

(10787.) CANTERBURY BREWERS' DRIVERS.—AWARD

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Christchurch Brewers, Maltsters, and Related Trades Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Hickmott's Victoria Brewery, Ltd., Waltham Road, Christchurch.

The Dominion Compressed Yeast Co., Ltd., Christchurch.

The New Zealand Breweries, Ltd., Christchurch.

The Rangiora Brewery Co. (G. Sturgess), Rangiora.

The St. Albans Brewery Co., Ltd., Christchurch.

The Southern Cross Brewery, Devonport Lane, St. Albans, Christchurch.

The Timaru Brewery Co., Ltd., Timaru and Christchurch.

The White Star Brewery, Ltd., Harper Street, Sydenham, Christchurch, and Kaiapoi.

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 9th day of April, 1935, and shall continue in force until the 8th day of April, 1938, 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 9th day of April, 1935.

[L.S.]

F. V. FRAZER, Judge.

SCHEDULE.

Hours of Work.

1. (a) Except where otherwise provided, a week's work for drivers employed by brewers shall not exceed forty-eight hours, exclusive of the time necessary for attendance to motor-vehicles.

(b) If more than nine and a half hours' work (exclusive of the attendance to motor-vehicles) is done in any one day, any excess beyond nine and a half hours (and the specified attendance to motor-vehicles) shall be paid for at overtime rates.

(c) Each employer shall be entitled to arrange the hours of work according to the exigencies of his particular business, such hours to be continuous, subject to the usual meal-hours.

Wages.

2. The following shall be the minimum rates of wages per week:—

For those driving and attending to motor-vehicles with a combined weight of vehicle and load—		£	s.	d.
Maximum not exceeding 2 tons	..	4	5	3
Exceeding 2 tons but not exceeding 4 tons	..	4	8	0
Exceeding 4 tons but not exceeding 5½ tons..		4	10	9
Exceeding 5½ tons but not exceeding 10 tons..		4	13	6

Casual Drivers.

3. Casual drivers shall be paid at the rate of 1s. 11d. per hour. A worker shall be deemed to be a casual driver if he is employed as such for less than four days per week.

Holidays.

4. (a) The following shall be the recognized holidays: New Year's Day, Good Friday, Easter Monday, Labour Day, Christmas Day, Boxing Day, and the Sovereign's Birthday or Show Day.

(b) For essential work in the industry covered by this award employers shall have the right to employ men during any of

the above holidays without additional payment, provided that where an employee is required to work on a holiday equivalent time off shall be given within one month or at such other time as shall be mutually agreed upon. In lieu of such time off, payment at ordinary rates for the time worked shall be granted to the employee concerned.

Drivers' Duties.

5. It shall be part of the ordinary duty of a driver to assist when required in the loading and unloading of his employer's vehicles. An employer may employ a driver at work outside his ordinary duties for the purpose of filling in time, but in such case he shall be paid not less than the award or ruling rate for such work, and not less in any case than the ordinary rates for drivers.

Overtime.

6. Overtime shall be worked as required by the employer. All time worked in excess of forty-eight hours in any one week shall be paid for at time and a quarter for the first three hours and time and a half thereafter, computed on the rates set out in clause 2 hereof, irrespective of the actual wage being paid to the worker concerned.

Payment of Wages.

7. Wages, including overtime, shall be paid weekly, on a day to be fixed from time to time in advance by the employer.

Term of Engagement.

8. In the case of workers other than casual hands, a week's notice of dismissal or resignation shall be given by the employer or the worker, as the case may be, but this shall not prevent any employer from summarily dismissing any worker for good cause.

Youths.

9. The Dominion Compressed Yeast Co., Ltd., may employ youths at not less than the following rates of wages:—

		Per Week.		
		£	s.	d.
Eighteen to nineteen years of age	..	2	5	0
Nineteen to twenty years of age	..	2	10	0
Twenty to twenty-one years of age	..	2	15	0

Preference.

10. (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. 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 21st day of June, 1929, 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 9d. per week, or 9s. 9d. per quarter, 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.

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.

Scope of Award.

12. This award shall operate throughout the Canterbury Industrial District.

Term of Award.

13. This award shall come into force on the 9th day of April, 1935, and shall continue in force until the 8th day of April, 1938.

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 9th day of April, 1935.

[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.

F. V. FRAZER, Judge.

(10820.) CANTERBURY BREWERS' DRIVERS.—AMENDMENT OF
AWARD.

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of the Canterbury Brewers' Drivers' award, dated the 9th day of April, 1935.

Friday, the 7th day of June, 1935.

UPON reading the joint application of the parties for amendment of the Canterbury Brewers' Drivers' award, dated the 9th day of April, 1935; and upon hearing the duly appointed representatives of the said parties, this Court, in pursuance and exercise of the powers vested in it by section 92 (1) (c) of the Industrial Conciliation and Arbitration Act, 1925, and of every other power in that behalf thereunto enabling it, and with the consent of the parties, doth hereby order as follows:—

1. That the said award shall be amended by striking out from subclause (a) of clause 4 thereof all words after the words "Boxing Day", and substituting therefor the following words: "Sovereign's Birthday and Show Day".

2. That this order shall operate and take effect as from the day of the date hereof.

[L.S.]

E. PAGE, Judge.
