

OTAGO QUARRY WORKERS.—AWARD.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Otago Labourers' and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

Bingham, H. S., and Co., Ltd., 283 Moray Place,  
Dunedin.

Gays' Oamaru Stone Co., Ltd., Oamaru.

Hay, D. A., Quarry-proprietor, Milburn.

Hope Bros., Palmerston, Otago.

Neuchatel Asphalte Co., Ltd., Quarry - proprietors,  
Palmerston.

Oamaru Harbour Board Quarry, Oamaru.

Palmer and Son, Quarry-proprietors, Logan's Point,  
Dunedin North.

Shiel, C. and W., Ltd., Proprietors Calder's Quarry,  
293 Main North Road, Dunedin, N.E. 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 9th day of November, 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 4th day of July, 1938.

[L.S.]

P. J. O'REGAN, Judge.

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SCHEDULE.

*Hours of Work.*

1. A week's work shall not exceed forty hours, to be worked between the hours of 7.30 a.m. and 5 p.m., with three-quarters of an hour for lunch, on five days of the week, from Monday to Friday, both days inclusive.

*Wages.*

2. The following shall be the minimum rates of wages for workers engaged in quarry-work:—

- (a) Workers employed squaring stone, getting out pitchers, building-stone, kerb-stone, and paving-stone ready for masons shall be paid 2s. 6½d. per hour.
- (b) Certificated men using explosives, 2s. 6d. per hour.
- (c) Workers using explosives where quarry-face is less than 20 ft. in height, 2s. 5½d. per hour.
- (d) Tar-workers while so employed, 2s. 5½d. per hour.
- (e) All other workers, 2s. 4½d. per hour.

*Overtime.*

3. (a) All work done outside or in excess of the hours mentioned in clause 1 hereof shall count as overtime, and shall be paid for at the rate of time and a half for the first three hours, and thereafter double time until the ordinary time for commencing work next morning, if worked continuously.

(b) For all work done on New Year's Day, Easter Monday, Labour Day, the Sovereign's Birthday, and Boxing Day, time-and-a-half rates shall be paid, and for all time worked on Christmas Day, Good Friday, and Sundays double time rates shall be paid: Provided that when Christmas Day, New Year's Day, or the Sovereign's Birthday falls on a Sunday, then the holiday shall be held on the following Monday. All work done on Saturday shall be paid for at the rate of time and a half.

(c) When workers are required to work overtime in excess of one hour, and have not been notified the previous day, they shall be provided with a meal.

*Tools.*

4. All tools shall be provided by the employer.

*Accommodation and Sanitation.*

5. Each employer shall provide sufficient accommodation to enable workers to change their clothes and to take their meals, and, where reasonably possible, heating shall be provided. The employer shall also provide sanitary accommodation for workers on the job.

*Accidents.*

6. A modern first-aid emergency case, fully equipped, shall be kept by the employer in a convenient and accessible place.

*Employment of Youths.*

7. One youth may be employed in each quarry at the following rates of wages:—

	Per Hour.	
	s.	d.
From seventeen to eighteen years of age	1	4
From eighteen to nineteen years of age	1	6
From nineteen to twenty years of age ..	1	8

*Payment of Wages.*

8. All wages shall be paid weekly or fortnightly, as may be agreed upon, not later than Friday, and not more than one day's wages shall be kept in hand by the employer. If men are called upon to come to the office to receive their wages, they shall do so in the employer's time, or be paid for such time taken in going to the office. In the event of a worker being discharged, he shall receive all wages due to him at the time of his discharge, or be paid for all time taken in waiting for a final settlement.

*Wet Places.*

9. Where men are compelled to work in wet places they shall be paid 1s. per day extra. For the purpose of this clause a "wet place" shall mean a place where workers are standing in water 2 in. or more in depth.

*Standing-by Time.*

10. All casual employees shall be paid for all time for which they are ordered to stand by on the work.

*Exemption.*

11. In the quarries operated by H. S. Bingham and Co., Ltd., and Gay's Oamaru Stone Co., Ltd., the ordinary hours for commencing and finishing work, as set out in clause 1 hereof, may be varied by agreement with the workers concerned: Provided that the hours each day shall be worked continuously, except for the usual meal-hour break. Time worked on any day in excess of eight hours and work done on holidays shall be paid for at the rates provided in clause 3 hereof.

*Under-rate Workers.*

12. (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.*

13. (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.)

*Application of Award.*

14. 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 that portion of the industrial district to which this award relates.

*Scope of Award.*

15. This award shall operate throughout that portion of the Otago and Southland Industrial District which is comprised in the former Provincial District of Otago.

*Term of Award.*

16. This award, in so far as it relates to wages, shall be deemed to have come into force on the 3rd day of June, 1938, 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 9th day of November, 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 4th day of July, 1938.

[L.S.]

P. J. O'REGAN, Judge.

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MEMORANDUM.

The only matter referred to the Court related to under-rate workers. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

P. J. O'REGAN, Judge.