

CANTERBURY **SMOKELESS-FUEL WORKERS.**—AWARD.

In the Court of Arbitration of New Zealand, Canterbury 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 Canterbury Builders' and General Labourers and Related Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned firm (hereinafter called "the employers") :—

Smokeless Fuel and Briquettes, Canterbury, Ltd., Watts Road, Sockburn.

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 1st day of June, 1939, and shall continue in force until the 1st day of June, 1940, 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 duly appointed Delegate of the Court hath hereunto set his hand, this 31st day of May, 1939.

J. A. GILMOUR, Stipendiary Magistrate,
 [L.S.] Acting as a duly appointed Delegate
 of the Court of Arbitration.

SCHEDULE.

Hours of Work.

1. *Conditions applying to Shift-workers—*

- (a) Forty hours shall constitute an ordinary week's work for shift-workers.
- (b) Any time worked in excess of eight hours in any one day shall be paid for at the rate of time and a half for the first three hours and double time thereafter, computed on the rates mentioned in clause 2 hereof.
- (c) Any time worked after noon on Saturday shall be paid for at the rate of time and a half, computed on the rates mentioned in clause 2 hereof.
- (d) Any time worked on Sundays, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the King's Birthday shall be paid for at the rate of double time, computed on the rates mentioned in clause 2 hereof.

Conditions applying to Workers other than Shift-workers—

- (e) The ordinary hours of work for workers other than shift-workers shall not exceed eight hours, between 8 a.m. and 5 p.m. on five days of the week, Monday to Friday, both days inclusive, and four hours, between 8 a.m. and noon, on Saturday.
- (f) Time worked in excess of eight hours on Monday to Friday inclusive or four hours on Saturday 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, computed on the rates mentioned in clause 2 hereof.
- (g) Time worked after 12 noon on Saturday shall be paid for at the rate of time and a half, computed on the rates mentioned in clause 2 hereof.
- (h) The following days shall be allowed as holidays and shall be paid for at the rates mentioned in clause 2 hereof: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the King's Birthday.
- (i) Any time worked on any of the holidays mentioned in the preceding subclause shall be paid for at double time rates, computed on the rates mentioned in clause 2 hereof, such payment to be in addition to any payment mentioned in subclause (h) hereof.
- (j) Any time worked on Sundays shall be paid for at double ordinary rates, computed on the rates mentioned in clause 2 hereof.

Wages.

2. The following shall be the minimum rates of wages:—

				Per Week.		
				£	s.	d.
Head yardman	..	..	..	5	0	0
Other yardmen	..	..	..	4	17	2
Shift-workers	..	..	..	4	11	8

Youths may be employed upon terms and conditions to be arranged between the union and the employer.

Payment of Wages.

3. Wages shall be paid weekly and in money, and paid in the employer's time.

Deduction from Wages.

4. No deduction shall be made from the weekly wage except for time lost through the worker's sickness, accident, or default.

Termination of Engagement.

5. The employer shall give a worker eight hours' notice, or one day's pay in lieu thereof, prior to his dismissal. The worker shall give the employer eight hours' notice that he is about to leave his employment, or he shall forfeit in lieu thereof one day's pay to be deducted from the wages due to him.

Annual Holiday.

6. (a) Shift-workers who ordinarily work more than five shifts a week, on completion of twelve months' continuous service, shall be allowed a fortnight's holiday on full pay at a time to be mutually agreed upon between the employer and the worker.

(b) A shift-worker who completes six months' but less than twelve months' continuous service shall be allowed a holiday proportionate to his length of service.

(c) For the purpose of this clause full pay shall be deemed to mean the average weekly earnings of a worker (including payments received under subclauses (b) and (c) of clause 1 hereof).

Accommodation and Sanitation.

7. The employer shall provide satisfactory dining and lavatory accommodation, together with facilities for changing clothes. Wash-hand basins shall also be provided with hot and cold water. A waterproof bicycle-stand shall be provided for the use of bicycles only.

Accidents.

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

Special Conditions.

9. At the discretion of the manager each worker exposed to the weather shall receive £1 per year for the provision of his own weather-proof garments.

"Smoke-oh."

10. A "smoke-oh" of ten minutes shall be allowed in the morning and one smoke in the afternoon without ceasing work. The same conditions shall apply to shift-workers.

Extension of Hours under Factories Act.

11. 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 in the manner and to the extent set forth in this award in respect of each occupier of a factory bound by the provisions of this award.

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.)

Under-rate Workers.

13. (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.

Scope of Award.

14. This award shall operate throughout the Canterbury Industrial District.

Term of Award.

15. This award shall come into force on the 1st day of June, 1939, and shall continue in force until the 1st day of June, 1940.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the duly appointed Delegate of the Court hath hereunto set his hand, this 31st day of May, 1939.

[L.S.] J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed Delegate
of the Court of Arbitration.

MEMORANDUM.

The only matter referred to the Court related to under-rate workers. In respect of other matters (including hours of work) the award embodies the recommendations arrived at by the assessors in Conciliation Council.

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed Delegate
of the Court of Arbitration.