

**NELSON BREWERS, MALTSTERS, BOTTLERS, BOTTLE-WASHERS,
AND AERATED-WATER WORKERS.—AWARD.**

In the Court of Arbitration of New Zealand, Nelson Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and in the matter of an industrial dispute between the Nelson Brewers, Bottlers, Maltsters, Bottle-washers and Aerated-water Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Dodson, J. R., and Sons, Hardy Street, Nelson.
Duncan, H. R., Hardy Street, Nelson.
Gormans Ltd., Hardy Street, Nelson.
Harley and Son, Church Street, Nelson.
Hogg, G., Collingwood Street, Nelson.
Redmond, C., Aerated-water Manufacturer, Motueka.
Sharpe Bros., Cordial-manufacturers, Bridge Street,
Nelson.

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 28th day of May, 1939, 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 24th day of September, 1937.

[L.S.]

— P. J. O'REGAN, Judge.

SCHEDULE.

Hours of Work.

1. (a) The hours of work in breweries and bottling-stores shall be forty per week all the year round. The hours of work in aerated-water factories shall be thirty-six per week from 1st May to 31st October, and forty-four per week from 1st November to 30th April.

(b) The hours of work for maltsters' labourers shall be forty-four per week.

Wages.

2. (a) The following shall be the minimum rates of wages:—

			Per Week.		
			£	s.	d.
Maltsters' labourers	..	..	4	7	6
Brewery labourers	..	..	4	5	0
Machine-bottlers	..	..	4	5	0
Bottle-house labour	..	..	4	0	0
Aerated-water-factory labour	..	..	4	0	0
Bottle-washers	..	..	4	0	0

(b) All wages shall be paid in cash on Friday each week, overtime being paid up to the same Friday morning. In each case wages shall be paid in working-hours.

(c) Employers shall have the right to transfer workers from any one department to another as the exigencies of the manufacture may require.

(d) The man engaged on firing the boiler while brewing is being carried on shall be entitled to a payment of 6d. per hour extra over the rate of the brewery labourer while engaged in such work, with a limit of four hours for each brew.

Casual Workers.

3. Workers in breweries, bottling-stores, and aerated-water factories shall be deemed casual workers if they shall not be

employed continuously for more than four months, and they shall be paid at the rate of £3 16s. per week. Daily casuals shall receive 2s. per hour.

Employment of Youths.

4. (a) Youths may be employed at not less than the following rates of wages:—

	Per Week.		
	£	s.	d.
For the first six months	1	0	0
For the second six months	1	4	0
For the third six months	1	8	0
For the fourth six months	1	12	0
For the fifth six months	1	16	0
For the sixth six months	2	0	0

Thereafter an annual increase of 10s. per week until twenty-one years of age, when the minimum rate shall be paid.

(b) The proportion of youths to men shall not exceed one youth to every three men or fraction thereof.

Deductions.

5. No deduction shall be made from wages for any of the holidays named herein, but time lost by a worker through his illness or absence from work through no fault of the employer may be deducted from his wages.

Overtime.

6. (a) Except as herein otherwise provided, the overtime rates to be paid to workers employed outside the hours prescribed in clause 1 hereof shall be as follows: Time and a half for the first four hours and double time thereafter. Each day shall stand by itself.

(b) Brewery hands usually required to start work before the ordinary time of commencing work shall be paid 5s. per week extra; overtime rates shall commence after the ordinary day's work has been completed.

(c) Overtime rates payable to maltsters' labourers shall be in accordance with the provisions of the Factories Act, 1921-22, and its amendment.

Holidays.

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

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

(c) If any holiday falls on a Sunday the day following shall be observed as the holiday.

(d) Maltsters' labourers shall be entitled to one week's holiday on full pay at the end of each season.

General Conditions.

8. (a) Men working under excessive heat shall be allowed reasonable time before restarting work in a cold temperature.

(b) All workers employed at wet work shall, where necessary, be provided with clogs and leggings at intervals of twelve months, and water-proof aprons at intervals of six months.

(c) First-aid chests shall be provided in all breweries, bottling-stores and aerated-water factories.

Time and Wages Book.

9. Each employer shall keep and enter or cause to be kept entered up a book containing the name of each worker to whom this award applies, the class of work performed by and the wages paid to each worker, and the time during which he has been employed.

Collection of Moneys.

10. No employer shall place any obstacle in the way of any representative of the union in the collection of moneys due, provided that such collection shall not take place oftener than once a week, and at a time to be mutually agreed upon by the employer and the secretary of the union.

Terms of Engagement.

11. Unless otherwise agreed, for workers with under twelve months' service, forty-eight hours' notice, and for workers with over twelve months' service, one week's notice shall be given by the employer or worker, but this shall not affect the right of any employer to summarily dismiss any worker for good cause.

Extension of Hours under Factories Act.

12. 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.

Matters not provided for.

13. 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 Inspector of Awards or any other person mutually agreed upon by the parties, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Inspector or such other person appointed to act, may appeal to the Court upon giving written notice of such appeal to the other party within seven days after such decision shall have been communicated to the party desiring to appeal.

Under-rate Workers.

14. (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.

15. (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.

16. This award shall operate throughout the Nelson Industrial District.

Term of Award.

17. This award, in so far as it relates to wages, shall be deemed to have come into force on the 29th 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 28th day of May, 1939.

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 24th day of September, 1937.

[L.S.]

P. J. O'REGAN, Judge.

MEMORANDUM.

The only matter referred to the Court related to under-rate workers. In other respects the award embodies the recommendations of the Conciliation Council as amended by agreement at the hearing.

P. J. O'REGAN, Judge.