

(4222.) NORTHERN DISTRICT (EXCEPT POVERTY BAY) ENGINE-DRIVERS.—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 Certificated Engine-drivers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Adams Gold-dredging Company, Coromandel (dredging).

Adams, H. H., Thames (dredging).

- Adolph, F. W., Patumahoe (general).
 Alcock Bros., Whangarei (quarrying).
 Alwill, J., Hautapu (chaffcutting).
 Astley, E., and Son (Limited), Albert Street, Auckland (tannery).
 Auckland Brick and Pottery Company, Avondale (brickmakers).
 Auckland City Council, Town Hall, Auckland (general).
 Auckland Electric Tramways Company (Limited), Customs Street, Auckland (road-roller).
 Auckland Farmers' Freezing Company (Limited), Southdown (freezing-works).
 Auckland Gas Company (Limited), Wyndham Street, Auckland (gasworks).
 Auckland Harbour Board, Quay Street, Auckland (general).
 Auckland Meat Company (Limited), Wakefield Street, Auckland (meat-works).
 Auckland Rimu Timber Company (Limited), Union Street, Newmarket (hauling).
 Auckland Shingle Company (Limited), Shortland Street, Auckland (dredging).
 Auckland Steam Laundry Company (Limited), Belgium Street, Auckland (laundry).
 Baldwin, S., Cambridge (threshing).
 Bartholomew Land and Timber Company (Limited), Ngatira (hauling).
 Bissett, J. E., Opuawhanga (hauling).
 Bodle Bros., Manurewa (general).
 Boyles, David, Rangataiki Swamp (flax-miller).
 Brett Printing and Publishing Company (Limited), Shortland Street, Auckland (printers).
 Butler, M. P., Mercer (stone-crusher).
 Cambie, D. C., Mamaku (log-hauling).
 Carder Bros. and Co. (Limited), Pompallier Terrace, Ponsonby (pottery-works).
 Christie, H., Towai (hauling).
 Clark, R. O. (Limited), Hobsonville (brickmakers and pottery-makers).
 Clow, T. R., Papatoetoe (hauling).
 Colonial Ammunition Company (Limited), Mount Eden (ammunition works).
 Colonial Sugar Refining Company (Limited), Quay Street, Auckland (sugar-works).
 Comrie, James, Runciman (general).
 Conder, J. H., Hinuera (hauling).
 Cook, H. F., Whangamumu, Russell (boiling-down works).
 Devonport Borough Council, Devonport (pumping).
 Dominion Laundry Company (Limited), Hobson Street, Auckland (laundry).

- Donaghy's Rope and Twine Company (Limited), Stanley Street, Auckland (ropemakers).
- Donald and Sons, Richmond Street, Grey Lynn (tanners).
- Drury Brick and Tile Company (Limited), Drury (brickmakers).
- D.S.C. and Cousins and Cousins (Limited), Bank Street (furniture factory).
- Duder, R. and R., Devonport (brickmakers).
- Ellis and Burnand (Limited), Hamilton (hauling).
- Farrow and Liggins, Waitoa (flax-millers).
- Faucett, G. E., Pukekohe (general).
- Ferguson, J., Pukekohe (general).
- Franklin County Council, Pukekohe (general).
- Fraser, G., and Son, Stanley Street, Auckland (ironworkers).
- Fullerton, S., Te Kowhai (general).
- Gardner Bros. and Parker, New Lynn (brickmakers).
- Hallett, T., Te Teko (flax-miller).
- Hamilton and Jones, Marua (log-hauler).
- Hamilton Borough Council, Hamilton (road-rolling).
- Hancock and Co. (Limited), Khyber Pass, Auckland (brewers).
- Hellaby, R. and W. (Limited), Shortland Street, Auckland (meat-preservers).
- Hine, A., Maketu (general).
- Hunter, H., Ohinewai (flax-miller).
- Huntly Brick and Fireclay Company, Huntly (brickworks).
- Innes and Co., Hamilton (brewers).
- Jagger, F., and Co., Grey Street, Auckland (tanners).
- Jarrett, C., and Son, Cambridge (threshing).
- Kauri Timber Company (Limited), Customs Street, Auckland (hauling).
- Kempthorne, Prosser, and Co., New Zealand Drug Company (Limited), Albert Street, Auckland (chemical works).
- King, H., Pukete (hauling).
- Laurie Bros., Waikumete (brickmakers).
- Lee and McKenzie, Mamaku (hauling).
- Lion Brewery Company (Limited), Khyber Pass, Auckland (brewers).
- McIntyre, J., Queen Street, Onehunga (ironworks).
- McSheen Bros., Pukekohe (general).
- Manukau County Council, 34 City Chambers, Queen Street, Auckland (road-rolling).
- Manukau Water-supply Board, Manukau Road, Epsom (pumping).
- Melville, R. J., Cambridge (threshing).
- Mennie, J. M. (Limited), Albert Street, Auckland (biscuit-factory).
- Miller, H., Kiwitahi (threshing).
- Moody and Sly, Whangarei (hauling).
- Morningside Quarries (Limited), Morningside (quarry).
- Mountain Rimu Sawmilling Company, Mamaku (hauling).
- Mount Albert Borough Council, Morningside (pumping and road-roller).

- Mount Eden Borough Council, Mount Eden Road, Auckland (road-rolling).
- Mount Roskill Road Board, Mount Roskill (pumping).
- Newmarket Borough Council, Newmarket (road-roller).
- New Zealand Brick, Tile, and Pottery Company (Limited), New Lynn (brickmakers).
- New Zealand Glue Company (Limited), Angel Street, Onehunga (glue-works).
- New Zealand Laundry Company (Limited), Quay Street, Auckland (laundry).
- New Zealand Packing Company (Limited), Matangi (condensed-milk factory).
- New Zealand Paper Mills (Limited), Ferry Buildings, Quay Street, Auckland (paper-mills).
- New Zealand Portland Cement Company (Limited), 19 Shortland Street, Auckland (cement-works).
- Northern Timber Company of New Zealand (Limited), Taupiri (hauling).
- O'Connor and Bullians, Taumarunui (hauling).
- O'Donoghue, P. J., Kiwitahi (chaffcutting).
- Onehunga Woollen Mills (Limited), Te Papapa (woollen-mills).
- O'Reilly, J., Taumarunui (brickmaker).
- Pascoe, E., Morrow Street, Newmarket (stone-crushing).
- Patate Timber Company (Limited), Manunui (hauling).
- Poole and Petrie, Mangaiti (flax-millers).
- Price, A. and G. (Limited), Thames (ironworks).
- Pukekohe Town Board, Pukekohe (road-roller).
- Pukeweka Sawmills (Limited), Matapuna (hauling).
- Roe, A. W., Mamaku (hauling).
- Sabulite Limited, Waikumete (explosives factory).
- Seifert, F., Tauhei (flax-miller).
- Selwyn Timber Company (Limited), Maungatapu (hauling).
- Sharland and Co. (Limited), Lorne Street, Auckland (wholesale chemists).
- Shaw, W. J., Kihikihi (chaffcutting).
- Smith, T. L., Clevedon (general).
- Steele Bros., Mamaku (sawmillers).
- Sutcliffe and Mounce, 53 Ferry Buildings (contractors).
- Sutherland, W., and Co. (Limited), Princes Street, Onehunga (tanners).
- Suttie Bros., Onehunga (tanners).
- Takapuna Tramway and Ferry Company (Limited), Ferry Buildings, Quay Street, Auckland (locomotive and traction).
- Taringamutu Timber Company (Limited), Taringamutu (hauling).
- Taupo Totara Timber Company (Limited), Putaruru (hauling).
- Te Kuiti Borough Council, Te Kuiti (road-roller).
- Thompson and Hills (Limited), Nelson Street, Auckland (fruit-preservers).

Union Oil, Soap, and Candle Company (Limited), Albert Street, Auckland (soap-manufacturers).
 Waikato Farmers' Co-operative Bacon Company (Limited), Frankton Junction (freezing).
 Walker, G., Tuakau (flax-miller).
 Walker, J. S., Hairini (threshing).
 Warnock Bros., Durham Street, Auckland (soap-manufacturers).
 Watkins Bros., Kaitieke (hauling).
 White Pine Company of New Zealand (Limited), Naumai (hauling).
 Wilson and Canham (Limited), Ferry Buildings, Quay Street West, Auckland (fellmongers).
 Wilson's Portland Cement Company (Limited), Shortland Street, Auckland (cement-works).

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 from the 3rd day of April, 1916, and shall continue in force until the 10th day of January, 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 18th day of March, 1916.

T. W. STRINGER, Judge.

SCHEDULE.

Hours of Work.

1. (a.) Except where otherwise expressly provided the week's work shall not exceed forty-eight hours, exclusive of the time necessarily occupied by any worker in getting up steam for the machinery in the factory or works in which he shall be employed.

(b.) Each employer shall, subject to the provisions of the Factories Act, 1908, be entitled to arrange such hours of work according to the exigencies of his particular business, and such hours may be worked in shifts either by day or night.

Overtime.

2. (a.) Any time worked in any one week in excess of the hours prescribed in clause 1 hereof shall be paid for at the rate of time and a quarter for the first three hours, and time and a half for any excess beyond three hours.

(b.) When any worker is required to work overtime to repair any breakdown of machinery necessarily causing the stoppage of the factory or works only ordinary time rates shall be payable in respect of such work.

Traction-engines.

3. (a.) In the case of drivers of traction-engines, bush locomotives, or log-haulers any employer of such may agree with his men that the hours of work shall be other than those hereinbefore specified without payment of overtime, but so that not less than the rate of wages hereinafter specified for drivers of traction-engines be paid to such drivers.

(b.) Owners of traction-engines, while the same are used in agricultural work or processes, may contract with their men for payment at tonnage or piecework rates irrespective of the hours worked on any day.

Holidays.

4. (a.) Work done on New Year's Day, Easter Monday, Labour Day, or the King's Birthday shall be paid for at the rate of time and a half only. Work done on Christmas Day, Good Friday, or Sunday shall be paid for at double rates only.

(b.) In the case of factories the drivers of engines shall be entitled to the holidays given by any award or industrial agreement affecting the factory, or, in cases where there is no award or industrial agreement affecting the same, to any holiday generally observed in the factory or industry whereby the same ceases to work.

(c.) For work done on such holidays the rate of overtime shall be time and a half.

(d.) This clause shall not apply to any workers within the provisions of this award in respect of work required to be done in

connection with the preparation or publication of any morning, afternoon, or evening newspaper.

Wages.

5. The following shall be the minimum rates of wages to be paid to engine-drivers of stationary engines who are in charge of any boiler within the meaning of the Inspection of Machinery Act, 1908, and its amendments:—

- (a.) Where the work that the engine-driver is employed to do requires that he shall hold a first-class certificate as a stationary-engine driver, and he is the holder of such a certificate, 11s. per day.
- (b.) Where the work that he is employed to do requires that he shall hold a second-class certificate as a stationary-engine driver, and he is the holder of such a certificate, 9s. 6d. per day.
- (c.) For work requiring a traction or locomotive certificate for engines moving from place to place by their own motive power, 10s. 6d. per day.
- (d.) Where any worker under this award is required to get up steam when starting work, or to bank fires when ceasing work, and this involves his working more than forty-eight hours in any one week, he shall be paid the sum of 5s. for every week in addition to the aforesaid wage.

Dirt-money.

6. When workers are required to enter flues for the purpose of cleaning them, or to chip and [or] clean the interior of boilers while such boilers are laid off for inspection or overhaul, they shall be paid 1s. extra for each day or part of a day they are so employed.

Under-rate Workers.

7. (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.

8. (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 one calendar month 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.

Exemptions.

9. When the wages of a worker coming within the apparent scope of the award have already been fixed by an award of this Court or by an industrial agreement this award shall not apply; and this award is made subject to the condition that, whenever any award or industrial agreement is hereafter made embracing any industry, trade, or business in which such workers are employed, such award or industrial agreement may be made to supersede this award so far as regards the wages and conditions of such workers.

10. This award shall not apply to engine-drivers employed in dairy factories, or on any steamship, steamboat, or ferry-boat, or to those employed in connection with the power-house of the Auckland Electric Tramway service.

11. The Auckland City Corporation is exempted from the operation of this award so far as relates to its waterworks, its destructor, its abattoirs, and its electric-lighting plant so long as the present conditions of employment of engine-drivers are maintained; and so far as other engine-drivers in its employ are concerned it shall

pay the wages and overtime as provided by this award, and shall observe the general conditions as provided by the Auckland and Suburban Local Bodies' Labourers' award.

12. All freezing companies (including R. and W. Hellaby, Limited, and the Waikato Farmers' Co-operative Bacon Company, Limited), the Auckland Gas Company (Limited), the New Zealand Portland Cement Company (Limited), Wilson's Portland Cement Company (Limited), Kempthorne, Prosser, and Co. (Limited), the Takapuna Tramway and Ferry Company (Limited), the Mount Roskill Road Board, and the Pukekohe Town Board are exempt from this award, provided that they shall pay not less than the wages fixed by this award for any work coming within the scope hereof, and shall pay the ordinary overtime rates prescribed by clause 2 hereof for any work done by any worker in excess of forty-eight hours in any one week.

13. The provisions of this award shall apply only to engine-drivers employed by the New Zealand Paper Mills Company to drive the main engines in the company's factory.

Scope of Award.

14. This award shall not apply to any employers in the Poverty Bay District which lies outside a line drawn from the East Cape along the main range to the boundary of the Wellington Industrial District.

Term of Award.

15. This award shall come into force on the 3rd day of April, 1916, and shall continue in force until the 10th day of January, 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 18th day of March, 1916.

T. W. STRINGER, Judge.

MEMORANDUM.

This award is based upon the recent award made in this industry in the Wellington District. Practically the only disputed questions were as to the claims of various employers for partial or total exemption from the provisions of the award. The Court is of opinion that the special nature of the dairy factories' operations renders it undesirable that such factories should be brought under this award. They have therefore been struck out from the list of parties. Various partial exemptions have also been granted, as appears in the award under the heading of "Exemptions," but the minimum wage and the ordinary overtime rates have been secured for the workers in the employ of those to whom exemption from the general provisions of the award has been granted.

T. W. STRINGER, Judge.