

OHINEMURI AND WAIHI **ENGINEERS.**—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 Ohinemuri Branch of the Amalgamated Engineering Union (including Electricians and Motor Mechanics) Industrial Union of Workers (hereinafter called “the union”) and the undermentioned company (hereinafter called “the employer”) :—

The Martha Gold-mining Co. (Waihi), Ltd., Shortland Street, Auckland, C. 1.

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 6th day of December, 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 December, 1937.

[L.S.]

P. J. O'REGAN, Judge.

SCHEDULE.

Hours of Work.

1. (a) The ordinary hours of work for all workers shall be forty per week.

(b) Except in the case of shift-workers, the daily hours shall not exceed eight between 7.30 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

(c) In the case of shift-workers, the ordinary hours of work shall be eight per shift (including crib-time) from Monday to Friday, both days inclusive.

Overtime and Holidays.

2. (a) Overtime shall be paid for at the rate of time and a half for the first three hours, and thereafter at double time rates. All work done on Sundays, New Year's Day, Good Friday, Anzac Day, Easter Monday, the Sovereign's birthday, Labour Day, Christmas Day, and Boxing Day shall be paid for at double time rates.

(b) If a worker has been engaged all day and all night, and is required to continue working on into the next day, double time rates shall be paid for all such time worked after the ordinary hour of commencing work on the second day.

Dirt-money.

3. All journeymen working at repair work at or through boiler-flues, inside boilers, inside tube-mills, inside smoke-boxes, inside economizers, or underground, shall receive 1s. 6d. per day extra. Youths working under the above conditions shall receive 6d. per day extra until their fourth year, and during the fourth and fifth years shall receive 1s. 6d. per day extra.

Wages.

4. (a) The wages of a competent tradesman who can produce documentary evidence from his employer or employers that he has served a five-year's apprenticeship to his branch of the trade shall be 2s. 9d. per hour.

(b) The wages of a competent tradesman who has served five years continuously with the employer shall be 2s. 9d. per hour.

(c) The wages of all other tradesmen, including drill-steel sharpeners and plateworkers, who are not provided for in subclauses (a) and (b) hereof shall be 2s. 7½d. per hour.

(d) The minimum rate of wages for blacksmiths' strikers shall be 18s. 8d. per day of eight hours.

(e) Workers employed at oxy-acetylene or electric welding, except on spot or butt welding machines, for less than four hours in a day shall be paid 1s. extra per day; for more than four hours in a day 1s. 6d. extra per day.

Branches of Trade.

5. The classes of men to which clauses 4 (a), (b), (c), and (d) hereof relate shall be fitters; patternmakers; turners; milling, planing, slotting, and drilling machinists; general blacksmiths; electrical fitters; drill-steel sharpeners; plateworkers; and blacksmiths' strikers.

Youths.

6. (a) The following shall be the minimum rates of wages for youths:—

	Per Day.	
	s.	d.
For first year's service in fitting-shop ..	5	0
For second year's service in fitting-shop ..	6	6
For third year's service in fitting-shop ..	8	6
For fourth year's service in fitting-shop ..	9	9
For fifth year's service in fitting-shop ..	11	0

(b) Certificates covering length of service shall be given to youths when leaving their employer, and on the termination of five years' service if required.

(c) All youths after five years' service shall receive journey-men's wages. This clause shall not apply to youths employed as blacksmiths' strikers.

(d) Youths employed as blacksmiths' strikers shall be paid the following minimum rates:—

	Per Day of Eight Hours.	
	s.	d.
Under seventeen years of age	8	0
From seventeen to eighteen years of age ..	9	0
From eighteen to nineteen years of age ..	10	6
From nineteen to twenty years of age ..	12	0

Country Work.

7. For country work the employer shall pay the fare of the worker both ways, and a proper allowance at current rates shall be made to the worker for necessary meals. When the worker is employed at such a distance that he is unable to return at night, suitable board and lodging shall be provided at the employer's expense. Travelling-time shall be paid for at ordinary rates, but not to a greater amount than eight hours in a day.

Shifts.

8. (a) Two shillings extra per shift shall be paid for night shifts. A "night shift" shall be considered as any shift worked outside the ordinary hours of day-work. This does not apply to men whose regular work is on afternoon or night shift.

(b) Workers who regularly work day, afternoon, and night shifts shall be paid 1s. per shift extra when on afternoon or night shift.

Payment of Wages.

9. All wages shall be paid fortnightly on Fridays, five working-days after the date to which the pay-rolls are made up.

General.

10. (a) Any worker called out to return to work after his ordinary hours shall be paid as from the time he leaves home, such travelling-time not to exceed half an hour.

(b) When a worker is employed in "hot" places underground (*i.e.*, above 83 degrees Fahrenheit, wet bulb) or in "wet" places underground, he shall not be required to work more than six hours (exclusive of overtime) in any day. The wages for journeymen while so employed shall be 3s. 9d. per hour for up to six hours' work, and overtime rates shall apply thereafter. For the purpose only of computing the weekly hours, six hours' work under this subclause shall count as eight hours worked.

(c) Meal-money shall be allowed at the rate of 1s. 9d. per meal to workers who are called upon to work more than five hours continuously without an opportunity to have a meal, or, in the case of shift-workers, a crib-time.

(d) Workers employed underground shall be paid 3d. per hour extra for the actual time worked while so employed.

Matters not provided for.

11. The essence of this award being that the work of the employer shall proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties as to any matter arising out of this award and not dealt with in the award, such dispute shall be referred to the Conciliation Commissioner for the district or to some other person to be mutually agreed upon. Either side shall have the right to appeal to the Court against a decision of such person upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Workers to be Members of Union.

12. (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.

13. (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.

14. This award shall apply to the parties named herein.

Term of Award.

15. This award, in so far as it relates to wages, shall be deemed to have come into force on the 6th day of December, 1937, and so far as all the other conditions of this award are concerned it shall come into force on the 13th day of December, 1937; and this award shall continue in force until the 6th day of December, 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 December, 1937.

[L.S.]

P. J. O'REGAN, Judge.

MEMORANDUM.

This dispute was before the Council of Conciliation twice, but as the parties failed to reach agreement, save as to a few minor details, the hearing of the dispute was protracted, and there has been necessarily further delay in that the Court was obliged to traverse the entire award. Wages and hours have been brought to the existing standard rates.

P. J. O'REGAN, Judge.
