

OTAGO AND SOUTHLAND **CANISTER-WORKERS.**—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 Dunedin Canister-workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Cadbury, Fry, Hudson, Ltd., 30 Castle Street, Dunedin.
Dunedin Canning Co., Ltd., Maclaggan Street, Dunedin.
Eustace, J., and Son, Ltd., 59 King Street, Dunedin.

Gregg and Co., Ltd., Forth Street, Dunedin.

Irvine and Stevenson's St. George Co., Ltd., Filleul Street, Dunedin.

Johnston Proprietary, Ltd., Bathgate Street, South Dunedin.

Lake, F. J., Ltd., 432 Moray Place, Dunedin.

Mackintosh, Caley, Phoenix, Ltd., 20 Maclaggan Street, Dunedin.

Speirs, R. G., and Co., Ltd., 132 Dee Street, Invercargill.

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 28th day of March, 1941, and shall continue in force until the 28th day of March, 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 27th day of May, 1941.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE.

Industry to which Award relates.

1. This award shall apply to workers engaged in the manufacture of canister and preserving tins such as those used in packing fruit, meat, jam, fish, baking-powder, biscuits, tea, coffee, spice, paint, oil and petroleum products, tobacco, cigarettes, and other similar classes of work.

Hours of Work.

2. (a) Forty hours shall constitute a week's work, which shall be worked on five days of the week from Monday to Friday, both days inclusive, made up of eight hours, to be worked between the hours of 7.30 a.m. and 5 p.m.

(b) If and so long as the entire production of canisters is used in factories carrying on the industry of fruit-preserving and/or fish-preserving and/or jam-making or other industries that have been granted by the Court an extension of hours beyond forty per week, the hours of work for canister-workers employed by firms carrying on such industries shall be those prescribed in the award or awards for the time being in force governing such industry or industries: Provided that the wages of workers in receipt of a weekly wage shall be increased by an amount equal to 10 per cent. during such period in which extended hours in excess of forty per week are permitted.

(c) Shifts may be worked as required by the employer. A worker required to work not more than three consecutive working-days on shift-work outside the hours prescribed in subclause (a) hereof shall be paid at overtime rates; but if he is required to work more than three consecutive afternoon, evening, or night shifts he shall receive, in addition to the prescribed weekly wage, an extra allowance equal to 10 per cent. of his wages, with a maximum of 10s. in the case of adult workers, and 5s. in the case of junior workers.

(d) "Shift-work" in the case of an afternoon shift means any shift finishing after 6 p.m. and at or before midnight, and in the case of a night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

Holidays.

3. The following holidays shall be observed without deduction from pay: New Year's Day and the day following, Good Friday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, Anzac Day, Christmas Day, and Boxing Day. All time worked on Sunday or any of the foregoing holidays shall be paid for at double time rates.

Annual Holiday.

4. (a) Where a party to this award closes the factory over the Christmas-New Year period, workers who have been employed continuously for twelve months shall be paid for the working-days between Boxing Day and New Year's Day.

(b) Where the factory does not close between Boxing Day and New Year's Day, a holiday of five consecutive working-days at ordinary rates in lieu of the above shall be given and taken at a time to be mutually arranged between the employer and the worker.

(c) A worker who has completed three months' service or whose employment is terminated after three months' service shall be granted a proportionate holiday or pay in lieu thereof in proportion to the length of service.

Wages.

5. The minimum rate of pay for adult male canister makers or repairers shall be 2s. 7d. per hour.

Overtime.

6. All work done outside of or in excess of the hours prescribed in clause 2 hereof shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. When overtime is worked, tea-money at the rate of 1s. 6d. shall be allowed each worker called upon so to work.

Junior Males.

7. The minimum weekly wages for junior males shall be as follows:—

Age commencing	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 16	20/-	25/-	30/-	35/-	40/-	45/-	50/-	55/-	60/-	70/-
16 to 17	22/6	27/6	32/6	37/6	42/6	47/6	55/-	60/-	65/-	70/-
17 to 18	27/6	32/6	37/6	42/6	50/-	57/6	65/-	70/-	..	..
18 to 19	32/6	37/6	42/6	47/6	55/-	62/6	70/-	..	..	..
19 to 20	42/6	50/-	55/-	65/-	70/-	..	..	..	..	..
20 to 21	55/-	60/-	70/-	..	..	..	..	..	..	..

And thereafter, or on attaining the age of twenty-one years, not less than the adult rates herein prescribed.

Increase in Rates of Remuneration.

8. 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.

9. (a) Wages shall be paid weekly in the employer's time not later than Friday in each week.

(b) All wages shall be paid on the dismissal of the worker or when the worker leaves of his own accord.

(c) No deduction shall be made from the weekly wages herein prescribed except for time lost through the worker's sickness, accident, or default.

Accidents.

10. A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place in every works.

Hot Water.

11. A sufficient supply of hot water shall be available at meal-times to all workers in every establishment.

Right of Entry.

12. The union secretary or other person duly appointed shall be allowed access to any workshop, at a time to be mutually arranged, for the purpose of interviewing any worker coming within the scope of this award upon business connected therewith.

Extension of Hours under Factories Act.

13. 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.

14. (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.

15. (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 wages 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.

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 the industrial district to which this award relates.

Scope of Award.

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

Term of Award.

18. This award, in so far as it relates to wages, shall be deemed to have come into force on the 28th day of March, 1941, 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 28th day of March, 1942.

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 27th day of May, 1941.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM.

This award embodies the recommendations arrived at by the assessors in Conciliation Council. Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.
