

(10445.) DUNEDIN (TEN-MILES RADIUS) COAL-YARDS EMPLOYEES.—
AWARD.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925 ; and in the matter of an industrial dispute between the undermentioned persons, firms, and companies (hereinafter called “ the employers ”) :—

Allen, A. J., Ltd., Birch Street, Dunedin

Bruce Coal Co., Ltd., 8 Vogel Street, Dunedin

Dunedin and Suburban General Carriers and Coal-merchants'

Industrial Union of Employers, 20 Crawford Street, Dunedin

Lanham, H. W., 38 Calder Street, St. Kilda, Dunedin

Mill, John, and Co., 11 Crawford Street, Dunedin

Purdie, J. Jackson, 79 Castle Street, Dunedin

Westport Coal Co., Ltd., Birch Street, Dunedin

and

The Otago and Southland General Labourers, Builders' Labourers, Quarrymen, and Coal - yards Employees' Industrial Union of Workers, Trades Hall, Dunedin (hereinafter called “ the union ”).

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 4th day of April, 1934, 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 24th day of April, 1933.

[L.S.]

____ F. V. FRAZER, Judge.

SCHEDULE.

Hours of Work.

1. The hours of work shall be forty-four per week. The working hours shall commence at 8 a.m., and eight hours shall be worked on five days of the week and four hours on the day of the weekly half-holiday.

Overtime and Holidays.

2. (a) All work done in excess of the daily hours prescribed in clause 1 hereof shall count as overtime, and shall be paid for at the rate of time and a quarter for the first three hours, and time and a half thereafter.

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

Wages.

3. The minimum wage shall be 1s. 7d. per hour.

Casuals.

4. (a) All casual labourers shall be paid for all time for which they are ordered to stand by on the work.

(b) When a casual worker is not told on the previous day that his services are not required, and he arrives at the place of work at 8 o'clock, he shall be allowed one hour's ordinary time.

Payment of Wages.

5. Wages, including overtime, shall be paid weekly, or on completion of the work in the case of a casual worker.

Preference.

6. (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 seven 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 6d. 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.

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 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.

Scope of Award.

8. The operation of this award is limited to the area lying within a radius of ten miles from the Chief Post Office in the City of Dunedin.

Term of Award.

9. This award, in so far as it relates to wages, shall be deemed to have come into force on the 5th day of April, 1933, 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 4th day of April, 1934.

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 24th day of April, 1933.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

The only matter referred to the Court related to under-rate workers. In other respects the award embodies the recommendations of the Conciliation Council, which the parties agreed to accept.

V. FRAZER, Judge.