

OHINEMURI AND WAIHI **ENGINE-DRIVERS, WINDERS,
MOTORMEN, AND FIREMEN.**—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 South Auckland Engine-drivers, Winders, Motormen, and Firemen's 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 5th 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 electric motor-driven sinking or suspended pump attendants shall be thirty-six per week, to be worked in shifts of not more than six hours each.

(b) The ordinary hours of work for winchmen underground whose duty it is to attend pumpmen shall be forty per week, to be worked in five shifts of not more than eight hours each, including crib-time.

(c) The ordinary hours of work for winding-engine drivers in charge of compressors at No. 5 shaft shall be forty per week, to be worked in five shifts of not more than eight hours each, including crib-time.

(d) The ordinary hours of work for locomotive-drivers and locomotive firemen shall be forty per week, eight hours to be worked on each day, Monday to Friday, both days inclusive: Provided that four hours, if required, shall be worked on Saturday mornings at the rate of time and a quarter.

(e) The ordinary hours of work for transformer-house attendants at Waikino and for employees on electric motors in the power-house at Waihi shall be forty per week, to be worked in shifts of not more than eight hours, including crib-time.

(f) The ordinary hours of work for workers employed on or in connection with the supply of power at the battery at Waikino shall be as set out in clause 1 (b) of the Ohinemuri and Waihi Gold Miners' award, dated the 10th day of December, 1937.

(g) The ordinary hours of work for all other workers under this award shall be forty per week—not more than eight hours per day to be worked from Monday to Friday, both days inclusive.

Wages.

2. (a) The following shall be the minimum rates of wages per shift or per day which shall be paid by the employer to the persons employed in the following capacities:—

	£	s.	d.
Winders (work done during crib-time to be paid extra)	1	2	0
Winchmen on surface	0	19	3
Winchmen underground	1	0	3
First-class stationary-engine drivers ..	1	0	3
Second-class stationary-engine drivers ..	0	19	3
Firemen	0	18	0
Leading firemen (where more than one fireman is employed at the same time)	0	18	9
Locomotive-drivers	1	1	3
Locomotive firemen	0	18	6
Locomotive-cleaner	0	18	0
Engine-cleaners	0	18	0
Engine-greasers	0	18	0
Employees on electric motors	0	18	9
Transformer-house attendants.. .. .	0	18	9
Electric motor-driven sinking or suspended pump attendants, with 8d. per shift for oilers	0	18	6

(b) The wages of underground winchmen are not to be reduced when these winchmen are brought to the surface during temporary breakdowns not exceeding three days.

Overtime and Holidays.

3. (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.

(b) All work done on Sunday, New Year's Day, Boxing Day, Good Friday, Easter Monday, the Sovereign's birthday, Labour Day, and Christmas Day shall be paid for at the rate of double time.

Meal-money.

4. 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.

Dirt-money.

5. One shilling and sixpence per shift shall be paid as dirt-money in connection with boiler-cleaning.

Definitions.

6. Definition of a Motorman: The term "driver" of an electric motor or attendant thereof as used herein shall be considered to mean a worker employed to attend, regulate, or control an electric motor or electric motors, but not a worker, who, in addition to his ordinary or other employment not controlled by this award, incidentally to such employment switches on or off the electric power to a motor or motors.

Payment of Wages.

7. The employer shall pay wages-men fortnightly on Fridays, five workings-days after the dates to which the pay-rolls are made up.

Night Shifts.

8. (a) Two shillings extra shall be paid to a man who, having worked his ordinary day shift, is called out early in the morning of the next day to go on shift other than his normal shift for that particular day, and to which overtime rates are not applicable.

This shall not apply to the cases which occur by reason of the change of shifts. Each day stands by itself, and commences at midnight, except for those winders whose day commences from 11.30 p.m.

(b) Where a man is required to work more than one week's night shift continuously, he shall receive two shillings extra for each shift worked after the first week. This shall not apply to men who ask for continuous night-shift work or to the locomotive-cleaner.

Lost Time.

9. (a) Any worker not previously notified not to come to work attending and willing to work at the usual time for starting, and there being no suitable work which he is allowed to perform, shall be paid for two hours. This applies to Waikino only.

(b) In the event of any worker commencing work and being knocked off through no fault of his own by his employer, he shall be paid the full shift rate.

Emergency Clause.

10. If any worker after having completed a day's work is called back in a case of emergency to resume duty, he shall be paid for a minimum of two hours. This does not apply in cases of overtime, which is worked continuously (except for a meal interval) after the ordinary day's work.

Funerals.

11. In the case of any funeral, the union shall not call out the workers, but any men who give the management not less than eight hours' notice that they wish to attend the funeral shall be free to leave their work.

Disputes.

12. Should any matter arising out of the employment be in dispute, whether provided for in this award or not, such matter shall be referred to the mine-manager and the president of the union or their representatives with a view to coming to terms, and if they cannot come to an agreement within seven days, the matter shall be referred to the Magistrate for the district, whose decision shall be final.

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.

Workers to be Members of Union.

14. (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.

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

Term of Award.

16. This award, in so far as it relates to wages, shall be deemed to have come into force on the 5th day of December, 1937, and so far as all the other conditions of this award are concerned it shall come into force on the 12th day of December, 1937; and this award shall continue in force until the 5th day of December, 1938.

In witness whereof the seal of the Court 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.

The parties failed to reach agreement, save in respect of a few minor details, and as a result the hearing was protracted, and the Court has been obliged to traverse the entire award. Wages and hours have been fixed at the Court's standard.

P. J. O'REGAN, Judge
