

OTAGO AND SOUTHLAND **BRICK, TILE, AND PIPE MAKERS.—**  
AWARD.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Dunedin Brickmakers, Pottery-makers, Tile-makers, and Sanitary-pipe Makers Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- . Breese Manufacturing Co., Bath Street, Dunedin.
- Briscoe and Co., Ltd., Crawford Street, Dunedin.
- Gore Brick and Tile Co., Pukerau.
- Holland, Thos., Brickmaker, Gore.
- Home Heating Supplies Co., Ltd., 17 St. Andrew Street, Dunedin.
- Hume Pipe Co. (Aust.), Ltd., Ravensbourne.
- Jones, E. B., Brick and Tile Maker, Milton.
- Lambert Bros., Ltd., Sanitary-pipe Makers, Wain Street, Caversham, Dunedin.
- McSkimming and Son, Ltd., Benhar.
- Myers Bros., Brickmakers, North Road, Waikiwi.
- Norton, John, and Son, Brickmakers, Pukerau.
- Petrous Tile Co., Ltd., Main South Road, Caversham, Dunedin.
- Shiel, C. and W., Ltd., Fairfield, Dunedin.
- Star Concrete Products, Ltd., Gala Street, Invercargill.
- Todd, Thos., and Sons, Ltd., North Road, Waikiwi.
- Wingatui Brick Co., Ltd., Bridgeman Street, Caversham, Dunedin.

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 31st day of May, 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 30th day of July, 1937.

[L.S.]

— P. J. O'REGAN, Judge.

#### SCHEDULE.

##### *Hours of Work.*

1. (a) Forty hours shall constitute an ordinary week's work. The ordinary hours of work shall be eight each day on five days of the week to be worked between the hours of 7.30 a.m. and 5 p.m. Monday to Friday inclusive, except in the case of burners and those workers referred to in the following subclauses hereof.

(b) Workers may be required to work on not more than thirteen Saturday mornings throughout the year solely for the purpose of work that is necessary to prevent partly finished goods from spoiling. Payment for such work shall be at ordinary rates.

(c) Workers may by mutual agreement make up time lost during the week through wet weather by working one hour per day extra, and not more than four hours on Saturday morning. Payment for such work shall be at ordinary rates.

(d) Burners of intermittent kilns may be required to work shifts. The ordinary week's work for shift-workers shall be forty hours, but if required to complete the burning, a further two hours may be worked at ordinary rates of pay.

(e) The week's work for continuous burners shall not average more than forty-two hours per week over each four-weekly period. A roster shall be prepared and approved by the employer and the workers setting out the hours of work for each burner.

(f) Workers with the exception of burners shall not be required to work continuously for more than  $4\frac{1}{4}$  hours without an interval of at least three-quarters of an hour for a meal.

*Holidays and Overtime.*

2. (a) The following shall be the recognized holidays which shall be paid for in accordance with the provisions of the Factories Act, 1921-22, and its amendment: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the Sovereign's birthday.

(b) Work performed on any of the foregoing holidays shall be paid for in accordance with the provisions of the Factories Act, 1921-22, and its amendment.

(c) All time worked in any one day outside or in excess of the hours prescribed in clause 1 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

*Wages and Classification.*

3. (a) Brick, tile, and clay-pipe makers:—	Per Hour.	
	s.	d.
Moulders .. .. .	2	7 $\frac{1}{2}$
Head machinist .. .. .	2	7 $\frac{1}{2}$
Setters and drawers .. .. .	2	5
Burners .. .. .	2	4
All other workers .. .. .	2	3 $\frac{1}{2}$

*Definitions:—*

A "setter" is a worker continuously employed in the kiln, and responsible for the setting of the articles in the kiln.

A "drawer" is a worker responsible for grading bricks or other articles in the kiln, but does not include workers loading out under instructions from the drawer.

A "moulder" is a worker who presses clay into plaster moulds.

(b) Concrete-workers:—	Per Hour.	
	s.	d.
Head moulders .. .. .	2	7 $\frac{1}{2}$
Moulders and mixers .. .. .	2	5 $\frac{1}{2}$
Reinforcement wire-welders and wire-workers .. .. .	2	5
Strippers and assemblers .. .. .	2	5
Moulders of concrete sundries .. .. .	2	4
All other concrete-workers .. .. .	2	3 $\frac{1}{2}$

*Piecework.*

4. If work is done by piecework the rates shall be such as will enable a competent worker of average ability to earn at least 10 per cent. more than the minimum rate provided by this award for the particular class of work.

*Boys and Youths.*

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

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Fourth Year.
16 to 17 ..	20/-	25/-	35/-	40/-	50/-	60/-	70/-
17 to 18 ..	30/-	35/-	40/-	45/-	52/6	70/-	..
18 to 19 ..	35/-	40/-	45/-	52/6	60/-	70/-	..
19 to 20 ..	45/-	52/6	60/-	70/-	..	..	..
20 to 21 ..	60/-	70/-	..	..	..	..	..

Thereafter adult rate.

*General Conditions.*

6. (a) Any worker required to work in confined spaces or compartments or kilns where the heat exceeds 130 degrees Fahrenheit shall be paid at double ordinary rates.

(b) If any worker is required to work in any department at other than his usual employment he shall be paid at the rate prevailing in such department for the time so worked if such is higher than his ordinary rate of pay.

(c) Wages shall be paid in cash weekly or fortnightly not later than Thursday.

(d) Employers shall allow meal-money at the rate of 1s. 6d. per meal when workers are called upon to work overtime after 6 p.m., provided that such workers cannot reasonably get home to their meals.

(e) Warm water shall be provided for moulding during cold weather.

(f) All employers party to this award shall provide in their factories a complete first-aid outfit.

(g) Each employer shall wherever possible provide accommodation to enable workers to dry and change their clothes, and have their meal, and facilities for boiling water at meal-time shall be provided. The employer shall also provide sanitary accommodation for workers.

(h) When necessary, gum boots and rubber gloves shall be provided for moulders, mixers, tile-workers, and pit-workers.

*Settlement of Disputes.*

7. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and, in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner for the

district, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Conciliation Commissioner, 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.

*Workers to be Members of Union.*

8. (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.*

9. (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.

*Extension of Hours under Factories Act.*

10. 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.

*Scope of Award.*

11. This award shall operate throughout the Otago and Southland Industrial District.

*Term of Award.*

12. This award, in so far as it relates to wages, shall be deemed to have come into force on the 31st day of May, 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 31st day of May, 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 30th day of July, 1937.

[L.S.]

P. J. O'REGAN, Judge.

MEMORANDUM.

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

P. J. O'REGAN, Judge.