

OTAGO AND SOUTHLAND **CANISTER-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 Dunedin Canister-workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Cadbury, Fry, Hudson, Ltd., Manufacturers, 30 Castle Street, Dunedin.

Dunedin Canning Co., Ltd., Maclaggan Street, Dunedin.  
Eustace, J., and Co., Canister-makers, 59 King Street, Dunedin.

Gregg and Co., Ltd., Manufacturers, Forth Street, Dunedin.

Irvine and Stevenson's St. George Preserving Co., Ltd., Filleul Street, Dunedin.

Kemphorne, Prosser, and Co.'s N.Z. Drug Co., 22-24 Stafford Street, Dunedin.

Lake, F. J., Canister-maker, 432 Moray Place East, Dunedin.

Mackintosh, Caley, Phoenix, Ltd., 20 Maclaggan Street, Dunedin.

Speirs, R. G., Ltd., 132 Dee Street, Invercargill.

Stella Preserves, Ltd., Manufacturers, Bathgate Street, South Dunedin.

Strang, David, Ltd., Manufacturers, 118 Esk Street, Invercargill.

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 30th day of September, 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 30th day of August, 1938.

[L.S.]

— P. J. O'REGAN, Judge.

#### SCHEDULE.

##### *Definitions.*

1. This award shall apply to workers engaged in the manufacture of canister and preserving tins such as those used in packing fruit, meat, jam, fish, baking-powder, biscuits, tea, coffee, spice, paint, oil and petroleum products, tobacco, cigarettes, and other similar classes of work.

##### *Hours of Work.*

2. (a) Forty hours shall constitute a week's work, which shall be worked on five days of the week from Monday to Friday, both days inclusive, made up of eight hours to be worked between the hours of 7.30 a.m. and 5 p.m.

(b) In factories carrying on the industry of fruit-preserving and/or fish-preserving and/or jam-making or other industries that have been granted by the Court an extension of hours beyond forty per week, the hours of work for canister-workers employed by firms carrying on such industries shall be those prescribed in the award or awards for the time being in force governing such industry or industries.

##### *Holidays.*

3. The following holidays shall be observed without deduction from pay: New Year's Day and the day following, Good Friday, Easter Monday, Labour Day, the Sovereign's

Birthday, Anzac Day, Christmas Day, and Boxing Day. All time worked on Sunday or any of the foregoing holidays shall be paid for at double time rates.

#### *Wages.*

4. The minimum rate of pay for adult male canister makers or repairers shall be 2s. 5d. per hour.

#### *Overtime.*

5. All work done outside of or in excess of the hours prescribed in clause 2 hereof shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. When overtime is worked, tea-money at the rate of 1s. 6d. shall be allowed each worker called upon so to work.

#### *Boys and Youths.*

6. (a) The minimum weekly wages for junior males shall be as follows:—

Age commencing at Trade.	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 16 ..	17/6	22/6	27/6	32/6	37/6	42/6	47/6	52/6	57/6	62/6
16 to 17 ..	20/-	25/-	30/-	35/-	40/-	45/-	50/-	55/-	60/-	62/6
17 to 18 ..	27/6	32/6	37/6	42/6	47/6	52/6	57/6	62/6	..	..
18 to 19 ..	30/-	35/-	40/-	45/-	50/-	55/-	..	..	..	..
19 to 20 ..	40/-	45/-	50/-	55/-	62/6	..	..	..	..	..
20 to 21 ..	50/-	55/-	62/6	..	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than the wage provided for adult workers.

(b) Nothing in this award shall apply to females as at present employed.

#### *Payment of Wages.*

7. (a) Wages shall be paid weekly or fortnightly in the employer's time not later than Friday in each pay-week.

(b) All wages shall be paid on the dismissal of the worker or when the worker leaves of his own accord.

#### *Accidents.*

8. A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place in every works.

#### *Hot Water.*

9. A sufficient supply of hot water shall be available at meal-times to all workers in every establishment.

*Extension of Hours under Factories Act.*

10. 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.

*Workers to be Members of Union.*

11. (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.*

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.

#### *Application of Award.*

13. 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.*

14. This award shall operate throughout the Otago and Southland Industrial District.

#### *Term of Award.*

15. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of August, 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 30th day of September, 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 30th day of August, 1938.

[L.S.]

— P. J. O'REGAN, Judge.

#### MEMORANDUM.

The Court finds that since hearing this dispute a new award has been made by the Second Court, on the complete recommendation of the parties, covering the Northern, Wellington, Nelson, and Canterbury Industrial Districts. That

award has now expired, and we understand that it is intended to take proceedings for a new award. In order that the Otago and Southland Industrial District may be included in such new award, we have settled the clauses in dispute in the present case on the lines of the award lately made for the four districts already mentioned, but for one month only, and without prejudice to the rights of any of the parties when a new Dominion award is applied for. As the workers in the other four districts have had the benefit of a higher rate for a year past, and the making of this award has been delayed pending receipt of a copy of the award covering the other four districts, we have made the wages in this case retrospective for one month.

It is hoped that, when new proceedings are taken, the Otago and Southland Industrial District will be included in the citation, as the Court is averse from dealing piecemeal with awards for different districts when the industry to be covered is suitable for a Dominion award.

P. J. O'REGAN, Judge.

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ORDER GRANTING TOTAL EXEMPTION FROM AWARD.

In pursuance and exercise of the powers conferred on the Court by section 89 of the Industrial Conciliation and Arbitration Act, 1925, as amended by section 5 (4) of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, total exemption from the provisions of the foregoing award is hereby granted to the following:—

N.Z. Milk Products, Ltd., Spey Street, Invercargill.

Dated this 30th day of August, 1938.

[L.S.]

P. J. O'REGAN, Judge.

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