
**(2947.) INVERCARGILL AND OAMARU PERFORMING MUSICIANS.—
AWARD.**

In the Court of Arbitration of New Zealand, Otago and Southland 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 Dunedin Performing Musicians' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Hayward's Picture Enterprises (Limited), Invercargill and Oamaru.

Universal Pictures (Limited), Oamaru.

Fullers Limited, Invercargill.

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, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, 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 as from the 1st day of September, 1913, and shall continue in force until the 25th day of November, 1914.

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 4th day of December, 1913.

W. A. SIM, Judge.

SCHEDULE.

Workers affected by Award.

1. This award shall apply only to musicians employed to play musical instruments at skating-rinks and public dancing assemblies, in refreshment-rooms, and in connection with operatic performances, variety and picture entertainments, and performances by operatic comedy companies; also performances by professional orchestras and engagements at outdoor amusements.

Wages.

2. Except where otherwise provided herein each performer shall be paid at the rate of not less than £3 per week for six performances and one matinee.

Matinees.

3. (a.) For general theatrical performances and circuses all matinees are to be paid for at the rate of 10s. to each performer for each performance.

(b.) For any class of performance other than those above specified, when more than one matinee is given during the week each performer is to be paid at the rate of 10s. for each additional performance.

Rehearsals.

4. (a.) In theatrical and vaudeville entertainments rehearsals shall not exceed six hours during each week, and shall be given free of charge. After the first two rehearsals the remaining rehearsals shall be fixed to fall between the hours of 5 and 7 in the evening.

(b.) In all classes of amusements other than those specified two rehearsals of two hours each, or one rehearsal of four hours, shall be given by performers without charge.

(c.) Fifteen minutes shall, if desired, be given by performers without charge at the conclusion of the ordinary time fixed for rehearsal.

(d.) Any time occupied in rehearsing in excess of that fixed as above shall be paid for at ordinary overtime rates.

(e.) Rehearsals on Sunday, Christmas Day, or Good Friday shall be paid for at double rates.

(f.) Performances on Christmas Day and Good Friday shall be paid at ordinary rates.

Casual Performers.

5. (a.) Each casual performer shall be paid not less than 12s. for each performance. No substitute shall be deemed a casual performer.

(b.) A performer shall be deemed to be employed as a casual if his engagement is for a period less than six performances.

Continuous Picture Entertainments.

6. (a.) *Hours.*—Eleven hours may be worked in each day. The employer can arrange with the employees to distribute the hours of work over the eleven hours.

(b.) *Wages.*—The employer shall have the right to employ one performer at £6 per week, or two performers at £3 per week each, to play such eleven hours per day, such hours to be consecutive.

(c.) *Rehearsals.*—For this class of entertainment these shall not exceed one hour per week.

Overtime.

7. Where any work is performed in excess of the hours fixed by this award it shall be paid for at the rate of 2s. 6d. per hour.

Dances, Balls, &c.

8. (a.) Pianists—8 p.m. to 11 p.m., not less than 12s. 6d.; 8 p.m. to 12 p.m., not less than 15s. Extra performer—8 p.m. to 11 p.m., not less than 10s.; 8 p.m. to 12 p.m., not less than 13s. 6d.

(b.) Euchre parties and dance: Pianists—10 p.m. to 12 p.m., not less than 12s. 6d.; 10 p.m. to 1 a.m., not less than 15s. Extra performer—10 p.m. to 12 p.m., not less than 10s.; 10 p.m. to 1 a.m., not less than 12s. 6d.

(c.) All hours after those specified, not less than 5s. per hour extra each performer.

Refreshment-rooms.

9. Performers engaged in these shall be paid not less than 2s. 6d. per hour.

10. Any performer who at the date of the coming into operation of this award is paid in excess of the rates specified in this award shall not have his wages reduced.

Skating-rinks.

11. Musicians employed at skating-rinks shall be paid at the rate of not less than 7s. 6d. for each performance of not more than two hours and a half.

Concerts, Oratorios, Amateur Operatic or Musical Performances, Benefit Entertainments.

12. The provisions of this award shall not apply to any of these entertainments.

Preference.

13. If and so long as the rules of the union shall permit any person who is a competent musician and 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 of the person desiring to join the union, without ballot or other election, and to continue a member upon payment of subsequent contributions not exceeding 6d. per week, then and in such case employers shall employ members of the union in preference to non-members, provided there are members of the union equally qualified with non-members to perform the particular work required to be done, and ready and willing to undertake it.

Scope of Award.

14. This award shall apply to the area lying within a radius of ten miles from the Chief Post-office in the Town of Invercargill, and to the area lying within a radius of five miles from the Chief Post-office in the Town of Oamaru.

Exemptions.

15. This award shall not apply to musicians travelling with any company while performing within the scope of this award.

Term of Award.

16. This award shall come into force as from the 1st day of September, 1913, and shall continue in force until the 25th day of November, 1914.

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 4th day of December, 1913.

W. A. SIM, Judge.

MEMORANDUM.

This award is based on the recommendation of the Council of Conciliation.

The alterations made by the Court are these:—

(a.) The operation of the award has been limited to Invercargill and Oamaru. The provisions of such an award are quite inapplicable to the smaller towns, and it would be absurd to have it in force throughout the industrial district.

(b.) The Lyceum Hall Company (Limited) has been struck out as a party to the award. The musicians employed by that company are members of a local union—viz., Invercargill Performing Musicians' Industrial Union of Workers—which has been registered as a union under the Act. An industrial agreement has been made between this union and the company fixing the wages to be paid by the company to its musicians. It may be the case that this agreement is not legally binding, for the reason that the rules of the union in connection with the execution of such agreements have not been complied with. That, however, is a defect that can be cured easily by having a fresh agreement executed and filed. It seems to be the desire of the workers employed by the company to have their rights regulated by an agreement made by the local union. There is no valid reason for not giving effect to that desire, especially as the probable result of bringing them under the award would be to deprive some of them of work altogether.

W. A. SIM, Judge.