

## NELSON INDUSTRIAL DISTRICT.

**(11324.) NELSON INDUSTRIAL DISTRICT PLUMBERS, GASFITTERS,  
AND SHEET-METAL WORKERS.—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 Plumbers, Gasfitters, and Sheet-metal Workers' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

Anderson, F., Builder, Murchison.  
 Bennett, W., Estate of, Selwyn Place, Nelson.  
 Calder, P., Plumber, Motueka.  
 Dyce, John P., Plumber, Port Nelson.  
 Flatt, H. J., Plumber, Bridge Street, Nelson.  
 Hambrook, F. G., Plumber, Takaka.  
 Hoborn, F., Plumber, Tahunanui, Nelson.  
 Mather, S. L., Plumber, High Street, Motueka.  
 McArtney, R., Estate of, Plumber, Bridge Street, Nelson.  
 Nelson City Council, Trafalgar Street, Nelson.  
 Newth, W., Builder, Wakefield.  
 Robertson, F. G., Brightwater.  
 Simpson, H., Plumber, Cambria Street, Nelson.  
 Snow, W., Plumber, High Street, Motueka.  
 Stewart, Thomas, Plumber, Hardy Street, Nelson.  
 Tuffnell, A. R., Plumber, Richmond, Nelson.  
 Walkey, W., Plumber, Takaka.  
 Willmot and Cross, Plumbers, Trafalgar Street, Nelson.

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 30th day of September, 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.

#### SCHEDULE.

##### *Hours of Work.*

1. Except as hereinafter mentioned, the hours of work shall be eight per day, between the hours of 7.30 a.m. and 5 p.m. on every week-day except Saturday. Not less than forty-five minutes shall be allowed for dinner.

##### *Wages.*

2. (a) The minimum wage for sheet-metal workers, gasfitters, and registered plumbers shall be 2s. 6½d. per hour, and for unregistered plumbers 2s. 3½d. per hour.

(b) Wages shall be paid weekly not later than Friday in each week on the job or at the shop in working-hours.

(c) Workers employed under clause 5 hereof (country work) may be paid at intervals mutually agreed upon with the employer.

##### *Interpretation.*

3. "Plumbing work" shall mean and include ship's plumbing, all sanitary work, gasfitting, hot-and-cold-water

fitting, hot-water and heating apparatus, fixing of roofing, spouting, downpipes, gutters, valleys, and flashings in any metals, iron drain-pipes, and vents to any house or building: Provided that this definition shall not operate to prevent a carpenter from fixing corrugated-iron roofing or an engineer from doing any work in connection with the fitting of hot-water or heating apparatus.

*Overtime and Holidays.*

4. (a) Except as otherwise provided herein, all work done in excess of the daily hours fixed in clause 1 of this award shall count as overtime, and shall be paid for at the rate of time and a quarter to 6 p.m. and time and a half for the first four hours thereafter, and all further time at double ordinary rates. Provided that all overtime worked on ships shall be paid for as follows: Time and a half for the first four hours and double time thereafter.

(b) Any time worked before 7.30 a.m. or after 5 p.m. on the first five days of the week shall be considered overtime and shall be paid for in accordance with the rates fixed in subclause (a) hereof.

(c) For work done on Sundays, Anzac Day, New Year's Day, Good Friday, King's Birthday, and Christmas Day double time shall be paid, and for work done on Boxing Day, Saturday, Easter Monday, and Labour Day time and a half shall be paid for the first four hours and thereafter double rates.

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

*Country Work.*

5. (a) "Country work" means work performed by a journeyman or apprentice which necessitates his sleeping away from home.

(b) Any journeyman or apprentice employed upon country work shall be conveyed by his employer to and from such work free of charge, or his travelling-expenses going to and returning from such work shall be paid for by his employer, but once only during the continuance of the work if the work is continuous and the journeyman or apprentice is not in the meantime recalled by the employer, or returns in consequence of sickness or accident contracted during the course of his employment.

(c) Time occupied in travelling shall be paid for at ordinary rates, but no journeyman shall be paid more than an ordinary day's wages for any day occupied by him in travelling, although

the hours occupied may exceed eight, unless he is on the same day occupied in working for his employer. Any journeyman or apprentice who is called upon to travel more than four hours on a Saturday shall be paid at the rate of time and a half for any time in excess of four hours.

(d) When journeymen and apprentices are employed upon country work the employer shall provide them at his own expense with suitable board and lodging.

(e) Notwithstanding anything herein contained, any 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.

(f) No apprentice who has not served five years of his apprenticeship at the trade shall be sent to any country work where the Plumbers Registration Act does not operate unless he is working under the constant supervision of a journeyman plumber.

#### *Suburban Work.*

6. (a) "Suburban work" means work performed by a worker at a distance of over one and a half miles from his employer's place of business, but which does not come within the definition of "country work."

(b) Workers employed on suburban work shall either proceed to or from such work or they shall be conveyed to and from such work at the expense of the employer, as the employer shall in each case determine. Time reasonably occupied by the workers in journeying or time occupied in conveying the workers to and from such work beyond the one and a half miles shall be allowed and paid for by the employer: Provided that where the employer transports the worker by motor-vehicle the worker shall be at the employer's place of business in time to arrive at his work to commence at ordinary starting-time if such work is not beyond a distance of eight miles from the employer's place of business, and shall be paid travelling-time one way only beyond such one and a half miles before mentioned.

#### *Tools.*

7. (a) Employers shall provide journeymen with soldering-bolts, springs, pipe-fitting tools, metal-pots, plumbing-irons, 4 in. mandrels, and files. Journeymen shall find all other tools required for their work, including pipe-fitting tongs up to 1 in.

pipes. Soldering-bolts and springs shall be returned in good condition (reasonable wear-and-tear excepted), or they shall be paid for by the employee.

(b) Where work is done elsewhere than at the place of business of an employer, he shall provide, when necessary, upon the premises where the work is to be done, a properly secured place for the tools of the employer and the employee.

#### *Bicycles.*

8. If a worker uses his own bicycle in the work of his employer and at his request, the worker shall be paid for the use of such bicycle at the rate of 1s. 6d. per week.

#### *Notice of Leaving or Dismissal.*

9. In the case of the dismissal of any worker or of any worker leaving of his own accord, not less than two hours' notice shall be given on either side. Any moneys due at such time shall be paid immediately.

#### *Dirty Work.*

10. (a) Workers employed at cleaning septic tanks or cutting open drains for the removal of blockages therein shall receive 1s. extra for the first two hours worked or any portion of two hours worked, and shall receive 3d. per hour extra for all time worked in excess of two hours.

(b) *Ships.*—Any worker employed at dirty work, such as under lower platform of engine-room, or in bilges, or confined places about ship's boilers—that is to say, between ship's side and boilers, between bulkhead and back end of single-ended boilers or in tunnels—shall be paid 1s. 6d. per day extra as dirt-money.

(c) A worker required to solder down a coffin shall be paid a sum of 5s. in addition to his wages.

#### *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.)

#### *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.

*Exemptions.*

13. (a) The following special provisions shall apply to all gas companies, and to all City, Borough, or Town Councils so far as their operations in connection with the supply of gas are concerned:—

- (1) "Plumbing work" as defined by this award shall not be deemed to include the following: (i) the laying of gas-mains in any street or public place; (ii) the laying of gas-service pipes from the main to the meter; (iii) the fixing of any gas-meter.
- (2) When workers coming within the scope of this award are employed by any of the said companies or Councils in or about their workshops they may be employed for the weekly hours prescribed in any award or order of the Court of Arbitration or industrial agreement binding such Councils or companies for the time being in force, without payment of overtime, provided that they shall not be employed for more than the daily hours prescribed by such award or industrial agreement on any day.

(b) The following special provisions shall apply to all City, Borough, or Town Councils: "Plumbing work" as defined in this award shall not be deemed to include the following: (i) the laying of water-mains in any street or public place; (ii) the laying of water-service pipes from the main to the building-line of an allotment; (iii) the fixing of any water-meter.

*Local Authorities.*

14. (a) Local bodies who are working under orders of the Court of Arbitration shall not be bound by any terms of this award where the said orders are in conflict with the terms of this award.

(b) Local bodies are exempt from the provision which requires that wages shall be paid weekly.

(c) Where services are being installed by local-body employees beyond the stop-cocks of water-supply or the meters of gas services, the work shall be done by registered plumbers.

*Disputes Committee.*

15. 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.*

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

*Term of Award.*

17. This award in so far as it relates to wages shall be deemed to have come into force on the 1st 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 30th day of September, 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*.

The provisions of the Amending Act of 1936 relating to hours of work render it necessary for the Court to make a slight alteration to the country work clause as agreed on by the parties. A provision has accordingly been inserted describing the additional hours worked on country jobs as overtime and prescribing therefor an extra payment of 1d. an hour. Mr. Monteith is not in agreement with the rate fixed, and his dissenting opinion is attached.



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.

DISSENTING OPINION OF MR. MONTEITH.

I dissent from the new low level of overtime payment. These men have to work forty hours per week, and then receive a payment of 1d. per hour overtime.

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