

WELLINGTON CITY COUNCIL DRIVERS.—AWARD.

In the Court of Arbitration of New Zealand, Wellington 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 Wellington Road Transport and Motor and Horse Drivers and their Assistants' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council (hereinafter called "the employers") :—

The Wellington City Council, Wellington.

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 18th day of September, 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 duly appointed delegate of the Court hath hereunto set his hand, this 13th day of November, 1940.

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

SCHEDULE.

Hours of Work.

1. (a) The maximum number of hours of work, exclusive of overtime, to be worked by any worker bound by this award shall, subject as hereinafter provided, be forty per week, to be worked on five days of eight hours each from Monday to Friday inclusive. The starting and finishing times shall be fixed in advance by the Corporation according to the requirements of the particular class of work required to be done, and, with the exception of drivers of vehicles engaged on trade and/or household refuse collection within the central city area, stablemen, nightsoil carters, drivers engaged on street-flushing work, and the driver of the sump-educator, shall be made to fall within the hours of 7 a.m. and 5 p.m.

(b) The ordinary hours of work for stablemen in the milk department shall be forty per week, to be worked in straight shifts on any five of the seven days of the week. Arrangements for the hours of work for stablemen in the City Engineer's department shall be mutually agreed upon to suit the work, provided that not more than eighty hours per fortnight shall be worked.

(c) Drivers of refuse-collection vehicles shall work forty hours per week on five days, Monday to Friday inclusive, but, where non-collection occurs due to a holiday or holidays falling on any of the before-mentioned days, a full day may be worked on the Saturday following at overtime rates as hereinafter provided.

(d) Drivers of scavenging-carts shall work on a roster to be prepared by the City Engineer, which will provide for work being done by certain drivers at recurring intervals on Saturday mornings for periods of four hours. During the week in which any driver shall be required to work on Saturday morning he shall have the equivalent time off during the same or following week.

(e) The above-stated hours shall include all time occupied by the workers in performing duties appertaining to their calling, and shall provide for fifteen minutes in each day being allowed as cleaning-time in the case of drivers engaged on refuse-collection, street-scavenging, or on any of the classes of work mentioned in clause 2 (q) hereof. Such cleaning-time if done in excess of the ordinary hours of work shall be paid for at ordinary and not overtime rates.

(f) A meal interval of at least thirty minutes shall be allowed to all workers within five hours of commencing work.

Wages.

2. (a) The minimum rate of wages for workers coming within the scope of this award shall be as follows:—

| | HORSE-DRIVERS. | Per Week. | | | Per Hour. | |
|------------------------------|----------------|-----------|----|----|-----------|----|
| | | £ | s. | d. | s. | d. |
| (i) General drivers | .. | 5 | 0 | 0 | 2 | 6 |
| (ii) Scavenging-cart drivers | .. | 5 | 3 | 4 | 2 | 7 |
| (iii) Refuse-cart drivers | .. | 5 | 10 | 0 | 2 | 9 |

MOTOR VEHICLE AND IMPLEMENT DRIVERS.

(b) Drivers of motor-vehicles of a carrying-capacity not exceeding the weights set out in the following schedule, engaged on general work, shall be paid not less than the following rates:—

| | | Per Week. | | | Per Hour. | |
|--|-----------------------------|-----------|----|----|-----------|-----|
| | | £ | s. | d. | s. | d. |
| (i) Not exceeding 3 tons | .. | 5 | 3 | 4 | 2 | 7 |
| (ii) Exceeding 3 tons | .. | 5 | 6 | 8 | 2 | 8 |
| (c) Motor-refuse-vehicle drivers | .. | 5 | 10 | 0 | 2 | 9 |
| (d) Motor-refuse-vehicle drivers who assist in loading | | 5 | 15 | 0 | 2 | 10½ |
| (e) Drivers engaged on refuse-collection during night-time | .. | 6 | 6 | 8 | 3 | 2 |
| (f) Drivers of solo graders, grader-scarifiers, rollers, and roller-scarifiers (other than steam)— | | | | | | |
| | Light | 5 | 12 | 6 | 2 | 9¾ |
| | Heavy | 5 | 18 | 4 | 2 | 11½ |
| (g) Bulldozer-drivers | | 5 | 12 | 6 | 2 | 9¾ |
| (h) Drivers of street-flushers on night-work | | 5 | 15 | 10 | 2 | 10¾ |
| (i) Drivers of mechanical shovels and excavators | | 5 | 18 | 4 | 2 | 11½ |
| (j) Drivers of vehicles engaged on nightsoil collection | | 6 | 6 | 8 | 3 | 2 |
| (k) Drivers of mechanical bituminous sprayers | | 5 | 10 | 0 | 2 | 9 |
| (l) Driver of sump-educator | .. | 5 | 12 | 6 | 2 | 9¾ |
| (m) Drivers of general-service cars | .. | 5 | 0 | 10 | 2 | 6¼ |
| (n) Driver of pay-car | | 5 | 6 | 8 | 2 | 8 |
| (o) Garage attendants— | | | | | | |
| | (i) Senior garage attendant | 5 | 3 | 4 | 2 | 7 |
| | (ii) Garage attendants | 5 | 0 | 0 | 2 | 6 |

(p) Drivers engaged on street-sweeping in preparation for sealing, or hauling tar, oil, or bitumen sprayers in action, or carting, or working in connection with bitumen preparations, bulk cement, ashes, or clinkers shall be paid 1s. per day while so engaged, in addition to the wages hereinbefore prescribed.

(q) Scavenging-cart drivers who have to stand by their horses during the meal interval shall be paid 1s. per day in addition to the rate prescribed in clause 2 (a) hereof.

(r) The wages of stablemen shall be as follows:—

| | Per Week. | | | Per Hour. | |
|-----------------------|-----------|----|----|-----------|----|
| | £ | s. | d. | s. | d. |
| (i) Head stablemen .. | 6 | 6 | 8 | 3 | 2 |
| (ii) Stablemen .. | 5 | 4 | 0 | 2 | 7½ |

(s) A head stableman shall be deemed to be a person who has charge of a stable or stables where thirty or more horses are housed.

Holidays.

3. (a) Motor and horse drivers and garage attendants shall receive and be paid for the following holidays: New Year's Day, Anniversary Day, Good Friday, Easter Monday, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, and, in addition, shall receive an annual leave of nine clear working-days on full pay on completion of each year of service with the Corporation.

(b) When any of the afore-mentioned holidays fall on a Sunday the following day shall be observed.

(c) Drivers engaged on street-cleaning on Sunday mornings or on the morning of any public holiday shall be allowed eight hours ordinary time for such work.

(d) For work other than that specified in subclause (c) hereof done on Sundays, Anzac Day, or on any of the holidays herein specified, drivers and garage attendants shall be paid at double time rates.

(e) A minimum payment as for two hours' work shall be made in respect of any work done on any of the holidays hereinbefore mentioned.

(f) Each stableman shall receive an annual leave of ten clear working-days. Should a stableman be called upon to work on any of the holidays mentioned in subclause (a) or on his day or half-day off he shall be paid one extra day's pay for working on such holiday or half-holiday.

Overtime.

4. (a) For work done in excess of or outside the hours prescribed in clause 1 hereof workers covered by this award shall be paid at the rate of time and a half for the first three hours and at the rate of double time thereafter, overtime to be booked to the nearest quarter-hour.

(b) Overtime worked between 12 midnight and 7 a.m. shall be paid for at double time rates, whether or not three hours have been exceeded.

(c) When a worker is called back to work after the usual terminating-time or before the usual time for commencing work he shall be paid not less than two hours at the specified overtime rates for each distinct call. If such work is made on a Saturday, a Sunday, or a holiday, the minimum payment shall be two hours at schedule overtime payment for the first call, and subsequent calls shall be paid for at overtime rates.

Travelling-time.

5. In the event of a driver being required to park or garage his vehicle or implement at a place other than the particular yard or depot to which he is attached the Corporation shall do one or other of the following things:—

- (a) Provide the driver with free transport to and from such vehicle or implement.
- (b) Reimburse the driver any additional cost incurred by him in travelling to and from his work on account of his vehicle or implement being parked or garaged away from the particular yard or depot to which he is attached.
- (c) Provided, further, any additional time occupied by the driver in travelling to and from his work, due to the above cause, shall be paid for at ordinary rates.
- (d) The recognized depots for the purpose of this clause shall be Clyde Quay Yard, Maranui Paving Plant, Wilton Road Depot, and a depot to be established in the Ngaio-Khandallah district.
- (e) No worker who resides within two miles by the nearest means of access for pedestrians of the place where the work is to be performed shall be entitled to any of the benefits mentioned in this clause.

Accommodation.

6. The Corporation shall provide at each depot suitable accommodation to the satisfaction of the Inspector of Awards to enable drivers to change their clothes and have their meals, also facilities for drying wet clothes, and bathing.

Waterproof Coats, Leggings, and Overalls.

7. The Corporation shall supply rain-coats, leggings, gloves, and overalls to drivers when considered necessary at the discretion of the management or engineer. These to remain the property of the City Corporation, and the men using same shall be held responsible for any loss or damage due to wilful destruction or neglect. Before a second or subsequent issue is made the used article shall be returned to the store.

In the case of refuse-drivers one hour per week shall be allowed for the purpose of cleansing their overalls.

Meal-money.

8. The Corporation shall allow meal-money at the rate of 1s. 6d. per meal when workers are called upon to work overtime after 6 p.m. in cases where such workers cannot reasonably get home to their meals and return within one hour.

Workers to be Members of Union.

9. (a) Subject to the provisions of section 18 (5) (b) of the Industrial Conciliation and Arbitration Amendment Act, 1936, 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.

(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.)

(c) The Corporation shall supply on written request made by the secretary of the union at intervals of not less than three calendar months a list of all drivers, stablemen, and garage attendants employed.

Disputes Committee.

10. The essence of this award being that the work of the Corporation shall not in any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is hereby provided that if any dispute or difference shall arise between the parties bound by this award as to any matter whatsoever arising out of or connected therewith, or in connection with any matter affecting the employment of any of the workers bound by this award but not specifically dealt with in the award, every such dispute or difference shall be referred to a committee composed of two representatives of the Corporation and two representatives of the union, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court of Arbitration against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Increase in Rates of Remuneration.

11. 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 of the Court of Arbitration dated the 9th day of August, 1940, under the Rates of Wages Emergency Regulations 1940, increasing rates of remuneration by an amount equal to 5 per cent. thereof.

Scope of Award.

12. This award shall apply to stablemen employed in the City Engineer's and milk departments, garage attendants employed in the City Engineer's department, and to all drivers employed by the Corporation with the exception of those employed in the milk and tramway departments of the Corporation.

Term of Award.

13. This award, in so far as it relates to wages, shall be deemed to have come into force on the 18th day of September, 1940, and so far as all the other conditions 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 18th day of September, 1941.

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 13th day of November, 1940.

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

MEMORANDUM.

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

The assessors agreed to the following: "As the night collection of refuse has been discontinued and it is at this stage indefinite as to whether it will be reintroduced, it was decided to leave the rate for such work unchanged on the understanding of the parties that should night refuse-collection be reinstated the assessors recommend to the Wellington City Council the fixing of a similar marginal rate of wages as that which exists between the day loader and the day driver ruling at the time of such reinstatement."

J. A. GILMOUR, Stipendiary Magistrate.
