

(11374.) NEW ZEALAND **LOCAL BODIES' LABOURERS.**—AWARD.

[Filed in the Office of the Clerk of Awards, Wellington.]

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the New Zealand Federation of Local Bodies' Labourers, Builders and Contractors and General Labourers' Industrial Association of Workers and the Hawke's Bay Builders and General Labourers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Councils and Boards (hereinafter called "the employers") :—

Counties— **NORTHERN INDUSTRIAL DISTRICT.**

Bay of Islands County Council, Kawakawa.

Cook County Council, Gisborne.

Coromandel County Council, Coromandel.

Franklin County Council, Pukekohe.

Great Barrier Island County Council, Tryphena, Auckland.

Hauraki County Council, Ngatea.

Hobson County Council, Dargaville.
 Hokianga County Council, Rawene.
 Kawhia County Council, Kawhia.
 Manukau County Council, Princes Street, Auckland.
 Matamata County Council, Tirau.
 Matakaoa County Council, Te Araroa.
 Maunganui County Council, Kaitia.
 Ohinemuri County Council, Paeroa.
 Opotiki County Council, Opotiki.
 Otamatea County Council, Otorohanga.
 Piako County Council, Te Aroha.
 Raglan County Council, Ngaruawahia.
 Rodney County Council, Warkworth.
 Rotorua County Council, Rotorua.
 Tauranga County Council, Tauranga.
 Taumarunui County Council, Taumarunui.
 Thames County Council, Thames.
 Uawa County Council, Tolaga Bay.
 Wairoa County Council, Wairoa.
 Waipau County Council, Te Puia Springs.
 Waikato County Council, Hamilton.
 Waikohu County Council, Te Karaka, Gisborne.
 Waimarino County Council, Raetihi.
 Waipa County Council, Te Awamutu.
 Waitemata County Council, Princes Street, Auckland.
 Waitomo County Council, Te Kuiti.
 Whakatane County Council, Whakatane.
 Whangarei County Council, Whangarei.
 Whangaroa County Council, Kaeo.

Counties— TARANAKI INDUSTRIAL DISTRICT.

Egmont County Council, Opunake.
 Eltham County Council, Eltham.
 Hawera County Council, Hawera.
 Inglewood County Council, Inglewood.
 Ohura County Council, Ohura.
 Patea County Council, Patea.
 Stratford County Council, Stratford.
 Taranaki County Council, New Plymouth.
 Waimate West County Council, Manaia.
 Whangamomona County Council, Whangamomona.

River Boards—
 Matau River Board, Matau.

Counties— WELLINGTON INDUSTRIAL DISTRICT.

Akitio County Council, Pongaroa.
 Castlepoint County Council, Tinui.
 Dannevirke County Council, Dannevirke.
 Eketahuna County Council, Eketahuna.
 Featherston County Council, Martinborough.
 Hawke's Bay County Council, Napier.
 Horowhenua County Council, Levin.
 Hutt County Council, Bowen Street, Wellington.
 Kairanga County Council, Palmerston North.
 Kaitieke County Council, Raurimu.
 Kiwitea County Council, Kimbolton.
 Makara County Council, 57 Ballance Street, Wellington.

Manawatu County Council, Sanson.
 Masterton County Council, Masterton.
 Mauriceville County Council, Mauriceville.
 Oroua County Council, Feilding.
 Pahiatua County Council, Pahiatua.
 Patangata County Council, Waipukurau.
 Pohangina County Council, Pohangina.
 Rangataua County Council, Rangataua.
 Rangitikei County Council, Marton.
 Waimarino County Council, Raetihi.
 Waipawa County Council, Waipawa.
 Waipukurau County Council, Waipukurau.
 Wairarapa South County Council, Carterton.
 Wairoa County Council, Wairoa.
 Waitotara County Council, P.O. Box 78, Wanganui.
 Wanganui County Council, P.O. Box 235, Wanganui.
 Weber County Council, Ti Tree Point.
 Woodville County Council, Woodville.

River Boards—

Hawke's Bay River Board, W. J. Pallot, Herschell Street, Napier.
 Hutt River Board, Lower Hutt.
 Kahutara River Board, Martinborough.
 Manawatu-Oroua River Board, Palmerston North.
 Otaki River Board, Otaki.
 Palmerston North River Board, Palmerston North.
 South Wairarapa River Board, Featherston.
 Waiohine River Board, Greytown.

NELSON INDUSTRIAL DISTRICT.

Counties—

Buller County Council, Westport.
 Collingwood County Council, Collingwood.
 Inangahua County Council, Reefton.
 Murchison County Council, Murchison.
 Takaka County Council, Takaka.
 Waimea County Council, Trafalgar Street, Nelson.

Road Boards—

Suburban North Road Board, Wakapuaka.

MARLBOROUGH INDUSTRIAL DISTRICT.

Counties—

Awatere County Council, Seddon.
 Marlborough County Council, Blenheim.

River Boards—

Wairau River Board, Blenheim.

WESTLAND INDUSTRIAL DISTRICT.

Counties—

Grey County Council, Greymouth.
 Westland County Council, Hokitika.

CANTERBURY INDUSTRIAL DISTRICT.

Counties—

Akaroa County Council, Akaroa.
 Amuri County Council, Culverden.
 Ashburton County Council, Ashburton.
 Ashley County Council, Loburn.
 Cheviot County Council, Cheviot.

Ellesmere County Council, Leeston.
 Eyre County Council, Ohoka.
 Geraldine County Council, Geraldine.
 Halswell County Council, Halswell.
 Heathcote County Council, Heathcote, Christchurch.
 Kaikoura County Council, Kaikoura.
 Kowai County Council, Balcairn.
 Levels County Council, Timaru.
 Mackenzie County Council, Fairlie.
 Malvern County Council, Darfield.
 Mount Herbert County Council, Governor's Bay.
 Oxford County Council, East Oxford.
 Paparua County Council, Sockburn.
 Rangiora County Council, Rangiora.
 Selwyn County Council, Hororata.
 Springs County Council, Springston.
 Tawera County Council, Springfield.
 Waimairi County Council, Christchurch.
 Waimate County Council, Waimate.
 Waipara County Council, Waikari.
 Wairewa County Council, Little River.

River Boards—

Waimakariri River Trust, Christchurch.

*Counties—*OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT.

Bruce County Council, Milton.
 Clutha County Council, Balclutha.
 Lake County Council, Queenstown.
 Maniototo County Council, Naseby.
 Peninsula County Council, Portobello.
 Southland County Council, Invercargill.
 Stewart Island County Council, Half-moon Bay, Stewart Island.
 Taieri County Council, Mosgiel.
 Tuapeka County Council, Lawrence.
 Vincent County Council, Clyde.
 Waihemo County Council, Palmerston.
 Waikouaiti County Council, Waikouaiti.
 Waitaki County Council, Oamaru.
 Wallace County Council, Otautau.

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 14th 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 17th day of December, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Hours of Work.

1. (a) The normal hours of work shall be forty per week, eight hours of which shall be worked on five days of the week—Monday to Friday, both days inclusive.

(b) The normal hours shall be worked between the hours of 7.30 a.m. and 5.30 p.m. on five days of the week—Monday to Friday, both days inclusive.

(c) Notwithstanding the foregoing, to provide a measure of elasticity, in the case of essential work or where subclause (a) hereof is not practicable because of climatic conditions, one hour extra may be worked without payment of overtime on any day from Monday to Friday inclusive, or four and a half hours on Saturday: Provided always that not more than forty hours are worked at ordinary rates of pay in any one week.

For the purposes of this subclause "a week" shall be deemed to commence at 7.30 a.m. on Saturday and end at 5.30 p.m. on the following Friday.

In addition, notwithstanding the provisions of subclause (a) hereof, when men lose time through no fault of their own they can, by mutual agreement, make up so much of such lost time as may be possible by working not more than one hour extra

each day on any of the five days from Monday to Friday inclusive, and, if necessary, also four and a half hours on Saturday morning. Where such lost time occurs on a Thursday or Friday it may be made up not later than 5.30 p.m. on the following Wednesday.

(d) The clock hours mentioned in subclause (b) hereof shall not apply to workers whose work is affected by tidal conditions.

(e) The interval for meals shall be a matter for mutual arrangement between the employer and the employee.

(f) No worker shall work more than five hours continuously without an interval for a meal.

Shift Work.

2. Shifts may be worked when necessary. The ordinary hours of work for shift workers shall not exceed five shifts of eight hours in any one week. To operate under this clause there must be at least four full payment shifts to be worked in any period of forty-eight hours.

Emergency Work.

3. (a) Emergency work shall mean work necessitated by wind, rain, fire, snow, storms, floods, tides, and earthquakes, and requiring immediate attention to keep open or restore essential services and shall include opening lake outlets.

(b) In the case of such emergency work and notwithstanding anything contained elsewhere in this award the following provisions shall apply:—

- (1) Except on the holidays named in clause 8 (a), up to eight hours may be worked on any one day without payment of overtime and time and a half rates shall be paid beyond eight hours work on such days.
- (2) On holidays provided in clause 8 (a) ordinary time (in addition to the holiday payment provided for in clause 8 (a)) shall be paid for the first eight hours and time and a half beyond the first eight hours.

Wages.

4. (a) Workers engaged in the actual construction of scaffolds or who are employed at tunnelling work, sinking shafts over 10 ft. deep or pier-holes over 7 ft. in depth, popper-drill men or shot-firers, shall be paid not less than 2s. 3 $\frac{1}{2}$ d. per hour.

An excavation shall be considered a shaft when it is over 6 ft. in length and 10 ft. in depth, and where the worker is employed in a limited space where a long-handled shovel cannot reasonably be used.

(b) All other workers shall be paid not less than 2s. 0 $\frac{1}{4}$ d. per hour.

(c) (i) Workers employed in handling free tar or bitumen shall be paid 1s. per day extra.

(ii) Workers employed in carrying or boiling free tar or bitumen shall be supplied with boots, overalls, and oil.

(iii) "Free tar" or "bitumen" shall mean tar or bitumen which is not enclosed in barrels or drums.

(d) In the case of employees at present employed by the parties herein, and who are receiving more than the minimum rate provided herein, their wages shall not be reduced by virtue of this award: Provided that this shall not operate in the case of workers who through misunderstanding are receiving higher rates than the law provides at the date of coming into operation of the award, but any dispute arising because of any reduction in wages in the case of these workers shall be settled by reference to the disputes committee provided for in clause 20.

Permanent Workers.

5. (a) A "permanent worker" shall be deemed to be a worker who is employed by the week and whose employment is terminable by a week's notice on either side.

(b) A permanent worker shall be permitted to do any work required to be done by the employer.

(c) The minimum wage for a permanent worker shall be £4 5s. per week.

(d) The employer may make a rateable deduction from the weekly wage mentioned in this clause for any time lost by the worker through sickness, accident, or default.

(e) Each local body shall supply, on request, to the secretary of the local union a list of the permanent and other workers employed under this award. The first list, setting out the position at the date of coming into operation of this award, shall be supplied within two months of its coming into operation.

Variation of Duties.

6. Nothing in this award shall prevent any worker covered hereby from doing work covered by another award: Provided that while so engaged he shall be paid at least the rate which is fixed in such other award.

Overtime.

7. Time worked beyond the hours mentioned in clause 1 hereof in any one day shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

Holidays.

8. (a) Local-body employees shall receive and be paid for the following holidays: New Year's Day, Good Friday, Easter Monday, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, and two other days to be mutually agreed upon. The local bodies shall notify the union concerned of the two days agreed on.

(b) When any holiday falls on a Sunday the following day shall be observed.

(c) Any work done on any of the above holidays or on Sundays or Anzac Day, shall be paid for at double-time rates: Such payment shall be in addition to the payment provided for in subclause (a) hereof.

(d) In addition to the above holidays workers covered by this award shall be granted a week's holiday on full pay during each year of service with the same employer: Provided that a worker leaving his employment or being dismissed at any time shall be entitled to a holiday or equivalent of pay proportionate to the time he has served.

Where practicable, such holiday shall be given in proximity to the Christmas or Easter holidays or at such other time as is mutually agreed on.

Wet Places.

9. A "wet place" shall mean a place where workers are standing in water 3 in. or more in depth, or where water other than rain-water is dripping on them; but if the employer shall provide the workers with overalls or watertight gum boots, or both, the place shall not be deemed to be a wet place.

Six hours shall constitute a day's work where workers are working in wet places within the meaning of this clause, or foul air, and shall be paid for as if the workers had worked eight hours.

Tunnel Work.

10. In tunnel work the hours of work shall not exceed seven hours per day, exclusive of half an hour for crib-time, and shall be paid for as if the workers had worked eight hours.

Timbering.

11. All timbering shall be done in accordance with the provisions of the Scaffolding and Excavation Act, 1922.

Ventilation.

12. In all drives and tunnels where the air is bad adequate provision shall be made whereby workers at the face shall be supplied with fresh air equivalent to 30 cubic feet per man per minute.

Payment of Wages.

13. Wages shall be paid weekly or fortnightly, as may be arranged between the employer and the worker, but where agreement is reached through the union representative, payments may be made monthly.

Travelling-time.

14. If a worker is required to work at a distance of more than two miles from the employer's depot or such other point in the case of each district as may be mutually agreed upon between the employer and workers, the employer shall do one or other of the following things:—

- (a) Provide the worker with free transport to and from his work; or
- (b) Reimburse the worker any additional cost incurred by him in travelling to and from his work.

Furthermore, any additional time occupied by the worker in travelling to and from his work shall be deemed to be part of the day's work, and shall count as time or overtime as the case may be, except that half a hour in going and half an hour in returning shall not be counted as time worked.

(c) No worker residing less than two miles from the place where the work is to be performed by the nearest convenient mode of access for foot-passengers shall be entitled to the allowance mentioned in this clause.

Country Work.

15. (a) "Country work" means work at which a worker is required to sleep away from home.

(b) Any worker sent to 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 by his employer, but once only during the continuance of the work, if such work is continuous and the worker is not in the meantime recalled by his employer.

(c) Time so occupied in travelling shall count as time worked and shall be paid for at ordinary rates.

(d) Such workers employed upon country work shall be paid an additional sum of 4s. 6d. per working-day, but the employer may in lieu thereof provide them at his own expense with

suitable board and lodgings; or, where the employer provides satisfactory accommodation, 2s. 6d. shall be paid for food allowance for every working-day the workers are in camp. For the purposes of this clause "satisfactory accommodation" shall include provision for cooking, storage of food, and reasonable sanitary conveniences.

Workers making use of such accommodation shall keep it clean. If they fail to do so, the employer may employ some other person to do the work and may deduct the cost of such work from any moneys due or accruing due to such workers.

River Board Patrolmen.

16. River Board Patrolmen when engaged on patrol work shall be exempt from clauses 1 (hours of work), 3 (emergency work), 7 (overtime), and 8 (a), (b), and (c), (holidays), but shall be paid the ordinary rate of wages prescribed in clauses 4 and 5 of this award for all such time. If any dispute arises regarding patrol work the same shall be dealt with by the disputes committee provided for in clause 20.

Accommodation.

17. Where reasonably necessary the employers shall provide accommodation to enable workers to change and dry their clothes and have their meals.

Tools.

18. Where necessary all tools shall be supplied by the employer.

Accidents.

19. A modern first-aid emergency kit shall be kept by the employer in a convenient and accessible place in every place where the Inspector of Awards shall deem necessary.

Disputes Committee.

20. 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.

21. (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.)

(c) The secretary or other representative of the union shall be permitted to interview employees in working-hours, but so as not to interfere unreasonably with the operations of the local bodies concerned.

Under-rate Workers.

22. (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.

Scope of Award.

23. The scope of this award shall be County Councils, Drainage Boards, Rabbit Boards, River Boards, Road Boards, and any other parties hereto in the Northern, Taranaki, Wellington, Nelson, Marlborough, Westland, Canterbury, and Otago and Southland Industrial Districts, but shall not apply to City Councils, Borough Councils, Town Boards, Domain Boards, Harbour Boards, and Electric-power Boards.

Term of Award.

24. This award in so far as it relates to wages shall be deemed to have come into force on the 14th day of December, 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 14th 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 17th day of December, 1936.

[L.S.]

E. PAGE, Judge.

MEMORANDUM.

The only matter referred to the Court related to under-rate workers. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

E. PAGE, Judge.