

NORTHERN INDUSTRIAL DISTRICT **RUBBER-WORKERS.**—
AWARD.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Auckland Rubber Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Reid New Zealand Rubber-mills, Ltd., Auckland.

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 from the 18th day of December, 1939, and shall continue in force until the 18th day of December, 1941, 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 14th day of December, 1939.

[L.S.]

P. J. O'REGAN, Judge.

SCHEDULE.

Hours of Work.

1. (a) The ordinary hours of work shall not exceed eight on each of the five days of the week, Monday to Friday, both days inclusive, and shall be worked between the hours of 7 a.m. and 4.45 p.m.

(b) Three-quarters of an hour shall be allowed each day for lunch.

Shift-work.

2. (a) Shifts may be worked as required by the employer. The ordinary hours of work for shift-workers shall not exceed five shifts of eight hours each, to be worked from Monday to Friday inclusive.

(b) A shift-worker shall be allowed half an hour crib-time in each shift without deduction from pay.

(c) A shift-worker shall be paid 3d. per hour extra for time worked between the hours of 5 p.m. and 7 a.m.

Overtime.

3. Time worked in any day outside of or in excess of the hours mentioned in clauses 1 or 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.

Wages.

4. The following shall be the minimum rates of pay for adult male workers:—

	Per Week.		
	£	s.	d.
(a) Leading hands in the Mechanical Department, the Extruder Department, the Press-moulding Department, and the Tennis-ball and Cycle-tire Department	5	0	0
Mixers	4	17	6
Mechanical-table and mechanical-lathe hands	4	15	0
Calender hands	4	12	6
All other adult male workers	4	10	0

(b) Mixers, when using carbon black, shall be paid 6d. per shift extra.

Boys' Wages.

5. Subject to the provisions of the Factories Act and its amendments, boys may be employed at the following minimum rates:—

	Per Week.		
	£	s.	d.
Under 16½ years of age	1	7	6
From 16½ to 17 years of age	1	12	6
From 17 to 17½ years of age	2	0	0
From 17½ to 18 years of age	2	5	0
From 18 to 19 years of age	2	12	6
From 19 to 20 years of age	3	0	0
From 20 to 21 years of age	3	10	0
Thereafter, adult rates.			

Female Workers' Wages.

6. Female workers may be employed at the following minimum rates:—

			Per Week.		
			£	s.	d.
First six months	..	..	1	0	0
Second six months	..	..	1	5	0
Third six months	..	..	1	10	0
Fourth six months	..	..	1	15	0
Fifth six months	..	..	2	0	0
Sixth six months	..	..	2	7	6
Thereafter	..	..	2	15	0

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

Payment of Wages.

7. All wages shall be paid not later than Friday of each week, and shall be paid up to and including the day preceding the day of payment.

Terms of Employment.

8. (a) The employment shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wage except for time lost through the worker's sickness, default, or accident.

(b) Not less than seven days' notice shall be given by either party of the termination of the employment, but nothing in this clause shall prevent an employer from summarily dismissing any worker for serious misconduct.

Holidays.

9. (a) All workers shall receive the following holidays in each year:—

(i) New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign.

(ii) 2nd January and Anniversary Day.

(b) All work performed on the holidays mentioned in paragraph (i) of subclause (a) hereof shall be paid for at double rates in addition to the ordinary rates prescribed in clauses 4, 5, and 6 hereof.

(c) All work performed on the holidays mentioned in paragraph (ii) of subclause (a) hereof shall be paid for at time and a half rates in addition to the rates prescribed in clauses 4, 5, and 6 hereof.

(d) All work performed on Sundays or after noon on Saturdays shall be paid for at double rates.

(e) In the event of a holiday, other than Anzac Day, falling on a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday such other holiday shall be observed on the succeeding Tuesday.

Annual Holiday.

10. (a) One holiday of one week on full pay shall be granted to each worker under this award on completion of each year of service, and at a time to be mutually arranged between the employer and the worker. Such holiday shall be exclusive of the holidays specified in subclause (a) of clause 9 hereof.

(b) A worker who has completed six months' service leaving the service of an employer shall be granted pay in lieu of the holiday mentioned in the preceding subclause in proportion to his length of service.

(c) Subclause (b) hereof shall not apply in the case of any worker dismissed for serious misconduct.

(d) The week's holiday may be allowed in conjunction with the Christmas and New Year holidays.

General Conditions.

11. (a) A shed for the storage of workers' bicycles shall be provided.

(b) Workers shall be provided with suitable accommodation to the satisfaction of the Inspector of Factories for changing their clothes, and with suitable shower-baths with hot and cold water laid on. Dining-rooms shall be provided to the satisfaction of the Inspector of Factories with facilities for obtaining boiling water at meal-times.

(c) When a worker is required to work overtime and has not been notified on the previous day, he shall be paid the sum of 1s. 6d. meal-money.

(d) All workers shall be provided, when necessary, with materials to carry on the work, such as respirators, goggles, and waterproof aprons.

(e) No boy under eighteen years of age shall be required to work on night shift, to handle packages over 60 lb. in weight, or to operate mills or extruders.

(f) After a shift entailing handling or using carbon black, mixers shall be allowed fifteen minutes for washing or bathing.

Extension of Hours under Factories Act.

12. 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.

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.)

Under-rate Workers.

14. (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 wages, to examine the permit or agreement by which such wage is fixed.

Application of Award.

15. 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.

16. This award shall operate throughout the Northern Industrial District.

Term of Award.

17. This award shall come into force on the 18th day of December, 1939, and shall continue in force until the 18th day of December, 1941.

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 14th day of December, 1939.

[L.S.]

P. J. O'REGAN, Judge.

MEMORANDUM.

The principal matters in dispute were wages (including shift rate and the wages of female workers), annual holiday, time to be allowed for washing by workers in carbon-black, and term of the award. These the Court has settled. The applicant union proposed rates of wages and a classification of workers which were quite untenable. The majority of the Court, however, held that the evidence justified an amended classification and corresponding increases in wages, though without any alteration of the base rate. The shift-workers' extra rate has been increased from 2d. to 3d. per hour, and mixers using carbon-black are allowed 6d. per shift extra and fifteen minutes in which to wash.

Mr. Prime does not agree with the increases granted in wage rates.

Mr. Monteith maintains that the shift allowance should have been greater, and his dissenting opinion follows.

P. J. O'REGAN, Judge.

DISSENTING OPINION OF MR. MONTEITH.

I am not in agreement with the shift rate, and, in my opinion, a minimum of 2s. should have been awarded for the afternoon and night shift. The employer gets double output from the same machinery with very little extra machinery cost, and the disability of shift-work is with the worker. He has to sleep in the daytime and get his meals at irregular times. I consider that a minimum rate of 2s. should have been awarded. We have agreements made by employers and employees in which as high as 3s. per shift is agreed upon.
