

(8397.) DUNEDIN (FIFTEEN-MILES RADIUS) BUTCHERS.—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 and Suburban Operative Butchers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- Anderson, W. H., Butcher, Factory Road, Mosgiel.
 Bachop, Thomas, 30 St. Andrew Street, Dunedin.
 Bain, James, Butcher, Main Road, Ravensbourne.
 Bardwell, Charles, Butcher, 646 King Street, Dunedin.
 Bartlett, J. E., Butcher, Anderson's Bay.
 Barton and Trengrove, Butchers, corner Manse and Princes Streets, Dunedin.
 Bennett, Thomas, Butcher, 29 North Road, North-east Valley, Dunedin.
 Bolwell, Arthur, Butcher, 321 George Street, Dunedin.
 Chambers, A., Butcher, 51 Arthur Street, Dunedin.
 Cunningham, D., Butcher, Elgin Road, Mornington, Dunedin.
 Cunningham, William, Butcher, 783 King Street, Dunedin.
 Day, T. H., Butcher, Maryhill Terrace, Mornington, Dunedin.
 Duke, W., and Sons (Limited), Butchers, 90 George Street, Dunedin.
 Duncan and Marett, Butchers, Main South Road, Caversham.
 Elliott Bros., Butchers, 139 Rattray Street, Dunedin.
 Elliott, J. H., Butcher, 169 King Edward Street, Dunedin.
 Finnie, R. J., Butcher, Main Road, North-east Valley, Dunedin.
 Foster and Higginson, Butchers, Forth Street, Dunedin.
 Foster and Higginson, Butchers, Union Street, Dunedin.
 Griffiths Bros., Butchers, 101 South Road, Caversham.
 Harrison, T. J., Butcher, Port Chalmers.
 Henderson, James, Butcher, 1 Mailer Street, Mornington, Dunedin.
 Holland, R., Butcher, Gordon Road, Mosgiel.
 Hunt and Higginson, Butchers, Albany Street, Dunedin.
 Jamieson, T. D., Butcher, 201 North Road, North-east Valley, Dunedin.
 Jarvis Bros., Butchers, corner of George and Howe Streets, Dunedin.
 Jenkins, W. C., Butcher, 10 Prince Albert Road, St. Kilda.
 Johnstone, W., Butcher, Forbury Crescent, St. Kilda.
 Kay, John, Butcher, 257 George Street, Dunedin.
 Kennedy Bros., Butchers, 503 Anderson's Bay Road, Dunedin.
 King, James, Butcher, 24 Prince Albert Road, St. Kilda.
 Legg, A. G., Butcher, Main Road, North-east Valley, Dunedin.

- McAuley, James, Butcher, 220 King Edward Street, South Dunedin.
- McHugh, W. R., Butcher, 62 Frederick Street, Dunedin.
- McLeod, James, Butcher, Mosgiel.
- Moorland, W., Butcher, Green Island.
- Naylor, B., Butcher, 454 Cargill Road, Dunedin.
- Peebles and Halligan, Butchers, 1 Prince Albert Road, St. Kilda.
- Ralston, A., Butcher, Allanton.
- Ramsay, W. R., Butcher, 219A King Edward Street, South Dunedin.
- Ritchie, D., Butcher, 231 Cargill Road, Dunedin.
- Robertson, J. E., Butcher, Port Chalmers.
- Robertson, N., Butcher, South Road, Caversham, Dunedin.
- Robertson and Son, Butchers, Kaikorai Valley Road, Roslyn.
- Salisbury Butchery, Butchers, Lower Stuart Street, Dunedin.
- Samson, Charles, Butcher, 34 King Edward Street, South Dunedin.
- Scott, H., Butcher, Crowder Street, South Dunedin.
- Sherriff, A. G., Butcher, Highgate, Dunedin.
- Sinton, James, Butcher, 74 Albany Street, Dunedin.
- Smith and Fox, Butchers, 527 Cargill Road, South Dunedin.
- Storey, R., Butcher, Sim Street, Maori Hill, Dunedin.
- Sweate, V., Butcher, Fitzroy Street, Caversham.
- Thomas, J. W., Butcher, 74 Stuart Street, Dunedin.
- Thomson, D., Butcher, City Road, Roslyn, Dunedin.
- Thomson, W., Butcher, Maclaggan Street, Dunedin.
- Turpin, W. J., Butcher, King Edward Street, South Dunedin.
- Wallace, G. E., Butcher, Portobello.
- Wallace, W. J., Butcher, Highgate, Roslyn, Dunedin.
- Wintrup, Butcher, Fitzroy Street, Caversham, Dunedin.
- Wright, J., and Sons (Limited), Butchers, 604 Cargill Road, South 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 a penalty as by law provided shall be 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 October, 1927, 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 affixed, and the Judge of the Court hath hereunto set his hand this 21st day of October, 1925.

[L.S.]

F. V. FRAZER, Judge.

SCHEDULE.

Hours of Work.

1. (*a.*) Forty-eight hours shall constitute a week's work, to be worked as follows: Between the hours of 7.30 a.m. and 5.30 p.m. on Mondays, Tuesdays, Wednesdays, and Thursdays (except the Thursday preceding Good Friday, on which day the hour for ceasing work shall be 9 p.m.); between the hours of 7.30 a.m. and 6 p.m. on Fridays, with one hour each day for lunch; and between the hours of 7.30 a.m. and 12.30 p.m. on Saturdays. Where a whole holiday occurs on a Saturday workers may be employed until 9 p.m. on the day preceding such holiday: Provided that in the event of any special half-holiday being proclaimed and observed during the period of the New Zealand and South Seas Exhibition, employees may be called upon to work from 6.30 a.m. till noon on such day.

(*b.*) Each employer shall notify the union what the starting and finishing hour shall be for each of his workers, and such hours when so fixed shall continue for a period of not less than six months; and thereafter, if the employer decides to alter the hours, he shall give notice to the union within three days.

(*c.*) An employer may require a worker to work fifteen minutes after the time specified in clause 1 (*a.*), for the purpose of cleaning the shop, without payment of overtime.

(*d.*) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day worked for the number of hours usually worked on that day of the week, although no work shall have been actually done on such holiday.

(e.) Notwithstanding anything contained in this clause, the provisions of section 3 (2) of the Shops and Offices Act, 1921-22, shall apply as if the hours of employment had not been specifically provided for therein.

Wages.

2. (a.) Workers shall be paid not less than the wages specified in the following scale :—

	Per Week.
	£ s. d.
First shopman or man in charge	5 15 0
Second shopman	5 5 0
First small-goods-man	5 15 0
Second small-goods-man	5 5 0
All other workers connected with the shop or small-goods department	4 16 0

When four or more are employed in any shop as shopmen or small-goods-men, one employee shall be classed second shopman or second small-goods-man, as the case may be.

(b.) The wages hereinbefore prescribed are weekly wages, and are not subject to any deduction, except for time lost through default or illness of the worker.

(c.) One week's notice shall be given by either party of the termination of the employment.

(d.) Any worker receiving a higher rate of wages than the minimum rate herein prescribed shall not have his wage reduced.

Casual Labour.

3. All casual workers shall be paid at the rate of not less than 2s. 6d. per hour, with a minimum of four hours on the day of the half-holiday and eight hours on any other day on which such workers shall be employed. "Casual" means any person whose engagement is for a period of less than five and a half consecutive days.

Boys and Youths.

4. (a.) Employers may employ boys and youths at not less than the following rates :—

	Per Week.
	£ s. d.
Under sixteen years of age	1 5 0
From sixteen to seventeen years of age	1 10 0
From seventeen to eighteen years of age	1 15 0
From eighteen to nineteen years of age	2 5 0
From nineteen to twenty-one years of age	3 0 0

Provided, however, that a youth between nineteen and twenty-one years of age who has served not less than three years at the trade shall receive not less than £3 5s. per week.

(b.) The proportion of boys and youths shall be one to every three men or fraction of three.

Holidays.

5. (a.) All workers shall receive the following holidays: New Year's Day, 2nd January, Good Friday, Easter Saturday, Easter Monday, Labour Day, Sovereign's Birthday, Christmas Day, Boxing Day, Anniversary Day, Anzac Day, and the day of the Dunedin Operative Butchers' annual picnic. The employers shall have the right to fix the day of the week, but not otherwise the date of this last-mentioned holiday.

(b.) If any day shall be generally observed as a holiday in lieu of any of the above-mentioned holidays, such day for the purposes of this award shall be substituted for the specified holiday.

(c.) All work done on Sundays or on any of the above-mentioned holidays, or on any day observed in lieu thereof, shall be paid for at double-time rates. The said payment shall be in addition to the ordinary weekly wages.

(d.) One holiday of one week on full pay shall be granted to each worker under this award on completion of each year of service, at a time to be mutually agreed upon by the employer and the worker; such holidays to be exclusive of any holiday mentioned in subclause (a) hereof.

(e.) After twelve months' service, a worker completing nine months' service and his employment terminating shall be granted pay in lieu of holidays in the same proportion according to the length of service: Provided that this subclause shall not apply in the case of a worker dismissed for wilful misconduct.

(f.) All time worked under the previous award shall count as if worked under this award for the purposes of calculating the years of service.

Weekly Half-holiday.

6. No worker shall be employed after 12.30 p.m. on the day of the weekly half-holiday, except as provided in clause 1 hereof.

General.

7. (a.) In the case of weekly employment where a worker is employed two-thirds of his time in any capacity he shall be paid the rate of wages laid down for that class of employment. This shall not apply to a worker who is acting for a first or second shopman, or first or second small-goods-man, during the period of his annual holiday.

(b.) All wages and overtime shall be paid in full weekly before the closing-hour on any day other than Saturday.

(c.) An employer who substantially performs the work of a shopman in his own shop may be classed as first shopman. Where three or more are employed in any shop two-thirds of their time, one man shall be paid first shopman's wages.

(d.) In shops and factories the rotation of employment shall be as follows: First shopman, second shopman, all other workers; or, first small-goods-man, second small-goods-man, all other workers.

(e.) A copy of this award shall at all times be affixed in some conspicuous place at or near the entrance to the shop or factory, and in such a position as to be easily accessible to the persons employed therein.

(f.) At all establishments accommodation shall be provided for hanging up and changing clothes.

(g.) No worker who has charge of or drives any motor-vehicle for his employer and stables or accommodates such vehicle on his own premises shall be permitted to do any cleaning or repairing work on such vehicle at his place of residence, either before or after the hours for starting or finishing work as set out in this award, or on any holiday or a Sunday, unless payment at overtime rates is made for such work.

(h.) The employment of female labour shall not be permitted under any consideration, and no employer shall be permitted to have the assistance of female labour at any time.

(i.) No youth under the age of sixteen years shall be employed to have charge of any cart or motor in which meat is delivered or sold.

(j.) The employment of casual boy labour by either the employer or employee is not allowed, and employees are not permitted to have the assistance of casual boy labour at any time: Provided that this clause shall not apply to employers' sons.

(k.) No worker substantially employed in a beef-butcher's shop, or in the delivery of goods in connection therewith, shall be permitted to work in a pork-butcher's shop for a shorter period than one week.

Overtime.

8. (a.) All time worked in any one day outside or 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 double time thereafter.

(b.) For the purpose of calculating overtime, any overtime in excess of quarter of an hour shall count as half an hour, and if over half an hour but under one hour, as one hour.

Time and Wages Book.

9. Each employer shall keep and enter or cause to be kept and entered up a book containing the names of each of the workers to whom this award applies, the class of work performed by each worker, and the time during which he has been employed during each day.

Early Closing of Shops.

10. (a.) In exercise of the powers conferred by section 69 of the Shops and Offices Act, 1921-22, it is ordered that all butchers' shops, and the shops of every person, firm, or company in which fresh meat

is sold, shall be closed as follows : At the hour of 5.30 p.m. on Mondays, Tuesdays, Wednesdays, and Thursdays ; at the hour of 6 p.m. on Fridays ; and at the hour of 12.30 p.m. on Saturdays : Provided that on the Thursday preceding Good Friday the closing-hour shall be 9 p.m. : Provided further that where a whole holiday occurs on a Saturday, the closing-hour on the preceding day shall be 9 p.m.

(b.) All shops mentioned in the preceding subclause shall be closed from the hour 7 a.m. on those days set out as holidays, or days observed in lieu thereof, in clause 5 hereof : Provided that this provision shall not operate so as to prohibit public institutions, hotels, and shipping being supplied up to 8 a.m.

Exemptions.

11. Nothing herein contained shall be deemed to relate to the employment of clerks, or other persons exclusively engaged in the office-work of the employer, nor to persons employed at cash-registers only.

Matters not provided for.

12. 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, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the 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.

Under-rate Workers.

13. (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 Awards 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.

14. (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 1s. per week for the first month's membership, and thereafter 13s. per quarter, or £2 per annum, at the option of the member, and such fines as may be lawfully imposed on him for non-attendance without reasonable excuse at a specially called meeting of the union, of which written notice has been given to him or sent to him by post at his last address as notified by him to the union, or for misconduct at a meeting of the union, or for being more than three months in arrear, without reasonable excuse, in his contributions to the union: Provided that the maximum fine shall not exceed 2s. 6d. for non-attendance at a meeting of the union or for being in arrear with his contributions, and £1 for misconduct at a meeting of the union. The contribution of 13s. per quarter or £2 per annum shall not be payable until after the expiration of one month after joining the union.

(c.) Whenever an employer shall employ a worker who is not a member of the union, he shall within forty-eight hours thereafter give notice in writing of such employment to the secretary of the union.

Scope of Award.

15. The operation of this award is limited to that part of the Otago and Southland Industrial District lying within a radius of fifteen miles from the Chief Post-office in the City of Dunedin.

Term of Award.

16. This award in so far as it relates to wages shall be deemed to have come into force on the 1st day of October, 1925, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 1st day of October, 1927.

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 21st day of October, 1925.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

This award embodies, without alteration, the recommendations of the Conciliation Council, which the parties agreed to accept.

F. V. FRAZER, Judge.
