

(11264.) AUCKLAND (TWENTY-MILES RADIUS) MILK PASTEURIZING AND DISTRIBUTING DEPOT 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 Creameries, Cheese, and Butter Factories Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- Ambury's Ltd., Milk-vendors, Manukau Road, Epsom, S.E. 1.
- Auckland Milk Co., Milk-vendors, Arthur Street, Newmarket, S.E. 1.
- City Dairy Co., Milk-vendors, 66 Victoria Street, Auckland, C. 1.
- Hygienic Dairies, Milk-vendors, Dunkerron Avenue, One Tree Hill, S.E. 4.
- N.Z. Co-op. Dairy Co., Hamilton.
- Peck, C. M., Milk-vendor, Three Kings, Mount Roskill, S. 3.
- Stonex Bros., Milk-vendors, Edinburgh Street, Newton, C. 2.
- Takapuna Dairy Co., Milk-vendors, Victoria Road, Devonport, N. 1.

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 28th day of November, 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 11th day of November, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Hours of Work.

1. The ordinary hours of work shall be as follows:—

For motor and horse drivers ..	44	per week.
For all other workers ..	42	per week.

Such hours shall be worked on six days of the week. Not more than eight hours shall be worked on any day without payment of overtime.

Wages.

2. (a) Workers in charge of pasteurizers, separators, clarifiers, regenerators, &c., or in the chilling of milk ..	Per Week.	£	s.	d.
Motor-lorry drivers ..	5	2	0	
Horse-drivers (one horse) ..	4	10	0	
Horse-drivers (two horses or more) ..	4	12	6	
Second-class engine-drivers ..	4	17	6	
All other workers ..	4	5	0	

All workers shall receive one quart of milk per day.

- (b) Youths may be employed at not less than the following wages:—

	Per Week.	£	s.	d.
Under sixteen years of age ..	1	7	6	
Sixteen to sixteen and a half years of age ..	1	11	6	
Sixteen and a half to seventeen years of age ..	1	15	6	
Seventeen to seventeen and a half years of age ..	1	19	6	

	Per Week.		
	£	s.	d.
Seventeen and a half to eighteen years of age	2	3	6
Eighteen to eighteen and a half years of age	2	7	6
Eighteen and a half to nineteen years of age	2	11	6
Nineteen to nineteen and a half years of age	2	15	6
Nineteen and a half to twenty years of age	2	19	6
Twenty to twenty and a half years of age	3	2	6
Thereafter the adult wage.			

(c) Casual labour may be employed at the rate of 2s. 4½d. per hour.

(d) The proportion of youths shall be one to three or fraction of three men fully employed.

Payment of Wages.

3. (a) All wages shall be paid weekly.

(b) No deduction shall be made from the wages prescribed herein for any cause save for time lost through sickness or default of the worker or through accident not arising out of and in the course of employment.

Overtime.

4. All work done in excess of the hours prescribed herein shall be paid for at the rate of time and a half for the first four hours and thereafter double time.

General Conditions.

5. (a) Stable work and attendance to motor-vehicles may be performed within the hours specified in clause 1.

(b) All workers shall be supplied by the employer with two waterproof canvas aprons per annum.

Holidays.

6. (a) Every worker shall be allowed two weeks' holiday on full pay for each complete year of service, and unless dismissed for misconduct a holiday of proportionate duration for service of less than a year but of not less than two months.

(b) For all factory workers the provisions of the Factories Act, 1921-22, and its amendments relating to payment for holidays, half-holidays, and Sundays shall apply.

(c) Drivers shall be paid one-half day's pay in addition to their ordinary week's wage for work done on New Year's Day, Good Friday, Easter Monday, Christmas Day, or Labour Day.

(d) Every worker shall be notified at least seven days before being required to take his annual holidays, and all wages due shall be paid before the commencement of such holidays.

Accommodation.

7. Accommodation to the satisfaction of the Inspector of Factories shall be provided for workers to change and dry their clothes and have their meals.

Termination of Employment.

8. One week's notice given on either side shall be sufficient to terminate employment, when all wages due shall be paid, but this shall not prevent an employer from summarily dismissing a worker for misconduct.

Accidents.

9. A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place.

Matters not provided for.

10. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and, in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, 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.

Workers to be Members of Union.

11. (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.)

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.

Right of Entry on Premises.

13. Every employer bound by this award shall permit the secretary or other authorized officer of the union of workers

to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works, and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Scope of Award.

14. This award shall operate throughout that part of the Northern Industrial District lying within a twenty-mile radius of the Chief Post-office in the City of Auckland.

Term of Award.

15. This award shall come into force on the 28th day of November, 1936, and shall continue in force until the 28th day of November, 1937, but its coming into force is conditional on the bringing into operation on that date of the new prices of milk which have been provisionally decided upon by the Auckland Metropolitan Milk Council and have been submitted by it to the Court.

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 11th day of November, 1936.

[L.S.]

E. PAGE, Judge.