

SOUTHLAND PLACES OF AMUSEMENT (OTHER THAN THEATRES) AND SPORTS BODIES' EMPLOYEES.—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 New Zealand (except Northern, Nelson, and Westland) Theatrical and Places of Amusement Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned clubs, associations, societies, and persons (hereinafter called "the employers") :—

- Elmwood Gardens (Miss D. Paterson, Proprietress), Esk Street, Invercargill.
- Glide Skating Rink, corner of Spey and Kelvin Streets, Invercargill.
- Gore Racing Club (F. Young, Secretary), Mersey Street, Gore.
- Gore Trotting Club (R. S. Green, Secretary), Mersey Street, Gore.
- Invercargill Trotting Club (J. Cuthill, Secretary), 21 Tay Street, Invercargill.
- North Invercargill Public Hall Society (Inc.), (J. Hannon, Honorary Secretary), 77 Catherine Street, Invercargill.
- Riverton Racing Club (G. B. Banks, Secretary), Riverton, Southland.
- St. Mary's Hall Committee (H. E. Kimble, Honorary Secretary), Bank of New South Wales Chambers, Dee Street, Invercargill.
- Southland Agricultural and Pastoral Association (Inc.), (J. Hamilton, Secretary), Bank of New South Wales Chambers, Dee Street, Invercargill.
- Southland Boxing Association (Inc.), (P. Hughes, Secretary), Dee Street, Invercargill.
- Southland Caledonian Society (M. C. Wilson, Honorary Secretary), Yarrow Street, Invercargill.
- Southland Cricket Association (J. Hamilton, Secretary), Bank of New South Wales Chambers, Dee Street, Invercargill.
- Southland Football Association (T. McMurdo, Honorary Secretary), Forth Street, Invercargill.
- Southland Racing Club (J. Cuthill, Secretary), 21 Tay Street, Invercargill.
- Southland Rugby Football Union (J. Hamilton, Secretary), Bank of New South Wales Chambers, Dee Street, Invercargill.

Southland Wrestling Association (Inc.), (P. Hughes, Secretary), Dee Street, Invercargill.

Winton Jockey Club (L. De La Perrell, Secretary), Winton.

Winton Trotting Club (H. A. Pierce, Secretary), Winton.

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 13th day of May, 1940, and shall continue in force until the 30th day of September, 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 6th day of May, 1940.

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

SCHEDULE.

PART I.—INDOOR AMUSEMENTS.

Definition.

1. Indoor places of amusement shall include all cabarets, dance-halls, skating-rinks, boxing and wrestling contests, and all other indoor places of amusement where a charge is made for admission, or any other place where any mechanical device is in operation for the amusement of the public and for the use of which a charge is made.

Hours of Work.

2. The ordinary hours of work for weekly workers shall be forty per week, to be worked to suit the exigencies of the particular establishment.

Wages.

3. (a) The minimum rates of wages shall be as follows:—

	Per Perform ance.	
	s.	d.
Performance workers for a performance not exceeding four hours ..	6	0
Performance workers for a performance exceeding four hours but finishing not later than midnight	7	0

(b) For each hour or part thereof worked after midnight, 2s. 6d. in addition to the above rates shall be paid.

(c) The wages and other working-conditions of attendants at skating-rinks shall be such as are mutually agreed upon between the local union and the employer concerned, and these parties shall be exempt from all the provisions of this award except clause 16 hereof.

PART II.—OUTDOOR AMUSEMENTS.

Definition.

4. Subject to the provisions of clause 19 hereof, this Part of the award shall apply to racing, trotting, and hunt clubs, except in respect of starters and their assistants, radio announcers, clerks of the course and the scales, judges, time-keepers and their assistants, and inside totalizator staff; to agricultural and pastoral associations; to the proprietors of speedways, games, side shows, or exhibitions; and to workers other than score-board attendants and ball-boys employed at grounds where cricket, or Rugby, association, or league football, is played; but shall not apply to any other outdoor amusement until specifically brought within the scope of this award.

Wages.

5. (a) The minimum rate of wages for any worker covered by Part II of this award shall be 2s. 6d. per hour, with a minimum of two and a half hours to any one engagement.

(b) Nothing in this award shall operate to reduce the present rates paid to any worker covered by Part II hereof who is employed in the same job during the currency of this award.

PART III.—GENERAL CONDITIONS.

Annual Holiday.

6. An annual holiday of one week on full pay shall be granted on completion of each year of service to all workers who are employed on a weekly-wage basis under this award. Any such worker who has his employment terminated after not less than three months' service for a reason other than misconduct shall be paid a *pro rata* holiday allowance.

Overtime.

7. All time worked in excess of the hours mentioned in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Termination of Employment.

8. One week's notice of the termination of the employment shall be given by either party in the case of workers for whom a weekly wage is prescribed and in the case of performance workers employed on six days a week.

Twenty-four hours' notice shall be given by either party in the case of other regular performance workers.

Notwithstanding the foregoing, an employer shall be entitled for good cause to dismiss a worker without notice.

Uniforms.

9. When an employer requires a worker to wear a uniform, such shall be supplied by the employer, who shall also arrange for its washing, laundering, and repairing. A uniform shall be a special dress other than a worker's ordinary clothing and the colour and/or style of which is dictated by the employer.

Where an employer requires an attendant to wear dress shirts, they shall be deemed to be part of a uniform.

Meal Intervals.

10. No worker shall be called upon to work for a longer period than five hours without an interval or an opportunity for a meal. Where it is found impossible to give a worker time off for a meal, a meal shall be supplied by the employer.

Commencement of Engagement.

11. Any worker directed by the employer to report for work shall be paid from the time he or she was directed to attend and did attend, whether work was ready to be commenced or not.

Payment of Wages.

12. Unless otherwise agreed, wages shall be paid during working-hours, and in the case of weekly workers not later than Thursday.

Should any employee be discharged or compelled to leave before the end of the week he shall, unless otherwise agreed, be paid all moneys due to him up to the time of his leaving the employment prior to leaving the job.

Travelling-time.

13. Where a worker is required by the employer to travel more than ten miles to the place of employment, the employer shall provide transport.

Matters not provided for.

14. The essence of this award being that on no account whatsoever shall the work be impeded, 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 Conciliation Commissioner or other person mutually agreed upon, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner or such other person, 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.

Interviewing Employees.

15. The secretary of the union shall be permitted to interview employees at a suitable time to be arranged between the employer and the secretary of the union.

Workers to be Members of Union.

16. (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.)

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 that portion of the industrial district to which this award relates.

Exemptions.

19. (a) Nothing in this award shall apply to any trotting, racing, or hunt club, or agricultural and pastoral association, which races or shows, as the case may be, on only one day each year: Provided that if any such trotting, racing, or hunt club races off its own course it shall be covered by those conditions in this award applicable to the course to which it transfers.

(b) Nothing in this award shall apply to point-to-point hunt club meetings or to non-totalizator racing or trotting meetings.

NOTE.—Attention is drawn to the following provisions of the Industrial Conciliation and Arbitration Act, 1925:—

(1) "Worker" means any person of any age of either sex employed by any employer to do any work for hire or reward. (Section 2 (1).)

(2) No award or industrial agreement made after the first day of January, nineteen hundred and nine, shall affect the employment of any worker who is employed otherwise than for the direct or indirect pecuniary gain of the employer:

Provided that this section shall not be deemed to exempt any local authority or body corporate, or any chartered club, or any racing club, trotting club, or hunt club, from the operation of any award or industrial agreement. (Section 154.)

Scope of Award.

20. This award shall operate throughout that portion of the Otago and Southland Industrial District comprised in the former Provincial District of Southland.

Term of Award.

21. This award shall come into force on the 13th day of May, 1940, and shall continue in force until the 30th day of September, 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 6th day of May, 1940.

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

MEMORANDUM.

This award, with the exception of certain minor alterations agreed to at the hearing, embodies the recommendations arrived at by the assessors in Conciliation Council.

J. A. GILMOUR, Stipendiary Magistrate.
