

(11315.) WELLINGTON INDUSTRIAL DISTRICT TILE-LAYERS.—
AWARD.

In the Court of Arbitration of New Zealand, Wellington 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 Wellington Tile-layers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned unions, persons, firms, and companies (hereinafter called "the employers") :—

Bignall, A. G., Contractor, Ridgway Street, Wanganui.

Briscoe, Mills, and Co., Ltd., Jervois Quay, Wellington.

Cooper, J. R., Bricklayer, Constable Street, Newtown, Wellington.

Coleman, C., Martin Square, Wellington.

Gopperty, J., Contractor, Wanganui.

Duthie, John, and Co., Ltd., Willis Street, Wellington.

Dobson, W., Tiler, Queen's Road, Lower Hutt.

Daniel, C. E., Contractor, Masterton.

Fletcher Construction Co., Ltd., Contractors, Wellington.
 Foley, F., Plasterer, Hiropi Street, Wellington.
 Flemming, E., Plasterer, Palmerston North.
 Gee, G. L., Tiler, 102 Sutherland Road, Wellington.
 Glover, H., Kent Terrace, Wellington.
 Howe, R., Bricklayer, Wanganui.
 Hickmott and Sons, Main Road, Karori, Wellington.
 Jones, John, and Sons, Contractors, Wanganui.
 Lamb, A., Bricklayer, 7 Yule Street, Kilbirnie, Wellington.
 Masters, G., Plasterer, Masterton.
 Odlin, C. A., Cable Street, Wellington.
 Platt, Walter, Plasterer, Farm Road, Northland, Wellington.
 Sievwright, Chas., Plasterer, 58 Mortimer Terrace, Wellington.
 Smith and Smith, Ltd., Tilers, &c., Cuba Street, Wellington.
 Trevor and Son, Contractors, Stoke Street, Newtown, Wellington.
 Tonks, W. J. H., Main Road, Karori, Wellington.
 Wellington Builders' and Contractors' Industrial Union of Employers, 8, 10, 12 The Terrace, Wellington.
 Wellington City Council, Town Hall, Wellington.
 Wellington Gas Co., Ltd., Wellington and Miramar.
 Wilson, W., Tiler, Lower Hutt.
 Walpole and Patterson, Contractors, Wanganui.
 Wilkinson, W., Contractor, Weld Street, Feilding.
 Wanganui Builders' and Contractors' Industrial Union of Employers (E. Walpole, Secretary), Guyton Street, Wanganui.

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 10th day of December, 1936, and shall continue in force until the 10th day of December, 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 10th day of December, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Definition of Work.

1. The following shall be recognized as tile-fixer's work: The fixing of all mosaic and other floor tiles and all internal and external wall tiling, and the preparation of walls, &c., to receive same; slab tiling, fixing of tile slabs and building of tiled fireplaces other than external brick work; the fixing of all glass tiles.

Hours.

2. Forty hours shall constitute an ordinary week's work, eight hours to be worked on five days of each week, between the hours of 7.30 a.m. and 5 p.m. One hour shall be allowed for dinner each day, but an employer may agree with his workers to allow not less than half an hour for dinner.

Wages.

3. (a) The minimum rate of pay for outside tile fixers shall be 2s. 7½d. per hour, and for workers employed on tile-surrounds and slabs shall be 2s. 3d. per hour.

(b) In shops where more than one journeyman is employed, the worker who is in charge and who is responsible for giving instructions shall receive 1s. per day extra.

(c) A worker who is at present receiving a higher rate of wages than the rate fixed in this award shall not have his rate of wages reduced whilst the present employment continues.

Youths.

4. (a) Youths may be employed at not less than the following rates of wages:—

	Per Week.		
	£	s.	d.
First six months of service	0	15	0
Second six months of service	0	19	0
Third six months of service	1	3	0
Fourth six months of service	1	7	0
Fifth six months of service	1	11	0
Sixth six months of service	1	15	0
Seventh six months of service	2	2	6
Eighth six months of service	2	7	6
Ninth six months of service	2	12	6
Tenth six months of service	3	0	0
Thereafter journeymen's rates.			

(b) The proportion of youths shall not exceed one youth to the first fully paid worker, and thereafter one to each two fully paid workers.

(c) For the purpose of the preceding subclause, apprentices employed under the Apprentices Act shall be counted as youths, and employers working at the trade shall be counted as journeymen.

Payment of Wages.

5. (a) All wages shall be paid weekly not later than Friday, half an hour before the termination of the working-hours, such wages to be paid on the work.

(b) In the event of Friday being a holiday, wages shall be paid on the preceding day. In all cases the employee shall place on his time-sheet the hours worked and expenses incurred.

(c) In the event of any worker being discharged, or voluntarily leaving at any time during the week, one hour's notice shall be given on either side, and the employer shall pay him his wages within one hour from the time he is discharged and on demand within twenty-four hours if he leaves his work.

Overtime and Holidays.

6. (a) All work required to be performed before 7.30 a.m. and after 5 p.m. on any working-day shall be considered overtime and shall be paid for accordingly. Overtime rates to be time and a half for the first four hours and double time thereafter.

(b) For work done on Sundays, New Year's Day, Good Friday, Christmas Day, Boxing Day, Easter Saturday, Easter Monday, Labour Day, and Anzac Day double rate shall be paid.

(c) No worker shall be required to work for more than five hours continuously without an interval for a meal.

(d) The employers will endeavour to restrict overtime work if there are any members of the union out of work and available at the time, and the union undertakes on request to supply any labour that may be available.

Piecework.

7. (a) Piecework is prohibited. No work shall be sublet (labour only).

(b) It shall be a breach of this award for any employer to sublet any work within the scope of this award on a "labour-only" basis, and any worker taking work on a "labour-only" basis shall be guilty of a breach of this award.

Suburban Work.

8. (a) Work done elsewhere than at the shop of the employer and over two miles from the Te Aro Post-office in the case of Wellington, by the nearest convenient mode of access, or from the Chief Post-office in any other town, shall be considered suburban work, and journeymen employed thereon shall either proceed to and from such work or shall be conveyed to and from such work beyond the two miles at the expense of the employer, as the employer shall determine. Time reasonably occupied by the workers in travelling or time occupied in conveying the workers to and from such work beyond the two miles distance before mentioned shall be allowed and paid for by the employer. Walking-time shall be computed at the rate of three miles per hour. No journeyman residing less than two miles from the place where the work is to be performed, by the nearest convenient mode of access, shall be entitled to the allowance mentioned in this clause.

(b) When a worker is required to use the Kelburn cable-tram for the purpose of proceeding to or returning from his work, the employer shall pay his fares.

(c) Any worker having to proceed by train or ferry to his work shall receive his railway or steamer fare, and such worker shall also be paid for the actual time occupied in travelling to and from such work.

(d) Where an employer pays tram fares such fares shall be paid to and from the work, commencing and finishing at the tramway section nearest to the Te Aro Post-office and most convenient to the work. When and where no public conveyance is available, a conveyance shall be supplied by the employer at his expense.

Country Work.

9. (a) "Country work" shall mean work performed at a distance which necessitates a worker sleeping away from his usual place of abode.

(b) Any worker employed upon country work shall be conveyed by his employer to and from his work free of charge, or his travelling-expenses shall be paid by his employer going to and returning from such work once. A worker after being employed three months shall be entitled to his fare home whether leaving voluntarily or not.

(c) Time occupied in travelling shall be paid for at the ordinary rates, but no worker shall be paid more than an ordinary day's wage for any day occupied in travelling, although the hours occupied may exceed eight, unless he is on the same day occupied in working for his employer: Provided that any worker who is called upon to travel more than four hours on Saturday in journeying to a job shall be paid for eight hours and in returning from a job on Saturday shall be paid for the time actually travelling, with a maximum of eight hours.

(d) Workers employed upon country work shall be paid an additional sum of 5s. 2d. per day for six days per week, but the employer may in lieu thereof provide them with suitable board and lodging at his own expense. Suitable board and lodging shall include the providing of mattresses and stretchers.

(e) Notwithstanding anything contained herein, an employer may agree with any worker that in respect of any specified country work the hours of work shall be other than those hereinbefore prescribed: Provided, however, that all time worked outside or in excess of such prescribed hours shall be considered overtime and shall be paid for at the rate of 1d. an hour in addition to the ordinary rates.

Meal-money.

10. Employers shall allow meal-money at the rate of 1s. 6d. per meal when workers are required to work after 1.30 p.m. on Saturdays or after 6.30 p.m. during the first five working-days of the week: Provided that such workers cannot reasonably get home for their meals.

General Conditions.

11. (a) Men working in bo'sun's chair shall be paid 3d. per hour extra.

(b) Men working on old fireplaces or in chipping old plaster walls or other dirty demolition work shall be paid 3d. per hour extra.

(c) A cement-washing brush shall be provided by the employer whenever necessary.

(d) When a worker has been regularly employed for two weeks or more he shall on being discharged be entitled to be given two hours' notice, or he shall receive two hours' extra pay in lieu of notice.

(e) Where workers are called upon to work in water where water-tight boots are necessary, the employers shall provide such workers with proper gum boots and shall pay them 2d. per hour extra.

Copy of Award to be exhibited.

12. A printed copy of this award shall be exhibited in each factory of any party to this award.

Conveniences.

13. Every employer shall provide or arrange with the builders to provide proper sanitary conveniences for his workmen and also a properly secured place for workers' tools; and shall provide accommodation to the satisfaction of the Inspector of Factories to enable workmen to change their clothes and have their meals.

Disputes.

14. 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 against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Workers to be Members of Union.

15. (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.)

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.

Extension of Hours under Factories Act.

17. 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 clauses 2 and 6 (c) of this award in respect of each occupier of a factory bound or to be bound by the provisions of this award.

Scope of Award.

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

Term of Award.

19. This award shall come into force on the day of the date hereof and shall continue in force until the 10th day of December, 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 10th day of December, 1936.

[L.S.]

E. PAGE, Judge.

MEMORANDUM.

The only matters referred to the Court related to preference and under-rate workers. The Court has amended the country-work clause to bring it within the provisions of the Act. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

E. PAGE, Judge.