

NORTHERN, WELLINGTON, CANTERBURY, AND OTAGO AND
SOUTHLAND **ACETONE ILLUMINATING AND WELDING
WORKERS.—AWARD.**

[Filed in the Office of the Clerk of Awards, Wellington.]

In the Court of Arbitration of New Zealand, Northern, Wellington, Canterbury, and Otago and Southland Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the New Zealand Gasworks and Related Trades' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

The Acetone Illuminating and Welding Co., Ltd., New Zealand. (Auckland, Napier, Wellington, Christchurch, and Dunedin.)

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 8th day of April, 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 30th day of July, 1938.

[L.S.]

P. J. O'REGAN, Judge.

SCHEDULE.

Application of Award.

1. This award shall apply to workers employed by the Acetone Illuminating and Welding Co., Ltd., in welding, and/or in the manufacture, compression, and distribution of oxygen, nitrous oxide, and/or acetylene gases.

Hours of Work.

2. (a) Forty hours shall constitute an ordinary week's work, and, except for men on shift, shall be worked between 8 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) On compressed-gas plants the employer shall be entitled to work one, two, or three shifts of eight hours per day without intervals for meals, these shifts to be mutually arranged between the employer and the workmen. Shifts shall rotate if more than one shift is worked.

(c) A worker required to work less than three consecutive shifts outside the hours prescribed in subclause (a) hereof shall be paid at the overtime rates, but if he is required to work three or more consecutive afternoon or night shifts he shall be paid the sum of 3s. per shift in addition to his ordinary wages.

Classification and Rates of Pay.

3. (a) "Tradesman" means an adult workman who has served his apprenticeship to one of the engineering trades or who applies trade experience and is wholly or partially employed in the work defined in clause 1 hereof and who, if required, may perform the work defined under "tradesman" in the current Engineers' award.

"Chargeman" means an adult worker, not being a tradesman, who is employed in charge of a compressed-gas-manufacturing plant and who is responsible for the running of this plant, subject only to the supervision of the management.

"Compressor hand" means an adult worker who is employed in handling compressed-gas cylinders during and after the

process of charging, and/or is employed in receiving and delivering full and empty cylinders at the factory, and/or is employed in inspecting, testing, or heat-treating cylinders.

“Generator hand” means an adult worker who is employed in charging and cleaning acetylene generators. The disposal and treatment of sludge after it has been ejected from the generator does not qualify for this classification.

(b) The minimum rates of wages payable to the under-mentioned classes of workers shall be as follows:—

				Per Hour.		
				s.	d.	
Tradesmen	2	10
Chargemen	2	8
Compressor hand	2	7
Generator hand	2	5
Labourers	2	4
Welders	2	7
				Per Week.		
				£	s.	d.
Storemen	5	2 6
Motor-drivers—						
Up to 4 tons (combined weight of vehicle and load)	5	2 6
Over 4 tons and up to 5½ tons	5	5 0
Over 5½ tons	5	9 0

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.

Overtime.

4. (a) All time worked in excess of or outside of the hours mentioned in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates.

(b) In the case of shift-workers all work performed in excess of eight hours in any one shift shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Dirty Work.

5. (a) At Napier, men employed in emptying lime-tower, slaking lime, and refilling the lime-tower shall be paid time and a half while engaged at this work.

(b) Men employed in connection with caustic purifiers and driers, calcimite, and sludge shall be supplied with wooden-soled boots and gloves.

Holidays.

6. (a) Workers shall be allowed the following holidays without deduction of pay: Christmas Day, Boxing Day, New Year's Day, 2nd January, Good Friday, Easter Monday, Anzac Day, Labour Day, Sovereign's Birthday, and Anniversary Day or, where it is not observed, another day in lieu thereof to be mutually agreed upon.

(b) Workers who are required to work on any of the days mentioned in the preceding paragraph shall be paid for such work at double time rates.

(c) No payment shall be made in addition to the ordinary week's wages on account of any holiday which falls on a non-working day, except for work actually performed on that day.

Annual Holidays.

7. (a) In addition to the holidays specified in clause 6 hereof, workers shall, after each twelve months of service, be allowed a holiday of one week at ordinary rates of pay, the holiday to be given at a time to be mutually arranged between the worker and the management.

(b) Any worker who has been employed for less than twelve months but not less than three months, upon his discharge or leaving of his own accord, shall be entitled to holiday pay *pro rata* at the ordinary rate of pay.

(c) All employees going on holiday shall receive their holiday pay in advance up to the end of the current holiday period.

Employment of Youths.

8. (a) Youths may be employed in the proportion of one youth to every four or fraction of the first four adults permanently employed, provided that youths under twenty years of age shall not be employed in the manufacture or compressing of gas.

(b) Wages: The following shall be the minimum weekly rates of wages payable to youths:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 17	25/-	30/-	35/-	40/-	50/-	55/-	60/-	65/-	75/-	80/-
17 to 18..	35/-	40/-	50/-	55/-	60/-	65/-	75/-	80/-	..	..
18 to 19..	50/-	55/-	60/-	65/-	75/-	80/-	..	..	..	..
19 to 20..	60/-	65/-	75/-	80/-	..	..	..	..	..	..
20 to 21..	75/-	80/-	..	..	..	..	..	..	..	..
Thereafter adult wages.										

General Conditions.

9. (a) *Payment of Wages:* Except where mutually arranged, all wages shall be paid not later than Thursday of each week during working-hours.

(b) The employer shall supply at each works sufficient and efficient tools and equipment, including respirators and first-aid outfits, to be kept in a convenient and accessible place.

(c) A suitable heating-appliance shall be provided at the works for the employees to heat their food, also washing-facilities.

(d) At all works each shift shall be continuous for eight hours.

(e) *Heat-money:* Any worker required to work in a place where the heat exceeds 110 degrees Fahrenheit shall be paid, in addition to the rate of wages to which he is entitled for the time the work is performed, a special heat rate computed at the ordinary time rate for the time he is so employed. No worker shall be required to work in a place where the temperature is above 160 degrees.

Travelling-allowance.

10. (a) Workers shall be at the place where the work is to be performed at the time appointed for commencing work. Where the place where the work is to be performed is more than one mile and a half from the place of engagement, all fares shall be paid by the employer, and the time reasonably spent in travelling to and from work shall be allowed by the employer at the ordinary rates of pay.

(b) Employees who are required by the employer to use their own bicycles in the service of the employer shall be paid not less than at the rate of 2s. 6d. per week for a push-cycle and 10s. a week for a motor-cycle.

(c) Workers who are required to start work after 11 p.m. on Sunday or when the ordinary public conveyances are not available shall be allowed one hour travelling-time at the ordinary rate of pay.

Meal-money.

11. Employers shall allow meal-money at the rate of 1s. 6d. per meal when workers are called upon to work overtime after 6 p.m. on Mondays to Fridays inclusive or after 12 noon on Saturdays, provided that such workers cannot reasonably get home for their meals.

Termination of Employment.

12. (a) Except in the case of casual workers, not less than one week's notice shall be given on either side of the intention to terminate the employment of any worker; but this shall not prevent an employer from dismissing a worker summarily for misconduct, and such worker shall be paid only the wages due to the time of his dismissal.

(b) On the termination of his employment every worker, provided he shall have delivered to the employer all property in his possession belonging to the employer, shall be paid the sum due to him for wages.

Disputes Committee.

13. Any dispute or difference that may arise between the parties bound hereby, or any of them, as to any matter whatever arising out of or connected therewith and not specifically dealt with in this award, as the same shall arise, shall be referred to a committee to be composed of three representatives of the union and three representatives of the employers for their decision. The decision of the majority of the committee shall be binding, and if no decision is arrived at either party may appeal to the Court of Arbitration upon giving written notice of such appeal to the other party within fourteen days after the failure of the disputes committee to arrive at a decision, or the disputes committee may itself refer the matter to the Court of Arbitration for decision.

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. (a) This award shall apply to the Acetone Illuminating and Welding Co., Ltd., New Zealand, and to its branches at Auckland, Napier, Wellington, Christchurch, and Dunedin, and to the New Zealand Gasworks and Related Trades' Employees' Union and the Amalgamated Engineering Union.

(b) 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 relates.

Term of Award.

16. This award, in so far as it relates to wages, shall be deemed to have come into force on the 8th day of April, 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 8th day of April, 1939.

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 upon the terms of this award in respect of every occupier of a factory bound or to be bound by this award.

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 30th day of July, 1938.

[L.S.]

____ P. J. O'REGAN, Judge.

MEMORANDUM.

The only matter referred to the Court related to membership of union. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council. Wages were made retrospective by agreement of the parties.

P. J. O'REGAN, Judge.