

NORTHERN INDUSTRIAL DISTRICT **PAINT AND VARNISH  
WORKERS.—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 Auckland Paint and Varnish Manufacturers Employees' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

British Australian Lead-manufacturers, Ltd., 113 Albert Street, Auckland, C. 1.

British Imperial Paints, Ltd., 149 Khyber Pass, Auckland, S.E. 1.

Bellwood Bitumen Products, Ltd., 87 Union Street, Auckland, C. 1.

Best, S. J., Ltd., 5 Airedale Street, Auckland, C. 1.

Chunn, E. D., Te Awamutu.

Commercial Importing Co., Stanley Street, Auckland, C. 1.

Guthrie Bowron, Ltd., 129 Albert Street, Auckland, C. 1.

Hill and Plummer, Ltd., Hobson Street, Auckland, C. 1.

Lusteroid Pty. (New Zealand), Ltd., 8 Hamer Street, Auckland, C. 1.

MacNeill, James A., 70 Wyndham Street, Auckland, C. 1.

Phillips and Impey, Ltd., Queen Street, Auckland, C. 1.

Proven Paint Products Co., 66 Albert Street, Auckland, C. 1.

Restar Ltd., 125 Albert Street, Auckland, C. 1.

Shield Products, Ltd., 89 Cook Street, Auckland, C. 1.

Smith, S. A., and Co., Ltd., 105 Nelson 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 from the 20th day of December, 1937, and shall continue in force until the 20th 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 14th day of December, 1937.

[L.S.]

W. J. HUNTER, Judge.

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SCHEDULE.

*Hours of Work.*

1. The ordinary hours of work shall not exceed eight hours on Monday to Friday, both days inclusive, to be worked between the hours of 8 a.m. and 5 p.m. Half an hour shall be allowed for lunch each day.

*Wages: Adult Male Workers.*

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

	Per Week.		
	£	s.	d.
Leading hands (a "leading hand" is a worker in charge of other workers)	5	10	0
Shaders and varnish-makers .. .. .	5	5	0
Paint and lead grinders .. .. .	5	0	0
Other adult workers .. .. .	4	10	0

*Youths.*

3. Youths may be employed in accordance with the following scale:—

Age commencing at Trade.	First Year.		Second Year.		Third Year.		Fourth Year.		Fifth Year.	
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.
	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.
Under 16 years .. .. .	15/-	20/-	25/-	30/-	35/-	40/-	45/-	52/6	62/6	72/6
16 to 17 .. .. .	20/-	25/-	30/-	35/-	40/-	45/-	52/6	62/6	72/6	..
17 to 18 .. .. .	25/-	30/-	35/-	40/-	45/-	52/6	62/6	72/6	..	..
18 to 19 .. .. .	32/6	37/6	42/6	50/-	60/-	72/6	..	..	..	..
19 to 20 .. .. .	40/-	47/6	57/6	67/6	..	..	..	..	..	..
20 to 21 .. .. .	55/-	65/-	..	..	..	..	..	..	..	..
Thereafter adult rate.										

Provided that workers of the age of twenty-one years and upwards shall be paid not less than the basic wage for the time being in force.

*Female Workers.*

4. (a) No female worker shall be employed in the industry except as a labeller.

(b) The following shall be the minimum weekly rates of pay for female workers:—

	Per Week.		
	£	s.	d.
For the first six months .. .. .	0	15	0
For the second six months .. .. .	0	19	0
For the third six months .. .. .	1	3	0
For the fourth six months .. .. .	1	7	0
For the fifth six months .. .. .	1	11	0
For the sixth six months .. .. .	1	15	0
For the fourth year .. .. .	2	0	0
And thereafter .. .. .	2	5	0

Provided that workers of the age of twenty-one years and upwards shall be paid not less than the basic wage for the time being in force.

(c) This award shall not operate so as to reduce the wages of any female during her present employment.

*Overtime.*

5. Time worked beyond the hours mentioned in clause (1) hereof shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first four hours and double time thereafter, or 1s. 6d. per hour, whichever is the greater.

*Employment of Juniors.*

6. (a) Not more than three juniors shall be employed for each four seniors.

(b) No junior under the age of eighteen years shall be employed in connection with lead grinding or shading.

*Holidays.*

7. (a) The provisions of the Factories Act relating to holidays and payment for work done on holidays shall apply hereto.

(b) One holiday of one week on full pay shall be granted to each worker under this award on completion of each year of service, and at a time to be mutually arranged between the employer and the worker. Such holiday shall be exclusive of the holidays specified in subclause (a) of this clause.

(c) A worker who has completed six months' service leaving the service of an employer shall be granted pay in lieu of the holidays mentioned in the preceding subclause in proportion to his length of service.

(d) Subclause (c) hereof shall not apply in the case of any worker dismissed for serious misconduct.

*Deductions from Wages.*

8. The employer shall be entitled to make a rateable deduction from the weekly wages mentioned in this award for time lost by a worker through sickness, accident, or default.

*Overalls.*

9. The attention of the parties is drawn to the provisions of the Lead Process Regulations, dated 27th July, 1925.

*Towels.*

10. Employers shall provide each worker with a clean towel each week.

*Respirators.*

11. A type of filter respirator approved by the Department of Health as suitable for the class of work at which the worker is employed shall be provided by the employer.

*Payment of Wages.*

12. Wages shall be paid weekly, not later than Friday in each week.

*Right of Entry.*

13. The secretary or other authorized officer of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works, and there interview any workers, but not so as to interfere unreasonably with the employer's business.

*Matters not provided for.*

14. The essence of this award being that the work of the employer shall always proceed as if no dispute had arisen, it is provided that any dispute in connection with any matter arising out of or not provided for in this award shall be settled between the particular employer concerned and the president or secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner, 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 seven days after such decision shall have been communicated to the party desiring to appeal.

*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.)

*Under-rate Workers.*

16. (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.*

17. 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 in the manner and to the extent set forth in this award in respect of each occupier of a factory bound by the provisions of this award.

*Application of Award.*

18. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party

hereto every trade-union, industrial union, industrial association, or employer, who, not being an original party hereto, is when this award comes into force or at any time whilst this award is in force connected with or engaged in the industry to which this award applies within the industrial district to which this award relates.

*Scope of Award.*

19. This award shall operate throughout the Northern Industrial District.

*Term of Award.*

20. This award shall come into force on the 20th day of December, 1937, and shall continue in force until the 20th 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 14th day of December, 1937.

[L.S.]

W. J. HUNTER, Judge.

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MEMORANDUM.

The principal matters settled by the Court were wages of adult male workers, employment of juniors, and deductions from wages. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

Mr. Anderson does not agree with the rates of wages fixed for shaders and varnish-makers and paint and lead grinders, and his dissenting opinion is subjoined.

W. J. HUNTER, Judge.

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DISSENTING OPINION OF MR. ANDERSON.

I disagree with the rates of pay fixed for shaders and varnish-makers and paint and lead grinders. In a dispute in this industry in the Wellington and Otago and Southland Districts, the parties in Conciliation Council a fortnight ago fixed the wages of these workers at £5 and £4 15s. respectively—that is, 5s. per week lower than in this award. The rates of pay fixed in the Wellington and Otago and Southland case are very liberal for the classes of workers who are semi-skilled only. Furthermore, the goods manufactured in Auckland and Wellington are in competition in the same markets, therefore the higher rates fixed in the Auckland award will place the Auckland manufacturers at a serious disadvantage in competing with the Wellington manufacturers.