

**CANTERBURY PRESERVED FOODS, JAM, AND STARCH FACTORY
EMPLOYEES.—AWARD**

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Wellington, Taranaki, Marlborough, and Canterbury Grocers' Sundries, Chemical, and Related Products' Factory Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Harrow, C. C., 46 Nortons Road, Christchurch.

Hayward Bros. and Co., Ltd., 48 Peterborough Street, Christchurch.

Holland, H. C., and Co., 356 Innes Road, Christchurch.
Melhuish, J. J., and Co., Ltd., 376 Wilsons Road, Christchurch.

Pioneer Manufacturing Co., Ltd., 215 Waltham Road, Christchurch.

Pro-Vita Mills, Ltd., Ferry Road, Christchurch.

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 22nd day of November, 1943, and shall continue in force until the 22nd day of November, 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 18th day of November, 1943.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to the manufacture and preparation for sale of all classes of pickles, sauces, chutneys, sandwich pastes, jams, marmalade, lemon cheese, starch, cornflour, and the canning of fruit, vegetables, and soups, and to work in connection with or incidental thereto, and to all manual workers who are substantially employed in connection with the above work.

Hours of Work

2. (a) The ordinary hours of work shall not exceed forty-four per week during the summer months (1st November to 30th April inclusive), to be worked between the hours of 7.30 a.m. and 5.30 p.m. on five days of the week and 7.30 a.m. and noon on Saturdays; and forty per week during the winter months (1st May to 31st October inclusive), to be worked between the hours of 7.30 a.m. and 5.30 p.m. on five days of the week and 7.30 a.m. and noon on Saturdays.

The "summer months" period may be extended by agreement between the employer and the union.

(b) Notwithstanding anything elsewhere contained in this award, subsection (4) of section 3 of the Factories Amendment Act, 1936, relating to the employment of workers for the purpose of raising steam or in making preparations for the work of the factory, shall be deemed to be incorporated therein.

(c) Unless otherwise mutually agreed upon between an employer and his workers, three-quarters of an hour shall be allowed for the midday meal, and no worker shall be employed

continuously for more than four and a half hours without an interval for a meal. The employer shall notify the union of any agreement to vary the meal interval.

(d) Where it is required to work shifts, the terms and conditions relating to such work in the case of any employer shall be agreed upon by the secretary of the union and the secretary of the Canterbury Employers' Association.

Overtime

3. (a) All time worked in excess or outside 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 in any one day and double time thereafter.

(b) The minimum rate of payment per hour shall be as provided in the Factories Act, 1921-22.

Meal-money

4. Twenty-four hours' notice shall be given to an employee who is required to work overtime after 6 p.m., or in lieu thereof 1s. 9d. tea-money shall be paid or the employer shall provide a suitable meal. If a worker is notified that overtime shall be worked on the following day and overtime is not worked the employer shall pay the worker 1s. 9d. meal-money.

Wages

5. (a) Sauce and pickle maker and leading hand in starch department shall be paid not less than £5 per week.

(b) Male adult workers shall be paid not less than £4 12s. 6d. per week, or 2s. 4d. per hour in the case of casuals.

(c) The following shall be the weekly rates of pay for youths:—

| Age at commencing Employment. | First Year. | | Second Year. | | Third Year. | | Fourth Year. | Fifth Year. |
|-------------------------------|-------------|--------------|--------------|--------------|-------------|--------------|--------------|-------------|
| | First Half. | Second Half. | First Half. | Second Half. | First Half. | Second Half. | | |
| Under 16 years .. | 22/6 | 26/6 | 30/6 | 34/6 | 38/6 | 42/6 | 47/6 | 60/- |
| 16 to 17 years .. | 26/6 | 30/6 | 34/6 | 38/6 | 42/6 | 46/6 | 52/6 | 60/- |
| 17 to 18 years .. | 30/6 | 34/6 | 38/6 | 42/6 | 46/6 | 50/6 | 60/- | .. |
| 18 to 19 years .. | 34/6 | 38/6 | 42/6 | 46/6 | 50/6 | 54/6 | .. | .. |
| 19 to 20 years .. | 38/6 | 42/6 | 46/6 | 50/6 | .. | .. | .. | .. |
| 20 to 21 years .. | 42/6 | 46/6 | .. | .. | .. | .. | .. | .. |

Thereafter, or on attaining the age of twenty-one years of age, not less than the minimum rate provided for general hands.

(d) The minimum wages of females employed at work covered by this award shall be as follows:—

| | Per Week. | | |
|---------------------------|-----------|----|----|
| | £ | s. | d. |
| First six months | 0 | 17 | 6 |
| Second six months | 1 | 1 | 6 |
| Third six months | 1 | 5 | 6 |
| Fourth six months | 1 | 9 | 6 |
| Fifth six months | 1 | 13 | 6 |
| Sixth six months | 1 | 17 | 6 |
| Fourth year | 2 | 2 | 6 |
| Thereafter | 2 | 10 | 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.

Females commencing at twenty-one years of age or over shall be paid not less than—

£1 16s. per week for the first six months;

£2 5s. per week for the second and third six months;
and

Thereafter £2 10s.

(e) A worker employed for more than forty hours in accordance with the provisions of clause 2 (a) shall be paid, in addition to the ordinary wage, ordinary time rates assessed on an hourly basis for the additional time worked.

(f) *Increase in Rates of Remuneration.*—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 9th August, 1940, and 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 of age and over, on earnings up to £5 per week only; and

(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.

Conditions of Employment

6. (a) Except in the case of casuals, not less than forty-eight hours' notice shall be given by either party of the termination of the engagement, and, further, nothing in this clause shall prevent an employer from summarily dismissing a worker for misconduct.

(b) An employer shall be entitled to make a rateable deduction from the wages of any worker for any time lost by such worker through sickness, accident, default, or voluntary absence from work.

(c) Wages shall be paid in cash in the employer's time, and not later than Friday. Such wages shall be paid weekly, but the existing practice may be continued where an employer has been paying fortnightly.

Holidays

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

(b) Payment for the said holidays shall be made at the same rate as for an ordinary working-day to all persons who have been employed in the factory at any time during the fortnight ending on the day on which the holiday occurs, provided that such holiday falls on an ordinary working-day. Where any such holiday falls on a Saturday, the payment required as aforesaid shall be the amount ordinarily paid for the time worked on Saturday.

(c) Any work done on Sundays or on any of the above-mentioned holidays shall be paid for at double time rates.

(d) Should any of the above holidays, except Anzac Day, fall on a Sunday, then for the purpose of this award it shall be observed on the following Monday.

Annual Holiday

8. (a) An annual holiday of one week on full pay shall be granted to every worker on completion of every twelve months of service, calculated as from the date of coming into force of this award or from the date he or she may enter the employment. Such holiday shall be given at a time suitable to the employer. Any worker leaving the employment after becoming entitled to an annual holiday but not having received same shall be paid one week's wages in lieu thereof.

After three months' service, either from the commencement of the engagement or the end of the qualifying period for the last holiday, a worker whose service is terminated (for reason other than misconduct) shall be entitled to a proportionate holiday or payment in lieu thereof.

(b) By mutual arrangement between the employer and the worker, the annual holiday may be taken in conjunction with the Christmas and New Year holidays.

General Conditions

9. (a) Boiling water shall be supplied for meals.

(b) Workers working in wet conditions shall be supplied with waterproof aprons and gum boots or clogs.

(c) Female workers or boys under sixteen years of age shall not be required to lift excessive weights.

First-aid Outfit

10. A first-aid outfit shall be provided in all factories and shall be accessible to employees at all times. The employer shall be responsible for keeping supplies in clean containers and in charge of a responsible person.

Access to Factory

11. Every employer bound by this award shall permit the secretary or other authorized officer of the union to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

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 in the manner and to the extent set forth in this award in respect of each occupier of a factory bound by the provisions of this award.

Matters not provided for

13. Any dispute in connection with any matter not provided for in this award shall be settled between the employer's representative 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 notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Adult Workers to be Members of Union

14. 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 eighteen years of age and over who is not for the time being a member of the Wellington, Taranaki, Marlborough, and Canterbury Grocers' Sundries, Chemical, and Related Products' Factory Employees' Industrial Union of Workers: Provided, however, that any non-unionist may be continued in any position or employment by an employer bound by this award during any time while there is no member of the union available and ready and willing to perform the particular work required to be done.

Workers other than Adults

15. If and so long as the rules of the union permit any worker employed in any position or employment subject to this award who is under the age of eighteen years to become a member of the union without ballot or other election, and upon payment of not more than half the payments provided by the rules of the union for adult workers, such workers shall become members of the union, and if such worker neglects to become a member of the union within two weeks from the date of employment the employer shall, if requested so to do by the union, dismiss such worker, provided there is then a member of the union equally qualified and of similar status and ready and willing to perform the particular work required to be done.

Under-rate Workers

16. (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.

Application of Award

17. 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

18. This award shall operate throughout the Canterbury Industrial District.

Term of Award

19. This award shall come into force on the 22nd day of November, 1943, and shall continue in force until the 22nd day of November, 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 18th day of November, 1943.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award embodies the terms of settlement arrived at by the assessors in Conciliation Council and forwarded directly to the Court pursuant to section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939. The dispute was filed with the Clerk of Awards on the 26th August, 1943, consequently in making the award the Court is bound to comply with the requirements of Regulation 38 of the Economic Stabilization Emergency Regulations 1942. Although certain alterations involving increases in minimum rates of remuneration are provided for, these go no further than to bring the award more into line with similar awards recently made in the Northern and Otago and Southland Industrial Districts, and the Court, having had regard to the general purpose of the regulations, is satisfied that the adjustments should be made.

A. TYNDALL, Judge.
