

OTAGO AND SOUTHLAND **LIME-WORKERS.**—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 Lime and Cement Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

- Balfour Lime Co., Ltd., 109 Princes Street, Dunedin.
- Brown's Lime Co., Ltd., P.O. Box 75, Invercargill.
- Clifden Lime Co., Ltd., 47 Esk Street, Invercargill.
- Doherty's Lime Co., Ltd., Centre Bush, Lime Hills.
- Dominion Lime and Phosphate Co., Ltd., 22 Mersey Street, Gore.
- McDonald's Oamaru Lime, Ltd., 154 Thames Street, Oamaru.
- Milburn Lime and Cement Co., Ltd., 59 Crawford Street, Dunedin.
- New Snowdrift Lime Co., Ltd., 173 Stuart Street, Dunedin.
- Southland Farmers' Lime Co., Ltd., Don Street, Invercargill.
- Taylor, W. J., Lime-works, Weston, Oamaru.
- Ward, J. G., and Co., Ltd., Lime Hills.
- Waimumu Lime Co., Ltd., Waimumu R.D., Gore.

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 27th day of November, 1944, and shall continue in force until the 27th day of November, 1945, 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 21st day of November, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to the production or manufacture of lime.

Hours of Work

2. (a) For workers employed on work incidental to or connected with the manufacture of burnt lime the ordinary hours of work shall be forty-four per week, not more than eight hours per day, to be worked from Monday to Friday between the hours of 7.30 a.m. and 5 p.m., both days inclusive, and four hours on Saturday between the hours of 7.30 a.m. and noon.

(b) For workers employed on work incidental to or connected with the manufacture of carbonate of lime, or of shell lime, the ordinary hours of work shall be as follows:—

(i) During the busy six months of the year forty-four hours per week, not more than eight hours per day to be worked from Monday to Friday, both days inclusive, between the hours of 7.30 a.m. and 5 p.m., and four hours on Saturday between the hours of 7.30 a.m. and noon.

(ii) During the remaining six months of the year forty hours per week, not more than eight hours per day to be worked from Monday to Friday, both days inclusive, between the hours of 7.30 a.m. and 5 p.m.

(c) The employer of workers coming under subclause (b)

(i) of this clause shall notify the District Inspector of Awards and the union of workers, before commencing to work the forty-four-hours week, the period selected during which such hours are to be worked.

(d) Not less than three-quarters of an hour shall be allowed for the midday meal, but this may be varied by mutual agreement of the parties.

(e) *Shifts.*—(i) Shifts may be worked where necessary. Except in the case of Monday mornings and Saturday mornings, when four-hour shifts may be worked, shifts shall consist of eight hours, including half an hour crib-time. Neither the eight-hour shifts nor the four-hour shifts shall be broken.

(ii) For the purposes of this clause "shift-work" shall mean work which is carried out by two or more successive relays or spells of workmen, each relay performing substantially the same duties as the outgoing shifts. Work shall not be deemed to be shift-work unless shifts are worked on four or more consecutive working-days.

(iii) Men on afternoon or night shift shall be paid 1s. 6d. per shift extra. This allowance shall be payable in respect of any shift the whole period of which does not fall between the hours of 7.30 a.m. and 5 p.m. In the case of kilns in which a night shift only is worked, an extra 6d. per shift in addition to the 1s. 6d. prescribed above shall be paid.

Sunday Work

3. Sunday work shall be optional. Any work done on Sundays shall be paid for at double ordinary rates.

Overtime

4. (a) All time worked outside or in excess of the hours specified in clause 2 hereof shall count as overtime, and shall be paid for as follows:—

When a forty-four-hour week is being worked: Time and a half for the first three hours and double time thereafter:

When a forty-hour week is being worked: Time and a half for the first four hours and double time thereafter.

(b) Overtime shall be calculated daily.

(c) No worker shall be required to work more than five hours continuously without being allowed time for a meal or a meal allowance of 1s. 9d.: Provided that if men are required to work overtime continuously for more than two hours at other than shift-work they shall be allowed half an hour for a meal and a meal allowance of 1s. 9d.

Holidays

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

(b) When any of the above holidays, except Anzac Day, falls on a Sunday, it shall be observed on the next succeeding working-day.

(c) When any of the holidays mentioned in subclause (a) hereof falls on a working-day, payment shall be made for same, as if worked, at ordinary rates of wages. Any worker employed within fourteen days prior to the said holiday shall be entitled to such payment for the said holiday.

(d) For work done on any of the holidays mentioned in subclause (a) hereof, payment shall be made at the rate of double time in addition to any payment the worker may be entitled to under subclause (c) hereof.

(e) All workers shall, on completion of each year of service, be entitled to an annual holiday of two weeks on full pay. Workers with less than one year's service shall be entitled to a proportionate allowance in lieu of holiday on completion of service.

Wages

6. The following shall be the minimum rates of wages:—

	Per Hour.	
	s.	d.
Drillman with explosive permit ..	2	9½
Drill assistant with explosive permit ..	2	7
Drillmen	2	6
Petrol and Diesel loco. drivers ..	2	6
Feeders to crushers and mills ..	2	5½
Feeders to burnt-lime mill ..	2	5½
Rotary kiln burners ..	2	7½
Drawers from rotary kiln ..	2	6
Lime and coal drier fireman ..	2	6
Burners and drawers ..	2	6
Lime-classers	2	5½
Baggers (whilst so employed) ..	2	6
Spallers	2	5½
Steam and Diesel digger drivers ..	2	7½
Men employed on petrol and Diesel lorries and/or tractors ..	2	6
Men working hydrator ..	2	6
All other workers employed inside the mill or factory ..	2	5
All other workers employed outside the mill or factory ..	2	4½

If an unspecified worker is employed for three or more hours on any day at any of the classified operations he shall be paid for all time worked on such day at the rate prescribed for such classified operation.

Employment of Youths

7. Youths, in the proportion of one to every ten or fraction of ten workers receiving not less than 2s. 4½d. per hour, may be employed at not less than the following rates of wages: under sixteen years of age, 1s. 4½d. per hour; between sixteen and eighteen years of age, 1s. 8d. per hour; and thereafter the appropriate rate prescribed in clause 6.

Increase in Rates of Remuneration

8. All rates of remuneration, including time and piece wages and overtime and any other special payments, provided for in this award shall be increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940 and dated the 9th August, 1940, and the 31st March, 1942, respectively.

EXPLANATORY NOTE.—(1) The general order of the 9th August, 1940, increased *rates of remuneration* determined by awards and industrial agreements and apprenticeship orders by an amount equal to 5 per cent. thereof.

(2) (a) The general order of the 31st March, 1942, further increased *rates of remuneration* determined by awards and industrial agreements and apprenticeship orders (inclusive of the 5 per cent. increase provided by the general order of the 9th August, 1940) by an amount equal to 5 per cent. thereof, but excluded from the increase such portion of the *remuneration* of each worker as exceeded—

- (i) The amount of £5 a week in the case of male workers twenty-one years of age and over;
- (ii) The amount of £2 10s. a week in the case of female workers twenty-one years of age and over;
- (iii) The amount of £1 10s. a week in the case of male and female workers under twenty-one years of age; and
- (iv) The amount of £1 10s. a week in the case of apprentices under apprenticeship orders.

(b) The increase in *rates of remuneration* provided by the order referred to in (a) hereof applied to the unexcluded portion of the *remuneration* of each worker, irrespective of his or her total weekly remuneration.

(3) The term "*rates of remuneration*" includes time and piece wages and overtime and any other special payments. The term "*remuneration*" means actual earnings, including time and piece wages and overtime and any other special payments.

General Provisions

9. (a) When required, respirators, aprons, and goggles shall be supplied to men working in lime. Gum boots shall be supplied to men working in wet places.

(b) Ten minutes shall be allowed to workers for "smoke-oh" morning and afternoon.

(c) A modern first-aid outfit, fully equipped, shall be kept in a convenient and accessible place at the works.

(d) Except where otherwise mutually arranged, wages shall be paid fortnightly and during working-hours.

(e) Proper sanitary conveniences, including an adequate supply of fresh water, and accommodation for men living on the works, shall be provided at all lime workings throughout the Otago and Southland District, and it shall be the duty of the check inspector to assist the works-manager in seeing that employees using such sanitary conveniences do so in a proper and a careful manner.

(f) Each employer shall provide accommodation to enable workers to change and dry their clothes and have their meals. Such accommodation shall be for the use of all workers on the job. No lime, cement, or tools shall be stored in the change-room. An adequate supply of water shall be available at all times. The employer shall make provision for the supply of boiling water at meal times.

(g) Where workers are required by the employer to live on the job the employer shall provide accommodation for such workers in accordance with the terms of section 6 of the Shearers' Accommodation Act.

Contract Work

10. Where the operation of any works covered by this award is carried on by contract, the contractor or contractors shall pay the wages and observe all the conditions of this award.

Piecework

11. Any worker or number of workers may agree with an employer to perform work on a tonnage or piecework basis: Provided that the terms of such agreement shall be lodged with the secretary of the union and with the local Inspector of Awards within fourteen days after such agreement is reached.

Check Inspectors and Committees

12. The union shall elect a check inspector and a committee of two at each lime-works in the industrial district; such check inspector and committee while so officiating must be in the employ of a party to this award. The duties of the committee shall be to assist the manager of the works to adjust any grievances or disputes that may arise. Any grievance or dispute that cannot be so settled shall be referred to a committee consisting of an executive officer of the union, the manager or officer of the company, and the Inspector of Awards at Dunedin, Invercargill, or Oamaru. In the event of the committee being unable to settle the matter, it may be referred to the Court by either party.

Effective Operation of Award

13. Every employer bound by this award shall permit the secretary 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

14. (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

15. (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.

Extension of Hours under Factories Act

16. 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 every occupier of a factory bound by the provisions of this award.

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 Otago and Southland Industrial District.

Term of Award

19. This award shall come into force on the 27th day of November, 1944, and shall continue in force until the 27th day of November, 1945.

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 21st day of November, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal clauses referred to the Court related to hours of work, overtime, holidays, wages, employment of youths, accommodation, piecework, effective operation of award, and workers to be members of union.

The Court, in exercising its powers and functions in relation to the making of awards, is directed by the Economic Stabilization Emergency Regulations not to have regard to any fluctuation in the cost of living (see Regulation 5, Amendment No. 4, Serial number 1944/93).

Mr. Monteith is not in agreement on the question of wages, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

I am not in agreement with the rates awarded to the lower-paid workers, particularly those on 2s. 4½d. and 2s. 5d. per hour. Taking the lower rate of 2s. 4½d., if the worker works a full forty-hour week he will be paid £4 15s. plus 5 per cent. plus 5 per cent., a total of £5 4s. 9d.; and the wage-tax of 13s. 2d. will be deducted, leaving the worker £4 11s. 7d. per week on which to live, bring up his family, and meet to-day's high costs. I do not think it sufficient.