

AUCKLAND (TWENTY-MILE RADIUS) MILK-ROUNDSMEN'S.—
AWARD

In the Court of Arbitration of New Zealand, Northern 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 Auckland Milk-roundsmen's Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- Amburys Ltd., Milk-vendors, 1 Owen Road, Epsom, Auckland.
 Auckland Milk Co., Milk-vendors, Kent Street, Newmarket, Auckland.
 Anderson Bros., Milk-vendors, Kitchener Road, Milford, Auckland.
 Andrews, W., Milk-vendor, 31 Towai Street, Kohimarama, Auckland.
 Berryman, W., Milk-vendor, Coronation Road, Mangere, Auckland.
 Bartlett, Mrs. C., Milk-vendor, St. George Street, Papatoetoe.
 Belmont Dairy Co., Ltd., Milk-vendors, 63 Lake Road, Devonport, Auckland.
 Ferguson, R., Milk-vendor, 695 Mount Albert Road, Auckland.
 Griffiths and Sons, Milk-vendors, 26 Rose Road, Grey Lynn, Auckland.
 Locke Bros., Milk-vendors, Oakdale Road, Mount Roskill, Auckland.
 Mears, W. E., Milk-vendor, Great South Road, Otahuhu, Auckland.
 Peck, C. M., Milk-vendor, 17 Dornwell Road, Mount Roskill, Auckland.
 Rae, J. C., Milk-vendor, Princes Street, Devonport, Auckland.
 Stewart, Mrs. D., Milk-vendor, 55 Richardson Road, Mount Albert, Auckland.
 Stonex Bros., Milk-vendors, Edinburgh Street, Newton, Auckland.
 Takapuna Dairy Co., Ltd., Milk-vendors, 197 Victoria Road, Devonport, Auckland.

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 29th day of March, 1943, and shall continue in force until the 29th day of March, 1944, 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 25th day of March, 1943.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applicable

1. This award applies to the wholesale and retail distribution of milk, cream, and other dairy-produce.

Hours of Work

2. (a) There shall be only one delivery of milk per day.

(b) One delivery shall be one delivery only, whether it be to a roundsman's usual customers or to any other roundsman's customers.

(c) The time for starting work shall be in accordance with the provisions of section 4 of the Shops and Offices Act, 1921-22, as amended by section 5 of the Shops and Offices Amendment Act, 1936.

(d) The ordinary hours of work shall not exceed eighty-eight per fortnight, eighty hours of which shall be worked on ten days of the fortnight. The remaining hours up to eight hours, if worked, shall be paid for at the rate of 3s. 9d. per hours in addition to the weekly wage.

The ten working-days in each fortnight shall be worked consecutively except in such cases as may be agreed upon between the particular employer concerned and the secretary of the union. In the event of no agreement being reached, the matter shall be treated as a dispute to be settled under clause 12 of this award.

Wages

3. (a) All roundsmen shall be paid the minimum wage of £5 per week. Relieving roundsmen shall be paid 5s. per week extra.

(b) Wages shall be paid in the employer's time, and not later than Friday morning of each week.

(c) Each worker shall be supplied by his employer with one quart of milk per day, free of charge.

(d) No deduction shall be made from weekly wages except for time lost through the worker's sickness or default.

Learners

4. Learners shall be paid a minimum wage of 10s. per day for each day that they require the assistance of a teacher while learning the milk round: Provided that if the roundsman remains in the employer's service for a period of four weeks or more he shall be paid the minimum wage provided in clause 3 hereof as from the time he commenced to work for his employer.

Overtime

5. (a) Any time worked outside of or in excess of the hours mentioned in clause 2 hereof, or in excess of eight hours per day, 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.

(b) For the purpose of collecting accounts, the daily total of hours may exceed eight without payment of overtime.

Increase in Rates of Remuneration

6. All rates of remuneration (which term includes time and piecework rates, overtime, and other special payments) provided for in this award shall be subject to the provisions of the general orders dated the 9th August, 1940, and the 31st March, 1942, under the Rates of Wages Emergency Regulations 1940, increasing rates of remuneration as follows:—

(a) The order dated the 9th August, 1940, increases all rates of remuneration by an amount equal to 5 per cent. thereof:

(b) The order dated the 31st March, 1942, increases all rates of remuneration (inclusive of the August, 1940, bonus) by an amount equal to 5 per cent., but this increase is payable—

(i) In the case of males twenty-one years of age and over, on earnings up to £5 per week only;

(ii) In the case of females twenty-one years of age and over, on earnings up to £2 10s. per week only; and

(iii) In the case of males or females under twenty-one years of age, and apprentices, on earnings up to £1 10s. per week only.

Work not provided for

7. (a) All work done by any roundsman other than retailing milk, cleansing cans used by him, keeping such reasonable accounts and books of accounts in connection with his round, and the proper care of horse, harness, and/or vehicle used by him, shall be considered overtime work and shall be paid for at 2s. 7d. per hour.

(b) In the event of a roundsman not being employed delivering milk on any one day, the employer shall have the right to employ such worker at such other work as may be required, but not in excess of the hours prescribed in clause 2 hereof.

Holidays

8. (a) Each worker shall receive two weeks' holiday in each year on the full minimum wage provided in this award.

(b) Where a worker is discharged, except for misconduct, before having served his employer for a full year, or where he voluntarily leaves his employment after having served three months, he shall be paid *pro rata* for holidays to which he would be entitled under the foregoing subclause.

(c) Workers required to work on Christmas Day, Good Friday, New Year's Day, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Boxing Day, Anzac Day, and Anniversary Day shall receive an extra day's pay.

Accidents

9. (a) The employer, at his own cost and expense, shall insure in a responsible insurance office carrying on business in the City of Auckland every worker coming within the scope of this award against accident or injury sustained whilst in the employment of the employer, to the end and intent that every worker may receive the full benefit of the Workers' Compensation Act, 1922 (or other enactment passed in substitution thereof).

(b) The employer shall keep posted up in a conspicuous part of his premises to which all workers under this award have access a certificate by such insurance company notifying him that such insurance is from time to time in full force and effect.

Juvenile Labour

10. (a) Any person, irrespective of age, who delivers milk shall be deemed to be a milk-roundsman.

(b) No person under the age of seventeen years shall be employed in the delivery of milk.

(c) In cases where more than one roundsman is employed delivering milk or cream from the same vehicle each person so employed shall be entitled to the full rate of pay for roundsmen.

Exemptions

11. Workers solely engaged in delivering milk in wholesale quantities shall be exempt from the provisions of this award.

“Wholesale quantities” shall mean 1 gallon and upwards.

Matters not provided for

12. Any dispute connected 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, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, 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.

Under-rate Workers

13. (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.

Workers to be Members of Union

14. (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.)

Scope of Award

15. This award shall apply only to the employers carrying on business within a radius of twenty miles from the chief post-office in the City of Auckland.

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.

Term of Award

17. This award shall come into force on the 29th day of March, 1943, and shall continue in force until the 29th day of March, 1944.

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 25th day of March, 1943.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

This dispute was filed on 8th January, 1943, being a date subsequent to the commencement of the Economic Stabilization Emergency Regulations 1942. In making the award, therefore, the Court is bound by the provisions of Regulation 38.

The matters referred to and settled by the Court related to industry to which award applicable, hours of work (sub-clauses (c) and (d)), pay-day, Sunday work, maximum gallonage, collecting accounts, learners, work not provided for, holidays, annual holiday, and term of award.

A. TYNDALL, Judge.
