

OTAGO AND SOUTHLAND PRESERVED-FOODS, JAM, AND STARCH-FACORY EMPLOYEES.—AMENDMENT OF 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 its amendments; and in the matter of the Otago and Southland Preserved-foods, Jam, and Starch-factory Employees' award, dated the 5th day of July, 1939, and recorded in Book of Awards, Vol. XXXIX, p. 904; and in the matter of an appeal against the decision of J. A. Gilmour, Esq., S.M., delegate of the Court of Arbitration.

COPY OF CASE ON APPEAL.

IN making the above-mentioned award the delegate of the Court of Arbitration awarded in clause 5 (a), (b), (c), and (d) rates of wages for all workers.

To the Clerk of Awards at Dunedin.

The undersigned, being a person directly affected by the foregoing decision of James A. Gilmour, Esquire, S.M., a delegate of the Court of Arbitration, acting under the authority of section 4 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, hereby appeals to the said Court against the said decision on the following grounds:—

- (1) That the decision is against the weight of evidence tendered at the hearing of the dispute.
- (2) That the decision is in conflict with the terms of the Court's standard-wage pronouncement, dated 7th September, 1937, and published in Book of Awards, Vol. XXXVII, p. 1648, in that it prescribes a lower rate of wages than 2s. 4d. per hour.
- (3) That the wages awarded to workers on a weekly basis are lower than those awarded to similar workers in other industries.
- (4) That the decision has removed the classes of adult male workers from the relative position to other workers in industry in which they were placed by the previous award (Vol. XXXVII, p. 1698).

Dated at Dunedin, this 12th day of July, 1939.

J. ROBINSON,

Secretary, Otago and Southland Manufacturing Chemists, Preserved-foods, Jam, and Starch-factories' Employees' Industrial Union of Workers.

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

The Court has considered the appeal and has decided to bring the schedules of wages into line with the provisions of the awards for the same industry made recently in respect of the Northern and Nelson Industrial Districts. The increased rates are to operate from 12th June, 1940, being the date upon which the appeal was heard by the Court.

Accordingly, the following clause is substituted for clause 5 of the Otago and Southland Preserved Foods, Jam, and Starch Factory Employees' award, dated the 5th day of July, 1939.

Wages.

5. (a) Subject to subclause (d) hereof, the following shall be the minimum rates of wages for adult male workers:—

(i) A worker employed at manual work and appointed a working foreman by the employer, and whose duty it is to take charge of and supervise the work of other workers in a permanent department of the business, shall be paid not less than £5 per week during the forty-hour-week period and not less than £5 10s. per week during the forty-four-hour-week period.

(ii) General hands over the age of twenty-one years shall be paid not less than £4 10s. per week during the forty-hour-week period and not less than £4 19s. per week during the forty-four-hour-week period.

(b) Youths under twenty-one years of age may be employed at not less than the following minimum weekly rates:—

Age at commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	Fifth Year.
	First Half.	Sec'nd Half.	First Half.	Sec'nd Half.	First Half.	Sec'nd Half.		
Under 16 years	22/6	26/6	30/6	34/6	38/6	42/6	47/6	60/-
16-17 years	26/6	30/6	34/6	38/6	42/6	46/6	52/6	60/-
17-18 years	30/6	34/6	38/6	42/6	46/6	50/6	60/-	..
18-19 years	34/6	38/6	42/6	46/6	50/6	54/6	..	..
19-20 years	38/6	42/6	46/6	50/6	..	..	..	..
20-21 years	42/6	46/6	..	..	..	..	..	..

Thereafter or on attaining the age of twenty-one, not less than the minimum rate provided for general hands.

The weekly wages prescribed in this subclause shall be increased by 10 per cent. when a forty-four-hour week is worked in accordance with clause 2 hereof.

(c) Female workers may be employed at not less than the following minimum weekly rates:—

Age at commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	
	First Half.	Sec'nd Half.	First Half.	Sec'nd Half.	First Half.	Sec'nd Half.	First Half.	Sec'nd Half.
Under 16	17/6	21/6	25/6	29/6	33/6	37/6	41/6	45/6
16-17 years	20/6	24/6	28/6	32/6	36/6	40/6	44/6	..
17-18 years	23/6	27/6	31/6	35/6	39/6	43/6	..	..
18-19 years	26/6	30/6	34/6	38/6	42/6	..	..	..
19-20 years	29/6	33/6	37/6	41/6	..	..	..	..
20-21 years	32/6	36/6	..	..	..	..	..	..

Thereafter not less than £2 9s. per week.

The weekly wages prescribed in this subclause shall be increased by 10 per cent. when a forty-four-hour week is worked in accordance with clause 2 hereof.

(d) Male adult workers employed for less than one week shall be deemed to be casual workers and shall be paid not less than 2s. 4d. per hour.

Mr. Prime does not agree with the decision of the majority of the Court, and his dissenting opinion is attached.

Dated this 2nd day of July, 1940.

[L.S.]

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. PRIME.

In result this judgment amounts to a decision to follow an award which did not exist when the award appealed against was made. The Magistrate followed the latest award of the Court then in existence, and his decision should not be disturbed.