

**(11283.) WELLINGTON INDUSTRIAL DISTRICT DRUG, CHEMICAL,
CONDIMENT, SAUCE, AND PICKLE WORKERS.—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 Drug, Chemical, Condiment, and Sauce Factory Employees' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

Abingdons Ltd., Wellington.

Amner and Co., Ltd., Milton Road, Napier (Lime and Lime-water Manufacturers).

Aspro Ltd., Marion Street, Wellington.

Bates, J. W. (res.), 206 Market Street, Hastings ("Cattle Tick").

Besta St. Bernard Co., 44-48 Victoria Street, Wellington, C. 1.

Bristol Laboratories, Willis Street, Wellington.

- Burgoyne, Burbridges, and Co. (London), 13 Grey Street, Wellington, C. 1.
- Burlington Pharmacy, Ltd., Cuba Street (Catchpole-packs essences for MacDuffs).
- Castle, F., Ltd., Dixon Street, Wellington.
- Colman-Keen (Aust/asia), Ltd., 8 Victoria Street, Wellington.
- Comstock, W. H., and Co., Ltd., Farish Street, Wellington.
- C.O. Products, Ltd., Adelaide Road, Newtown, Wellington.
- De Pelichet, McLeod, and Co., Ltd., Lyndon Road, Hastings.
- Dominion Chemical Supplies, 98 Manners Street, Wellington.
- Dominion Drug Co., Ltd., Egmont Street, Wellington.
- Dyes and Chemicals, Ltd., 15 Courtenay Place, Wellington.
- Ellison and Duncan, Ltd., Waghorn Street, Napier.
- Empire Manufacturing Co., Ltd., Hopper Street, Wellington.
- Eno, J. C., Ltd., 104-108 Dixon Street, Wellington.
- Fassete and Johnson, Levy's Building, Manners Street, Wellington.
- Fletcher, Chas., Morrah's Buildings, 63 Willis Street, Wellington.
- Fluenzol Pty., 167-171 Thorndon Quay, Wellington.
- Foods and Drugs (N.Z.), Ltd., 76 Adelaide Road, Wellington.
- Foodstuffs (Wellington), Ltd.
- Glaxo Co. (N.Z.), Ltd., Thorndon Quay, Wellington, N. 1.
- Gould, H., Wanganui.
- Hansell Laboratories, Masterton.
- Harrington's (N.Z.), Ltd., 44-48 Victoria Street, Wellington, C. 1.
- Hepworth, H., The Square, Palmerston North.
- H.M. Sauce Co., Ltd., 53 Sydney Street, Petone, Wellington.
- Hobson, A., Napier.
- Home Welfare Pty., A.M.P. Building, Hunter Street, Wellington.
- Hustwick, A. H., Pahiatua (Cordials and Syrups).
- Jamieson Bros., Ltd., 25 Wilson Street, Wellington.
- Kempthorne, Prosser, Ltd., Victoria Street, Wellington.
- Kolynos (Inc.), 23 Fletchers' Buildings, Wellington.
- Lambert Pharmacal Co. (N.Z.), Ltd., 64 Ghuznee Street, Wellington.
- Lockwood and Son, Ltd., 97 Ghuznee Street, Wellington.
- Lodo Pty., Ltd., 180 Lambton Quay, Wellington, C. 1.
- Margo Margarine Co., 183 Rintoul Street, Wellington, S. 1.
- "Marwell" Laboratory (Martin and Wallace), 2-4 Willis Street, Wellington, C. 1.
- Mayall, F., Wellington.
- McIlraith, J., Willis Street, Wellington.
- Murdoch and Co., Ltd., Taranaki Street, Wellington.
- Nathan, J., and Co., Ltd., Grey Street, Wellington, C. 1.
- National Chemical Co., Ltd., 30 Arthur Street, Wellington, C. 2.
- Osborne and Co., Ltd., Dixon Street, Wellington.
- Pacific Manufacturing Co., Ltd., Adelaide Road, Wellington.
- Pepsodent Co. (N.Z.), Ltd., Levy Building, Taranaki Street, Wellington.
- Peterson, S. W., Ltd., Vivian Street, Wellington.
- Plowman, W., and Sons, Battery Road, Napier.
- Prime and Co., Napier.
- Quality Packing Co., Ltd., Adelaide Road, Wellington.
- Rawleigh and Co., Ltd., Tory Street, Wellington.
- Research Laboratories, Ltd., Abel Smith Street, Wellington.
- Restar Ltd., Taupo Quay, Wanganui (Disinfectant Manufacturers).
- Salek Bros., Herbert Street, Wellington.
- Sharland and Co., Ltd., Dixon Street, Wellington.
- Shatsky and Webster, Hastings.
- Stephenson Trading Co., Ltd., Station Road, Napier.

Stitchbury, A. A., Ltd., Blair Street, Wellington, C. 3.
 Stoddarts Medical Hall, 84 Constable Street, Wellington, S. 1.
 Sydal Pty., 75 Kent Terrace, Wellington.
 Terreni, Mrs., Manufacturer, 186 Tasman Street, Wellington.
 Thomas, C. L., Napier.
 Tulip Manufacturing Co., Ltd. (McMahon), 8 Bay Road, Kilbirnie,
 Wellington.
 Unity Drug Co., Ltd., Fowlds's Building, Manners Street, Wellington.
 Varex Ltd., 21 Grey Street, Wellington, C. 1.
 "Veronica" Chemical Products, 16 Kilbirnie Crescent, Kilbirnie.
 Wairarapa Farmers' Co-op. Association, Wellington.
 Wardell Bros. and Co., Willis Street, Wellington.
 Watson, W., and Son, Ltd., Kelvin Chambers, Wellington, C. 1.
 Wawn's Wonder Wool, N.Z., Ltd., 57 Ballance Street, Wellington.
 Wellington Chemical and Foodstuff Manufacturers' Industrial Union
 of Employers, Wellington.
 Whitlock Pickles and Preserves, Ltd., Aromoho, Wanganui.
 Woods, W. E., Ltd., 20 Hopper Street, Wellington.
 Young's, A. E., Manufacturing Co., Ltd., 222 Adelaide Road, Wel-
 lington.

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 of 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 23rd day of November,

1936, and shall continue in force until the 23rd 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 9th day of November, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Interpretation.

1. This award shall apply to workers employed in connection with the manufacture, bottling, and/or packaging of any chemical products for medicinal, household, or veterinary use, foodstuffs, emulsions, malt-extracts, toilet preparations, jelly crystals, essences, or condiments.

Hours of Work.

2. (a) Forty hours shall constitute a week's work, and eight hours in any day shall constitute a day's work. The daily hours to be worked shall be from 8 a.m. to 5 p.m. from Monday to Friday inclusive.

(b) In the case of margarine-manufacturers forty hours may be worked in eight-hour shifts between midnight on Sunday and 8 a.m. on the following Saturday.

(c) Male workers employed on night shifts shall, while so employed, be paid 2s. per shift over and above the rate for such workers provided for in clause 3 hereof.

Wages.

3. (a) Males—Adult: £4 5s. per week.

Males—Juniors: Starting-rate 15s., with half-yearly increments of 4s. for the first three years. Thereafter half-yearly increments of 5s. per week until the age of twenty-one years is reached: Provided that, if over the age of seventeen when starting, the starting-rate shall be 20s., with 4s. increments every six months for the first three years. Thereafter half-yearly increments of 5s.

(b) Females—Adult: £2 2s. 6d. per week.

Females—Juniors: Commencing-rate 15s., with half-yearly increments of 4s. for the first three years, an increment of 5s. for the next half-year, and thereafter the adult rate.

Casual Workers.

4. Workers employed for less than one week shall be deemed to be casuals, and shall be paid the following rates:—

Adult males	2s. 6d. per hour.
Adult females	1s. 3d. per hour.

Overtime.

5. All time worked in excess of the hours prescribed in clause 2 hereof shall count as overtime, and shall be paid for at the rate of time and a half for the first four hours and double time thereafter. For the purpose of computing overtime, work done up to and including half an hour shall be deemed half an hour, and work done for any period exceeding half an hour and up to one hour shall count as one hour: Provided that in the case of fruit-canning and fruit-preserving manufacturers payment of overtime at the rate of time and a half may be paid from the 1st January to the 1st April to workers employed at this class of work.

Employment.

6. (a) The employment shall be deemed to be weekly employment, and there shall be no deduction from the weekly wage except through the worker's sickness or default, or his or her absence from work through no fault of the employer, when time lost may be deducted.

(b) Not less than seven days' notice shall be given by either party of the termination of employment, except in the case of casual workers, who shall be paid immediately upon discharge: Provided that nothing in this subclause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

Dangerous Work.

7. (a) The employers must, in the case of workers engaged in the working of any chemical process which is dangerous to the health of the workers, provide respirators, gloves, and such other equipment as will be deemed satisfactory to the Department of Public Health.

(b) In all cases where the use of respirators is essential the workers shall be paid an extra 6d. per hour for all time so occupied.

Payment of Wages.

8. Wages shall be paid weekly and in cash on any day other than Saturday, and in the employer's time, except in the case of casual workers, who shall be paid immediately upon discharge.

Holidays and Overtime.

9. (a) The following holidays shall be allowed without 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 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) Payment of wages for the said holidays shall be made to all persons who have been employed in the factory—

- (i) In the case of Christmas Day, Boxing Day, New Year's Day, Good Friday, or Easter Monday, at any time during the fortnight ending on the day on which the holiday occurs;
- (ii) In the case of any other whole holiday, for at least four days during the week ending on which the holiday occurs.

Notice of Overtime.

10. When workers are required to work overtime on any day the employers shall provide a meal, or pay such worker 1s. 6d. to enable him or her to obtain a meal, unless such worker has been notified on the day previously that he or she shall be required to work overtime: Provided that when such notice has been given and the worker's services are not required he or she shall receive the meal allowance.

Meal-hours.

11. Not less than three-quarters of an hour shall be allowed for meals.

Accommodation.

12. The employer shall provide suitable dining and lavatory accommodation as required by the Factories Act, together with facilities for changing clothes, also hot water for washing hands.

Certificate of Service.

13. Each employee on leaving or being discharged from his or her employment shall, on request, within twenty-four hours thereafter receive a certificate of service in writing stating the position held and the length of service. Original references shall be the property of the employee, and shall be returned within forty-eight hours after engagement.

First-aid Kits.

14. First-aid kits shall be provided in all factories, and shall be accessible to employees at all times.

Disputes.

15. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded, but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award or any of them, as to any matter whatsoever arising out of or connected therewith, and not dealt with in this award, every such dispute or difference shall be referred to a committee to be composed of two representatives of each side together with an independent chairman to be mutually agreed upon, or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court of Arbitration within fourteen days after such decision has been made known to the party desirous of appealing.

Under-rate Workers.

16. (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.

17. (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.)

Right of Entry to Premises.

18. 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.

Exemptions.

19. (a) Notwithstanding the hours of work prescribed in clauses 2 and 10 hereof, five hours and a half without an interval for a meal may be worked on the distillation plant of Lockwood and Son, Ltd., 97 Ghuznee Street, Wellington, and the peroxide plant of the Fluenzol Pty., Ltd., 167-171 Thorndon Quay, Wellington.

(b) Any other employer installing plant of the nature of that in paragraph (a) hereof shall be similarly exempted from clauses 2 and 10 hereof.

Extension of Hours under Factories Act.

20. Pursuant to the provisions of section 3 of the Factories Amendment Act, 1936, the limits of hours fixed by subsection (1) of that section are hereby extended upon the terms set out in clause 19 of this award in respect of each occupier of a factory bound or to be bound by the provisions of the said clause 19.

Scope of Award.

21. This award shall operate throughout the Wellington Industrial District.

Term of Award.

22. This award shall come into force on the 23rd day of November, 1936, and shall continue in force until the 23rd day of November, 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 9th day of November, 1936.

[L.S.]

E. PAGE, Judge.

MEMORANDUM.

Awards covering workers similar to those covered by this award are in force in other districts. We think that this is an industry that might well be covered by a Dominion award.

The Court was asked to clarify, in relation to the recently fixed basic rate of wages, the position of casual workers employed under this award.

The award fixes the rate of wages for casual workers at 2s. 6d. per hour for adult male workers and 1s. 3d. per hour for adult female workers. The basic rate of wages fixed by the Court is £3 16s. per week for adult male workers and £1 16s. per week for adult females.

The fixation of such basic rate of wages does not mean that casual workers covered by this award must be paid not less than £3 16s. and £1 16s. respectively for each week in which any work is done by them.

They are entitled to be paid 2s. 6d. and 1s. 3d. per hour respectively for the number of hours actually worked by them.

E. PAGE, Judge.