

NEW ZEALAND **MECHANICAL DENTISTRY 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 Mechanical Dentistry Industry.

WHEREAS application has been made to the Court by the New Zealand Mechanical Dentistry Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the mechanical dentistry 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 industry for the whole of New Zealand, and prescribing such other matters and things as the Court is required and authorized 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 mechanical dentistry (hereinafter called "the industry").

Application of Order

2. 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 male and female 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 28 of the Industrial Conciliation and Arbitration Act, 1925, or an agreement filed under section 8 of the Labour Disputes Investigation Act, 1913.)

Prior Consent of Committee

3. (a) An employer, before employing an apprentice to learn the industry, shall first apply to the appropriate local Apprenticeship Committee (hereinafter called "the local Committee") for its approval or, where there is no Committee, to the District Commissioner of Apprenticeship (hereinafter called "the Commissioner").

(b) 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 or, where there is no such Committee, of the District Commissioner.

(c) An employer, before taking an apprentice, shall furnish in writing to the local Committee or the District Commissioner, as the case may be, the names and particulars of the technicians employed during the previous six months, and also the names

and particulars of apprentices employed and the apprentice intended to be employed, and shall satisfy the local Committee or the District Commissioner that he is a suitable employer, is in a position to continue in business as an employer, and has the workshop facilities for properly teaching the apprentice the industry.

Contracts to be Registered

4. Every contract of apprenticeship and every alteration thereof, shall be registered with the appropriate District Commissioner within twenty-eight days after the commencement of the employment of the apprentice (in the case of an original contract) or within fourteen days of the making of the alteration (in the case of an altered contract). If the contract or alteration is not presented for registration as aforesaid, the parties thereto shall be severally liable to a fine not exceeding £10 under the Apprentices Act, 1948.

Period of Probation

5. The period of probation to be prescribed in any contract of apprenticeship to enable the employer of an apprentice to determine his or her fitness shall not exceed three months in the case of a first apprenticeship to the trade, and shall not exceed one month in any other case.

Minimum Age

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

Prerequisite Education

7. It shall be necessary for a person desiring to become an apprentice after this order comes into effect to produce to the local Committee or, where there is no Committee, to the District Commissioner satisfactory evidence that he or she has completed two years' post-primary education or has attained an equivalent standard of education.

Term of Apprenticeship

8. (a) The term of apprenticeship shall be 10,000 hours, subdivided into periods of 1,000 hours as set forth in subclause (a) of clause 10 of this order.

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

(c) Where an apprentice at the commencement of the apprenticeship has passed an examination approved of by the New Zealand Apprenticeship Committee, or where during the

first eight periods of the apprenticeship he or she passes such an examination, the term of apprenticeship shall be reduced by 2,000 hours.

Where an apprentice passes an examination approved of as aforesaid during the ninth or tenth period of the apprenticeship, the term of apprenticeship shall be deemed to be completed on the date of his or her so passing.

(d) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective period of the apprenticeship.

(e) An apprentice shall make up any time lost by him or her in any 1,000-hour period through his or her own default or sickness, or through accident or for any cause not directly connected with the business of the employer, before he or she shall be considered to have entered on the next succeeding 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.

(f) All holidays provided for in the award or agreement for technicians referred to in clause 10 of this order which are taken by an apprentice shall be deemed to be time served under his or her contract, reckoning eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be 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 by or through a local Committee, fix a term of not less than 6,000 hours.

Proportion

9. (a) The proportion of the total number of apprentices employed by any employer shall be one apprentice to each three technicians or fraction of three.

(b) A registered dentist who works for not less than 25 per cent. of the weekly hours at the work of a technician and whose mechanical work is done on the premises shall be classed as a technician.

(c) A registered dentist employed for more than 75 per cent. of the weekly hours in the surgery shall not be counted as a technician.

(d) The proportion of apprentices to journeymen employed by any employer shall, for the purpose of determining whether 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 the application had been employed by that employer for not less than two-thirds full time for a period of six months preceding that date. A fully qualified journeywoman shall, for the purposes of calculating the number of apprentices that may be employed by an employer, be counted as a journeyman.

(e) For the purpose of this order an employer who has served a full term as an apprentice in the industry and who is himself engaged for not less than 25 per cent. of the weekly hours in the work of a technician shall be entitled to count himself as a technician.

(f) For the purpose of determining the proportion of apprentices, an employer shall be counted once only.

(g) The powers and discretions provided for in section 29 of the Apprentices Act, 1948, may be exercised by the District Commissioner and the local Committee, notwithstanding that the 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. (a) The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of the minimum weekly rate of wages for journeymen or journeywomen dental technicians as prescribed by the award or agreement relating to the employment of such journeymen or journeywomen for the time being and from time to time in force in the locality or, if there is no such award or agreement, as prescribed by the award or agreement relating to the employment of such journeymen or journeywomen for the time being and from time to time in force in a locality including the City of Wellington:—

For apprentices who commence employment as such when

under eighteen years of age—	Per Cent.
For the first 1,000-hour period	.. 23
For the second 1,000-hour period	.. 29
For the third 1,000-hour period	.. 35
For the fourth 1,000-hour period	.. 41
For the fifth 1,000-hour period	.. 47
For the sixth 1,000-hour period	.. 53
For the seventh 1,000-hour period	.. 59
For the eighth 1,000-hour period	.. 65
For the ninth 1,000-hour period	.. 71
For the tenth 1,000-hour period	.. 77

For apprentices who commence employment as such when eighteen years of age or over—		Per Cent.
For the first 1,000-hour period	..	35
For the second 1,000-hour period	..	41
For the third 1,000-hour period	..	47
For the fourth 1,000-hour period	..	53
For the fifth 1,000-hour period	..	59
For the sixth 1,000-hour period	..	65
For the seventh 1,000-hour period	..	71
For the eighth 1,000-hour period	..	77
For the ninth 1,000-hour period	..	83
For the tenth 1,000-hour period	..	89

(b) Every apprentice who (whether he or she has been ordered to attend classes or not) produces to the employer and the local Committee evidence that he or she has passed an examination approved by the New Zealand Committee shall be paid during the remainder of the apprenticeship at the rate of not less than 6s. 3d. a week in excess of the minimum rate provided in subclause (a) of this clause.

Technical Classes

11. (a) 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 for periods of not less than a week at a time totalling not more than six weeks in any one year.

(b) If an apprentice is so ordered to attend, his or her weekly wage for time spent at such a school or institution and in travelling between it and his or her usual place of residence shall be paid by the employer, subject to the local Committee receiving a satisfactory report from the school on the apprentice's attendance and conduct. For the purposes of the term of apprenticeship, time spent at a school during normal working-hours shall be reckoned as time served.

Apprentices from Overseas

12. A person under twenty-one years of age who has served part of his or her apprenticeship to the industry outside of New Zealand but within the British Commonwealth may complete the term of apprenticeship herein provided for with any employer on furnishing to the District Commissioner a certificate from his or her 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, with fourteen 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 by him or her through sickness in excess of five working-days in any 1,000-hour period or through his or her 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.

Hours

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

Overtime

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

(b) No apprentice shall be required or permitted to work overtime more than five hours in any one week.

(c) No apprentice shall be required or permitted to work overtime after 10 p.m.

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

(e) Payment for overtime shall be calculated in the manner prescribed for technicians in the award or agreement referred to in clause 10 of this order and at the wage-rate paid to the apprentice: Provided that the minimum payment shall be 2s. an hour in any case.

Conditions of Award to Apply

16. The conditions of the award or agreement referred to in clause 10 hereof, 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, youths, or girls. 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.

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 or she will not absent himself or herself from the employer's service during working-hours without the leave of the employer (subject to appeal to the local Committee or, where there is no Committee, to the District Commissioner) or except as permitted by this order, and that he or she 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 or her, but will do everything in his or her 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 or her to be trained and instructed, as a competent technician in the mechanical dentistry industry, in accordance with the provisions of the Apprentices Act, 1948, and of this order and any amendments thereof.

(b) Every contract shall contain the list of operations and skills to be taught the apprentice, in accordance with the schedule to this order, but subject to the discretion of the local Committee to meet any special circumstances.

(c) Where, in the opinion of the local Committee, any employer is not able to train fully an apprentice, the Committee shall only grant the apprenticeship if an interchange of apprentices is arranged with one or more other employers in a similar position, to the satisfaction of the Committee, and the conditions written into the contract.

(d) 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.

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 Orders

22. The following apprenticeship orders and any amendments thereto are hereby revoked as from the date of coming into operation of this order:—

Northern Industrial District Mechanical Dentistry Industry apprenticeship order, dated the 7th day of December, 1942, and recorded in 42 Book of Awards 1448.

Wellington Industrial District Dental Technicians' apprenticeship order, dated the 8th day of March, 1937, and recorded in 37 Book of Awards 822.

Otago and Southland Dental Technicians' apprenticeship order, dated the 20th day of July, 1939, and recorded in 39 Book of Awards 932.

Date of Operation

23. This order shall operate and take effect as from the 1st day of January, 1949.

Dated this 22nd day of December, 1948.

A. TYNDALL, Judge.

SCHEDULE

The list of operations and skills to be taught an apprentice shall be:—

First 2,000 Hours.—Elementary survey of work of entire laboratory procedure. Casting of impression in stone and plaster, care of different types of impressions, simple flasking and investing, polishing metal restorations, acrylics and vulcanite, repair of vulcanite and acrylic dentures and flasking and packing same, and mounting of models on plain-line articulators.

Second 2,000 Hours.—Construction of base plates and bite blocks, mounting of models on anatomical articulators. Waxing up and packing of acrylic and vulcanite dentures. Preliminary work on the construction of bridges, crowns, inlays. Advanced repair technique. Modelling of teeth and surrounding tissues.

Third 2,000 Hours.—Mounting and waxing up of teeth on models. Construction of bars and clasps with wires and soldering. Continuation of work on crowns, bridges, and inlays.

Fourth 2,000 Hours.—Final work on crowns, bridges, fixed and removable. Construction and casting of bars and clasps and partial denture.

Fifth 2,000 Hours.—General work on the operations and skills laid down for the first 8,000 hours.
