

NORTHERN INDUSTRIAL DISTRICT **CHEMICAL MANURE WORKERS.—AWARD.**

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Otahuhu Chemical Manure Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Challenge Phosphate Co., Ltd., Fertilizer-manufacturers and Manure-merchants, Anzac Avenue, Auckland.

Kemphorne Prosser and Co., N.Z. Drug Co., Ltd., Albert Street, Auckland.

New Zealand Farmers' Fertilizer Co., Ltd., Yorkshire House, Shortland Street, Auckland.

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 15th day of March, 1938, 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 May, 1937.

[L.S.]

E. H. NORTHCROFT, Judge.

SCHEDULE.

PART I.—DAY WORKERS.

Hours of Work.

1. Subject to the provisions hereinafter contained as to shifts, a week's work shall not exceed forty hours, of which eight shall be worked on five days of the week from Monday to Friday inclusive between the hours of 7.30 a.m. and 5 p.m.

Meal-hours.

2. One hour shall be allowed for meals each day but may, by mutual agreement between the employer and the worker concerned, be less than one hour.

Holidays.

3. (a) The provisions of the Factories Act, 1921-22, and its amendments, relating to holidays, statutory half-holidays, and Sundays, and to payment for work done on such days, shall apply hereto.

(b) 2nd January, Easter Saturday, and Anniversary Day, or any day observed in lieu thereof, shall be observed as holidays, but a worker shall not be entitled to any payment in respect of such days unless he works, in which case he shall be paid for the time worked at the rate of time and a half.

Overtime.

4. (a) Except as hereinafter provided, all time worked outside of or in excess of the hours provided for in clause 1 hereof shall be considered overtime, and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) When workers are required to work overtime after 6 p.m., or after 1 p.m. on Saturday, and have not been notified the previous night, the employer shall provide a substantial meal consisting of at least bread, butter, meat, cheese, and tea, coffee, or cocoa, or pay each worker 1s. 6d. in lieu thereof.

(c) When a worker is ordered back to work overtime after 6 p.m. on ordinary days or on a Saturday, a minimum of two hours' work at overtime rates shall be paid for unless it can be shown that the failure to provide work was outside the control of the employer. Should any dispute arise as to the interpretation of this subclause such dispute shall be settled in accordance with the provisions of clause 15 hereof.

PART II.—SHIFT WORKERS.

Definitions.

5. (a) In the despatch department one shift of eight consecutive hours may be worked between the hours of 5 p.m. and 7.30 a.m.

(b) In a manufacturing department, or in receiving raw materials, two or three shifts of eight consecutive hours may be worked in any day.

Hours of Work.

6. The ordinary weekly hours of work shall be worked between midnight Sunday–Monday and 12 noon Saturday, and shall not exceed forty hours, to be worked in eight-hour shifts.

Overtime.

7. (a) Time worked in excess of eight hours per shift or forty hours during the period from midnight Sunday–Monday and 12 noon Saturday, 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.

(b) Men on shifts shall not be paid overtime rates for overtime worked by agreement among themselves for the purpose of changing shifts, or to enable the employer periodically to give to any worker a free Saturday and/or Sunday.

Special Payments.

8. Time worked on Saturday after 12 noon, or on Sunday, or on Christmas Day, Boxing Day, New Year's Day, 2nd January, Auckland Anniversary Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, or the birthday of the reigning Sovereign, shall not be reckoned as ordinary time or as overtime, but shall be paid for at the following special rates:—

On Saturdays after 12 noon: Time and a half.

On Sundays, or on any of the holidays mentioned:
Double time.

Crib-time.

9. Shift workers shall be allowed thirty minutes crib-time without deduction from wages: Provided always that the machinery shall be kept in motion when required.

No Discrimination.

10. The employer shall not, in the employment or dismissal of hands, discriminate against members of the union, nor in the conduct of his business do anything for the purpose of injuring the union directly or indirectly.

PART III.—GENERAL.

Wages.

11. The minimum rates of wages shall be as follows:—

				Per Hour.	
				s.	d.
Day workers .. .. .	..	..	..	2	3
Chambermen .. .. .	..	..	..	2	4 $\frac{3}{4}$
Shift workers .. .. .	..	..	..	2	4
Men discharging shipments of phosphate rock .. .. .	..	..	..	2	4 $\frac{1}{2}$
Men discharging shipments of sulphur ..	..	..	..	2	6
Men working on super bank ..	..	..	..	2	6
Men making and handling super-slag mixture, either loose or in bags ..	..	..	..	2	4 $\frac{1}{2}$

Payment of Wages.

12. Wages shall be paid not later than Thursday of each week, and during ordinary working-hours.

General Conditions.

13. (a) Gloves, rubber aprons, and gum boots shall be supplied to workers where mutually deemed necessary.

(b) If on any day a worker is ordered to start work and the work done is less than two hours he shall be paid as if he had worked two hours.

(c) Goggles or stockinette shall be allowed men working amongst or handling sulphur.

(d) Proper provisions shall be made for dining and dressing accommodation and drying wet clothes. The employer shall be held responsible for the room being kept clean each day.

(e) Proper facilities for boiling water shall be provided for the purpose of making tea.

(f) Suitable bathing accommodation shall be provided, to which both hot and cold water shall be laid on.

(g) A covered bicycle-stand shall be provided. Employees shall be held responsible for their own bicycles.

(h) An interval of ten minutes for "smoke-oh" shall be allowed morning and afternoon each day when unloading guano, rock, or sulphur.

(i) Workers shall be supplied with respirators where mutually deemed necessary.

(j) No worker shall be employed for longer than four and a quarter hours continuously without an interval of at least three-quarters of an hour for a meal.

First-aid.

14. The employer shall provide and maintain a properly equipped first-aid outfit, which shall be placed in a convenient and accessible place in each works.

Disputes.

15. If a dispute shall arise between the parties to this award upon any matters arising out of or in connection with this award it shall be referred to a committee consisting of a representative of the employer and a representative of the union who shall appoint an independent chairman. The committee may either decide the matter or refer it to the Court. Either party, if dissatisfied with the decision of the committee, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Extension of Hours under Factories Act.

16. 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 of this award in respect of every occupier of a factory bound or to be bound by such award.

Workers to be Members of Union.

17. (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.

18. (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.

19. This award shall operate throughout the Northern Industrial District.

Term of Award.

20. This award, in so far as it relates to wages, shall be deemed to have come into force on the 15th day of March, 1937, 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 15th day of March, 1938.

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 May, 1937.

[L.S.]

E. H. NORTHCROFT, 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. H. NORTHCROFT, Judge.
