in force in a locality including the city of Auckland.

| | | | | Per Cent |
|---------------------------|----|----|----|----------|
| First 1,000-hour period | .. | .. | .. | 45 |
| Second 1,000-hour period | .. | .. | .. | 48 |
| Third 1,000-hour period | .. | .. | .. | 54 |
| Fourth 1,000-hour period | .. | .. | .. | 60 |
| Fifth 1,000-hour period | .. | .. | .. | 66 |
| Sixth 1,000-hour period | .. | .. | .. | 72 |
| Seventh 1,000-hour period | .. | .. | .. | 78 |
| Eighth 1,000-hour period | .. | .. | .. | 85 |

TECHNICAL EDUCATION

11. The New Zealand Committee may order an apprentice to attend a school or institute approved by it for instruction on a syllabus approved by that committee.

APPRENTICES FROM OVERSEAS

12. 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 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 five days in any 1,000-hour period 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 the 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.

HOURS

14. 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 10 of this order.

OVERTIME

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

(b) Apprentices under 18 years of age shall not be required or permitted to work overtime more than eight hours in any one week, and then only if under the supervision of a journeyman.

(c) Payment for overtime shall be calculated in the manner prescribed for journeymen

in the award or agreement referred to in clause 10 of this order and at the wage rate received by the apprentice.

CONDITIONS OF AWARD TO APPLY

16. 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, 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 with 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.

OBLIGATIONS OF APPRENTICE

18. 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 hurt or damage if known to him, but will do everything in his power to prevent the same.

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, 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 operations and skills to be taught the apprentice based on the Schedule to this order and approved by the local committee.

(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.

PREMIUMS 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 Piano Repairing and Tuning Industry Apprenticeship Order dated the 22nd day of December 1958, and recorded in 58 Book of Awards 1853, 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.

DATE OF OPERATION

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

SCHEDULE

OPERATION AND SKILLS

(1) Keys, Actions, String and Soundboard - Cleaning and polishing keys, recovering keyboards, knowledge of glues, dismantling and re-assembling actions, re-felting, regulating of actions and keys, re-facing and toning of hammers, cleaning coils and strings, restringing, re-winding of covered strings, soundboard. Repairs and tuning.

(2) Optional skills to be taught:

A working knowledge of player pianos and reed organs.

Dated this 7th day of November 1969.

A. P. BLAIR, Judge.