

(11237.) OTAGO AND SOUTHLAND CHEESE AND BUTTER FACTORIES EMPLOYEES.—DETERMINATION OF CONCILIATION COMMISSIONER.

In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of a reference under the disputes clause of the Otago and Southland Cheese and Butter Factories Employees' (other than Managers) award, recorded in Book of Awards, Vol. XXXV, p. 1421.

In pursuance and exercise of the authority conferred by the Otago and Southland Cheese and Butter Factories Employees' (other than Managers) award, as expressed in the clause dealing with disputes and matters not provided for, and of the reference submitted to me by certain parties to the said award, to wit, the Edendale Co-operative Dairy Factory Company, Limited, and the Otago and Southland Cheese and Butter Factories Employees' Industrial Union of Workers, to decide the rate of remuneration that should be paid to the assistant employed by the said company to make whey butter.

The special provision relating to the making of whey butter is set out in paragraph 4, clause 3 (b), of the said award, and reads as follows: "Where in a cheese-factory a sufficient quantity of whey butter is made to require the substantial employment (more than half-time) of an assistant, such assistant shall be paid the wages provided for a first assistant."

In the making of whey butter there are several operations that might be termed incidental thereto, and these are classified under the following heads:—

- (1) Separating the whey.
- (2) Pasteurizing the cream.
- (3) Cooling down the cream.
- (4) Washing whey-tanks.
- (5) Washing separator.
- (6) Washing down butter-room.
- (7) Attending to freezing-room and refrigerator.

The making of butter includes churning, pounding, and patting, washing and scalding churns and butter-pounder.

Suppliers deliver full cream to the butter-factories and the process of buttermaking commences with the treatment of the cream; but in the manufacture of whey butter it appears to me that the first process is whey-skimming—that is, separating the cream. That work is done by factory assistants, and in the 1925 award, recorded in Vol. XXVA, p. 993, Book of Awards, it was definitely set out as part of the process of buttermaking.

In the 1927 award, Vol. XXVII, p. 1063, the clause relating to whey-butter making was redrafted.

The cheese-factory assistant of former years was called a whey-butter maker and he received the wages of a first assistant if he was substantially employed as a buttermaker.

There is nothing to indicate any alteration in the round of duties of the whey-butter maker from those specified in 1925, and, in my opinion, separating the whey at the Edendale Factory is part of the process of whey-butter making, and if the work is done by the assistant who actually makes the butter the time so occupied must be counted as time occupied in connection with the making of whey butter. The other incidental operations also must be reckoned as whey-butter maker's work when calculating the assistant's time spent in making whey butter. With the exception of washing whey-tanks each of the stated operations arise out of or are resultant from the separating the whey for the purpose of buttermaking. Whey-tanks would be washed whether or not butter was made, but when butter is made and the work is done by the buttermaker it is not reasonable to exclude it from the several operations incidental to whey-butter making.

My decision is that all the operations previously specified must be taken into account when reckoning the time occupied by an assistant in making whey butter.

Dated at Christchurch, this 13th day of October, 1936.

S. RITCHIE,

Conciliation Commissioner for the Otago
and Southland Industrial District.
