

NORTHERN (AUCKLAND) INDUSTRIAL DISTRICT.

(8454.) NORTHERN INDUSTRIAL 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, River Engineers, and Marine Engine-drivers' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers"):—

Auckland City Council, Town Hall (General).

Auckland City Tramways, Customs Street West (Road-rolling).

Auckland Farmers' Freezing Company (Limited), Endean's Buildings, Queen Street, Auckland (Locomotive).

Auckland Gas Company (Limited), Wyndham Street, Auckland.

Auckland Harbour Board, Quay Street (General).

Auckland Meat Company (Limited), Wakefield Street, Auckland (Meat-works).

Auckland Steam Laundry (Limited), Belgium Street, Auckland (Laundry).

Australian Glass-manufacturing Company (Limited), Penrose.

Avondale Borough Council, Avondale (Road-roller).

- Bartholomew Land and Timber Company (Limited), Ngatira (Hauling).
- Bay of Islands County Council, Kawakawa (Road-roller).
- Birkenhead Borough Council, Birkenhead (Road-roller).
- Browne Bros., and Geddes (Limited), Manufacturers, Manukau Road, Newmarket.
- Carder Bros., and Co. (Limited), Pompallier Terrace, Auckland (Pottery).
- Clark, R. O. (Limited), Hobsonville (Brick and Pottery Works).
- Colonial Ammunition Company (Limited), Mount Eden, Auckland.
- Colonial Sugar-refining Company (Limited), Quay Street, Auckland (Sugar-works).
- Devonport Borough Council, Devonport (Pumping).
- Dominion Compressed Yeast Company, Auckland.
- Dominion Laundry Company (Limited), Hobson Street, Auckland (Laundry).
- Donald and Sons, Tanners, Richmond Street, Grey Lynn.
- Ellis and Burnand (Limited), Sawmillers, Hamilton (Hauling).
- Franklin County Council, Pukekohe (General).
- Fraser, G., and Sons, Engineers, Stanley Street, Auckland.
- Frith Pumice Company, Manunui (Pumice-works).
- Gardner Bros., and Parker, Brickmakers, New Lynn.
- Hamilton Borough Council, Hamilton (Road-roller).
- Hellaby, R. and W. (Limited), Shortland Street, Auckland (Meat-preservers).
- Huntly Brick and Fireclay Company, Huntly (Brickworks).
- Innes and Co., Brewers, Hamilton.
- Irvine and Stevenson (Limited), Manufacturers, Hepburn Street, Auckland.
- Jagger, F., and Co., Tanners, Grey Street, Auckland.
- Kauri Timber Company (Limited), Customs Street West, Auckland (Hauling).
- Kempthorne, Prosser, and Co., New Zealand Drug Company (Limited), Albert Street, Auckland (Manure-workers).
- McIntyre, J., Queen Street, Onehunga (Ironworks).
- Morningside Quarries (Limited), 303 New Zealand Insurance Building, Queen Street, Auckland.
- Mount Albert Borough Council, Morningside (Pumping and Road-roller).
- Mount Eden Borough Council, Mount Eden (Road-roller).
- Neuchatel Asphalte Company, Auckland.
- New Zealand Breweries (Limited), Khyber Pass, Auckland.
- New Zealand Brick, Tile, and Pottery Company (Limited), New Lynn (Brickworks).
- New Zealand Farmers' Fertilizer Company (Limited), Ferry Buildings, Auckland (Manure-workers).
- New Zealand Roads Construction Company, Albert Street, Auckland.

- Onehunga Borough Council, Onehunga (Road-roller).
 Onehunga Woollen-mills (Limited), Te Papapa, Onehunga.
 Patate Timber Company (Limited), Manunui (Hauling).
 Price, A. and G. (Limited), Engineers, Thames.
 Pukeweka Sawmills (Limited), Matapuna (Hauling).
 Pyrotan Leather Company, Onehunga (Tannery).
 Sanford Limited, Fish-merchants, Jellicoe Street, Auckland.
 Selwyn Timber Company (Limited), Mangatapu (Hauling).
 Senior Foundry (Limited), Halsey Street, Auckland (Ironworks).
 Sharland and Co. (Limited), Wholesale Chemists, Lorne Street, Auckland.
 Sutherland, W., and Co. (Limited), Tanners, Cook Street, Auckland.
 Takapuna Borough Council, Takapuna (Road-rolling).
 Takapuna Tramways and Ferry Company (Limited), Quay Street, Auckland (Locomotive).
 Taringamutu Timber Company (Limited), Taringamutu (Hauling).
 Tattersfield Limited, Manufacturers, Richmond Avenue, Auckland.
 Taupo Totara Timber Company (Limited), Putaruru (Hauling).
 Te Awamutu Borough Council, Te Awamutu (Road-rolling).
 Te Kuiti Borough Council, Te Kuiti (Road-rolling).
 Thompson and Hills (Limited), Fruit-preservers, Nelson Street, Auckland.
 Warnock Bros., Soap-manufacturers, Durham Street, Auckland.
 Westfield Freezing Company (Limited), Edean's Buildings, Queen Street, Auckland (Locomotive).
 Wilson and Canham (Limited), Fellmongers, Ferry Buildings, Quay Street, Auckland.
 Wilsons' New Zealand Portland Cement Company (Limited), Imperial Buildings, Queen 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 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 from the 28th day of December, 1925, and shall continue in force until the 28th day of December, 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 15th day of December, 1925.

[L.S.]

F. V. FRAZER, 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 in any worker getting up steam for the machinery in the factory or works in which he shall be employed.

(b.) The ordinary hours of work for engine-drivers employed in any factory, works, or industry in which the hours of work are fixed by an award or industrial agreement shall be the same as those observed by the other workers in such factory, works, or industry, but shall not exceed forty-eight hours in any one week, exclusive of the time necessarily occupied in getting up steam for the machinery.

(c.) Each employer shall, subject to the provisions of the Factories Act, 1921-22, 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.

(d.) In cases where two or more shifts are worked daily, unless otherwise agreed between the particular employer and his workers, men employed in shifts shall change shifts in turn, the periods not to exceed one month.

Shift-work.

2. (a.) Where two or more shifts are worked on seven days in a week a week's work shall not exceed seven shifts of eight hours each.

(b.) Workers who work seven shifts on seven days per week shall be paid 1s. per shift above the ordinary rates for all shifts so worked.

(c.) Workers who work six shifts per week shall be paid at ordinary rates for all such shifts worked, including Sundays and holidays.

(d.) This clause shall apply only to industries regularly working seven days in each week for at least six months in each year.

(e.) Any worker may be required by the Takapuna Tramways and Ferry Company to work broken shifts from any time specified by the Company to any time specified as aforesaid so that the work need not be continuous: Provided that such shift shall be worked within a limit of twelve hours in any one day.

Overtime.

3. (a.) Any time worked in any one week in excess of the hours provided in clause 1 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(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..

(c.) Any time worked on shift-work in excess of eight hours in any one day shall be paid for at the rate of time and a half for the first four hours and double time thereafter, except when overtime is worked for the purpose of changing shifts.

Traction-engines, Bush Locomotives, and Log-haulers.

4. (a.) In the case of drivers of traction-engines, bush locomotives, or log-haulers, any employer of such may agree with his men on a flat rate of wages per hour, without regard to overtime or holidays, provided he pays not less than 1d. per hour in addition to the wages specified in clause 6 hereof.

(b.) Owners of traction-engines while the same are used in agricultural work or process may contract with their drivers for payment at tonnage or piecework rates, irrespective of the hours worked on any one day, but so that not less than the wages herein prescribed for drivers of traction-engines shall be paid to such drivers.

Holidays.

5. (a.) Work done on Easter Monday, Labour Day, Sovereign's Birthday, Boxing Day, New Year's Day, Christmas Day, Good Friday, or Sundays shall be paid for at double ordinary-time rates.

(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 observed in the factory where the same ceases to work.

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

(d.) Subclauses (a), (b), and (c) shall not apply to workers on shift work.

(e.) Fourteen days consecutive holiday per annum on full pay shall be granted to workers engaged on shift-work who have been in the employer's service for a period of one year, and who are required to work regularly on the days specified in subclause (a). When any worker is discharged or leaves of his own accord before having served his employer for a full year he shall be paid for holidays to which he is entitled on a *pro rata* basis.

Wages.

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

(i.) 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 certificate, 16s. 10d. per day.

(ii.) Where the work that the engine-driver 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 certificate, 15s. 10d. per day.

(iii.) For work requiring a traction or locomotive certificate for engines moving from place to place by their own motive power, 16s. 10d. per day.

(iv.) Getting up steam : 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 outside his ordinary working-hours, he shall be paid, in addition to the wages above mentioned, the sum of 1s. per day for each day on which he is so employed up to thirty minutes, and 2s. per day on which he is so employed for more than thirty minutes, and 2s. 6d. per day on which he is employed for over sixty minutes.

Travelling-time.

7. Drivers of road-rollers and traction-engines (other than those mentioned in clause 4 hereof) shall, in cases where the place at which the work is to be performed is other than the employer's place of business, and involves travelling for more than a mile and a half to reach such place, be paid at the ordinary rate of wages for the time reasonably occupied in proceeding to and from such place for the excess of such distance, reckoning the time occupied as being at the rate of three miles per hour.

Dirt-money.

8. 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. 6d. extra for each day or part of a day they are so employed.

Exemptions.

9. (a.) When the wages of a worker coming within the apparent scope of this award have already been fixed by an award of the Court or by an industrial agreement, this award shall not apply: and this award is made subject to the conditions that whenever an 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.

(b.) This award shall not apply to engine-drivers employed in dairy factories, or in any steamship, steamboat, or ferry-boat, or to those employed in connection with the power-house of the Auckland Electric-power Board.

(c.) The Auckland City Corporation is exempted from the operation of this award so far as relates to its waterworks and its destructor, so long as the present conditions of employment of engine-drivers are maintained.

Under-rate Workers.

10. (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.

11. (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 this 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, 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.

(c.) The employers shall, upon written request, supply to the secretary of the union, at intervals of not oftener than three months, the names of any workers taken on during the period.

Scope of Award.

12. This award shall apply to employers carrying on business in the Northern Industrial District, but shall not extend to 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.

13. This award shall come into force on the 28th day of December, 1925, and shall continue in force until the 28th day of December, 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 15th day of December, 1925.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

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

F. V. FRAZER, Judge.