

(4490.) INVERCARGILL DRIVERS.—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 Southland Building Trade and General Labourers, Wool and Grain Store Employees, Gasworks Employees, and Drivers' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

- Anderson, W., carrier, Spey Street, Invercargill.
 August, H., cabinetmaker, &c., Spey Street, Invercargill.
 Ayson, W. S., grocer, Tay Street, Invercargill.
 Baird, W., contractor, Ritchie Street, Invercargill.
 Barlow, E., grocer, Dee Street, Invercargill.
 Barlow, J. H., grocer, Dee Street, Invercargill.
 Baxter, J. C., grocer, Dee Street, Invercargill.
 Bird Bros., timber-merchants, Tweed Street, Invercargill.
 Brice, P., carter, Green Hills.
 Broad, Small, and Co., timber-merchants, Dee Street, Invercargill.
 Brown Bros., fellmongers, Spey Street, Invercargill.
 Brown, G. B., grocer, Deveron Street, Invercargill.
 Brown, J. M., and Son, merchants, Kelvin Street, Invercargill.
 Burgess, W., coal-merchant, Collingwood, Invercargill.
 Burke, J., contractor, Ettrick Street, Invercargill.
 Carrol and Thomson, coal-merchants, Spey Street, Invercargill.
 Champion, G., baker, Tramway Road, Invercargill.
 Coal-merchants' Association, Invercargill.
 Crockett, J. A., grocer, Yarrow Street, Invercargill.
 Derby, A. D., baker, Conon Street, Invercargill.
 Derby and Co., bakers, Liddel Street, Invercargill.
 Diamond Lignite Company, coal-merchants, Esk Street, Invercargill.
 Dick, R., baker, Waikiwi, Invercargill.
 Dominion Laundry, Tay Street, Invercargill.
 Donald and Co., bakers, Centre Street, Invercargill.
 Dougan, J. H., carter, Yarrow Street, Invercargill.
 Douglas, J. A., grocer, Elles Road, Invercargill.
 Duthie, W. E., carter, Enwood, Invercargill.
 Everett, J., coal-merchant, Spey Street, Invercargill.
 Fleming and Co. (Limited), millers, Conon Street, Invercargill.
 Fraser, J., and Co., undertakers, Kelvin Street, Invercargill.
 Fraser, L., grocer, Elles Road, Invercargill.
 Frew, W., carrier, Clifton Street, Invercargill.

- Gibb, J., coal-merchant, Nith Street, Invercargill.
 Gibson and Co., grocers, Princess Street, Invercargill.
 Gibson, N., carter, North Invercargill.
 Grindlay, D., coal-merchant, Dee Street, Invercargill.
 Gunn, F. J., grocer, Tweed Street, Invercargill.
 Hillis, William, carter, North Invercargill.
 Hislop, J., pastrycook, Dee Street, Invercargill.
 Invercargill Borough Council, Invercargill.
 Invercargill Steam Laundry, Kelvin Street.
 Jenkins, I., grocer, Elles Road, Invercargill.
 Kelly, J. W., grocer, Clyde Street, Invercargill.
 Kennedy and Co., fruiterers, Dee Street, Invercargill.
 Kingsland and Ferguson, undertakers, Dee Street, Invercargill.
 Kingsland Bros. and Anderson, fellmongers, Tay Street, Invercargill.
 Kingsland, D., and Son, confectioners, Don Street, Invercargill.
 Ladbrook, R. E., grocer, Avenal, Invercargill.
 Lange, F., baker, Clifton, Invercargill.
 Lennie, J., and Son, seedsmen, Esk Street, Invercargill.
 Lewis and Co., drapers, Dee Street, Invercargill.
 Lindsay and Co., pork-butchers, Tay and Dee Streets, Invercargill.
 Lyons, Joseph, coal-merchant, Liddel Street, Invercargill.
 Lyons, R. H., carter, Wood Street, Invercargill.
 McCallum and Co., timber-merchants, Clyde Street, Invercargill.
 McCulloch, J. F., grocer, Centre Street, Invercargill.
 McCurdy Bros., grocers, Waikiwi, Invercargill.
 McFadgen, J., carrier, Invercargill.
 McFarlane, G., pastrycook, Esk Street, Invercargill.
 McGill and Co., grocers, Gladstone, Invercargill.
 McKechnie and Sons, bakers, Wellesly, Invercargill.
 McKenzie, G., grocer, Dee Street, Invercargill.
 McKerras and Hazlett, merchants, Leven Street, Invercargill.
 McMahan, John, contractor, McQuarrie Street, Invercargill.
 Marton and Co., carriers, Don Street, Invercargill.
 Mathesons Limited, grocers, Dee Street, Invercargill.
 Meredith and Fraser, grocers, Tay Street, Invercargill.
 Moffett and Co., cordial-manufacturers, Esk Street, Invercargill.
 Murphy, James, carrier, Leven Street, Invercargill.
 Murray, J., coal-merchant, Liddel Street, Invercargill.
 Myers and Son, brick and tile workers, Waikiwi, Invercargill.
 Naesmith and Sons, bakers, Bourke Street, Invercargill.
 New Zealand Express Company (Limited), general carriers, Kelvin Street, Invercargill.

- O'Brien Bros., carriers, Tyne Street, Invercargill.
 Pascoe Bros., fish-merchants, Dee Street, Invercargill.
 Perrin, H. H., contractor, Kelvin Street, Invercargill.
 Peterson, George, carter, Richmond Grove, Invercargill.
 Rattray and Son (Limited), merchants, Spey Street, Invercargill.
 Roope and Co., brewers, Dee Street, Invercargill.
 Royds Bros. and Kirk, merchants, Nith Street, Invercargill.
 Ryder, T., contractor, Ettrick Street, Invercargill.
 Selwood, W. J., carrier, Don Street, Invercargill.
 Sharpe Bros., cordial-manufacturers, Leven Street, Invercargill.
 Sheehan, E., contractor, Ann Street, Invercargill.
 Sloan, D. G., grocer, East Road, Invercargill.
 Sloan, R., grocer, Dee Street, Invercargill.
 Smith, William, and Co., timber-merchants, Nith Street, Invercargill.
 Southern Fish Supply Company, fish-merchants, Elles Road, Invercargill.
 Southland Bread Company, bakers, Tay Street, Invercargill.
 Southland Butchers' By-products Company (Limited), fell-mongers, &c., Invercargill.
 Southland Coal Company (Limited), coal-merchants, Tay Street, Invercargill.
 Stirling, W. N., grocer, Dee Street, Invercargill.
 Stott, A. H., baker, Baird Street, Invercargill.
 Thomson and Co., cordial-manufacturers, Leven Street, Invercargill.
 Timpany Bros., timber-merchants, Tyne Street, Invercargill.
 Todd, J. R. (Southland Brick Company), Waikiwi, Invercargill.
 Varcoe Bros., coal-merchants, McMaster Street, Invercargill.
 Walker, R. A., baker, Martin Road, Invercargill.
 Waterson, R. S., coal-merchant, Spey Street, Invercargill.
 Waugh, J., grocer, Yarrow Street, Invercargill.
 Welsh and Co., fruiterers, Tay Street, Invercargill.
 Welsh, J. A., grocer, Elles Road, Invercargill.
 Whittingham and Co., brewers, Invercargill.
 Wilson, A., coal-merchant, Clyde Street, Invercargill.
 Withington, C., contractor, Tramway Road, 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, and the time for making this award having been duly extended, 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 27th day of November, 1916, and shall continue in force until the 27th day of November, 1918, and thereafter as provided by subsection (1) (d) of section 90 of the Industrial Conciliation and Arbitration Act, 1908.

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 28th day of October, 1916.

— T. W. STRINGER, Judge.

SCHEDULE.

Hours of Work.

1. (a.) Except where otherwise provided a week's work shall not exceed forty-eight hours, exclusive of the time required for the necessary attendance to horses, which shall not exceed four hours in any one week in the case of drivers who drive and attend to one horse, or eight hours in any one week in all other cases.

(b.) If more than nine hours' work (exclusive of attendance to horses within the limits above specified) is done in any one day, any excess beyond nine hours and the specified attendance to horses shall be paid for at overtime rates.

(c.) Any work, other than attendance to horses, done before 7 a.m. or after 7 p.m. shall be paid for at overtime rates as hereinafter specified, whether or not the weekly limit shall have been exceeded.

(d.) The foregoing provisions shall not apply to workers whose hours of work are prescribed by the Shops and Offices Act.

(e.) Employers shall be at liberty to make special arrangements as to their hours of work with drivers attending early and late trains and steamers, or employed in the collection or delivery of mails.

(f.) Employers shall be at liberty to make special arrangements as to their hours of work with drivers making trips beyond the limits fixed for the operation of this award with drivers employed in connection with town and suburban parcels or furniture delivery, meat-works, abattoirs, and stone-quarries, and at sand and gravel carting, or nightsoil and municipal scavenging work, provided that in each case the total number of hours of work in the week as hereinbefore prescribed shall not be exceeded, and in the case of these drivers overtime shall only be paid for any time worked in any week in excess of the hours herein prescribed.

(g.) The hours of drivers employed by aerated-water and cordial makers shall be forty-eight per week during the months of April to October (inclusive), and sixty hours per week during the rest of the year. These hours shall include time occupied in necessary attendance to horses.

(h.) One hour shall be allowed for dinner if feasible.

(i.) The employer shall provide a time-book, in which each driver shall enter daily the total hours for which he is entitled to be paid, stating the overtime (if any). The employer shall within twenty-four hours have the time verified and the book initialled.

Wages.

2. (a.) The minimum wages for drivers shall be as follows: For those driving and attending to one horse, £2 12s. per week; for those driving and attending to two or more horses, £2 16s. per week.

(b.) These wages shall extend to and cover attendance to horses on Sundays, week-days, and holidays, subject to the limits hereinbefore prescribed.

(c.) No deduction shall be made from such wages for any cause save for time lost through the worker's own default or sickness.

Casual Drivers.

3. (a.) Casual drivers shall be paid at the rate of 1s. 3d. per hour for a driver driving and attending to one horse, and at the rate of 1s. 4½d. per hour for a driver driving and attending to two or more horses. Overtime shall be paid to such drivers at the respective rates of 1s. 4½d. and 1s. 7½d. per hour, and shall commence after nine and a half hours' work shall have been worked in any one day. In the case of casual drivers the whole time worked, including time attending to horses, is to be computed as time or overtime, as the case may be.

(b.) A worker shall be deemed to be a casual driver who is not employed continuously for one week or more.

(c.) For work done on Sunday, Christmas Day, or Good Friday a casual driver shall be paid at the rate of 2s. 6d. per hour, save for the time attending to horses, which shall be paid for at the ordinary rate.

Employment of Youths.

4. (a.) Except where otherwise expressly provided employers shall be at liberty to employ youths above the age of eighteen years at not less than the following wages: From eighteen to nineteen years, £1 7s. 6d. per week; from nineteen to twenty years, £1 12s. 6d. per week; from twenty to twenty-one years, £1 17s. 6d. per week.

(b.) The number of youths so employed shall not exceed one to each employer, firm, or company employing one driver, and one for each complete four additional drivers.

(c.) Employers who carry on business as bakers shall be at liberty to employ youths at not less than the following wages: Under the age of eighteen years, 15s. per week and found, or £1 2s. 6d. per week dry pay; from eighteen to nineteen years, 17s. 6d. per week and found, or £1 5s. per week dry pay; from nineteen to twenty years, £1 0s. 6d. per week and found, or £1 10s. 6d. per week dry pay; from twenty to twenty-one years, £1 2s. 6d. per week and found, or £1 12s. 6d. per week dry pay.

(d.) The number of youths to be employed under the last preceding clause shall not exceed one to each employer employing not more than one driver, and one to each complete additional three drivers: Provided that any employer who is unable to find employment for a fully paid driver may employ one youth.

(e.) The minimum weekly wage prescribed by this clause shall be deemed to extend to and cover attendance to horses on Sundays, week-days, and holidays, subject to the limit hereinbefore prescribed.

(f.) The rate of overtime and payment for work done on holidays for youths shall be as follows: Under twenty years of age, 9d. per hour; twenty years of age and over, 1s. per hour.

Holidays.

5. (a.) The following shall be the recognized holidays: New Year's Day, 2nd January (in cities and towns if generally observed as a public holiday), Good Friday, Easter Monday, Labour Day, Anniversary Day (where generally observed as a public holiday), birthday of the reigning Sovereign, Christmas Day, and Boxing Day.

(b.) When any of these holidays is generally observed on any other day such other day shall be deemed to be the holiday for the purposes of this award.

(c.) Any employer may substitute another day for the birthday of the reigning Sovereign or Boxing Day.

(d.) The holidays for drivers working for employers whose principal business is governed by another award shall be the holiday provided in such other award.

(e.) Drivers employed by fishmongers, laundrymen, and aerated-water and cordial makers may be required to serve customers on holidays without extra payment, but the employers shall so arrange their business that the smallest amount of work reasonably practicable shall be done on such days. The time so occupied shall count as part of the week's work specified in clause 1 hereof.

(f.) For work done on Sunday, Christmas Day, or Good Friday, other than attendance to horses, drivers shall be paid at the rate of not less than 2s. per hour. For work, other than attendance to horses, done on any of the other holidays mentioned in this award drivers shall be paid at the rate of not less than 1s. 4½d. per hour. The above payments shall be in addition to the weekly wages.

Overtime.

6. Overtime shall be paid for at the rate of 1s. 4½d. per hour for all time worked beyond the hours prescribed in clause 1 hereof.

Drivers' Duties.

7. It shall be part of the ordinary duty of a driver to assist when required in loading and unloading his employer's vehicle. An employer may employ a driver at work outside his ordinary duties for the purpose of filling in time, but in such case he shall be paid not less than the award or ruling rate for such work, and not being less in any case than the ordinary rates for drivers.

Stable-work.

8. In all stables where fourteen or more horses are kept the employer shall provide a man whose duties shall be to keep the stables clean and mix the feed. The drivers shall in turn take a "week on" to assist him in feeding and watering all horses, subject to the provisions of clause 1 of this award.

Boarding.

9. An employer may enter into an agreement with a driver to provide him with suitable board and lodging, and to deduct the price thereof from his wages at a rate not exceeding 17s. per week.

Payment of Wages.

10. Wages, including overtime, shall be paid weekly or fortnightly on a day to be from time to time fixed in advance by the employer.

Term of Engagement.

11. In the case of workers other than casual hands a week's notice of dismissal or of resignation shall be given by the employer or the worker, but this shall not prevent any employer from dismissing any worker for good cause.

Under-rate Workers.

12. (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, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that 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.

Preference.

13. (a.) If any employer shall hereafter engage any worker coming within the scope of this award who shall not be a member of the union, and who shall not become a member thereof within fourteen days after his engagement 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 equally qualified 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 only if and so long as the rules of the union shall permit any worker coming within the scope of this award 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.

Matters not provided for.

14. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer

concerned and the secretary or president of the union, and in default of any agreement being arrived at then such dispute shall be referred to the local Inspector of Awards, who may either decide the same or refer the matter to the Court. Either party dissatisfied with the decision of the Inspector of Awards may appeal to the Court upon giving written notice of such appeal to the other party within seven days after such decision shall have been communicated to the party desiring to appeal.

General Exemptions.

15. (a.) This award shall not apply to any employer, although named as a party hereto, who is bound by the provisions of any other award in relation to drivers employed by him.

(b.) Employers of drivers of vehicles and teams used by agricultural and sheep farmers, nurserymen, and orchardists exclusively for work in connection with their farms or orchards, or for carting goods produced on or for the use of such farms or orchards, are exempt from the provisions of this award.

(c.) The provisions of this award shall not apply to livery-stable keepers, coach, bus, or cab proprietors, medical men, or to dairymen when engaged in delivering milk to customers.

(d.) The provisions of this award shall not apply to drivers employed solely in connection with the business carried on in meat-works and freezing-works.

(e.) The provisions of this award shall not apply to country sawmillers so far as relates to the cartage of timber from their sawmills to their own yards, or contracts, or to railway-trucks.

Applications for Exemption.

16. The Court reserves to itself power to exempt from the operation of this award any employer named as a party hereto who has not been joined as a party to any previous award in connection with drivers, and who is engaged in any business which has not been brought under the operation of any such previous award.

Special Provisions as to Drivers of Motor Vehicles.

17. (a.) Except where otherwise provided a week's work shall not exceed forty-eight hours, exclusive of the time required for necessary attendance to motor vehicles, which shall not exceed four hours in any one week.

(b.) If more than nine hours' work (exclusive of attendance on motor vehicles as specified above) is done in any one day, any excess beyond nine hours and the specified attendance on motor vehicles shall be paid for at overtime rates.

(c.) Any work done, other than attendance to motor vehicles, before 7 a.m. or after 7 p.m. shall be paid for at overtime rates as hereinafter specified, whether or not the weekly limit shall have been exceeded.

(d.) The foregoing provisions shall not apply to workers whose hours of work are prescribed by the Shops and Offices Act.

Wages of Drivers of Motor Vehicles.

18. The minimum wages for drivers of motor vehicles shall be as follows: For those driving and attending to motor vehicles with a carrying-capacity of from 5 cwt. to 1 ton, £2 15s. per week; for those driving and attending to motor vehicles with a carrying-capacity of more than 1 ton and up to $1\frac{1}{2}$ tons, £2 17s. 6d. per week; for those driving and attending to motor vehicles with a carrying-capacity of over $1\frac{1}{2}$ tons, £3 per week.

Casual Drivers of Motor Vehicles.

19. Casual drivers of motor vehicles shall be paid at the rate of 1s. 3d. per hour for driving and attending to motor vehicles of a carrying-capacity of from 5 cwt. to $1\frac{1}{2}$ tons, and at 1s. 6d. per hour for driving and attending to motor vehicles of a carrying-capacity exceeding $1\frac{1}{2}$ tons. Overtime shall be paid to such drivers at the respective rates of 1s. $4\frac{1}{2}$ d. and 1s. 9d. per hour, and shall commence after nine and a half hours' work shall have been worked in any one day. In the case of casual drivers of motor vehicles the whole time worked, including time attending to motor vehicles, is to be computed as time or overtime, as the case may be.

Overtime for Drivers of Motor Vehicles.

20. Overtime shall be paid to drivers of motor vehicles (other than casual drivers) at the following rates: Where the carrying-capacity of the vehicle is from 5 cwt. to $1\frac{1}{2}$ tons, 1s. $4\frac{1}{2}$ d. per hour; where the carrying-capacity of the vehicle is over $1\frac{1}{2}$ tons, 1s. 9d. per hour.

General Provisions as to Drivers of Motor Vehicles.

21. Subject to the special provisions in the preceding clauses 17 to 20, both inclusive, all the provisions of this award (excepting only clause 4 hereof) shall, *mutatis mutandis*, apply to drivers of motor vehicles and their employers.

Scope of Award.

22. The operation of this award is limited to the area lying within a radius of four miles from the Chief Post-office in the City of Invercargill.

Term of Award.

23. This award shall come into force on the 27th day of November, 1916, and shall continue in force until the 27th day of November, 1918.

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 28th day of October, 1916.

T. W. STRINGER, Judge.

MEMORANDUM.

We regret the delay which has taken place in making the final awards in connection with the Drivers' disputes, but as no substantial departure has been made from the interim awards which have been made from time to time in the different industrial districts the workers have not been seriously prejudiced.

Apart from the increase of 4s. a week granted to the drivers, the carrying trade is subject to considerable burdens in the shape of increased cost of materials attributable to war conditions, and the Court therefore after careful consideration came to the conclusion that it could not reasonably, having regard to all the interests involved, increase those burdens by a still further increase in the wages of the workers.

The Court, however, has given the workers some relief in connection with the vexed question of "stable attendance," and has limited the ordinary hours of work to nine per day.

The above is the decision of a majority of the Court.

T. W. STRINGER, Judge.