

(11254.) NORTHERN INDUSTRIAL DISTRICT (EXCEPT GISBORNE JUDICIAL DISTRICT) FISH-TRADE EMPLOYEES.—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 Fish Trade Employees' (other than Fishermen) Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

Auckland Fisheries, Market Place, Auckland.

Auckland Fishermen's Association, Halsey Street, Auckland.

Benson and Co., Queen Street, Auckland.

Co-operative Fisheries (N.Z.), Ltd., Thames.

Dean and Co., Mount Eden Road, Auckland.

Fishermen's Co., Customs Street, Auckland.

Foss, W., Symonds Street, Auckland.

Gabriel, J., Freeman's Bay, Auckland.

Gerbic, I., Queen Street, Onehunga.

Howard, C., Marine Square, Devonport.

Kia Ora Fish Co., Customs Street, Auckland.

McCallum Bros., Panmure.

Maronavitch, M., Market Place, Auckland.

Nola, P., 182 Symonds Street, Auckland.

Ocean Fish Co., Halsey Street, Auckland.

Sanford Ltd., Freeman's Bay, Auckland.

Shortland Fish Co., Thames.

Sumich, S., Karangahape Road, Auckland.

Tolvich, J., Broadway, Newmarket.

Taylor Bros., Thames.

Thames Fisheries Co., Thames.

Waitemata Fisheries, Ltd., Market Place, Auckland.

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 12th day of October, 1936, and shall continue in force until the 11th 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 5th day of October, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Hours of Work.

1. (a) A week's work shall consist of forty-four hours, divided as follows: Day-workers—five days of eight hours each, and one day of four hours; night-workers—four shifts of nine hours each, and one shift of eight hours—so long as not more than forty-four hours per week are worked.

(b) The hours for day hands shall be between the hours of 5 a.m. and 5 p.m. from Monday to Friday, (both inclusive), and between the hours of 5 a.m. and 11 a.m. on Saturday. For night hands the hours shall be between the hours of 5 p.m. and 5 a.m. on five days of the week, except Sundays.

(c) Notwithstanding anything herein contained the following special provisions shall apply to workers at Thames:—

- (i) The hours of work shall be between 5 a.m. and 5 a.m. the following day: Provided that on Sundays the night shift may be started at any time after 1 p.m.. the shift to be continuous once started.

- (ii) Any time worked in excess of nine hours in any shift shall be paid for at double ordinary rates.
- (iii) Workers may be changed over from day shift to night shift, provided a break of eight hours is given between the shifts.

Wages.

2. (a) The minimum rates of wages to be paid to adult workers covered by this award shall be £4 10s. per week. Workers wholly or substantially employed as smokers, freezing- or ice-room hands shall be paid not less than £4 15s. 6d. per week.

(b) The employment shall be deemed to be a weekly employment, and no deduction shall be made from wages except for time lost by a worker through his own illness or default.

(c) Where shed hands are engaged removing offal from shed to digester they shall be paid a minimum wage of 5s. per week in addition to the above rate. Where they are employed on such work for a period less than one week, they shall be paid a minimum rate of 1s. per day extra while so engaged.

Termination of Employment.

3. Not less than seven days' notice in writing shall be given by either party of the termination of the employment except in the case of casual hands, but nothing in this clause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

Casual Labour.

4. (a) Casual labour may be employed at 2s. 2½d. per hour.

(b) The proportion of casual labourers shall be one to three or fraction of the first three adult workers employed on a weekly wage.

Overtime.

5. (a) Any work done by any day worker after completing the hours specified in clause 1 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Any night hand who is required to work after completing his shift shall be paid overtime at the rate of time and a half for the first hour and double time thereafter.

(c) All work done on Sunday by either day hands or night hands shall be paid for at double ordinary rates.

(d) In respect of night hands, Sunday shall, except where it is otherwise provided, mean from 12 midnight on Saturday to 12 midnight on Sunday.

Employment of Youths.

6. (a) Youths employed shall be paid not less than the following rates of pay:—

	Per Week.		
	£	s.	d.
During the first six months of service ..	1	10	0
During the second six months of service	1	15	0
During the third six months of service	2	0	0
During the fourth six months of service	2	10	0
During the fifth six months of service	3	0	0
During the sixth six months of service and thereafter until the age of twenty-one years is reached ..	3	10	0

(b) The proportion of youths to adult workers in any establishment shall not be more than one youth to each three or fraction of three adult workers employed.

(c) No youth under the age of twenty years shall be employed on night shift.

Smoko.

7. Five minutes shall be allowed each worker each morning for smoko.

Filling in Time.

8. Workers may be employed at any work within or about the shed or factory when not engaged at their usual employment.

First-aid Equipment.

9. Where three or more workers are employed, the employer shall provide, and shall keep in a convenient place in his works, a fully equipped first-aid emergency case.

Holidays.

10. (a) The following holidays shall be observed: New Year's Day, 2nd January, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, and Boxing Day.

Except where otherwise provided, work done on these days shall be paid for at the rate of time and a half for the first two hours and double time thereafter, except on Christmas Day, for which double time shall be paid. On Good Friday, for work done between the hours of 6 a.m. and 9 a.m., time and a half shall be paid, after which double time shall be paid.

(b) One holiday of one week on full pay shall be granted to each worker under this award on completion of each year of service, and such holiday shall be taken at a time to be fixed by the employer. In the event of the worker leaving his employment, or being discharged, for a reason other than misconduct, after having served twelve months with the same employer, he shall be entitled to receive proportionate payment in lieu of holidays for any period so worked in excess of three months.

Access to Factories.

11. The union secretary or any person duly appointed shall be allowed access to any factory at any time to be mutually arranged between the employer and the secretary of the union, for the purpose of interviewing any worker coming within the scope of this award, upon business connected therewith.

Disputes.

12. Any dispute in connection with any matter not provided for in this award shall be submitted to a committee consisting of two members nominated by the employers and two members nominated by the union, with the Conciliation Commissioner as chairman, who, in the event of there being equality of voting by members of the committee, shall have a casting-vote. Either party, if dissatisfied with the decision of the committee, may appeal to the Court upon giving written notice of such appeal to the other party within seven days after such decision shall have been communicated to the party desiring to appeal.

Under-rate Workers.

13. (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.

Workers to be Members of Union.

14. (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.)

Scope of Award.

15. This award shall operate throughout the Northern Industrial District, except that portion thereof which is comprised in the Gisborne Judicial District.

Term of Award.

16. This award shall come into force on the 12th day of October, 1936, and shall continue in force until the 11th 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 5th day of October, 1936.

[L.S.]

— E. PAGE, Judge.

MEMORANDUM.

The clauses relating to hours of work, wages, and casual labour were referred to the Court.

In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

E. PAGE, Judge.
