

OTAGO AND SOUTHLAND BREWERS, BOTTLERS, AND BOTTLE-WASHERS.—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 an industrial dispute between the Otago and Southland Brewery, Bottling Houses, and Aerated Waters' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Dunedin Brewery and Wilson Malt Extract Co., Ltd.,
8 Willowbank, Dunedin.

Murdoch, A., and Co., Ltd., St. Andrew Street, Dunedin.
New Zealand Breweries, Ltd., Rattray Street, Dunedin.

Powley and Co., Ltd., Hope Street, Dunedin.
Southland Breweries, Ltd., East Invercargill.

Whittingham and Co., Ltd., North Road, Waikiwi.
Whittingham, G. W., 36 Irwell Street, Gore.

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 27th day of July, 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 13th day of August, 1940.

[L.S.]

A. TYNDALL, Judge.

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SCHEDULE.

Industry to which Award applicable.

1. This award applies to all workers employed in or about a brewery, malthouse, or bottling-house.

Definitions.

2. (a) For the purpose of this award a "malthouse labourer," a "brewery labourer," and a "bottling-house labourer" is a worker employed in or about a malthouse, a brewery, or a bottling-house respectively.

(b) For the purpose of this award a "cooper" is a worker employed as such in or about a brewery.

Hours of Work.

3. (a) An ordinary week's work shall not exceed forty hours, to be worked, wherever possible, between the hours of 7.30 a.m. and 5 p.m. from Monday to Friday, both days inclusive; but when the exigencies of the business require certain workers to work on Saturday morning, such Saturday morning work shall rotate at as long intervals as practicable. A roster of employment shall be mutually arranged between the employer and the workers in each establishment. The time for commencing and ceasing work shall not apply to shift-workers.

(b) Each employer shall arrange the hours of shift-workers to suit the exigencies of the business, but such hours shall be continuous, subject to the usual meal-hours.

Wages.

4. (a) The following shall be the minimum rate of wages:—

			Per Week.		
			£	s.	d.
Coopers	..	..	5	10	0
Headers-up	..	..	5	2	6
All others	..	..	4	17	6

(b) Shift-workers shall receive not less than 1s. 6d. per shift extra.

(c) Men working on a hot floor letting go hot casks shall be paid an additional 5s. per week.

(d) Men placed in charge of three or more other workers shall be paid 7s. 6d. per week extra.

(e) In the case of a worker performing the work at which he is not regularly employed for a longer period than one week, he shall receive the rate of pay for the work at which he is substantially employed or at that prescribed for the work at which he is temporarily engaged, whichever is the greater.

(f) If a worker is in receipt of more than the rates prescribed in this award, such worker shall not have his wages reduced so long as he retains his present position.

Increase in Rates of Remuneration.

5. All rates of remuneration, including time and piece-wages and overtime and other special payments, provided for in this award shall be subject to the provisions of the general order dated 9th August, 1940, under the Rates of Wages Emergency Regulations 1940 increasing rates of remuneration by an amount equal to 5 per cent. thereof.

Overtime.

6. All time worked in any one day beyond the hours prescribed in clause 3 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

Holidays.

7. (a) The following shall be observed as holidays: New Year's Day, the day following New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign.

(b) When any of the holidays mentioned in subclause (a) hereof falls on a working-day, payment shall be made for same, as if worked, at ordinary rates of wages.

(c) For work done on any Sunday, payment shall be made at double time rates.

(d) For work done on any of the holidays mentioned in subclause (a) hereof, payment shall be made at the rate of double time in addition to any payment the worker may be entitled to under subclause (b) hereof.

(e) Malthouse workers, other than those engaged on the barley-loft, shall be granted two weeks' paid holiday; all other workers, one week's paid holiday on completion of a full year's service. Unless otherwise mutually arranged, such holiday shall be given in the slack season.

Casual Workers.

8. Workers employed for less than one week shall be paid not less than 2s. 8½d. per hour.

Employment of Boys and Youths.

9. (a) Employers shall be at liberty to employ youths at not less than the following minimum weekly rates of wages:—

Age at commencing Trade.	First Year.		Second Year.		Third Year.		Fourth Year.		Fifth Year.	
	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.
Under 16	.. 17/6	22/6	27/6	32/6	37/6	42/6	47/6	55/-	65/-	77/6*
16 to 17	.. 22/6	27/6	32/6	37/6	42/6	47/6	55/-	65/-	77/6*	..
17 to 18	.. 27/6	32/6	37/6	42/6	47/6	55/-	67/6	77/6*	..	..
18 to 19	.. 35/-	40/-	45/-	52/6	65/-	77/6*	..	..	..	..
19 to 20	.. 42/6	50/-	62/6	72/6*	..	..	..	..	..	..
20 to 21	.. 60/-	70/-*	..	..	..	..	..	..	..	..

* Thereafter adult rates.

(b) Youths shall not be employed in bottling intoxicating liquor.

(c) The proportion of youths to men shall not exceed one youth to every four men or fraction of the first four.

Meal-money.

10. Meal-money at the rate of 1s. 6d. per meal shall be paid in all cases where notice of overtime is not given to the worker on the day previous. If such notice is given and cancelled the following day, the worker shall be paid a minimum of one hour's pay.

Special Provisions.

11. (a) Workers shall be allowed, without deduction of pay, fifteen minutes to cool off after taking off or turning kiln.

(b) Where necessary, employers shall provide waterproof aprons, suitable footwear for use in wet places, gloves or mitts, and oilskins.

(c) A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place. Adequate provisions shall be made for men to change their clothes.

Matters not provided for.

12. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Termination of Employment.

13. (a) One week's notice of the termination of engagement of any worker, except casuals, shall be given by the employer or the worker, as the case may be; but this shall not affect the right of any employer to discharge a worker for good cause.

(b) 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 or default or through accident not arising out of or in the course of his employment.

Right of Entry upon Premises.

14. (a) 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.

(b) Employers shall, not more often than once in every six months, if requested by the union, supply a list of workers in their employment.

Extension of Hours under Factories Act.

15. 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.

16. (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.

17. (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.

18. 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.

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

Term of Award.

20. This award, in so far as it relates to wages, shall be deemed to have come into force on the 27th day of July, 1940, and so far as the other provisions 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 27th day of July, 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 13th day of August, 1940.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM.

This award embodies the recommendations arrived at by the assessors in Conciliation Council.

A. TYNDALL, Judge.
