

**(11340.) WELLINGTON INDUSTRIAL DISTRICT COAL, COKE, AND FIREWOOD 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 its amendments; and in the matter of an industrial dispute between the Wellington Labourers' and Related Trades Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

*Wellington.*

- Aitken, H., 65 Fitzherbert Street, Petone.  
 Ambury and Semple, Lorne Street, Wellington.  
 Baldwin and Co., Randwick Road, Lower Hutt.  
 Baldwin, H. J., 148 Randwick Road, Lower Hutt.  
 Blackball Coal Agency (John Mill and Co.), Customhouse Quay, Wellington.  
 Bodley, H., 45 Sydney Street, Petone.  
 Bowden Bros., Bay and Seatoun Roads, Kilbirnie.  
 Bray, H., 68 Cambridge Terrace, Wellington, C. 3.  
 Brown, Samuel, Ltd., 31-33 Johnston Street, Wellington.  
 Brown, Thos., Ltd., Huddart Parker Buildings, Wellington, C. 1.  
 Brown, W. A., 163 Parade, Island Bay, Wellington.  
 Byfield, G., 118 Coutts Street, Wellington, E. 3.  
 Carr, L. M., 28 Colway Street, Ngaio.  
 Champion Coal Co. (A. Mathieson), 101 Molesworth Street, Wellington.  
 Clendon Bros., Marsden Street, Lower Hutt.  
 Compton, A., 33 Bay Road, Kilbirnie, E. 3.  
 Cooley, W., Main Road, Upper Hutt.  
 Co-operative Coal and Wood Depot, 175 Tory Street, Wellington, C. 3.  
 Coventry, J., 11 Cecil Road, Wadestown, N. 2.  
 Cunningham Carrying Co., Ltd., 1 Western Hutt Road, Lower Hutt.  
 Downing and Co., 159 Esplanade, Petone.  
 Fiebig, W. C., Te Horo, Otaki.  
 Foley, J. W., 192 Aro Street, Wellington, C. 2.  
 Frater, C. A., 1 Britannia Street, Petone.  
 Gaudin, W. J., and Son, 40 Ghuznee Street, Wellington, C. 2.  
 Gavin and Freeman, 9 Abel Smith Street, Wellington, C. 2.  
 Gavbett, H. G., 58 Coutts Street, Kilbirnie, E. 3.  
 Gaynor, Jas. P., and Co., Ltd., Petone.  
 Glennie, C., 16 Constable Street, Wellington, S. 1.  
 Goldsworthy, J. H., 46 Moxham Avenue, Kilbirnie.  
 Greenfield, F. W., 11 Graham Street, Petone.  
 Hatcher, F. J., Campbell Street, Wellington, W. 3.  
 Hedges, T. P., 119 Aro Street, Wellington, C. 2.  
 Hemsley, T. B., corner Epuni and Witako Streets, Lower Hutt.  
 Hocking, James, 16 Little Pipitea Street, Wellington, N. 1.  
 Holloway Bros., Rimu Street, Eastbourne.  
 Hull, G. T., Panama Street, Wellington, C. 1.  
 Jacobson, John, and Sons, Ltd., 155A Jackson Street, Petone.  
 James Bros., 11 Randwick Crescent, Lower Hutt.  
 Jeffries, J. K., 61-69 Adelaide Road, Wellington, S. 1.  
 Judge, J., Martin Street, Upper Hutt.  
 Kemp, Stan, 42 Abel Smith Street, Wellington, C. 2.

- Logie, T., 9 Green Street, Wellington, S. 1.  
 McBride, F., Main Road, Johnsonville.  
 McFarlane, H. M., 51 Dundas Street, Seatoun, E. 5.  
 McGinnity, J. and L., Brooklyn, S.W. 1.  
 McGoldrick, T., 17 Waitoa Road, Hataitai, E. 2.  
 McGowan and Magee, Ltd., 22 Customhouse Quay, Wellington, C. 1.  
 McKay, D. E., Khandallah Road, Khandallah, N. 5.  
 Manning, M. L., Knights Road, Lower Hutt.  
 Marcus, A., 47 Bombay Street, Ngaio.  
 Miramar Coal Supply (O. Rae), Hobart Street, Wellington, E. 4.  
 Mitchell and Son, 503 High Street, Lower Hutt.  
 Murray, J., and Co., 187-189 Adelaide Road, Wellington.  
 Noble and Capewell, Matene Street, Otaki.  
 Odlin Timber and Hardware Co., Ltd., The C. and A., Cable Street, Wellington, C. 3.  
 Odlin Timber and Hardware Co., Ltd., Railway Avenue, Lower Hutt.  
 Pedlar, R., Davis Street, Wellington, N. 1.  
 Pedlar, R., 106 Northland Road, Wellington, W. 2.  
 Picot, D., and Co., 149 Main Road, Karori, W. 3.  
 Pinhey, J. O., 289 Tinakori Road, Wellington, N. 1.  
 Poland, C., 24 Chamberlain Street, Karori, W. 3.  
 Radcliff, J. L., 73 Wilson Street, Wellington, S. 1.  
 Redpath, J. A., and Sons, Ltd., 118 Molesworth Street, Wellington, N. 1.  
 Roberts and Hanson, 9-11 Constable Street, Wellington, S. 1.  
 Roberts, T., and Son, 8 Hopper Street, Wellington, C. 2.  
 Roberts, T., and Son, Taranaki Street, Wellington, C. 3.  
 Rohner, W., Main Road, Heretaunga, Upper Hutt.  
 Scales, Geo. H., Ltd., 22 Customhouse Quay, Wellington, C. 1.  
 Simpkins, W. T., 2 Central Terrace, Lower Hutt.  
 Spargo, H. J., 14 Luxford Street, Wellington, S. 1.  
 Stewarts Coal Depot, 55 Cleveland Street, Brooklyn, S.W. 1.  
 Sullivan, Ernest, 39 Cuba Street, Petone.  
 Taupiri Coal Agency (J. Mill and Co.), Wellington.  
 Te Aro Wood and Coal Yard (D. Campbell and Son), corner Taranaki and Vivian Streets, Wellington, C. 2.  
 Thorndon Coal and Wood Depot (J. Cameron), Aitken Street, Wellington, N. 1.  
 Three Star Coal Co. (E. J. Richards), 85-87 Tinakori Road, Wellington, N. 1.  
 Walling, Alf, 1 Rata Street, Eastbourne.  
 Wellington Gas Co., Ltd., Courtenay Place, Wellington, C. 3.  
 Wellington South Firewood Depot (G. S. Foley), 5 Howard Street, Wellington, S. 1.  
 Westport Coal Co., Ltd., corner Taranaki and Cable Streets, Wellington, C. 3.  
 White, W. R., Arney Street, Wellington, S. 1.  
 Wilshire, F., and Sons, 104 Derwent Street, Island Bay, S. 2.  
 Winstone Ltd., 12 Ghuznee Street, Wellington, C. 2.  
 Woburn Carrying Co., Ltd., Hawkins Street, Lower Hutt.

*Wairarapa.*

- Capes, V., Newman Road, Eketahuna.  
 Harris, C., 14 Renall Street, Masterton.  
 Maher, F., Ormond Street, Woodville.  
 Mason, R. V., Lincoln Road, Masterton.  
 Morris, O. C., Grant Road, Woodville.

Oliver, G., Lincoln Road, Masterton.  
 Stevens, E., Main Road, Pahiatua.  
 White, W., Railway Siding, Masterton.

*Hawke's Bay.*

Barry Bros., Ltd., Market Street, Hastings.  
 Barry Bros., Ltd., Port Ahuriri, Napier.  
 Barry Bros., Ltd., Tennyson Street, Napier.  
 Bradley, S. W., 15 Creagh Street, Napier.  
 Chambers and Co., Campaign Street, Napier.  
 Collins, A. T. J., Waipawa.  
 Cranby, C. H., and Co., Ltd., Napier.  
 Donovan, T., Warren Street, Hastings.  
 Drager, C. L., Carroll Street, Wairua.  
 Ewan, J. F. M., Avenue Road, Greenmeadows.  
 Holt, R., and Sons, Ltd., Russell Street, Hastings.  
 McKain, H. C., Victoria Street, Hastings.  
 Northe, R., and Sons, Ltd., Napier.  
 Northe, R. S., Havelock North, Hastings.  
 Odlin, The C. and A., Timber and Hardware Co., Ltd., Avenue Road,  
 Hastings.  
 Player Bros., Thackeray Street, Napier.  
 Tahau, C., 619w Queen Street, Hastings.  
 Taylor, E. W., Herbert Street, Waipukurau.  
 Ware, E., and Son, Riverslea Road, Hastings.  
 White and Co., King Street North, Hastings.  
 Williams and Creagh Ltd., Tennyson Street, Napier.  
 Williams, S. J., 8 Ruahine Street, Dannevirke.

*Wanganui.*

Barwood, H. E., 32 Bignell Street, Wanganui.  
 Bragley, I. W., 67 Somme Parade, Wanganui.  
 Bullock, B., and Co., Springvale.  
 Burns, G., 113 Glasgow Street, Wanganui.  
 Butler Bros., Sydney Place, Wanganui.  
 Eagle, F. W., Russell Street, Marton.  
 Gould, S. H., Taupo Quay, Wanganui.  
 Nicholls' Transport Ltd., Kuku Street, Taihape.  
 Organ, C. T., Eastdown Road, Wanganui.  
 Thompson and Bowater, Kuku Street, Taihape.  
 Wall, T. W., Ltd., Waverley.  
 Way and Wilson, 46 Carlton Avenue, Wanganui.  
 Westport Coal Co., 3 Trafalgar Place, Wanganui.  
 Williams, H. L., 19 Koromiko Road, Wanganui.  
 Williams, T. W., and Sons, 78 Duncan Street, Wanganui.  
 Wilson, T. A., Marton.  
 Winchcombe, W. G., High Street, Marton.

*Manawatu.*

Bloomfield, A., Ltd., 445 Main Street, Palmerston North.  
 Bowater and Co., Cambridge Street, Levin.  
 Burstall, S. W., 10 Massey Street, Palmerston North.  
 Child Bros., 166 Victoria Avenue, Palmerston North.  
 Clausen, A. E., 127 Main Street, Palmerston North.  
 Debonnaire, Stanley, Queen Street, Levin.  
 Hickey, P., 260 Main Street, Palmerston North.  
 Hooper, Lowe, and Co., Kimbolton Road, Feilding.

Hunt, H., 7 Beattie Street, Feilding.  
 Law, B. W., Kimbolton Road, Feilding.  
 Lovejoy, F. T., 62 Limbrick Street, Palmerston North.  
 Oak, J. T., Durham Street, Levin.  
 Osborne, H., Main Street, Foxton.  
 Packer, H., Derby Street, Feilding.  
 Puklowski, W., 13A Grey Street, Palmerston North.  
 Rush, Stace, and Co., Cuba Street, Palmerston North.  
 Taupiri Coal Agency, Ltd., 121 Main Street, Palmerston North.  
 Thomson, J. M., Whyte Street, Foxton.  
 Tuson, H., 101 Lyndhurst Street, Palmerston North.

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 4th day of January, 1937, and shall continue in force until the 4th day of January, 1939, 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 21st day of December, 1936.

[L.S.]

E. PAGE, Judge.

## SCHEDULE.

*Hours of Work.*

1. The hours of work during the six months from the 15th April to the 15th October, inclusive, shall be forty-four per week, and during the six months from the 16th October to the 14th April, inclusive, shall be forty per week.

The day's work shall not exceed eight hours, to be worked between 7.45 a.m. and 5 p.m. on five days of the week, and four hours, to be worked between 7.45 a.m. and noon on the day of the weekly half-holiday.

*Overtime.*

2. (a) Work performed outside of or in excess of the daily or weekly hours prescribed in clause 1 hereof, shall be deemed "overtime" and paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Work performed on Sundays or any holiday mentioned in clause 4, subclause (a), hereof shall be paid for at double ordinary rates.

*Meal-times.*

3. (a) Not more than five hours shall be worked without a break of at least forty-five minutes for a meal.

(b) Workers called upon to work overtime on any day shall be paid a meal-allowance of 1s. 6d. where they have not been notified on the previous day of being required to work.

*Holidays.*

4. (a) The following holidays shall be allowed without any deduction from wages: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and birthday of reigning Sovereign.

Should any such holidays (except Anzac Day) fall on a Sunday, the following day shall be observed as the holiday.

(b) Permanent employees shall be entitled to a week's annual holiday for each twelve months' continuous service with the same employer. A proportionate holiday shall be allowed to such employees who complete six months' continuous service with the same employer unless they are dismissed for serious misconduct. The computation of the period of service qualifying permanent employees for the holiday provisions of this clause shall date from the coming into operation of this award.

*Wages.*

5. The following shall be the minimum rates of wages:—

- (a) Permanent employees, £4 5s. per week.
- (b) Casual employees, 2s. 1d. per hour.

*Youths.*

6. Each establishment, employer, or firm shall be entitled to employ one youth.

Additional youths may be employed in the proportion of one youth to each three adult employees at the following rates of wages:—

	Per Week.
	£ s. d.
From 17 to 17½ years of age..	1 15 0
From 17½ to 18 years of age..	2 0 0
From 18 to 18½ years of age..	2 5 0
From 18½ to 19 years of age..	2 10 0
From 19 to 20 years of age ..	3 0 0
From 20 to 21 years of age ..	3 10 0
And thereafter the adult rates.	

*Payment of Wages.*

7. (a) All wages, including overtime, shall be paid weekly not later than Thursday in each week, and in the case of casuals immediately on completion of their work, should the employment be terminated before Thursday.

(b) Deductions may be made from the wages of weekly workers for time lost through sickness or default of the worker or for any cause over which the employer has no control.

(c) When a casual worker is not notified on the previous day that his services are not required on the following day, and he reports for work at the usual hour for commencing work and is not engaged, he shall be paid two hours wages at ordinary rates.

(d) A casual worker is a worker who is paid by the hour.

(e) All casual labourers shall be paid for all time for which they are ordered to stand by on the work.

*Termination of Employment.*

8. One week's notice of the termination of the employment shall be given by either party in the case of weekly workers, and one hour's notice shall be given in the case of casual workers.

Any employer failing to give the requisite notice of termination of the employment shall make a rateable payment in lieu thereof, but nothing in this award shall prevent an employer from dismissing a worker without notice for good cause.

*Disputes.*

9. 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 the decision of 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.

*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.)

*Scope of Award.*

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

*Term of Award.*

13. This award shall come into force on the 4th day of January, 1937, and shall continue in force until the 4th day of January, 1939.

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 21st day of December, 1936.

[L.S.]

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E. PAGE, Judge.

MEMORANDUM.

The principal matters referred to the Court related to hours of work and wages.

E. PAGE, Judge.