

OTAGO TEA-PACKING EMPLOYEES (FEMALE).—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 Otago and Southland Manufacturing Chemists, Preserved Foods, Jam, and Starch Factories' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Banquet Tea Co., Ltd., 270 Moray Place, Dunedin.

Bell Tea Co., Ltd., 15 Hope Street, Dunedin.

Colombo Tea Co., Ltd., 412 Princes Street, Dunedin.

Rattray, J., and Sons, Ltd., 17 Crawford 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 day of the date hereof, and shall continue in force until the 24th 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 24th day of May, 1943.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which the Award applies

1. This award shall apply to females wholly or substantially employed in connection with the packing of tea.

Hours of Work

* 2. The hours of work shall not exceed forty per week, eight hours to be worked on each of the five days, Monday to Friday inclusive, between the hours of 8 a.m. and 5 p.m.

Overtime

3. All time worked outside or in excess of the hours prescribed in clause 2 hereof shall be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Workers required to work overtime shall be allowed a meal allowance of 1s. 6d. The minimum rate for overtime shall be 1s. 6d. per hour.

Holidays

4. (a) The following holidays shall be observed without deduction of pay: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, and the birthday of the reigning Sovereign.

(b) Work done on any of the foregoing holidays or on Sundays shall be paid for at double time rates.

(c) An annual holiday of one working-week shall be allowed at a time suitable to the employer (where possible in conjunction with the Christmas-New Year holidays) to all workers on completion of each year of service. The qualifying period for holiday allowance shall date from the 1st day of January, 1941, or from such date subsequent thereto on which the worker's employment has commenced.

(d) 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 being part thereof has been completed, or at any time after the first year has been completed, a holiday of proportionate duration shall be allowed or paid for.

Wages

5. The minimum weekly wage shall be:—

Age at commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.
Under 16 years	17/6	21/6	25/6	29/6	33/6	37/6	41/6	45/6
16 to 17 years	20/6	24/6	28/6	32/6	36/6	40/6	44/6	..
17 to 18 years	23/6	27/6	31/6	35/6	39/6	43/6	..	..
18 to 19 years	26/6	30/6	34/6	38/6	42/6	..	..	..
19 to 20 years	29/6	33/6	37/6	41/6	..	..	..	..
20 to 21 years	32/6	36/6	..	..	..	..	..	..
Thereafter, or on attaining the age of twenty-one years, not less than £2 10s. per week.								

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.

Terms of Employment

7. (a) The employer shall be entitled to make a rateable deduction from the wages of any worker for time lost through sickness or default or through accident not arising out of or in the course of the employment.

(b) Not less than one week's notice of the termination of employment shall be given by either side, but nothing in this clause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

Right of Entry

8. The secretary or other authorized officer of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Matters not provided for

9. 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 Inspector of Awards, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Inspector, 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.

Under-rate Workers

10. (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

11. (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.)

Application of Award

12. 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.

Scope of Award

13. This award shall operate throughout that portion of the Otago and Southland Industrial District formerly known as the Provincial District of Otago.

Term of Award

14. This award shall come into force on the day of the date hereof, and shall continue in force until the 24th 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 24th day of May, 1943.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The only matter referred to the Court related to wages. 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; consequently the Court is not required to have regard to the Economic Stabilization Emergency Regulations 1942 (Regulation 43A (2) (a)).

A. TYNDALL, Judge.
