

(11380.) WELLINGTON INDUSTRIAL DISTRICT **NURSERYMEN'S AND GARDENERS' LABOURERS.**—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") :—

Lower Hutt.

Anstis, E., and Son, Birdwood Road, Lower Hutt.
Balls, L., Market Gardener, Lower Hutt.
Balls, O. J., Nai Nai, Lower Hutt.
Barker, X., Gardener, Main Road, Lower Hutt.
Bartosh, R., Market Gardener, Nai Nai.
Basori, X., Market Gardener, Main Road, Lower Hutt.
Cervo, X., Market Gardener, Taita.
Copping, W., Market Gardener, Waiwetu, Lower Hutt.
Dallenger, J. S., Stilling Street, Lower Hutt.
Hardy and Sons, Main Road, Lower Hutt.
Hardy, W. B., High Street, Lower Hutt.
Hayward, X., Coupland Street, Lower Hutt.
Haywood, E. H., Market Gardener, Lower Hutt.
Hewer, A. E., Gardener, Lower Hutt.
Hewer, E. S., Taita, Lower Hutt.
Hooper, P. R., Taita, Lower Hutt.
Howlett, W., Gardener, Taita, Lower Hutt.
Hutt Valley Producers Assn., Lower Hutt.

Killeen, C., Melling Road, Lower Hutt.
 McMillan, A., Main Road, Lower Hutt.
 Manderson, W., Epuni Hamlet, Lower Hutt.
 Mazoola, X., Gardener, Main Road, Lower Hutt.
 Mefecky, De D., Market Gardener, Lower Hutt.
 Menora, P., Gardener, Lower Hutt.
 Mumford, Geo., Waterloo Road, Lower Hutt.
 Orr Bros., Heke Street, Lower Hutt.
 Peck, S., Taita, Lower Hutt.
 Pesceni, J., Park Avenue, Lower Hutt.
 Pesceni, M., 738 High Street, Lower Hutt.
 Pilcher, C. F., and Son, Rossiter Avenue, Lower Hutt.
 Poole, H. J., Waterloo Road, Lower Hutt.
 Pritchard, D. K., Main Road, Lower Hutt.
 Reeves, F., Thornycroft Avenue, Lower Hutt.
 Robertson, D., Waiwetu Road, Lower Hutt.
 Rungay, A., 362 Waterloo Road, Lower Hutt.
 Senetti, F., Taita, Lower Hutt.
 Serni, W., Park Road, Lower Hutt.
 Steadman, Mrs., Main Road, Lower Hutt.
 Waugh, T., and Son, Lower Hutt.
 Weir, J., Park Avenue, Lower Hutt.
 Westbury, A. F., Taita, Lower Hutt.
 Westbury, F. (Sen.), Taita, Lower Hutt.
 Wheatley, Chas., Porutu Street, Lower Hutt.
 Wilson, I., Taita, Lower Hutt.

Manawatu.

Conway, F. C. E., Walkers Road, Longburn, Palmerston North.
 Coombs, C. P., 500 Albert Street, Palmerston North.
 Crozier, C. E., corner of Park Road and Fitzherbert Avenue, Palmerston North.
 Feilding Freezing-works, Feilding.
 Foster, C. W., Kawiū Road, Levin.
 Gallop, G. H., Bunnythorpe, Palmerston North.
 Harrison, R. E., 410 Albert Street, Palmerston North.
 Just, A. W., 32 College Street, Palmerston North.
 Just, B. H., 11 College Street, Palmerston North.
 Kingsbeer, P. S., 280 Main Street, Palmerston North.
 Kingsbeer, W. V., 339 Albert Street, Palmerston North.
 Longburn Freezing-works, Longburn, Palmerston North.
 Manawatu Racing Club, Awapuni, Palmerston North.
 Mayo, J. G., 150 Botanical Road, Palmerston North.
 Mayo, J. W., 134 Botanical Road, Palmerston North.
 Nairn and Nairn, College Street, Palmerston North.
 Palmerston North City Council, Palmerston North.
 Persson, A., 384 Ruahine Street, Palmerston North.
 Persson, E. W., and Smith, C., Jickell Street, Palmerston North.
 Persson, I., 256 Church Street, Palmerston North.
 Scobie and Co., Ltd., Fairfield Road, Levin.
 Shailer, A. J., 340 Albert Street, Palmerston North.
 Sims, X., Park Road, Palmerston North.
 Sweetman, E. W., 419 Albert Street, Palmerston North.
 Trigg, E. F., 181 Shamrock Street, Palmerston North.
 Young, D., Kimbolton Road, Feilding.

Wanganui.

Anderson, A., St. Johns Hill, Wanganui.
 Kwong Chong, Kaikopu Road, Wanganui.

Kwong Joe, Turakina.
 Kwong Lee, Market Gardener, Wanganui East.
 Lim Ping, Market Gardener, Ohakune.
 Ngan Chong, Market Gardener, Okoia.
 Parnell, Jas., corner of Avenue and Liverpool Street, Wanganui.
 Rasmussen Ltd., Flemington Road, Aramoho.
 Tsoi Feong, Market Gardener, Delhi Avenue, Aramoho.
 Wong Chong, Market Gardener, Putiki.

Manakau.

Evans and Sawyer, Nurserymen, Manakau.

Wairarapa.

Allen, J., Main Road, Greytown.
 Balfour, G., Humphries Street, Greytown.
 Dunn, P., East Street, Greytown.
 Farmer, J., Hastwell Street, Greytown.
 Gregorie, D. Y., Princess Street, Pahiatua.
 Hale, E., and Son, Te Ore Ore Road, Masterton.
 Hamilton, A. W., Huia Street, Pahiatua.
 Hobson, F. H., 120 Main Street, Greytown.
 Hood, Mrs. G., Humphries Street, Greytown.
 Hop Sing, Taumata Island, Carterton.
 Nicholls, S., 8 Pearce Street, Greytown.
 Page, J., Kuratawhiti Street, Greytown.
 Pound, F., Udy Street, Greytown.
 Robinson and Sons, Whatman Road, Masterton.
 Wairarapa Racing Club, Featherston.

Hawke's Bay.

Anderson Bros., Puketapu Road, Taradale.
 Anderson, J. N., Ltd., Wellesley Road, Napier.
 Gibbs, J., 143 High Street, Dannevirke.
 Greening, Wm., Havelock North, Hastings.
 Smith, A. J., Smith Street, Mangatera, Dannevirke.
 Walker, W. H., and Sons, Karamu Road, Hastings.
 Webb's Nurseries, Nelson Street, Hastings.
 Wilson's Nurseries, Pakowai Road, Hastings.

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 21st day of December, 1936, and shall continue in force until the 21st 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 21st day of December, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Hours of Work.

1. (a) An ordinary week's work shall consist of forty-eight hours made up as follows: Not exceeding eight hours and three-quarters per day on five days of the week, to be worked between the hours of 7.30 a.m. and 5.30 p.m. on each of such days, and not exceeding four hours and a half on Saturday, to be worked between the hours of 7.30 a.m. and noon.

(b) No worker shall be employed for more than five hours continuously without an interval of three-quarters of an hour for a meal.

Rates of Wages.

2. The following shall be the minimum rates of wages: Labourers employed by nurserymen and landscape gardeners, and labourers employed by any of the parties hereto shall be paid £4 2s. 6d. per week.

Casual labourers, 1s. 11d. per hour.

Men in charge of three or more workers shall be paid 1s. per day extra.

A casual worker is a man who is employed by the hour.

Adult female employees on light work, £2 per week.

Overtime.

3. All work performed beyond the hours mentioned in clause 1 hereof shall be considered overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Holidays.

4. The following shall be observed as holidays: New Year's Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Anzac Day, Christmas Day, and Boxing Day.

Work done on Christmas Day, Good Friday, Anzac Day, or on Sunday shall be paid for at double time rates, and work done on any other holidays specified herein, shall be paid for at the rate of time and a half; such payment shall, in the case of weekly workers, be in addition to the weekly wages.

Annual Holidays.

5. An annual holiday of one week shall be allowed employees on completion of each year of continuous service.

General Provisions.

6. (a) No deduction shall be made from the wages of weekly workers except for time lost through sickness or accident or for time lost by default.

(b) Wages shall be paid weekly and during working-hours.

(c) Nothing contained herein shall apply to female workers under the age of twenty-one years.

(d) Workers required to work overtime on any day without being notified on the previous day of such overtime shall be paid 1s. 6d. for a meal.

Time and Wages Book.

7. A time and wages book setting out the names of workers employed, the hours of employment, and the wages paid each week, shall be kept by each employer bound by this award.

First Aid.

8. A first-aid outfit shall be kept on the premises for use in case of accidents.

Workers to be Members of Union.

9. (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.

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.

Scope of Award.

11. This award shall operate throughout the Wellington Industrial District and shall apply to nurserymen's labourers, gardeners' labourers, landscape gardeners' labourers, and labourers employed by the parties named herein or those who may subsequently be added as parties or to those who commence in business after the coming into force of this award.

Nothing in this award shall apply to workers employed at market gardening.

Term of Award.

12. This award shall come into force on the 21st day of December, 1936, and shall continue in force until the 21st 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 21st day of December, 1936.

[L.S.]

E. PAGE, Judge.

MEMORANDUM.

The only matter that came before the Court was the question of the inclusion in this award of labourers employed by market gardeners.

The recommendations purport to cover "nurserymen's labourers, gardeners' labourers, landscape gardeners' labourers, and labourers employed by the parties named herein," but they do in words cover "market gardeners' labourers."

It is shown that market gardeners were not represented on the Conciliation Council.

For these reasons the Court has inserted a clause making it clear that nothing in the award is to apply to workers employed at market gardening.

E. PAGE, Judge.