

## NELSON INDUSTRIAL DISTRICT.

**(11296.) NELSON INDUSTRIAL DISTRICT BUTCHERS.—AWARD.**

In the Court of Arbitration of New Zealand, Nelson Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Nelson Operative Butchers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Bird, K. C., Queen Street, Richmond.  
 Blackbyre Bacon Factory, Richmond.  
 Canton, A., Greenwood Street, Motueka.  
 Coleman, W., Richmond.  
 Cotton and Sons, G., Bridge Street, Nelson.  
 Cross, E. W., Queen Street, Richmond.  
 Drummond, A. J., Takaka Hills.  
 Findley, R. C., Waimea Road, Nelson.  
 Finnie, H., Pork Butcher, Hardy Street, Nelson.  
 Flanagan, T. H., Motupiko.  
 Flowers, A. J., Bridge Street, Nelson.  
 Gray, Edward, Motueka.  
 Hodson and Cummings, Takaka.  
 Hunter, L. A., Waimea Road, Nelson.  
 Hunter, R., Muratai Street, Tahunanui.  
 Jordan, W., Wakefield.  
 Kenny, W. J., Collingwood.  
 Martin, W., Wakefield.  
 Motueka Butchery Co., Motueka.  
 Nelson City Council, Trafalgar Street, Nelson.  
 Oxnam, D. W., Murchison.  
 Ruffell, L. N., 24 Bridge Street, Nelson.  
 Smith, J. A., High Street, Motueka.  
 Thomson Bros., Hardy Street, Nelson.  
 Tyree, E. A., Rockville, Collingwood.  
 White, R., Motueka.

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 27th day of May, 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 27th day of November, 1936.

[L.S.]

E. PAGE, Judge.

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SCHEDULE.

*Hours of Work.*

1. (a) The ordinary hours of work shall not exceed forty-four per week and shall be worked as follows: Between the hours of 7 a.m. and 5 p.m. on Monday, Tuesday, and Thursday; between the hours of 7 a.m. and noon on Wednesday; between the hours of 7 a.m. and 8 p.m. on Friday; and between the hours of 6 a.m. and 12.30 p.m. on Saturday: Provided that in the case of the Nelson City Abattoirs the manager may agree with the union to vary the daily hours of commencing and ceasing work to suit the exigencies of the work.

(b) The daily working-hours under this award shall be worked continuously, and not more than two hours of a break

shall be allowed on any one day except Friday. No worker, other than those required to cart meat from the abattoirs or slaughterhouses who may commence work at 6 a.m., shall be permitted to do any work coming within the scope of this award earlier than 7 a.m., except on Saturdays, when he shall be permitted to commence work not earlier than 6 a.m.

(c) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day of the number of hours usually worked on that day although no work was actually done on any such day.

#### *Wages.*

2. (a) Workers shall be paid not less than the wages specified in the following scale:—

	Per Week.		
	£	s.	d.
First shopman or man in charge ..	5	15	0
Second shopman .. .. .	5	5	0
First small-goods-man .. .. .	5	15	0
Second small-goods-man .. .. .	5	5	0
Slaughterman .. .. .	4	15	0
Slaughterman (at abattoirs) .. .. .	4	16	0
All other workers .. .. .	4	15	0

(b) Such wages are weekly wages, and no deduction shall be made from them save for time lost through the default or illness of the worker.

(c) Except in the case of casual labour, one week's notice shall be given by either party of the termination of employment. The period of notice in either case shall be exclusive of the whole or any part of the annual holiday required to be given as hereafter mentioned.

(d) An employer who substantially performs the work of a shopman in his own shop shall be classed as "first shopman." Where three or more shopmen are employed in one shop, one man shall be paid first shopman's wages. Where higher rates are being paid they shall not be reduced so long as the employee remains with his present employer.

(e) A small-goods-man is a worker who is employed for not less than twenty-two hours in each week at making small-goods.

#### *Casual Labour.*

3. All casual workers shall be paid at the rate of not less than 2s. 6d. per hour, with a minimum of seven hours for any day on which such workers shall be employed. "Casual" to mean any person whose engagement is for a period of less than five and a half consecutive days.

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*Boys and Youths.*

4. (a) Employers may employ boys and youths at not less than the following rates:—

	Per Week.		
	£	s.	d.
Under 17 years of age .. .. .	1	5	0
From 17 to 17½ years of age .. .. .	1	9	0
From 17½ to 18 years of age .. .. .	1	13	0
From 18 to 18½ years of age .. .. .	1	17	0
From 18½ to 19 years of age .. .. .	2	1	0
From 19 to 21 years of age .. .. .	2	12	6
Thereafter as in clause 2.			

Provided, however, that a youth between nineteen and twenty-one years of age who has served not less than three years at the trade shall receive not less than £3 per week.

(b) The proportion of boys and youths shall be one to every three or fraction of three adult male workers.

(c) No boy or youth under eighteen years of age shall be required to lift or carry any weight over 75 lb.

*Overtime.*

5. (a) Work done in any day outside of or 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 double time thereafter.

(b) Work done on Sunday, Christmas Day, Good Friday, or Anzac Day shall be paid for at the rate of double time, and work done on any of the other holidays mentioned in clause 6 hereof shall be paid for at the rate of time and a half.

(c) Overtime less than half an hour shall count as half an hour, and overtime exceeding half an hour but less than an hour shall count as an hour.

(d) Payment of overtime shall be in addition to the ordinary weekly wages.

(e) All workers required to work overtime shall be paid 1s. 6d. tea-money, unless living within one mile of the employer's place of business.

*Holidays.*

6. (a) The following shall be observed as holidays: New Year's Day, 2nd January, Good Friday, Easter Monday, Anzac Day, Labour Day, Birthday of the Reigning Sovereign, Christmas Day, Boxing Day, and Anniversary Day, except in the case of the abattoirs, in which works the holidays shall be those provided in the Factories Act.

(b) Should any of the above-mentioned holidays fall on a Sunday, then such holiday shall be observed on the following

Monday. Should any of such Mondays, however, be also a holiday, such holiday shall be observed on the following Tuesday or a day to be arranged.

(c) Where any abattoir worker under this award is required to work on Sundays or on holidays he shall be paid at the rates provided under section 14 and section 15 of the Factories Amendment Act, 1936.

*Annual Holiday.*

7. (a) A holiday of one week on full pay, or at the option of the employer, a week's wages in lieu thereof, shall be granted to each worker on completion of each year of service.

(b) Such holiday shall be in addition to any holiday mentioned in clause 6 hereof.

(c) Where a worker's employment ceases after the completion of more than six months but less than a year of service he shall be granted a payment of wages in lieu of holidays proportionate to the length of such period of service, but this subclause shall not apply to the case of a worker discharged for wilful misconduct.

*General.*

8. (a) In the case of weekly employment where a worker is substantially employed in any capacity, he shall be paid the rate of wages laid down for that class of employment.

(b) All wages and overtime shall be paid in full on Thursday of each week before the closing-hour.

(c) In shops and factories the rotation of employment shall be as follows: First shopman, second shopman, all other workers; first small-goods-man, second small-goods-man, all other workers.

(d) A copy of this award shall at all times be affixed in some conspicuous place at or near the entrance to the shop or factory and in such a position as to be easily accessible to the persons employed therein.

(e) At all establishments accommodation shall be provided for hanging up and changing clothes.

(f) No worker who has charge of or drives any motor-vehicle for his employer and stables or accommodates such vehicle on his own premises shall be permitted to do any work to such vehicle at his place of residence either before or after the hours of starting or finishing work as set out in this award or on any holiday or a Sunday.

(g) No boy or youth under the age of eighteen years shall be employed to have charge of any cart or motor in which meat is sold or delivered.

(h) The employment of casual boy labour by either employer or employee is not allowed, and employees are not permitted to have the assistance of casual boy labour at any time.

(i) A slaughterman is a worker who does killing, boiling down, droving, and all other necessary work round or about or in connection with slaughtering-work for his employer.

*Wages and Time Book.*

9. (a) The occupier of a shop in which one or more shop-assistants are employed shall at all times keep, in the prescribed form, or in such other form as may be approved by the Inspector, a record in English (called the wages and time book) showing, in the case of each assistant—

- (a) The name of the assistant, together with his age if under twenty-one years of age;
  - (b) The kind of work on which he is usually employed;
  - (c) The hours during which he has actually been employed on each day;
  - (d) The wages paid on each pay-day and the date thereof; and
  - (e) Such other particulars as are prescribed by regulations.
- (b) No employer shall place any obstacle in the way of any representative of the union in the collection of moneys due at reasonable times: Provided that such collection shall not take place more often than once a week.

*Under-rate Workers.*

10. (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.*

11. (a) It shall not be lawful for any employer bound by this award to employ or to continue to employ, in any position or employment subject to this award, 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 any position or 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.)

#### *Early Closing of Shops.*

12. (a) In exercise of the powers conferred by section 69 of the Shops and Offices Act, 1921-22, it is ordered that all butchers' shops and the shops of every person, firm, or company in which fresh meat, including pork, is sold, within the combined district of Nelson and Tahunanui, shall be closed as follows: At the hour of 5 p.m. on four days of the week, at 8 p.m. on one day of the week, and at noon on the day of the statutory closing-day.

(b) All shops mentioned in the preceding subclause shall be closed from the hour of 7 a.m. on those days set out as holidays or days observed in lieu thereof in clause 6 hereof.

(c) This award shall apply to all butchers' and pork-butchers' shops.

*Disputes Committee.*

13. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded by stop-work meeting or otherwise, 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 whatever arising out of or connected therewith and not specifically dealt with in this award, every such dispute or difference as the same shall arise shall be referred to a committee to be composed of two representatives of the union and two representatives of the employers, such representatives to be appointed by their respective parties within fourteen days after the making of this award; and when a vacancy occurs on such committee the party concerned shall within fourteen days of such vacancy occurring fill such vacancy. The committee shall appoint some independent person as chairman, and such chairman shall be paid equally by both parties to the committee. If the chairmanship of the committee becomes vacant, then another chairman shall be appointed within fourteen days of such vacancy. The decision of the majority of the committee shall be binding on both parties hereto, subject only to the right of either party to appeal to the Arbitration Court against any decision of the Disputes Committee upon giving written notice of such appeal to the other party within fourteen days after the decision of the Disputes Committee has been given.

*Scope of Award.*

14. This award shall operate throughout the Nelson Industrial District.

*Term of Award.*

15. This award, in so far as it relates to wages, shall be deemed to have come into force on the 12th day of October, 1936, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 27th day of May, 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 27th day of November, 1936.

[L.S.]

E. PAGE, Judge.



## MEMORANDUM.

The Court's usual clause dealing with membership of the union has been substituted for the preference clause agreed upon by the parties, which, in our opinion, is *ultra vires*.

In other respects the award, with certain minor alterations agreed on at the hearing by the parties, embodies the recommendations of the assessors in Conciliation Council.

E. PAGE, Judge.

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