

OTAGO AND SOUTHLAND **LIME-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 Otago and Southland Lime and Cement Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- Balfour Lime Co., Ltd., 109 Princes Street, Dunedin.
 Brown's Lime Co., Ltd., P.O. Box 75, Invercargill.
 Clifden Lime Co., Ltd., 47 Esk Street, Invercargill.
 Dohertys Lime Co., Ltd., Centre Bush, Lime Hills.
 Dominion Lime and Phosphate Co., Ltd., 27 Mersey Street, Gore.
 McDonald's Oamaru Lime, Ltd., 154 Thames Street, Oamaru.
 Milburn Lime and Cement Co., Ltd., 59 Crawford Street, Dunedin.
 New Snowdrift Lime Co., Ltd., 362 Moray Place, Dunedin.
 Southland Farmers Lime Co., Ltd., Don Street, Invercargill.
 Taylor, W. J., Lime-works, Weston, Oamaru.
 Waimumu Lime Co., Ltd., Gore.
 Ward, J. H., and Co., Ltd., Lime Hills.

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 on the 16th day of March, 1942, and shall continue in force until the 16th day of March, 1943, 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 10th day of March, 1942.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE.

Industry to which Award applies.

1. This award shall apply to the production or manufacture of lime.

Hours of Work.

2. (a) The ordinary hours of work shall be forty-four per week, not more than eight hours per day, to be worked from Monday to Friday, between the hours of 7.30 a.m. and 5 p.m., both days inclusive, and four hours on Saturday, between the hours of 7.30 a.m. and noon.

(b) (i) Shift-work: Eight-hour shifts may be worked, provided that all time worked between 1 p.m. on Saturday and midnight on Sunday shall be paid for in accordance with the provisions of sections 14 (4) and 15 (1) and (2) of the Factories Amendment Act, 1936. For the purpose of this clause all workers coming within the scope of this award shall be deemed to be factory workers.

(ii) Men on afternoon or night shift shall be paid 1s. 6d. per shift extra. This allowance shall be payable in respect of any shift the whole period of which does not fall between the hours of 7.30 a.m. and 5 p.m.

(iii) Where shifts are worked, thirty minutes' crib-time shall be allowed.

(c) In the event of the weekly hours being reduced, through slackness of trade, to less than forty-four per week, such reduced hours shall be worked on five days of the week, Monday to Friday inclusive.

Sunday Work.

3. Sunday work shall be optional. Any work done on Sundays shall be paid for at double ordinary time.

Overtime.

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

(b) No worker shall be required to work more than five hours continuously without being allowed time for a meal or a meal allowance of 1s. 6d.: Provided that if men are required to work overtime continuously for more than two hours at other than shift-work they shall be allowed half an hour for a meal and a meal allowance of 1s. 6d.

Holidays.

5. (a) The following shall be observed as holidays: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign.

(b) When any of the holidays mentioned in subclause (a) hereof falls on a working-day, payment shall be made for same, as if worked, at ordinary rates of wages. Any worker employed within fourteen days prior to the said holiday shall be entitled to such payment for the said holiday.

(c) For work done on any of the holidays mentioned in subclause (a) hereof, payment shall be made at the rate of double time in addition to any payment the worker may be entitled to under subclause (b) hereof.

(d) All workers on completion of twelve months' service shall receive as holidays the working-days which fall between Boxing Day and New Year's Day, and shall be paid therefor at ordinary rates.

If the employment of a worker is terminated for reasons other than misconduct after the expiry of not less than three months' service in the leave year, he shall be granted pay in lieu of holidays in proportion to the length of such service.

Wages.

6. The following shall be the minimum rates of wages:—

	Per Hour.	
	s.	d.
Drillman with explosive permit ..	2	9½
Drill assistant with explosive permit ..	2	7
Drillmen	2	6
Petrol and Diesel loco. drivers ..	2	5
Feeders to crushers and mills ..	2	5
Feeders to burnt-lime mill ..	2	5
Rotary-kiln burners	2	7½
Drawers from rotary kiln ..	2	5
Lime and coal drier firemen ..	2	6
Burners and drawers ..	2	5
Lime-classers	2	5
Baggers (whilst so employed) ..	2	5
Spallers	2	5
Steam and Diesel digger drivers ..	2	7½
Men employed on petrol and Diesel lorries and/or tractors ..	2	5
Men working hydrator ..	2	5
All other workers	2	4

If an unspecified worker is employed for three or more hours on any day at any of the classified operations he shall be paid for all time worked on such day at the rate prescribed for such classified operation.

Employment of Boys.

7. Boys, in the proportion of one to every ten or fraction of ten workers receiving not less than 2s. 4d. per hour, may be employed at not less than the following rates of wages: Under sixteen years of age, 1s. 4d. per hour; between sixteen and eighteen years of age, 1s. 7½d. per hour; and thereafter the appropriate rate prescribed in clause 6.

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.

General Provisions.

9. (a) When required, respirators, aprons, and goggles shall be supplied by the employer to men working in lime.

(b) Ten minutes shall be allowed workers for "smoke-oh," morning and afternoon.

(c) A modern first-aid outfit, fully equipped, shall be kept in a convenient and accessible place at the works.

(d) Except where otherwise mutually arranged, wages shall be paid fortnightly and during working-hours.

(e) Proper sanitary conveniences, including an adequate supply of fresh water and accommodation for men living on the works, shall be provided at all lime-workings throughout the Otago and Southland Industrial District, and it shall be the duty of the check inspector to assist the works-manager in seeing that employees using such sanitary conveniences do so in a proper and a careful manner.

(f) Suitable shelter shall be provided for men to have their meals, and an adequate supply of water shall be available at all times.

Contract Work.

10. Where the operation of any works the proprietor of which is a party to this award is carried on by contract, the contractor or contractors shall pay the wages and observe all the conditions of this award.

Extension of Hours under Factories Act.

11. 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 in the manner and to the extent set forth in this award in respect of every occupier of a factory bound or to be bound by the provisions of this award.

Check Inspector and Committees.

12. The union shall elect a check inspector and a committee of two at each lime-works in the industrial district; such check inspector and committee while so officiating must be in the employ of a party to this award. The duties of the committee shall be to assist the manager of the works to adjust any grievances or disputes that may arise. Any grievance or dispute that cannot be so settled shall be referred to a committee consisting of an executive officer of the union, the manager or officer of the company, and the Inspector of Awards at Dunedin, Invercargill, or Oamaru. In the event of the committee being unable to settle the matter, it may be referred to the Court by either party.

Workers to be Members of Union.

13. (a) Subject to the provisions of section 18 (5) 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.

(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.

Application of Award.

15. 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.

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

Term of Award.

17. This award shall come into force on the 16th day of March, 1942, and this award shall continue in force until the 16th day of March, 1943.

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 10th day of March, 1942.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM.

The matters referred to the Court related to wages, shift allowance, period of annual leave, qualifying period for proportionate payment in lieu of annual leave, general provisions, and term of award.

Mr. Monteith is not in agreement with period of annual leave awarded, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH.

I dissent from this award. Because of the volume of dust that men employed in crushing plants work in all the year round, I am strongly of the opinion that at least ten days' annual holiday should be granted.
