

NORTHERN, WELLINGTON, CANTERBURY, AND OTAGO AND
SOUTHLAND FLOUR, OATMEAL, AND BARLEY MILLS'
EMPLOYEES.—AWARD

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

In the Court of Arbitration of New Zealand, Northern, Wellington, Canterbury, 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 New Zealand Federated Flourmill Employees' Industrial Association of Workers (hereinafter called "the union") and the undermentioned union (hereinafter called "the employers") :—

New Zealand Flour, Oatmeal, and Pearl-barley Millers'
Industrial Union of Employers, 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 20th day of December, 1943, and shall continue in force until the 20th day of December, 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 16th day of December, 1943.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. An ordinary week's work shall consist of forty hours and, except in the case of watchmen, shall be worked in shifts of eight hours on the first five days of the week, except that the last shift for the week may finish not later than 8 a.m. on Saturday morning, and except that in the case of power failure and breakdown of machinery of not less than four hours during the week not more than four hours may be worked on Saturday morning at ordinary rates, providing that no worker shall be employed for more than forty hours in any one week at ordinary rates. An employer shall so arrange the methods of working that the men on the day shift shall be allowed reasonable time for a meal between the hours of 11 a.m. and 2 p.m. No man shall work more than five hours without an interval for a meal. This shall apply to all workers other than watchmen, whether in town or country, and whatever the capacity of the mill may be, and whether the mill is working one, two, or three shifts in the twenty-four hours.

Wages

2. (a) The minimum rate of wages for adult male workers shall be as follows:—

	Per Hour.	
	s.	d.
Rollerman or shift miller	2	8
Oatmeal or barley miller	2	8
Purifier man—the man on purifier and flour-dressing floors	2	5
Smutterman—the man in charge of wheat-cleaning machinery and wheat-tipping ..	2	5
Assistant smutterman or tipman	2	4
Kilnman	2	6
Head storeman, or storeman solely in charge of store and responsible for receiving and delivery of goods	2	6½

Assistant storeman—man who works under instructions from the office and not from head storeman (where the work of a storeman is performed by the head miller, such miller shall not be deemed to be a head storeman)	..	..	..	..	Per Hour.	s.	d.
					2	4½	
Packermen	..	..	..	..	2	5	
All other adult male workers	..	..	..	..	2	4	

Casual storemen:—

Casual head storeman or casual storeman solely in charge of store and responsible for receiving and delivery of goods	..	..	..	..	2	8
Casual storeman	..	..	..	..	2	6

(b) All workers employed on afternoon or night shift shall receive 1s. 6d. per shift in addition to their ordinary rate of pay, and mills working night shift only shall pay a further 6d. per shift. Any shift starting or finishing outside the hours of 7.30 a.m. and 5.30 p.m. shall be either an afternoon or a night shift.

Wages of Boys and Youths

3. (a) The minimum rate of wages for boys and youths shall be as follows:—

	Per Week.		
	£	s.	d.
First six months 1 1 0
Second six months 1 5 0
Third six months 1 10 0
Fourth six months 1 15 0
Fifth six months 2 0 0
Sixth six months 2 5 0
Fourth year 2 15 0
Fifth year 3 10 0

Thereafter the rate of wages prescribed in clause 2 hereof. No youth at present employed shall have his wages reduced by reason of this award.

(b) *Proportion of Boys to be employed.*—The number of boys in any flourmill shall not exceed one to three or fraction of the first three men. The number of boys employed in any oatmeal-mill shall not exceed one to two men: Provided that boys may be temporarily transferred from the flourmill to the oatmeal-mill for the purpose of packing small bags.

(c). Except as provided in subclause (d) hereof, boys and youths may be employed in assisting in any work providing they are not required to lift, unassisted, any weight over 100 lb.

(d) No youth under eighteen years of age shall relieve on packers, and youths over eighteen years may relieve on packers during meal intervals and "smoke-oh."

Employment of Girls

4. Girls may be employed in packing cereal food products and on research work at not less than the following rates of pay:—

			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
Seventh six months	..	..	2	1	6
Eighth six months	..	..	2	5	6

Thereafter not less than £2 10s. per week.

Provided that no worker of the age of twenty-one years or upwards shall be paid less than the basic wage for the time being prevailing.

Increase in Rates of Remuneration

5. 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.

Overtime

6. (a) Except as otherwise provided for in this award, all time worked exceeding eight hours in any one day shall be deemed to be overtime and shall be paid at the rate of time and a half for the first three hours and thereafter double time, except that four hours may be worked on Saturday morning at time and a half rates. A worker required to work on Saturday morning shall be paid for four hours' work.

(b) Any person other than a regular employee called upon to act as casual watchman after 5 p.m. on any working-day or on Sundays or holidays shall be paid not less than 2s. 4d. per hour.

Payment of Wages

7. Wages shall be paid weekly, but not later than Thursday. Only time worked shall be paid for. In the case of weekly workers, time lost through sickness, accident, default, or voluntary absence of the workers shall not be paid for. Time lost through scarcity of work or breakdown of machinery need not be paid for: Provided that in the case of a breakdown of machinery or stoppage of power during a night shift the workers shall be paid in full for that shift, but they shall perform any other work required by the employer.

Terms of Service

8. Except in the case of casual workers, employees on leaving their situations shall give a full week's notice unless dismissed for misconduct or personal negligence.

Holidays

9. (a) The following shall be the recognized holidays, which shall be paid for: New Year's Day, 2nd January, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day.

(b) For all work done on any of the days mentioned in subclause (a) hereof double ordinary rates shall be paid in addition to the ordinary rate of pay.

(c) Work performed on Sundays shall be paid for at double ordinary rates.

(d) All holidays, other than Anzac Day, falling on a Sunday shall be held on the following working-day.

Annual Holiday

10. (a) All workers provided for under this award after twelve months' service shall receive one week's holiday without any deduction from pay.

(b) Workers leaving the employment after having completed three months or more within the year in which the said holiday becomes due shall receive a proportionate holiday or the equivalent in pay.

Packermen

11. A packerman is a worker who fills, weighs, sews, and places in its allotted place stock he is taking off the packer.

(a) Packermen when relieved for meals shall have their packers attended to in their absence so that they will not have to catch up back work when they resume. Where two and three shifts are worked, packermen shall be allowed not less than thirty minutes for meals in each shift without deduction for the time lost. The man in charge of the shift shall arrange amongst the men of the shifts for relief for packermen during their meal intervals.

(b) The number of packermen shall be as follows: Mills taking off the packer up to twelve sacks of flour per hour, one packerman; over twelve sacks of flour and up to twenty sacks per hour, two packermen; over twenty sacks of flour and up to thirty sacks per hour, three packermen; over thirty sacks of flour and up to forty sacks per hour, four packermen; over forty sacks of flour and up to fifty sacks per hour, five packermen.

(c) A packerman shall be employed in all mills taking off five sacks of flour per hour and over.

(d) When packermen are taking off twenty-fives, extra assistance shall be given.

(e) Should any question arise concerning the work of packermen under this clause it shall be dealt with by the Disputes Committee in accordance with clause 13 hereof.

General Conditions

12. (a) Any employer shall be at liberty to employ a man to combine the duties of more than one class of work, provided he is paid the higher rate of wages for any such work while so employed.

(b) Men relieving each other on shift-work by consent of the employer shall not be entitled to overtime rates.

(c) Not less than two men shall be employed where sacks of flour and grain have to be dragged on stacks.

(d) All men working in mills and stores shall be allowed a period of ten minutes "smoke-oh" during each day's work.

(e) Suitable provision for changing clothes and also a suitable place in which to have meals shall be provided in each mill.

(f) Employers shall make provision for workers to have hot water for meals or in case of emergency.

(g) A modern first-aid outfit, fully equipped, shall be kept in a convenient and accessible place at each mill and store.

Matters not provided for

13. Anything not specifically provided for in this award, or any dispute that may arise over anything that is provided for in this award, shall be mutually arranged between representatives of the local union and of the employer concerned. In the event of their being unable to agree, the matter shall be referred to the Conciliation Commissioner for settlement. Either side, if dissatisfied with the decision of the Conciliation Commissioner, shall have the right of appeal to the Court of Arbitration upon giving written notice of such appeal to the other party within fourteen days after the decision of the Commissioner has been conveyed to the parties concerned.

Right of Entry

14. Every employer bound by this award shall permit the secretary or other authorized officer of the union of workers 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.

Workers to be Members of Union

15. (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) On the written request of the secretary of the union, an employer shall supply to him a list of the workers in his employ, also their occupations, but not oftener than once in three months.

(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

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 wage, to examine the permit or agreement by which such wage is fixed.

Research Workers

17. Employees engaged in research departments on flour-testing and bread-baking shall be covered by the provisions of this award, except that they may be employed on Saturday morning, but not for more than forty hours weekly, without payment of overtime.

Application of Award

18. 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.

Scope of Award

19. This award shall operate throughout the Northern, Wellington, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

20. This award shall come into force on the 20th day of December, 1943, and shall continue in force until the 20th day of December, 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 16th day of December, 1943.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters referred to and settled by the Court related to wages, shifts and shift allowance, employment of females, holidays, payment for holidays, annual holiday, conditions for packermen, "smoke-oh," accommodation, and term of award.

The application under section 58 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 on the 10th December, 1942, a date prior to the coming into operation of the Economic Stabilization Emergency Regulations 1942, therefore the Court is not bound to comply with the provisions of Regulation 38 of the said regulations.

The wages of the various classes of storemen have been increased to bring them more into line with the rates prescribed for storemen in the New Zealand (except Westland and Canterbury) Wool, Grain, Hide, Manure, &c., Stores'

Employees' award (41 Book of Awards 357), it being recognized that there are workers under each award doing work of a similar nature.

The definition of afternoon and night shifts has been varied from the provision in the expired award so that shift-workers whose commencing or finishing times are such that the usual means of public conveyance are not conveniently available to them will receive shift allowance.

The wage rates for girls have been increased to correspond with the rates for similar workers prescribed in recent years in many other awards.

A. TYNDALL, Judge.
