

(2877.) AUCKLAND QUARRY AND SCORIA-PIT WORKERS.—AWARD.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of an industrial dispute between the Auckland Builders', Contractors', and General Labourers' (other than Local Bodies' Labourers) Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Adams, H. H., c/o J. Adams and Co., Albert Street.

Craig, J. J., Queen Street.

Cowperthwaite, W. T., Disraeli Street, Mount Eden.

Griffiths, W., Wellesley Street West.

Higgins and Olsen, of A. Higgins, Epsom.

Irvine, I., Avondale.

Kinlock, H., Three Kings, Mount Eden.

Lovatt, W., Pollen Street, Grey Lynn.

Morningside Quarries, c/o J. P. Wilson, Shortland Street.

Pascoe, James, Kyber Pass.

Smailes, H., Takapuna.

Tray Bros., Hobson Street.

Winstone, W. and G., Customs Street.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, doth hereby order and award :—

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the schedule hereto and of this award shall be

binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the schedule hereto shall constitute a breach of this award, and that the sum of £100 shall be the maximum penalty payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect from the 22nd day of September, 1913, and shall continue in force until the 22nd day of September, 1915.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereunto set his hand, this 10th day of September, 1913.

W. A. SIM, Judge.

SCHEDULE.

Hours of Work.

1. The week's work shall not exceed forty-eight hours, and shall be fixed by each employer to suit his particular business, but shall not exceed eight hours and a half on five days of the week and five hours and a half on Saturdays.

Overtime.

2. (a.) All time worked beyond the hours herein prescribed shall be paid for as overtime at the rate of time and a quarter for the first two hours, and thereafter at the rate of time and a half.

(b.) An employer shall not be bound to pay overtime in any case where a worker arranges to work double shifts or overtime for the convenience of any fellow worker or workers.

Holidays.

3. Double time shall be paid for all work done on Sunday, Christmas Day, or Good Friday, and time and a half for all work done on New Year's Day, Easter Monday, Labour Day, or the King's Birthday.

Rates of Wages.

4. All workers employed in or about any quarry or scoria-pit or in any stone-crushing plant shall be paid at the rate of not less than 1s. 2d. per hour.

Payment of Wages.

5. All wages shall be paid weekly in working-hours.

Termination of Engagement.

6. Workers may be dismissed or terminate their engagement without notice, and all wages due shall be paid within twenty-four hours thereafter.

Piecework.

7. Piecework by labourers is prohibited.

Tools.

8. All tools shall be supplied by the employer.

Under-rate Workers.

9. (a.) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, upon the application of the worker after due notice to the union, by the Inspector of Factories or such other person as the Court may from time to time appoint for such purpose; and such Inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such Inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b.) Such permit shall be for such period, not exceeding six months, as such Inspector or other person shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such Inspector or other person shall think fit.

(c.) Notwithstanding the foregoing it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d.) It shall be the duty of the union to give notice to the Inspector of Factories of every agreement made with a worker pursuant hereto.

(e.) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Accidents.

10. A modern first-aid emergency case, fully equipped, shall be kept by the employer in a convenient and accessible place in every quarry or scoria-pit.

Accommodation.

11. Each employer shall provide, where reasonably necessary, accommodation to the satisfaction of the Inspector of Quarries to enable labourers to change and dry their clothes and have their meals. The employer shall also provide proper sanitary accommodation for labourers.

Employment of Youths.

12. (a.) Youths may be employed at a such lower wage than that herein prescribed as shall be agreed on in writing by the employer concerned and the president or secretary of the union.

(b.) The proportion of youths shall be not more than one to every six or fraction of six men fully employed.

Existing Contracts.

13. The provisions of clause 4 shall not apply to contracts entered into before the hearing of this dispute and uncompleted, but any employer desiring to take advantage of this provision shall, within twenty-eight days from the time from which this award shall take effect, give to the Inspector of Factories for the district notice in writing of the contract in respect of which he claims exemption, stating the date of such contract, the name of the person or body with whom the contract has been entered into, and the nature of the work and where the same is to be performed, and no employer shall be entitled to the benefit of this provision in respect of any contract of which he has not so given notice.

Preference.

14. (a.) In the event of any employer hereafter engaging any worker coming within the scope of this award who shall not be a member of the union, and who within fourteen days after his engagement shall not become a member of the union and remain such member, the employer shall dismiss such worker from his service if requested to do so by the union, provided there is then a member of the union who is equally qualified with the non-member to perform the particular work required to be done, and ready and willing to undertake the same.

(b.) The provisions of the foregoing clause shall operate if and only so long as the rules of the union shall permit any worker coming within the scope of this award who is of good character and sober habits to become a member of the union upon payment of an entrance fee not exceeding 5s., upon a written application, without ballot or other election, and to continue a member upon payment of subsequent contributions not exceeding 6d. per week.

Scope of Award.

15. This award shall apply only to the proprietors of quarries and scoria-pits within a radius of ten miles from the Chief Post-office in the City of Auckland.

Term of Award.

16. This award shall come into force on the 22nd day of September, 1913, and shall continue in force until the 22nd day of September, 1915.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the said Court hath hereunto set his hand, this 10th day of September, 1913.

W. A. SIM, Judge.

MEMORANDUM.

This award is based on the recommendation of the Council of Conciliation, which the parties agreed to accept.

The questions in dispute were piecework and preference. These have been settled by the Court. The clause as to employment of youths has been altered, and an objectionable provision in it has been struck out.

W. A. SIM, Judge.
