

**DUNEDIN CARDBOARD-BOX WORKERS (FEMALE).—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 Box-workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Cadbury, Fry, Hudson, Ltd., Castle Street, Dunedin.

Evening Star Co., Ltd., Stuart Street, Dunedin.

Mackintosh, Caley, Phœnix, Ltd., Maclaggan Street, Dunedin.

Ross and Glendining, Ltd., High Street, 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 15th day of July, 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 2nd day of August, 1938.

[L.S.]

W. J. HUNTER, Judge.

SCHEDULE.

*Application of Award.*

1. The industry to which this award applies is the manufacture of cardboard boxes and cartons.

*Hours of Work.*

2. The hours of work shall not exceed forty per week, eight hours to be worked each day between 8 a.m. and 6 p.m. on the first five days of the week.

*Wages.*

3. (a) The minimum rates of wages shall be:—

	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 seventh six months .. ..	2	0	0
For the eighth six months .. ..	2	4	0
And thereafter .. ..	2	8	0

Provided that a worker of the age of twenty-one years or upwards shall be paid not less than the basic wage for the time being prevailing.

(b) Time lost by a worker through sickness or default, or through her voluntary absence from work with the consent of the employer, or during the annual closing of the factory for stocktaking or overhaul of machinery, may be deducted from her wages.

(c) Subject to the provisions of the Factories Act, 1921-22, and its amendments, only time worked shall be paid for.

#### *Overtime.*

4. All time worked outside the hours prescribed in clause 2 hereof or in excess of eight hours on any day shall be paid for at the rate of time and a half, with a minimum of 1s. 6d. per hour. Twenty-four hours' notice shall be given by the employer to work overtime after the ordinary time for ceasing work. When less than twenty-four hours' notice has been given, 1s. 6d. tea-money shall be paid.

#### *Holidays.*

5. (a) The following holidays shall be observed: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, the Sovereign's Birthday, and any other day which may be observed as a holiday in the industry in connection with which the box-workers are employed.

(b) If any of the specified holidays shall be generally observed on any other day, such other day shall be deemed to be the holiday for the purpose of this award.

(c) An annual holiday of one week on full pay shall be allowed, at a suitable time to the employer, to all workers on completion of each year of service: Provided that should the employer elect to grant the holiday earlier than the expiry of a full year from the date of commencement of the award the workers shall be entitled to receive or be paid for a holiday proportionate to the time which shall then have been actually served.

(d) If the employment of any worker is terminated by either party for any reason, other than by the employer for misconduct of the worker, before the completion of the first year of service but after three months' service being part thereof has been completed, or at any time after the first year of service has been completed, a holiday of proportionate duration for the broken period served shall be allowed or paid for.

#### *Termination of Engagement.*

6. Any journeywoman employed for three consecutive months in any workroom shall be entitled to one week's notice

that her services are dispensed with, and any such journey-woman leaving her employment shall likewise give one week's notice: Provided that nothing herein contained shall affect the right of an employer to dismiss without notice any worker guilty of such misconduct as would at common law justify the immediate dismissal of such worker.

*Matters not provided for.*

7. Any dispute in connection with any matter not provided for in this award shall be settled between any particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at 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 fourteen days after such decision shall have been communicated to the party desiring to appeal.

*Workers to be Members of Union.*

8. (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 Act, 1936, which gives to workers the right to join the union.)

*Under-rate Workers.*

9. (a) Any worker who considers herself 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, her 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 her to have her 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.*

10. (a) This award shall operate within a radius of ten miles from the Chief Post-office in Dunedin.

(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 the 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 part of the Otago and Southland Industrial District to which this award relates.

#### *Term of Award.*

11. This award, in so far as it relates to wages, shall be deemed to have come into force on the 15th day of July, 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 15th day of July, 1939.

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 2nd day of August, 1938.

[L.S.]

W. J. HUNTER, Judge.

---

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.

W. J. HUNTER, Judge.

---