

(6657.) OTAGO AND SOUTHLAND BRICK, POTTERY, AND CLAY WORKERS.—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 Otago and Southland Brickmakers, Pottery-makers, and Sanitary Pipe-makers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Abbotsford Tileries Company (Limited) (W. E. C. Reid, Secretary), Abbotsford.

Lambert Bros. and Co., Sanitary-pipe Makers, Wain Street, Caversham.

McSkimming and Son (Limited) (Peter and Peter, jun.), Sanitary-pipe Makers, Benhar.

Milburn Lime and Cement Company, Concrete-block Makers, Crawford Street, Dunedin.

Norton, John, Brick and Drainpipe Manufacturer, Pukurau, Southland.

Petrous Tile Company, Main South Road, Caversham.

Shiel, C. and W., Brickyard, Forbury Road, Dunedin South.

Wingatui Brick Company (Limited), Richardson Street, Dunedin.

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 hereinafter provided, and shall continue in force until the 1st day of February, 1923, 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, 1921.

[L.S.]

F. V. FRAZER, Judge.

SCHEDULE

Hours of Work.

1. The week's work shall consist of forty-eight hours. Work shall commence not earlier than 7.30 a.m. on each day of the week, and cease not later than 5.30 p.m. on each day except Saturday, on which day work shall cease at 12 noon.

Holidays and Overtime.

2. (a.) The following shall be the recognized holidays: New Year's Day, Good Friday, Easter Monday, Labour Day, birthday of the reigning Sovereign, Christmas Day, and Boxing Day.

(b.) When work is required to be done on any of the specified holidays or Sundays double-time rates shall be paid.

(c.) All time worked in excess of the hours prescribed in clause 1 hereof shall be paid for at the rate of time and a half for the first three hours, and thereafter double time.

Wages.

3. (a.) The following shall be the minimum rates of wages for all workers employed in or about brick and pottery works: Flangers, moulders, or stickers, 1s. 11d. per hour; setters or drawers, 1s. 8d. per hour; monier-pipe makers, 1s. 8d. per hour; all other adult workers, 1s. 7d. per hour.

(b.) In addition to the minimum rates above prescribed there shall be paid to such workers a bonus of 3 $\frac{3}{4}$ d. per hour unless and until the Court shall otherwise order.

Payment of Wages.

4. Wages shall be paid in cash weekly or fortnightly, and on a day to be mutually arranged between the employer and his workers.

Settlement of Disputes.

5. 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 Conciliation Commissioner for the district, who may either decide the same or refer the matter to the Court. Either party dissatisfied with the decision of the Conciliation Commissioner 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.

Piecework.

6. If work is done by piecework the rates shall be such as will enable a competent worker of average ability to earn at least 10 per cent. more than the minimum rate provided by this award for the particular class of work.

Preference.

7. (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.

Under-rate Workers.

8. (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.

Employment of Youths: Wages.

9. Youths up to the age of twenty years shall be paid not less than the following rates: Up to seventeen years, £1 5s. per week; up to eighteen years, £1 12s. 6d. per week; up to nineteen years, £2 per week; up to twenty years, £2 7s. 6d. per week.

Kiln-burners.

10. (a.) Twelve hours shall constitute a shift for kiln-burners, and any time worked in excess of twelve hours shall be paid for at the overtime rate prescribed in clause 2 (c) hereof: Provided that where shifts of less than twelve hours are now being worked the employers and workmen may agree by mutual consent to continue the existing arrangement.

(b.) Kiln-burners shall be paid not less than 1s. 7d. per hour for day burners, and 1s. 6d. per hour for night burners. The ordinary meal-hour shall be allowed to day burners, and one hour shall be allowed to night burners for a meal, during each night shift.

(c.) To all kiln-burners there shall be paid, in addition to the above rates, a bonus of $3\frac{3}{4}$ d. per hour unless and until the Court shall otherwise order.

(d.) None of the other provisions of this award, except the preference clause, shall apply to kiln-burners.

Scope of Award.

11. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award.

12. This award so far as relates to wages shall be deemed to have come into force on the 1st day of February, 1921, and as to all other provisions shall come into force as on the date hereof; and this award shall continue in force until the 1st day of February, 1923.

In witness whereof the seal of the Court of Arbitration of New Zealand hath been hereto affixed, and the Judge of the said Court hath hereto set his hand, this 18th day of March, 1921.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

This award embodies, with certain alterations consented to by the parties, the recommendations of the Conciliation Council, which the parties agreed to accept.

[L.S.]

F. V. FRAZER, Judge.
