

(10047.) SOUTH AUCKLAND BUTCHERS.—AWARD.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Auckland Butchers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- Aislabie and Bygrave, Butchers, Te Aroha.
 Ayres and Smith, Butchers, Hamilton.
 Barnaby, H., Butcher, Waiuku.
 Bateman, A., Butcher, Thames.
 Bear, S., Butcher, Tirau.
 Beatty and Marshall, Butchers, Pukekohe.
 Benjamin, E. J., Butcher, Claudelands, Hamilton.
 Betts, E., Butcher, Cambridge.
 Bradley Bros., Butchers, Te Kuiti.
 Brown, L., Butcher, Pukekohe.
 Bryant, E. A., Butcher, Hamilton.
 Byrne, T. R., Butcher, Rotorua.
 Cotter Meat Co., Ltd., Butchers, Te Kuiti.
 Crothall, F., Butcher, Hamilton East.
 Deeble, W. J., Butcher, Tuakau.
 Denby, H., Butcher, Morrinsville.
 Dick, W., Butcher, Te Aroha.
 Farmers' Meat Co., Morrinsville.
 Franklands Ltd., Butchers, Taumarunui.
 Freeborn, F., Butcher, Mercer.
 Hardman and Sons, Butchers, Thames.
 Harvey and Son, Butchers, Tauranga.
 Haynes, W., Butcher, Te Kuiti.
 Herring, R., Butcher, Te Aroha.
 Heslop, D., Butcher, Te Awamutu.
 Hickey, L., Butcher, Frankton Junction.
 Keeley, J., Butcher, Waharoa.
 Klaus, C., Butcher, Waitoa.
 Knight, F., Butcher, Waiuku.
 Knight, G., Butcher, Huntly.
 Lees, W. F., and Son, Butchers, Kihikihi.
 Lowe, H., Butcher, Thames.
 McCarthy, M., Butcher, Tauranga.
 McCready, J., Butcher, Otorohanga.
 McKenzie and Co., Butchers, Cambridge.
 McLellan, J., Butcher, Pukekohe.
 Madill and Ruthe, Butchers, Matamata.
 Maxwell, H., Butcher, Otorohanga.
 Middlebrook, J., Butcher, Te Awamutu.

Middlebrook, S., Butcher, Raglan.
 Morrow, W., Butcher, Frankton Junction.
 Nash, R., Butcher, Huntly.
 Ngarua Meat Co., Ltd., Butchers, Kaihere.
 Nightingale, H., Butcher, Pukekohe.
 Pethybridge Meat Co., Butchers, Rotorua.
 Priscott, G. and J., Butchers, Hamilton.
 Pulham and Begvie, Butchers, Te Kauwhata.
 Ridgen, N., Butcher, Te Awamutu.
 Say, J., Butcher, Waihi.
 Scholes, A. A., Butcher, Te Kawa.
 Scott, C., Butcher, Turua.
 Shattock, W. R., Butcher, Ngaruawahia and Hamilton.
 Smith, R., Butcher, Thames.
 Smith, R. T., Butcher, Putaruru.
 Tanner Bros., Butchers, Tauranga.
 Tanner, S., Butcher, Waihi.
 Taylor, D., Butcher, Claudelands, Hamilton.
 Taylor, E., Butcher, Thames.
 Thompson Bros., Butchers, Gordonton.
 Timmins, W., Butcher, Morrinsville.
 Turner, F., Butcher, Frankton Junction.
 Vaughan, G. W., Ltd., Butchers, Rotorua.
 Vincent, C., Butcher, Matamata.
 Waikato Meat Mart, Butchers, Hamilton.
 Wall, J., Butcher, Paeroa.
 Walsh, A., Butcher, Tuakau.
 Waring, W. H., Butcher, Taupiri.
 Webb, H., Butcher, Cambridge.
 Welch, T., Butcher, Cambridge.
 Wells, F., and Son, Butchers, Paeroa.
 Williams, F., Butcher, Claudelands, Hamilton.
 Woodhall, F., Butcher, Hamilton.
 Yandle, W., Butcher, Putaruru.

Pork-butchers.

Coates, H., Pork-butcher, Cambridge.
 Gordon, F., Pork-butcher, Thames.
 Higgins, J., Pork-butcher, Pukekohe.
 Lunches Ltd., Pork-butchers, Victoria Street, Hamilton.

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 30th day of March, 1931, and shall continue in force until the 30th day of March, 1933, and thereafter as provided by subsection (1) (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925.

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 18th day of March, 1931.

[L.S.]

F. V. FRAZER, Judge.

SCHEDULE.

Hours of Work.

1. (a) For butchers' assistants the ordinary hours of work shall not exceed forty-eight per week, and they shall be worked as follows :—

(i) In the districts of Hamilton, Frankton, Cambridge, and Pukekohe : On Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, from 7.30 a.m. to 5 p.m. ; on Saturdays, from 6.30 a.m. to 12 noon.

(ii) In the districts of Waihi, Thames, and Putaruru : On Mondays, Tuesdays, Thursdays, Fridays, and Saturdays, from 7 a.m. to 4.30 p.m. ; on Wednesdays, from 6.30 a.m. to 12 noon.

(iii) In the districts of Paeroa and Morrinsville : On Mondays, Tuesdays, Thursdays, Fridays, and Saturdays, from 7.30 a.m. to 4.30 p.m. ; on Wednesdays, from 6 a.m. to 12 noon with half an hour for breakfast, or 6.30 a.m. to 12 noon without the half-hour for breakfast.

(iv) In the district of Tauranga : On Mondays, Tuesdays, Thursdays, and Fridays, from 7.30 a.m. to 5 p.m. ; on Wednesdays, from 7.30 a.m. to 12 noon ; and on Saturdays, from 7.30 a.m. to 5.30 p.m.

(v) In the district of Waiuku : On Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, from 6.30 a.m. to 4 p.m. ; on Saturdays, from 6.30 a.m. to 12 noon.

(b) In localities other than the districts mentioned in subclause (a) hereof : On Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, from 6 a.m., with half an hour for breakfast, to 4 p.m., or from 7 a.m. to 4.30 p.m., or from 7.30 a.m. to 5 p.m. ; on Saturdays, from 6 a.m., with half an hour for breakfast, to 12 noon, or from 6.30 a.m. to 12 noon.

(c) If in any locality other than the districts mentioned in subclause (a) hereof the weekly half-holiday is observed on any day other than Saturday : On all working-days, other than Saturdays and the day observed as the weekly half-holiday, from 6 a.m., with half an hour for breakfast, to 4 p.m., or from 7 a.m. to 4.30 p.m., or from 7.30 a.m. to 5 p.m. On Saturdays, from 6 a.m., with half an hour for breakfast, to 4.30 p.m., or from 6.30 a.m. to 4.30 p.m., or from 7 a.m. to 5 p.m. On the day observed as the half-holiday, from 6 a.m., with half an hour for breakfast, to 11.30 a.m., or from 6.30 a.m. to 11.30 a.m., or from 7 a.m. to 12 noon.

(d) Within twenty-one days from the date of this award every employer in localities other than the districts mentioned in subclause (a) hereof shall give to the local Inspector of Awards and to the secretary of the union notice in writing stating which of the alternative sets of hours mentioned in subclause (b) or in subclause (c) hereof, as the case may be, he intends to observe during the period of six months immediately following the date of such notice.

At any time after the expiration of the said period of six months, but not sooner, any employer may give to the same parties like further notice in writing stating which of the alternative sets of hours he intends to observe during the next ensuing six months.

Each employer shall observe the sets of hours fixed in any notice or further notice given by him as aforesaid for a period of not less than six months, and shall continue to observe the same thereafter until a further notice shall have been given as aforesaid.

(e) On all days other than the day on which the half-holiday is observed one hour shall be allowed for dinner.

(f) For the purpose of carting meat to shops a worker may be required to commence work on any day earlier than the hour hereinbefore specified, but in every such case such worker shall be allowed equivalent time off at the end of such day.

Closing of Shops.

2. (a) In exercise of the powers vested in the Court by section 17 of the Shops and Offices Amendment Act, 1927, it is ordered that all shops carrying on any of the businesses covered by this award in

the Borough of Hamilton shall be closed as follows: On Mondays, Tuesdays, Wednesdays, and Thursdays at 5 p.m., on Fridays at 8.30 p.m., and on Saturdays at noon.

(b) All the said shops shall be closed from the hour of 8 a.m. on each of the days prescribed by this award as holidays (including days lawfully observed in lieu of holidays).

(c) This clause shall be read subject to the provisions of section 3 (2) of the Shops and Offices Act, 1921-22.

Pork-butchers.

3. The provisions of this award are modified in respect of pork-butchers' shops and small-goods shops in which fresh uncooked meat is not sold, in manner hereinafter appearing:—

(a) The hours of work shall be not more than forty-eight per week, to be worked on four days of the week between the hours of 8 a.m. and 5.30 p.m., with one hour allowed for dinner; on one day of the week between 7.30 a.m. and 12.30 p.m.; and on one day of the week between 8 a.m. and 9 p.m., with one hour allowed for dinner, and, if employed after 6 p.m., with one hour allowed for tea. This subclause shall be read subject to sections 3 (2) and 5 of the Shops and Offices Act, 1921-22, and its amendments.

(b) In exercise of the powers conferred by section 17 of the Shops and Offices Amendment Act, 1927, it is ordered that the closing-hours for such shops in any district to which section 31 of the Shops and Offices Act, 1921-22, applies shall be as follows: On four days of the week, 5.30 p.m.; on one day of the week, 1 p.m.; on one day of the week, 9 p.m.; subject, however, to the provisions of subclause (c) hereof, and provided that on Christmas and New Year Eves the provisions of section 3 (2) of the Shops and Offices Act, 1921-22, shall apply, notwithstanding anything to the contrary appearing in this award.

(c) All shops mentioned in the preceding clause shall be closed from the hour of 8 a.m. on those days set out as holidays, or days observed in lieu thereof, in clause 9 hereof.

Wages.

4. (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	17	6
Second shopman	5	5	0
First small-goods man	5	17	6
Slaughterman	5	5	0
Man in charge of hawker's cart	5	5	0
All other hands employed in connection with the business	4	17	6

(b) In the case of pork-butchers' assistants and small-goods shop assistants :—

	Per Week.		
	£	s.	d.
First assistant or person in charge (male)	5	17	6
Second male assistant	5	5	0
All other male assistants	4	17	6
Female assistants (if in charge)	4	0	0
All other female assistants	2	10	0

In shops where both male (other than boys) and female assistants are employed, the female assistant, if in charge, shall be paid not less than £5 17s. 6d. per week.

Boys and Youths.

5-(a) Employers may employ boys and youths at not less than the following rates of wages :—

	Per Week.		
	£	s.	d.
Under the age of sixteen years	1	10	0
From sixteen to seventeen years of age	1	15	0
From seventeen to eighteen years of age	2	0	0
From eighteen to nineteen years of age	2	7	6
From nineteen to twenty years of age	2	17	6
From twenty to twenty-one years of age	3	7	6

(b) The proportion of boys or youths shall not exceed one boy or youth to every three or fraction of three journeymen butchers employed by such employer.

(c) The wages herein prescribed are weekly wages, and are not subject to any deduction save for time lost through the sickness or default of the worker.

Casual Labour.

6. (a) Workers employed on casual work shall be paid not less than 2s. 6d. per hour for work done on any Monday, Tuesday, Wednesday, Thursday, or Friday, and not less than 3s. for work done on Saturday.

(b) No casual labour shall be allowed for any workers under twenty-one years of age.

Overtime.

7. (a) All work done, of whatever nature or kind, in excess of the hours specified, or before the time specified for commencing or after the time specified for ceasing work, or on a Sunday, or on a holiday, shall be deemed to be overtime, and shall be paid for at the rate of time and a half on all days except Sunday, Christmas Day, and Good Friday, on which days double time shall be paid.

(b) During warm weather slaughtermen may be employed for a period not exceeding two hours on Sundays without payment of overtime, provided such workers are given a whole day off on Saturday.

Payment of Wages.

8. All wages shall be paid in full on Friday of each week.

Holidays.

9. (a) The following shall be observed as holidays: New Year's Day, 2nd January, 29th January, Good Friday, the Saturday following Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, the Birthday of the reigning Sovereign, and the day observed as the day of the butchers' picnic.

(b) When the 27th December or the 3rd January falls on a Saturday, such day shall be observed as a holiday.

(c) In the event of a holiday, other than Anzac Day, falling on a Sunday, the succeeding Monday shall be observed as a holiday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(d) An employer may arrange with any worker to work for not more than two hours on the morning of any of the foregoing holidays, provided he shall pay overtime in addition to the week's wages as specified in clause 4 hereof.

(e) The employers in any town or place may agree with the union to substitute any other day or days for all or any of the holidays hereinbefore mentioned.

(f) Each worker shall be allowed a special holiday of one week on full pay on completion of each year of service. Such holiday shall commence within two months before or after the completion of the year of service. In each case the employer shall give to the worker fourteen days' notice of the commencement of the holiday. Such holiday shall be exclusive of and in addition to any holiday mentioned in subclause (a) of this clause.

(g) Any worker who has completed six months' service in the employment of any employer and who shall be dismissed from such employment without having been allowed a special holiday in respect of any part of the period of such employment shall, in lieu of a special holiday, be paid wages in proportion to the length of the part of the period of employment for which no special holiday has been allowed. No worker who has been dismissed for misconduct shall receive any such payment.

General.

10. (a) In the case of weekly employment, where a worker is substantially employed in any class of employment he shall be paid the rate of wages prescribed for that class.

(b) No female shall be employed as a butcher's assistant, or in doing in or about a butcher's shop or a butcher's department of a combined butcher's and pork-butcher's shop work usually done by a butcher's assistant, or in handling, other than in the form of small goods, any beef, veal, mutton, lamb, or pork.

(c) Shop-assistants required to load or to unload meat shall be provided with suitable overalls.

Under-rate Workers.

11. (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.

12. (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 thirty 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. The provisions of this subclause relating to the dismissal of workers shall apply, with equal effect, to any worker coming within the scope of this award engaged since the 1st day of December, 1924, but before the coming into force of this award, who is not a member of the union during the currency of this award.

(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.

Scope of Award.

13. This award shall apply to all employers carrying on business in the Northern Industrial District south of the City of Auckland, with the exception of those carrying on business within a radius of twenty-one miles south of the Chief Post-office at Auckland and in the portion contained in the Gisborne Judicial District.

Term of Award.

14. This award shall come into force on the 30th day of March, 1931, and shall continue in force until the 30th day of March, 1933.

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, 1931.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

This award, with the exception of the youths and holidays clauses, embodies the recommendations of the Conciliation Council, which the parties agreed to accept. The clause regarding pork-butchers' shops was objected to by a number of parties, but the Court decided not to interfere with it, as similar provisions appear in other awards, and there was evidence that most butchers in the district carried on an extensive small-goods trade. The youths' clause has been settled mainly on the lines of the Auckland award, and the disputed portion of the holiday clause has been amended in conformity with the Court's general practice.

F. V. FRAZER, Judge.