

TARANAKI **CHEMICAL - MANURE AND ACID WORKERS.**—
AWARD.

In the Court of Arbitration of New Zealand, Taranaki Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an Industrial dispute between the New Plymouth Acid and Fertilizer Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employer") :—

The New Zealand Farmers' Fertilizer Co., Ltd., New Plymouth.

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 3rd day of September, 1937.

[L.S.]

P. J. O'REGAN, Judge.

SCHEDULE.

Hours of Work.

1. (a) Subject to the provisions hereinafter contained as to shifts, a week's work shall not exceed forty hours, of which eight hours shall be worked between the hours of 8 a.m. and 5 p.m. on each of five days of the week, Monday to Friday inclusive. By mutual agreement the time of starting may be varied between the hours of 7.30 a.m. and 8 a.m.

(b) Shifts: (i) Continuous shifts or shifts on manufacture shall not exceed eight hours each (including crib-time of twenty minutes), provided always that the machinery shall be kept in motion when required.

(ii) Extra shifts shall not exceed eight hours each, which are worked either wholly or partly outside of the ordinary working-hours and which do not come within the definition of continuous shifts. A week's work on extra shift shall not exceed forty hours. The time for starting shall be fixed for the convenience of the business. Unless two such shifts are worked on two consecutive working-nights they shall not be deemed to be extra shifts.

(iii) Where it has been the custom in any particular department to do so, day shifts of eight consecutive hours (including crib-time of twenty minutes) may be worked in accordance with the provisions of subclause (a) hereof.

(iv) A shift shall ordinarily be of not less than eight hours' duration. Broken shifts shall not be worked save in the case of breakdowns of machinery and/or shortage of railway wagons.

(c) A week's work covering continuous-shift workers and workers on the acid plant shall not exceed forty hours on six days of the week, Monday to Saturday inclusive. For continuous-shift workers work done after 1 p.m. on Saturday shall be paid for at the rate of time and a half, and work done between 12 midnight on Saturday and 12 midnight on Sunday shall be paid for at the rate of double time.

Definition: "Continuous shifts" shall consist of three shifts of eight hours each (including twenty minutes' crib-time) in every twenty-four hours worked.

Wages.

2. 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 $\frac{1}{2}$

Overtime.

3. (a) Except where otherwise provided, all time worked in excess of the hours provided for in clause 1 hereof in any one day shall be considered overtime and shall be paid for at time and a half for the first four hours and double time thereafter.

(b) Men on continuous shifts shall not be paid overtime rates for overtime worked by agreement among themselves for the purpose of changing shifts.

(c) When a worker is ordered back to work overtime after 6 p.m. 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 7 hereof.

Holidays.

4. (a) The following holidays shall be allowed without deduction from wages: A whole holiday on every Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and Sovereign's Birthday.

(b) Time worked on any of the above-named holidays or on Sundays shall be paid for at twice the ordinary rate.

(c) Payment of wages for the said holidays shall be made to all persons who have been employed in the factory:—

(i) In the case of Christmas Day, Boxing Day, New Year's Day, Good Friday, or Easter Monday, at any time during the fortnight ending on the day on which the holiday occurs.

(ii) In the case of any other whole holiday, for at least four days during the week ending on the day on which the holiday occurs.

(d) Easter Saturday, 2nd January, and Anniversary Day, or any day observed in lieu thereof, shall be observed as holidays, but a worker shall not be entitled to 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.

Payment of Wages.

5. Wages shall be paid on Thursday of each week and during working-hours. Payment shall be made for all work done up to 5 p.m. on the Tuesday preceding.

General Provisions.

6. (a) An interval of ten minutes for "smoke-oh" shall be allowed morning and afternoon each day to workers engaged loading and unloading rock and sulphur.

(b) Proper provision shall be made for dining and dressing accommodation and drying wet clothes.

(c) Gloves, rubber aprons, and gum-boots shall be supplied to workers when mutually deemed necessary.

(d) Suitable washing accommodation shall be provided; both hot and cold water shall be laid on.

(e) Sufficient drinking-water of good quality shall be provided.

(f) Lavatory accommodation shall be provided and kept clean.

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

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

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

(j) When workers are required to work overtime after 6 p.m. and have not been notified the night previous, 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.

(k) An approved first-aid outfit shall be available at each works.

(l) 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: Provided that if a worker is called on at 11 a.m. or later he shall be paid a minimum of four hours.

(m) The employers shall eliminate as far as is practicable the dust attendant to the normal working of the industry.

(n) Each man shall be provided with a "locker" for the storage of his lunch, boots, clothes, and other personal property.

(o) Facilities for boiling water shall be provided in a convenient place at the works for the purpose of making tea.

Disputes.

7. 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, 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 within fourteen days after such decision has been made known to the party desirous of appealing.

Under-rate Workers.

8. (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.

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.)

Scope of Award.

10. This award shall operate throughout the Taranaki Industrial District.

Term of Award.

11. 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 3rd day of September, 1937.

[L.S.]

P. J. O'REGAN, Judge.

MEMORANDUM.

The matters referred to the Court related to wages, employment of youths, annual holiday, and stop-work meetings. These the Court has settled. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

P. J. O'REGAN, Judge.