

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 in the matter of an industrial dispute between the Dunedin Canister-workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned 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, W., 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 on the 3rd day of May, 1943, and shall continue in force until the 3rd day of May, 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 22nd day of April, 1943.

[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.

Wages

3. (a) *Adult Males*.—The minimum rate of pay for adult male canister makers or repairers shall be 2s. 7d. per hour, increased by $\frac{1}{2}$ d. per hour after one year's continuous service with the same employer. Any unbroken time served during the year immediately preceding the date of coming into force of this award shall be taken into account in determining the standing of a worker for the purposes of this subclause.

(b) *Junior Males*.—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.

Employment of Females

4. Female workers may be employed, subject to the provisions of the award and the following special conditions:—

(a) No female worker shall be continued in employment or shall be employed at any time when there is available for employment a suitable male worker willing and able to perform the work who was employed in the industry on the 20th day of February, 1942, in the Otago and Southland Industrial District, or who was employed in the industry prior to that date and was on that date a member of the armed forces.

(b) Female workers shall be paid not less than the following rates:—

Age commencing in Industry.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.
Under 16	19/-	23/-	27/-	31/-	35/-	40/-	45/-
16 to 17	23/-	27/-	31/-	35/-	40/-	45/-	..
17 to 18	27/-	31/-	35/-	40/-	45/-	..	..
18 to 19	31/-	35/-	40/-	45/-	..	..	..
19 to 20	35/-	40/-	45/-	..	..	..	..
20 to 21	40/-	45/-	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, £2 15s. per week.

(c) (i) Female workers shall not be permitted to do heavy press work over No. 4A press, or setting up or adjusting of machines, or to do soldering work, except by agreement between the union and the employer concerned.

(ii) Female workers shall not be employed on night shifts.

(iii) A rest period of ten minutes shall be allowed and paid for morning and afternoon.

(iv) Reasonable facilities shall be provided for supplying warmth in cold weather.

(v) Overalls, caps, and gloves shall be provided where necessary, also work seats where it is possible to use them.

(vi) Boiling water shall be provided for meal-times and washing purposes.

(vii) Adequate dining and sanitary accommodation shall be provided.

Overtime

5. 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.

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 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.

Payment of Wages

7. (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.

Holidays

8. (a) 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.
- (b) Should any of the above-mentioned holidays, other than Anzac Day, fall on a Sunday, then for the purposes of this award such holiday shall be observed on the next succeeding working-day.
- (c) All time worked on Sunday or on any of the above-mentioned holidays shall be paid for at double time rates.

Annual Holiday

9. (a) An annual holiday of one week on full pay shall be allowed to each worker on completion of each year of service, at a time to be mutually arranged between the worker and the employer. Such holiday shall be exclusive of the holidays in subclause (a) of clause 8.

(b) 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.

General Conditions

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

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

(c) Adequate dining and sanitary accommodation shall be provided for all workers and a suitable place for workers to hang their clothes.

(d) In workshops where noxious fumes are present suitable protection to the satisfaction of the Health Department shall be provided for workers.

Right of Entry

11. 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

12. 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

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 wages, 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 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 for the district, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied

with the decision of the Conciliation Commissioner, may appeal to the Court upon giving written notice to the other party within fourteen 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 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 shall come into force on the 3rd day of May, 1943, and shall continue in force until the 3rd day of May, 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 22nd day of April, 1943.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM.

The matters referred to the Court related to shift allowance, wages, transfer of holidays, annual holiday, and term of award. These the Court has settled mainly along the lines of the present Wellington award (42 Book of Awards 1357). In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

The application under section 41 of the Industrial Conciliation and Arbitration Act, 1925, for the hearing of the dispute by a Council of Conciliation was filed with the Clerk of Awards before the 15th December, 1942, and consequently the Court is not required to have regard to the Economic Stabilization Emergency Regulations 1942 (Regulation 43A (2) (a)).

A. TYNDALL, Judge.