

NEW ZEALAND (EXCEPT WESTLAND) STOREMEN AND PACKERS.—APPLICATION TO ADD PARTY TO 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 application to add Adams Bruce, Ltd., Wellington, as a party to the New Zealand (except Westland) Storemen and Packers' award, dated the 27th day of June, 1940, and recorded in Book of Awards, Vol. XL, p. 860.

Award, Application of—Storemen and Packers—Workers employed as Packers in a Bakery—“Bakehouse Labourers,” Definition of.

Application was made to add the company as a party to the Storemen and Packers' award in respect of its factory in which cake, pastry, biscuits, &c., were made and wherein packers were employed. The company was a party to the Bakers and Pastry-cooks' award in which the classification “packer” appeared, and which also provided for “bakers' labourers” who might perform any kind of unskilled work. The rules of the Baking Trades' Employees' Union concerned in the making of the award specified “a baker, pastrycook, bakehouse labourer, or home-made cake-kitchen employee,”

and it was contended by the applicant that the Bakers' Union had had no authority to act for "packers" in the baking industry. *Held*, That it had not been established that a packer in a bakehouse was not a bakehouse labourer nor that a packer was not eligible for membership of the Baking-trades' Employees' Union. Application refused.

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

THIS is an application by the New Zealand Federated Storemen and Packers' and Warehouse Employees' Industrial Association of Workers to add Adams Bruce, Ltd., Cake-manufacturers, Majoribanks Street, Wellington E. 1, as a party to the New Zealand (except Westland) Storemen and Packers' award (Book of Awards, Vol. XL, p. 860).

Adams Bruce, Ltd., operates two factories in Wellington, one in Majoribanks Street, where cakes, pastry, biscuits, &c., are manufactured, and the other in College Street, where chocolates are made.

The Court was informed by Mr. Mountjoy at the hearing that the firm had no objection to being made a party to the New Zealand Storemen and Packers' award in respect to its College Street factory, but it opposed the application to add it as a party to the same award in respect of its Majoribanks Street factory, on the grounds that the workers in the said factory were covered by the Northern, Taranaki, Wellington, Westland, Canterbury, and Otago and Southland Bakers' and Pastrycooks' and their Labourers' award (Book of Awards, Vol. XXXVIII, p. 2049).

Mr. Miller, for the applicant association, contended that, although the classification "packer" appears in the Bakers' award, the membership rule of the Wellington Baking-trades' Employees' Industrial Union of Workers at the time the said award was made was not sufficiently wide in scope to include packers, and consequently the New Zealand Federated Bakers', Pastrycooks', and Related Trades' Employees' Industrial Association of Workers, which created the dispute prior to the making of the award, had no authority to act for packers in the bakery industry in the Wellington Industrial District.

The membership rule of the Wellington Baking-trades' Employees' Union (now deregistered) included the words "any person employed as a baker, pastrycook, bakehouse labourer, or home-made cake-kitchen employee other than a shop-assistant."

In the 1936 Northern, Wellington, and Canterbury Bakers' award (Book of Awards, Vol. XXXVI, p. 674), clauses 2 (a) and 2 (b) read as follows:—

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

		Per Week.		
		£	s.	d.
Foreman baker or pastrycook	..	6	0	0
Journeyman baker and pastrycook	..	5	10	0
Baker's labourer	4	10	0

(b) A bakehouse labourer shall not be employed in the actual manufacture of bread or small goods, but may perform any kind of unskilled work, including in assisting in working machines.

In the current Dominion Bakers' award (Book of Awards, Vol. XXXVIII, p. 2049) clauses 3 (a) and 3 (b) read as follows:—

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

		Per Week.		
		£	s.	d.
Foreman baker or pastrycook	..	6	5	0
Journeyman baker and pastrycook	..	5	15	0
Baker's labourer	4	15	0
Packer	4	15	0

(b) A bakehouse labourer shall not be employed in the actual manufacture of bread or small goods, but may perform any kind of unskilled work, including in assisting in working machines.

In each of the above awards the term "baker's labourer" is specially defined in the clause dealing with "automatic bakeries," and in the same clause in each award it is expressly provided that subclause (b), quoted above, shall not apply to labourers employed in automatic bakeries.

Both bakehouse labourers in ordinary bakeries and pastry-cook establishments and bakers' labourers in automatic bakeries may, according to the award, perform any kind of unskilled work, and it will be noted that in the 1938 award the same wage is prescribed for a packer as for a baker's labourer. We are not at all satisfied that a packer in a bakehouse is not a bakehouse labourer for the purposes of the award, neither are we satisfied that a worker engaged in such an occupation was not eligible for membership of the defunct Wellington Baking-trade Employees' Union. In any case, from what information we can gather, it would appear that the work now performed by the workers known as packers was previously performed by bakehouse labourers.

We therefore do not propose to add Adams Bruce, Ltd., as a party to the New Zealand Storemen and Packers' award so far as their Majoribanks Street factory is concerned.

Dated this 22nd day of December, 1941.

[L.S.]

A. TYNDALL, Judge.