

HAWKE'S BAY FRUIT-PACKERS, FRUIT-GRADERS, AND FRUIT COOL-STORE WORKERS.—AWARD.

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the New Zealand Federated Storemen and Packers' (other than in Retail Shops) and Warehouse Employees' (other than Drivers and Clerks) Industrial Association of Workers and the Napier Wool, Grain, and Oil Store and Wholesale Merchants' Employees' (other than Drivers and Clerks) Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Apsey, H. G., and Co., Hastings Street, Hastings.

McCutcheon and Co., Ltd., Caroline Street, Hastings.

Produce Distributors, Ltd., Karamu Road, Hastings.

Slater, C. H., and Co., Ltd., St. Aubyn Street, Hastings.

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 14th day of March, 1938, and shall continue in force until the 14th 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 7th day of March, 1938.

[L.S.]

P. J. O'REGAN, Judge.

SCHEDULE.

Industry to which Award applicable.

1. This award shall apply to fruit packing, grading, cooling, and storing as carried on by the original parties hereto.

Hours of Work.

2. An ordinary week's work shall consist of not more than forty-four hours, to be worked between 8 a.m. and 5 p.m. from Monday to Friday, both days inclusive, and between 8 a.m.

and noon on Saturday. One hour shall be allowed for meals from Monday to Friday, both days inclusive. No worker shall be required to work longer than five hours without an interval of at least three-quarters of an hour for a meal.

Wages.

3. (a) The following shall be the minimum rates of wages for adult workers:—

	Per Hour	
	s.	d.
Foreman	2	7
Certificated packers	2	5½
Cool-store men.. . . .	2	5½
Assistant graders	2	5½
General workers	2	4

(b) Case and box makers may be employed on piecework at the following rates:—

	Per Hundred.	
	s.	d.
Local bushels with cleats, twenty-four nails	6	6
Export bushels	7	0
Bushels without cleats, twenty-four nails	6	0
Export pear-cases	7	0
Local pear-cases without cleats, twenty-four nails	6	0
Half-bushels, two pieces, twenty-two nails	5	6
Half-bushels, one piece and sides, sixteen nails	5	0
Quarter cases	5	0

(c) The present custom as to stacking shall continue.

Youths.

4. (a) Youths may be employed at not less than the following rates:—

	Per Week.		
	£	s.	d.
Under 16	0	18	0
16 to 16½	1	2	0
16½ to 17	1	6	0
17 to 17½	1	10	0
17½ to 18	1	14	0
18 to 19	2	0	0
19 to 20	2	10	0
20 to 21	3	0	0

Thereafter adult rates

(b) The proportion of youths shall be not more than one to every three adult workers or fraction of three.

Payment of Wages.

5. Wages shall be paid weekly in cash during ordinary working-hours.

Overtime.

6. All time worked outside of or in excess of the hours prescribed in clause 2 hereof shall be paid for at the rate of time and a half for the first four hours and thereafter at the rate of double time.

Holidays.

7. (a) The following shall be the recognized holidays: New Year's Day, Good Friday, Easter Monday, Anzac Day, People's Day of the Spring Show, Labour Day, Christmas Day, Boxing Day, and the Sovereign's Birthday.

(b) If any of the foregoing holidays falls on a working-day, workers shall be paid for such day as if the number of ordinary hours normally worked on such day, in accordance with the provisions of clause 2 hereof, have been worked.

(c) Any work done on Sundays or on any of the days set out in subclause (a) of this clause shall be paid for in accordance with the Factories Act Extension Order, gazetted on the 13th day of January, 1938.

(d) Workers on completion of twelve months' continuous service shall be granted an annual holiday of fourteen days on full pay. For less than twelve months and more than six months, holidays shall be granted *pro rata*.

"Smoke-oh."

8. The general custom now prevailing with regard to "smoke-ohs" shall be observed.

Right of Entry upon Premises.

9. The secretary or other authorized officer of the union 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.

First-aid Outfit.

10. A first-aid outfit shall be kept in a place easily accessible to workers.

Accommodation.

11. The employer shall provide suitable dining and lavatory accommodation, together with facilities for the changing of clothes.

Workers to be Members of Union.

12. (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.

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

Scope of Award.

14. This award shall operate throughout the Hawke's Bay Provincial District.

Term of Award.

15. This award shall come into force on the 14th day of March, 1938, and shall continue in force until the 14th 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 7th day of March, 1938.

[L.S.]

P. J. O'REGAN, Judge.

MEMORANDUM.

The matters referred to the Court were hours of work, wages, "smoke-oh," and holidays. These the Court has settled.

With regard to hours, it is recognized that the work is largely seasonal, and the Court thinks that the claim for a forty-hour week should not be granted. Wages have been fixed on a moderate basis, in line with the Court's recognized standard rates. The parties had agreed on an annual holiday, and the Court has fixed other general holiday provisions in line with the Factories Act Extension Order applying to the industry. As to "Smoke-ohs," the Court thinks the existing custom should continue to be observed.

P. J. O'REGAN, Judge.
