

OTAGO AND SOUTHLAND ROOFERS, TILERS, AND SLATERS.—
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 Brick, Tile, Pottery, and Concrete-goods Makers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Briscoe and Co., Ltd., Crawford Street, Dunedin.
Lambert Bros., Ltd., Kensington, Dunedin.
Petrous Tile Co., Ltd., Caversham, Dunedin.
Stuart, Donald, Ltd., 82 Bond 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 as hereinafter provided and shall continue in force until the 16th day of December, 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 18th day of March, 1943.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to workers engaged in the setting-out of roofs, battening same, laying tiles, slates, ridging, pointing same, wiring, fixing asbestos sheets and slates, laying fibrous or bituminous roofs, or fixed flooring.

Hours of Work

2. (a) Forty hours shall constitute an ordinary week's work. Eight hours shall constitute an ordinary day's work. The ordinary working-hours shall be between the hours of 7.30 a.m. and 5 p.m. on five days of the week, from Monday to Friday inclusive.

(b) Notwithstanding the foregoing, if in any calendar week a worker has lost time through wet weather, he may work between 7.30 a.m. and 12 noon on Saturday of that week without payment of overtime: Provided that the total time worked in that week, including the time worked on the Saturday, shall not exceed forty hours.

Overtime

3. All time worked in any one day 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 four hours and double time thereafter.

Holidays

4. (a) The following days shall be observed as holidays and shall be paid for at ordinary rates, notwithstanding that no work is done: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign.

(b) If work is done on any of the holidays mentioned in subclause (a) of this clause, such work shall be paid for at the rate of ordinary time in addition to the payment provided for in subclause (a).

(c) All employers shall allow as paid holidays to all workers who have completed twelve months' service the working-days between Boxing Day and New Year's Day or the equivalent number of working-days at some other time to be mutually agreed upon: Provided that a worker who has completed less than twelve months' service but more than three months' service shall be allowed a proportionate part of such holiday. A worker who leaves his employment or is discharged after the completion of three months, but before the completion of twelve months' service shall be entitled to the proportionate payment in lieu of such holidays.

Wages

5. The minimum rates of wages shall be as follows:—

		Per Hour.	
		s.	d.
Roofers	2	9
Roofers' assistants	2	6
Labourers	2	4

A labourer after twelve months' experience with roofers may be employed as an assistant at not less than the following rates:—

		Per Hour.	
		s.	d.
During the first year	2	5
During the second year	2	6
And thereafter the rate provided for roofers' assistants.			

Meal-money

6. The employer shall allow the sum of 1s. 6d. meal-money to workers who are required to work overtime after 6 p.m., provided that such workers cannot reasonably get home for their meals or have not been notified on the previous day.

Outside Work

7. Employers shall pay car fare after the first section each way within the city or St. Kilda boundaries. Outside the said boundaries employers shall convey the workers to and from the work or pay the cost of transport and shall pay the workers' travelling-time, not exceeding one hour per day.

Country Work

8. (a) "Country work" means work done by a worker in such a locality as to necessitate his sleeping elsewhere than at his genuine place of residence in New Zealand.

(b) The provision herein contained relative to country work shall apply whether or not the worker, prior to his accepting such country work, is already in the service of the employer, and whether the worker is engaged at the place where the work is to be done or elsewhere, and irrespective of the employer's usual place of business.

(c) The employer shall convey the worker free of charge or pay his fare to and from country work, but once only during the continuation of the work. If, however, the worker is withdrawn from such work by the employer, or if he returns therefrom requiring medical attention in consequence of accident or sickness arising out of and in the course of the employment, and is, in either case, again required on the work, the employer shall again convey him or pay his fare to and from such work.

(d) Time occupied in travelling shall be paid for at ordinary rates, but no worker shall be paid more than an ordinary day's wages for any time occupied in travelling, although the hours occupied may exceed eight.

(e) Workers employed on country work shall be provided by the employer with suitable board and lodging free of charge.

(f) Notwithstanding anything contained in this award, an employer may agree with a worker that in respect of any specified country work the hours of work (without payment of overtime) shall be different from or in excess of those prescribed in this award.

Termination of Employment

9. (a) The employer shall give a roofer one day's notice or one day's pay in lieu thereof prior to his dismissal. Any roofer about to leave his employment shall give his employer one day's notice or forfeit in lieu thereof one day's pay, to be deducted from the wages due to him. An assistant or labourer may leave or be dismissed on an hour's notice.

(b) In the event of any worker being dismissed, all wages due to him shall be paid immediately. Any worker leaving his employment shall be paid the wages due to him within twenty-four hours.

Piecework

10. (a) Piecework is prohibited. No work shall be sublet (labour only).

(b) It shall be a breach of this award for any employer to sublet any work within the scope of this award on a "labour only" basis, and any worker undertaking work on a "labour only" basis shall be guilty of a breach of this award.

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 reached, the matter 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 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.

General Orders under the Rates of Wages Emergency Regulations 1940

14. 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 the 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.

Right of Entry

15. The secretary or other authorized officer of the union of workers shall, with the consent of the employer or his representative (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 upon matters arising out of the award, but not so as to interfere unreasonably with the employer's business.

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, in so far as it relates to wages, shall be deemed to have come into force on the 16th day of December, 1942, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 16th day of December, 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 18th day of March, 1943.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

A complete settlement in this dispute was arrived at on 16th December, 1942, the day after the commencement of the Economic Stabilization Emergency Regulations 1942, and the terms of the settlement were forwarded to the Court pursuant to section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939. The Court, in making the award, is required by subclause (7) of Regulation 43A to have regard to the general purpose of the regulations.

The adjustments agreed to by the parties in conciliation are mainly in the clause dealing with holidays, and, while the alterations are in favour of the workers, the clause is not yet as generous as that which has operated in the same industry in the Northern Industrial District since 27th October, 1941 (4th Book of Awards 1449).

The Court has therefore decided to embody the terms of settlement in an award.

A. TYNDALL, Judge.
