

CANTERBURY, NELSON, MARLBOROUGH, AND WESTLAND
SHOP TAILORING TRADE EMPLOYEES.—AWARD

[Filed in the office of the Clerk of Awards, Christchurch]

In the Court of Arbitration of New Zealand, Canterbury, Nelson, Marlborough, and Westland Industrial Districts.— In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Canterbury, Westland, Nelson, and Marlborough Clothing Trades' Industrial Union of Workers. (hereinafter called "the union") and the undermentioned union, persons, firms, and companies (hereinafter called "the employers") :—

CANTERBURY INDUSTRIAL DISTRICT

Ballantyne, J., and Co., Ltd., Cashel Street, Christchurch.
Beath and Co., Ltd., Cashel Street, Christchurch.
Bierman, Joe, Ltd., 633-635 Colombo Street, Christchurch.
Canterbury Farmers' Co-operative Association, Beswick Street, Timaru.
Christchurch Master Tailors' Industrial Union of Employers,
Chamber of Commerce Buildings, Christchurch.
Cliff, J. P., and Co., Geraldine.
Davis, J., Tailor, Temuka.
"Don" Tailors (W. E. Turland), 657 Colombo Street, Christchurch.
Fail, W. E., Queen Street, Waimate.
Knight, F., Norwich Quay, Lyttelton.
Lublow, H., London Street, Lyttelton.
McDonald and Dunlop, Ashburton.

McKitterick, G., 161 Stafford Street, Timaru.
 Morcom, F. H., Akaroa.
 New Zealand Farmers' Co-operative Association, Rangiora.
 Paramount Tailoring Co., 229 Manchester Street, Christchurch.
 Smith, E. Vincent, Tailor, 127 Cashel Street, Christchurch.
 Solomon, M. H., Tailor, 327 Stafford Street, Timaru.
 Vergette, J. L., Tailor, 126 Hereford Street, Christchurch.

NELSON INDUSTRIAL DISTRICT

Lock Bros., 129 Hardy Street, Nelson.
 Mills, P. E., Tailor, Fairfax Street, Murchison.
 Snow, C., Bridge Street, Nelson.

MARLBOROUGH INDUSTRIAL DISTRICT

Halligan, T., Tailor, Queen Street, Blenheim.
 McKenzie, M., Tailor, 31 Market Place, Blenheim.
 Patchett, F. E., Tailor, 71 Market Place, Blenheim.
 Taylor and Smith, Tailors, 17 Alfred Street, Blenheim.

WESTLAND INDUSTRIAL DISTRICT

Crankshaw, Thos., Tailor, 139 Mackay Street, Greymouth.
 Kear, G., Tailor, 155 Mackay Street, Greymouth.
 Lawn and Fleming, Ltd., 94 Mackay Street, Greymouth.

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 11th day of October, 1943, and shall continue in force until the 11th day of October, 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 6th day of October, 1943.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

PART I.—PROVISIONS RELATING TO FEMALE WORKERS ONLY

Classes of Workers

1. The classes of workers recognized by this section of this award are journeywomen and female apprentices.

Hours of Work

2. (a) The hours of work shall be forty per week.

(b) The above-mentioned hours shall be regulated by the employer between the hours of 8 a.m. and 5.30 p.m. on five days of the week, Monday to Friday inclusive.

(c) Each employer shall place in a prominent position in the workroom a statement showing how the hours of work are regulated.

Female Apprentices

3. (a) The period of apprenticeship shall be: Trousers, vest, and ladies' skirt makers, three years; coatmakers, four years; but three months' probation shall be allowed the first employer of the apprentice to determine her fitness, and the obligations of the apprentice to serve her employer shall be deemed to be a duty enforceable under this award.

(b) At the end of the period of apprenticeship the employer shall give the apprentice a certificate to show that she has served her apprenticeship. Should the employer at any time before the termination of the apprenticeship wish for any reason to dispense with the services of the apprentice, he shall give her a certificate for the time actually served, and procure her another employer carrying on business within a

reasonable distance of the original employer's place of business who shall teach the apprentice, pay her the wages prescribed by this award according to the total length of time she has served, and generally perform the obligations of the original employer: Provided that it shall not be obligatory on the employer to find the apprentice another employer if she shall so misconduct herself as to entitle the employer to discharge her; but he shall give such apprentice a certificate for the time actually served.

(c) An employer taking an apprentice shall give notice thereof and of the name of the apprentice to the Inspector of Awards within one week after the expiration of the period of probation, and an employer transferring an apprentice to another employer shall similarly within one week thereof give notice of such transfer to such Inspector. In both cases the Inspector shall notify the secretary of the union when such has taken place.

(d) An employer shall not be deemed to discharge his duty towards his apprentice if he fails to keep her at work owing to slackness of work, but such slackness may form a proper ground for transferring her to an employer willing to undertake the responsibility of teaching her, notwithstanding that such employer may already have the full complement of apprentices in his employ.

(e) When an apprentice is discharged for cause, the employer shall send notice of the discharge and of the cause thereof to the Inspector of Awards, and the Inspector shall give notice to the secretary of the union.

(f) The proportion of female apprentices to journeywomen shall be as follows:—

For the first three journeywomen or any less number, one apprentice:

For more than three and up to six, two apprentices; and so on in the same proportion.

(g) For all places distant more than thirty miles from the Chief Post-office in Christchurch the proportion of female apprentices to journeywomen shall be as follows:—

For the first two journeywomen or any less number, one apprentice:

For more than two and up to four journeywomen, two apprentices; and so on in the same proportion.

(h) For the purpose of determining the number of apprentices to journeywomen, the calculation shall be based on a two-thirds full-time employment for the six months immediately prior to taking an apprentice.

(i) Any employer taking an apprentice to learn the trade shall be deemed to undertake, for the period hereinafter mentioned, the duty which he agrees to perform as a duty enforceable under this award, and shall pay such an apprentice not less than the undermentioned rates of wages:—

			Per Week.		
			£	s.	d.
First six months	..	..	0	18	0
Second six months	..	..	1	2	0
Third six months	..	..	1	6	0
Fourth six months	..	..	1	10	0
Fifth six months	..	..	1	15	0
Sixth six months	..	..	2	0	0

Thereafter journeywomen's rates; and if apprenticed to coatmaking:—

Seventh six months	..	..	2	6	0
Eighth six months	..	..	2	11	0

Thereafter journeywomen's rates.

(j) Apprentices to machining shall be under the same terms and conditions as for trousers, vests, and skirts.

Wages

4. (a) Coatmakers shall be paid £3 5s. per week.

(b) The minimum wage for other women employed on weekly wages, including machinists, shall be £3 per week.

(c) All wages shall be paid weekly; and no deduction shall be made from the weekly wage save for time lost through the worker's sickness, accident, or default.

(d) Pieceworkers shall be paid in accordance with the time statement attached to the expired Canterbury Shop Tailoring Trade Employees' award, recorded in 37 Book of Awards 368, at p. 377. The said time statement shall, for the purpose of this award, be calculated at the rate of 1s. 2½d. Pieceworkers employed making ladies' garments shall be paid at the rate of 1s. 6d. per hour by the clock.

Overtime

5. (a) All work performed beyond the hours prescribed in subclause (b) of clause 2 hereof shall be considered overtime, and shall be paid for at the rate of time and a half for weekly hands, with a minimum of 1s. 6d. per hour.

(b) Pieceworkers shall receive 1s. per hour extra; but nothing herein contained shall be deemed to affect the provisions of the Factories Amendment Act, 1936, prescribing the limit of time during which females are permitted to work overtime.

Holidays

6. (a) The following shall be the recognized holidays: Christmas Day, Boxing Day, New Year's Day and the day following, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, and Labour Day.

(b) No deduction from the wages of pieceworkers or weekly hands shall be made for these holidays. Weekly hands shall be paid double time for work required to be done on any of the holidays herein prescribed, and pieceworkers shall be paid at the rate of 1s. 4d. per hour extra for work required to be done on these holidays.

(c) When Christmas Day or Boxing Day falls on a Sunday, then the following day shall be the recognized holiday.

(d) Pieceworkers shall be paid for the above-mentioned holidays at the award rate prescribed for weekly hands.

(e) Weekly workers and pieceworkers upon completion of a year's service from the 1st January, 1938, or from the date of commencing the employment if such date is later than the 1st January, 1938, shall receive and be paid for a week's holiday in addition to the holidays set out in subclause (a) hereof. The payment to pieceworkers shall be a sum equal to her average weekly earnings during the twelve months immediately preceding the holiday.

If, after three months' continuous service from the period before stated, the employment is terminated for any reason other than the misconduct of the worker, a proportionate holiday or payment in lieu thereof shall be allowed or paid for.

The holiday shall be given and taken at a time to be mutually agreed between the union and the employer concerned.

PART II.—PROVISIONS RELATING TO MALE WORKERS

Hours of Work

1. (a) The hours of work shall be forty per week.

(b) The above-mentioned hours shall be regulated by the employer between the hours of 8 a.m. and 5.30 p.m. on five days of the week, Monday to Friday inclusive.

Wages

2. (a) The minimum wage for men employed on weekly wages, including pressers, shall be £5 10s. per week.

(b) No deduction shall be made from the weekly wages save for time lost through the worker's sickness, accident, or default.

(c) All wages shall be paid weekly.

(d) Pieceworkers shall be paid in accordance with the time statement attached to the expired Canterbury Shop Tailoring Trade Employees' award, recorded in 37 Book of Awards at p. 377. The said statement shall, for the purpose of this award, be calculated at the rate of 1s. 8½d. per hour. Pieceworkers employed making ladies' garments shall be paid at the rate of 2s. 7½d. per hour by the clock.

Overtime

3. (a) All work performed beyond the hours prescribed in subclause (b) of clause 1 hereof shall be considered overtime, and shall be paid for in accordance with the following scale:—

Weekly Hands.—From 6 p.m. till 9 p.m., time and a half, and thereafter double time; from 6 a.m. till 8 a.m., time and a half.

Pieceworkers.—Pieceworkers shall be paid 1s. 4½d. per hour in addition to the piecework rates.

(b) Overtime on Saturday 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 shall be the recognized holidays: Christmas Day, Boxing Day, New Year's Day and the day following, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, and Labour Day.

(b) No deduction from the wages of pieceworkers or weekly hands shall be made for these holidays. Weekly hands shall be paid double time for work required to be done on any of the holidays herein prescribed, and pieceworkers shall be paid at the rate of 2s. per hour extra for work required to be done on these holidays.

(c) When Christmas Day or Boxing Day falls on a Sunday, then the following day shall be the recognized holiday.

(d) Pieceworkers shall be paid for the above-mentioned holidays at the award rate prescribed for weekly hands.

(e) Weekly workers and pieceworkers upon completion of a year's service from the 1st January, 1938, or from the date of commencing the employment if such date is later than the 1st January, 1938, shall receive and be paid for a week's holiday in addition to the holidays set out in subclause (a) hereof. The payment to pieceworkers shall be a sum equal to his average weekly earnings during the twelve months immediately preceding the holiday.

If, after three months' continuous service from the period before stated, the employment is terminated for any reason other than the misconduct of the worker, a proportionate holiday or payment in lieu thereof shall be allowed or paid for.

The holiday shall be given and taken at a time to be mutually agreed between the union and the employer concerned.

PART III.—PROVISIONS RELATING TO ALL WORKERS

General Orders under Rates of Wages Emergency Regulations 1940

1. The two general orders made under the Rates of Wages Emergency Regulations 1940, and dated 9th August, 1940, and 31st March, 1942, respectively, shall be deemed to be incorporated in this award, and shall have effect according to their tenor.

General Conditions

2. (a) There shall be a fair distribution of work among all operatives in each workroom by the employer. Where there are several workrooms used by the employer, the same shall be considered and included as one workroom for the purpose of this clause. During the slack season a turn-board shall be kept by the employer and the employees.

(b) The employer shall have the right to introduce whatever machinery his business may in his opinion require, and to divide and subdivide labour in any way he may deem necessary, subject to the payment of wages as herein specified: Provided that there shall be employed on coats not less than one journeyman to every four journeywomen or apprentices, or fraction of four; and in calculating the number of men actually employed on the job, pressers shall be excluded from the calculation.

(c) Every employer shall be entitled to the fullest control over the management of his factory, and to make such regulations as he deems necessary for time-keeping and good order.

(d) The rules as to standing-time shall be as follows: At the first try-on, when the workman has picked the coat to pieces and given it to the cutter to mark up and cut out for him, if the worker is kept idle for more than twenty minutes by reason of the cutter not giving him back the coat within that time, he shall be paid full time for any time over the twenty minutes during which he shall be kept idle as before mentioned.

(e) All pressers shall be *bona fide* tailors subject to the provisions of this award; but this shall not compel an employer to dismiss a presser or disqualify for employment any person who is a qualified presser by reason of his having been employed in the past as a tailor's presser. Before employing in the future any person as a presser who is not a tailor or such qualified presser as aforesaid, the employer shall give notice to the union, and if no tailor or such qualified presser is available within one week from such notice the employer may employ any other person, and thereafter shall not be obliged to discharge such person in order to replace him by a tailor.

Disputes

3. The essence of this award being that the work of the employer shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award, or any of them, as to any matter whatsoever arising out of or connected therewith and not specifically dealt with in this award, every such dispute or difference shall be referred to a committee which shall be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Workers to be Members of Union

4. (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.

(c) The secretary or other representative of the union shall be permitted to interview employees at their place of employment once a month during the working-hours for the purpose of collecting contributions due to the union.

(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

5. (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

6. 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 the 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.

Industry to which Award applicable

7. This award shall apply to the shop (bespoke) tailoring industry.

Scope of Award

8. This award shall operate throughout the Marlborough, Nelson, Westland, and Canterbury Industrial Districts.

Term of Award

9. This award shall come into force on the 11th day of October, 1943, and shall continue in force until the 11th day of October, 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 6th day of October, 1943.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters settled by the Court related to all wage-rates, including piecework rates, overtime piecework rates for males, and term of award.

The dispute was filed with the Clerk of Awards on the 14th January, 1943; consequently, in making the award the Court is bound to comply with Regulation 38 of the Economic Stabilization Emergency Regulations 1942.

The Court recently made an award for the same industry in the Wellington and Taranaki Industrial Districts (recorded in 43 Book of Awards 411) and, in doing so, was entirely untrammelled by the Stabilization Regulations.

The time rates of wages applying up to the present in the Canterbury Industrial District are below the rates recently fixed by the Court for the Wellington and Taranaki Districts, and it is considered that such a position is anomalous and should be adjusted. The award now being made brings the time rates for the Canterbury Industrial District into line.

Mr. Prime disagrees with the decision, as he disagreed with the increased rates awarded in the Wellington award.

A. TYNDALL, Judge.