

(11215.) WELLINGTON INDUSTRIAL DISTRICT (EXCEPT WELLINGTON SEVENTY-MILE RADIUS) BREWERS, BOTTLERS, BOTTLE-WASHERS, AND AERATED-WATER EMPLOYEES.—AWARD.

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925 ; and in the matter of an industrial dispute between the Wellington Brewers, Bottlers, Bottle-washers, and Aerated-water Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Baker's Standard Brewery Co., Featherston Street, Palmerston North.

Barry's Bottling Co., Ltd., Wellesley Road, Napier.

Burton Brewery Co., Ltd., Palmerston North.

Cascade Brewery Co., Ltd., Taihape.
 Henderson's Kauri Brewery, Grey Street, Woodville.
 Midland Brewery Co., Ltd., Palmerston North.
 Newbiggin's Burton Brewery, Hastings Street, Hastings.
 Sunshine Brewery Co., Ltd., Wellesley Road, Napier.
 Starnes, Mrs. M. A., Wine and Spirit Merchant, corner of
 St. Aubyn and Karamu Roads, Hastings.
 Tui Brewery Co., Ltd., Mangatainoka, Rural Mail, Pahiatua.
 Vidal and Sons, Wine-merchants, Avenue Road, Hastings.
 Wairoa Wine and Spirit Co., Ltd., Wairoa.
 Wanganui Brewery Co., Ltd., Bates Street, Wanganui.
 Warren, Smith, and Co., Ltd., Bottlers, Port Ahuriri.

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 November, 1936, and shall continue in force until the 31st day of October, 1937, 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 4th day of November, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Definitions.

1. (a) "Brewery labourer" shall be deemed to mean and include all labourers engaged about a brewery or malthouse.

(b) "Bottling-house labourers" shall be deemed to mean and include all general labourers engaged about a bottling-house.

Hours of Work.

2. The hours of work shall be—

(a) Brewery Section—

Monday to Friday, 8 a.m. to 4.15 p.m.

Saturday, 8 a.m. to 11.45 a.m.

(b) Malting-houses—

Monday to Friday, 8 a.m. to 4.15 p.m.

Saturday, 8 a.m. to 11.45 a.m.

(c) Bottling-store—

No bottling shall be done on Saturdays.

Eight hours per day, five days per week, or alternatively—

Monday to Friday, 8 a.m. to 4.15 p.m.

Saturday, 8 a.m. to 11.45 a.m.

Provided that when men in the Bottling Department are required to work on Saturdays, the employers shall arrange that each worker shall have at least two free Saturdays in each month.

Wages.

3. (a) The following shall be the minimum rates of wages to be paid to workers :—

			Per Week.		
			£	s.	d.
Brewery labourers	4	5 0
Malthouse labourers	4	7 6
Night-cellarmen	0	5 0 extra.
Bottling-house labourers	4	2 6
Coopers	5	3 0

(b) Any worker not previously employed at the trade may be paid 3s. 6d. per week less than the above rates for a period of three months.

(c) All wages shall be paid in cash not later than Friday in each week. In each case wages shall be paid during working-hours.

(d) Employers shall have the right to transfer workers from any one department to any other as the exigencies of manufacture may require. Employers shall also have the right to employ any worker in different classes of work during any one week, and shall pay such

worker the respective schedule rate of pay only for the hours he is engaged in each such class of work: Provided that any such worker shall not receive less than his usual rate of wages.

(e) Nothing in this award shall apply to engine-drivers or firemen.

Overtime and Holidays.

4. (a) The following holidays shall be allowed without any deduction from wages:—

A whole holiday on every Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and Birthday of the Reigning Sovereign.

(b) Time worked on any of the above-named holidays or on Sundays shall be paid for at twice the ordinary rate.

(c) Time worked outside the hours laid down in any one day shall be paid for at not less than one-half as much again as the ordinary rate: Provided that the overtime rate shall not be less than 1s. 6d. an hour.

(d) If any holiday falls on a Sunday the day following shall be observed as the holiday.

Night-cellarmen.

6. Where night-cellarmen are employed they shall observe the limit of weekly hours of the factory.

Youths.

7. (a) Employers shall be at liberty to employ youths in the following proportion: One youth to four or fraction of four men.

(b) In calculating the proportion of youths to be taken on, the men must have been in constant employment for the preceding six calendar months, and the calculation shall be based on the total number of men employed by the employer or firm.

(c) The wages of youths shall be as follows:—

	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
	Per Hour.
	s. d.
Casual youths	1 3

Casual Workers.

8. A worker shall be deemed a casual worker if he shall not be employed continuously for more than one week, and he shall be paid 2s. 3d. per hour wherever employed.

Terms of Employment.

9. (a) Unless otherwise agreed, for workers with under twelve months' service, forty-eight hours' notice of termination of the service shall be given; and for workers with over twelve months' service, one week's notice shall be given by the employer or the worker: but this shall not affect the right of any employer to summarily dismiss any worker for good cause.

(b) No deduction shall be made from wages for any of the holidays named herein, but time lost by a worker through his illness or absence from work through no fault of the employer may be deducted from his wages.

Workers to be Members of Union.

10. (a) It shall not be lawful for any employer bound by this award to employ or to continue to employ in the industry to which this award relates any adult person who is not for the time being a member of an industrial union of workers bound by this award or who is not for the time being a member of a trade-union which was registered as such before the 1st day of May, 1936, and which is bound by this award:

Provided, however, that any non-unionist may be continued in employment by an employer bound by this award during any time while there is no member of a union bound by this award who is available to perform the particular work required to be done and is ready and willing to undertake it.

(b) For the purposes of subclause (a) of this clause a person of the age of eighteen years or upwards and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of twenty-one years and upwards shall be deemed to be an adult.

(NOTE.—Attention is drawn to subsection (4) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, which gives to workers the right to join the union.)

Special provision for Workers in Malhouses.

11. (a) Where night work is necessary in a malthouse, one permanent man shall be employed.

(b) Men working under excessive heat shall be allowed twenty minutes before starting work in a cool temperature.

(c) The temperature of a kiln shall not register more than 160 degrees Fahrenheit of heat while men are working in such kiln.

(d) Where malthouse men are not required at malting they shall be given employment about the brewery if employment can be found for the remaining portion of the year, with the exception of those who have not been employed in the malthouse for the whole season.

(e) Malt-bin veils shall be provided for all workers needing them. Mits and masks and first-aid appliances shall be kept available for all employees.

(f) Adequate provision shall be made for men to change, and a bathroom or shower shall be provided.

Under-rate Workers.

12. (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.

Union Officials right of Entry.

13. The secretary or other authorized officer of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works, and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Matters not provided for.

14. If any dispute shall arise over any matter not provided for in this award it shall be settled between the parties through the president or secretary on behalf of the union and the employer involved. Failing settlement the matter shall be referred to the Conciliation Commissioner

by either party, and he shall call in assessors for both parties. Should an amicable settlement not be arrived at the matter shall be referred to the Arbitration Court.

Scope of Award.

15. This award shall operate to cover that part of the Wellington Industrial District lying outside a radius of seventy miles from the General Post Office, Wellington.

Term of Award.

16. This award shall come into force on the 9th day of November, 1936, and shall continue in force until the 31st day of October, 1937.

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 4th day of November, 1936.

[L.S.]

E. PAGE, Judge.

MEMORANDUM.

The only matter referred to the Court related to the right of entry to premises. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

E. PAGE, Judge.
