

**HAWKE'S BAY FRUIT-PACKERS, FRUIT-GRADERS, AND FRUIT
COOL-STORE WORKERS.—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

New Zealand Federated Storemen and Packers (other than in Retail Shops) and Warehouse Employees' (other than Drivers and Clerks) Industrial Association of Workers; and

The Hawke's Bay Wholesale Storemen and Packers and Warehouse Employees' (other than Drivers and Clerks) Industrial Union of Workers

(hereinafter called "the union"), and the undermentioned companies (hereinafter called "the employers") :—

Thompson and Hills, Ltd., Hastings Street, Hastings.

McCutcheon and Co., Ltd., Caroline Street, Hastings.

Produce Distributors, Ltd., Karamu Road, Hastings.

Slater, C. H., and Co., Ltd., St. Aubyn Street, Hastings.

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 from the

18th day of August, 1941, and shall continue in force until the 11th day of August, 1942, 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, 1941.

[L.S.]

A. TYNDALL, Judge.

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SCHEDULE.

Industry to which Award applicable.

1. This award shall apply to fruit packing, grading, cooling, and storing as carried on by the original parties hereto.

Hours of Work.

2. An ordinary week's work shall consist of not more than forty-four hours, to be worked between 8 a.m. and 5 p.m. from Monday to Friday, both days inclusive, and between 8 a.m. and noon on Saturday. One hour shall be allowed for meals from Monday to Friday, both days inclusive. No worker shall be required to work longer than five hours without an interval of at least three-quarters of an hour for a meal.

Wages.

3. (a) The following shall be the minimum rates of wages for adult workers:—

| | Per Hour. |
|------------------------------|-----------|
| | s. d. |
| Foremen | 2 7 |
| Certificated packers | 2 6 |
| Cool-store men | 2 6 |
| Assistant graders | 2 6 |
| General workers | 2 4 |

(b) Case and box makers may be employed on piecework at the following rates:—

| | Per Hundred. |
|--|--------------|
| | s. d. |
| Local bushels with cleats, twenty-four nails | 6 6 |
| Export bushels | 7 0 |
| Bushels without cleats, twenty-four nails | 6 0 |
| Export pear-cases | 7 0 |

| | Per Hundred. | |
|---|-----------------|----|
| | s. | d. |
| Local pear-cases without cleats, twenty-four nails | 6 | 0 |
| Half-bushels, two pieces, twenty-two nails | 5 | 6 |
| Half-bushels, one piece and sides, sixteen nails | 5 | 0 |
| Quarter cases | 5 | 0 |

(c) The present custom as to stacking shall continue.

Youths.

4. (a) Youths may be employed at not less than the following rates:—

| | Per Week. | | |
|--------------------------------|-----------|----|----|
| | £ | s. | d. |
| Under 16 years of age | 1 | 0 | 0 |
| 16 to 16½ years of age | 1 | 5 | 0 |
| 16½ to 17 years of age | 1 | 10 | 0 |
| 17 to 17½ years of age | 1 | 15 | 0 |
| 17½ to 18 years of age | 2 | 0 | 0 |
| 18 to 19 years of age | 2 | 7 | 6 |
| 19 to 20 years of age | 2 | 17 | 6 |
| 20 to 21 years of age | 3 | 10 | 0 |
| Thereafter adult rates. | | | |

(b) The proportion of youths shall be not more than one to every three adult workers or fraction of three.

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.

Payment of Wages.

6. Wages shall be paid weekly, in cash, in ordinary working-hours.

Overtime.

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

Holidays.

8. (a) The following shall be the recognized holidays: New Year's Day, Good Friday, Easter Monday, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, Anzac Day, and Show Day.

(b) All work performed on holidays mentioned in subclause (a) of this clause or on Sunday shall be paid for at ordinary rates in addition to the ordinary rates prescribed for the respective classes of workers defined in clauses 3 and 4 of this award.

(c) All holidays mentioned in subclause (a) of this clause shall be paid for as an ordinary working-day of eight hours.

(d) Should any of the above holidays, except Anzac Day, fall on a Sunday, then for the purposes of this award such holiday shall be observed on the following Monday. In the event of Christmas Day being observed on a Monday in pursuance of the foregoing, Boxing Day shall be observed on the Tuesday.

(e) All workers, on completion of twelve months' continuous service, shall be granted an annual holiday of fourteen days on full pay. A worker who has completed three months' service shall be granted pay in lieu of the annual holiday in proportion to his length of service.

"Smoke-oh."

9. The general custom now prevailing with regard to "smoke-oh" shall be observed.

Right of Entry upon Premises.

10. The secretary or other authorized officer of the union of workers 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.

First-aid Outfit.

11. A first-aid outfit shall be kept in a place easily accessible to the workers.

Accommodation.

12. The employer shall provide suitable dining and lavatory accommodation, together with facilities for changing of clothes.

Workers to be Members of Union.

13. (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.

14. (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.

Matters not provided for.

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

Application of Award.

16. 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 part of the industrial district to which this award relates.

Scope of Award.

17. This award shall operate throughout the Hawke's Bay Provincial District.

Term of Award.

18. This award shall come into force on the 18th day of August, 1941, and shall continue in force until the 18th day of August, 1942.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereto set his hand, this 13th day of August, 1941.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM.

The matters referred to the Court related to hours of work, wages, including wages of youths, proportion of youths, employment of females, and term of award. In other respects the award embodies the terms of settlement arrived at by the assessors in Conciliation Council.

Mr. Monteith is not in agreement with the rates of wages awarded to adults, and Mr. Prime with those for youths. Their dissenting opinions follow.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH.

I am not in agreement with the wage rates for adults. I think that as this is seasonal work, and as the season is a short one this factor warrants another penny an hour at least.

DISSENTING OPINION OF MR. PRIME.

I think the increased rates awarded to youths, ranging from 2s. to 10s. per week, are too great. No evidence was given as to the work done by youths, nor was there any argument put forward to justify a rate of 30s. a week for a boy under seventeen years of age.
