

WELLINGTON AND OTAGO AND SOUTHLAND **FELT-HATTERS.**—  
AWARD

*[Filed in the Office of the Clerk of Awards, Dunedin.]*

In the Court of Arbitration of New Zealand, Wellington and Otago and Southland Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Wellington and Dunedin Felt-hatters' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned person and companies (hereinafter called "the employers") :—

National Hat Mills, Ltd., 15 Adelaide Road, Wellington.  
Phyphian, J. F., 58 Victoria Street, Wellington.  
Ross and Glendining, Ltd., High Street, Dunedin.  
Triester and Co., Ltd., 193 Vivian Street, Dunedin.  
Union Felt Hat Co., Ltd., 686 King Street, Dunedin.

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. The industry to which this award applies is the manufacture of felt hats of every description.

##### *Hours of Work*

2. Forty hours shall constitute a week's work, to be worked between the hours of 8 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

##### *Overtime*

3. All time worked outside or in excess of the hours prescribed in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

##### *Holidays*

4. (a) The following shall be the recognized holidays: Christmas Day, Boxing Day, New Year's Day, Anzac Day, Good Friday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day. Should any of the foregoing holidays fall on an ordinary working-day—*i.e.*, Monday to Friday, both days inclusive—payment shall be made therefor at ordinary rates.

(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) Work performed on any of the above-mentioned holidays shall be paid for at double time rates.

*Annual Holiday*

5. (a) An annual holiday of one working-week on full pay shall be allowed all workers after completion of each twelve months' service from 1st January, 1940. Whenever possible, such holiday shall be given and taken in conjunction with the Christmas, and New Year holidays. Workers who at that time have not completed the full twelve months' service shall be allowed a holiday proportionate to the time served.

(b) If the employment of any worker is terminated by either party for any reason, other than by the employer for misconduct of the worker, before the completion of the first year of service but after three months' service being part thereof has been completed, or at any time after the first year of service has been completed, a holiday of proportionate duration for the broken period served shall be allowed or paid for.

*Wages*

6. The minimum rate of wages for journeymen shall be 2s. 9d. per hour for the following classes of work: Blocking (steam or water); open or box framing; finishing (hand or machine); shaping in its entirety; flanging; cutting; velouring (before or after trimming); pressing; proofing in its entirety; felt hats of all descriptions.

*Employment of Youths*

7. Pending the making of an order under the Apprentices Act, 1923, youths may be employed in the Wellington Industrial District on such terms and conditions as may be agreed upon between the employer and the union.

*Employment of Females*

8. (a) The minimum rates of wages payable to females shall be as follows:—

	Per Week.		
	£	s.	d.
For the first six months .. ..	0	18	0
For the second six months .. ..	1	2	0
For the third six months .. ..	1	6	0
For the fourth six months .. ..	1	10	0
For the fifth six months .. ..	1	15	0
For the sixth six months .. ..	2	0	0
For the fourth year .. ..	2	6	6
Thereafter .. ..	2	15	0

Provided that a worker of the age of twenty-one years or upwards shall be paid not less than the basic wage for the time being prevailing.

(b) Any employer shall be entitled to make a rateable deduction from the wages of any worker for any time lost by her through sickness or default or on account of the temporary closing of the factory for cleaning or repairing the machinery.

(c) In addition to the deductions provided for in the preceding subclause, an employer shall be entitled to make a rateable deduction from the wages of any worker eighteen years of age or over for any time lost by reason of the closing of the factory, or any part of it, for stocktaking, or for cleaning, repairing, or altering the premises.

(d) When work is not available at the factory and notice has not been given to a worker on the previous day, any worker who attends at the factory for the purpose of working shall be paid for at least four hours' work. When such worker is required to attend in the afternoon, such worker shall be paid for four hours' work although no work is available. When a worker has commenced work and, by reason of a stoppage of machinery, is unable to continue working, payment shall be made as though such worker had worked for the half-day period.

#### *Piecework by Females*

9. Piecework by females is permitted: Provided that the workers on piecework shall receive not less than the minimum time rate prescribed in this award.

#### *Increase in Rates of Remuneration*

10. 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.

*Matters not provided for*

11. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the president or secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local 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 fourteen days after such decision shall have been communicated to the party desiring to appeal.

*Workers to be Members of Union*

12. (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*

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.

#### *Application of Award*

14. 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 districts to which this award relates.

#### *Scope of Award*

15. This award shall operate throughout the Wellington and Otago and Southland Industrial Districts.

#### *Term of Award*

16. 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 holidays and transfer of holidays, wages, deductions, and term of award. 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)).

Mr. Monteith is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

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- DISSENTING OPINION OF MR. MONTEITH

I dissent from this award, because it allows an employer to employ a girl at twenty years of age for 18s. a week. How the girl is to pay her way and live on 18s. a week is beyond me. It is simply a sweated-labour rate.

I believe it is the duty of this Court to insert reasonable rates, and a schedule of junior female rates which allows an employer to engage a girl of twenty years for 18s. a week is, in my opinion, far from reasonable.

We are often told that employers do not use the scale for young women at twenty years, but we have had cases before this Court where it has been done. I could quote a long list of scales inserted in awards by this Court which correct and safeguard this position; and why we are to go back to the bad old days I cannot understand.

The union asked for it to be altered, and I believe it should have been altered.

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