

NORTHERN INDUSTRIAL DISTRICT **METAL-WORKERS'**
ASSISTANTS.—AWARD

In the Court of Arbitration of New Zealand, Northern 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 Northern Industrial District Amalgamated Engineering, Coachbuilding, and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council, persons, and companies (hereinafter called "the employers") :—

Clements, Thomas, Great South Road, Otahuhu, Auckland.

Cole, N., Ltd., 7 Madden Street, Auckland.

Cornish, E. A., Crowhurst Street, Newmarket, Auckland.

Fletcher Construction Co., Ltd., Nelson Street, Auckland.

Onehunga Borough Council, Onehunga, Auckland.

Steel Construction Co., Ltd., Sale Street, Auckland.

Vulcan Steel Co., Ltd., Nelson Street, Auckland.

Vulcan Steel Co., Ltd., Stanley Street, Auckland.

Mason and Porter, Ltd., 5 Cleveland Road, Parnell, Auckland.

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, 1944, and shall continue in force until the 26th day of June, 1946, 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 15th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Classes of Work

1. This award shall apply to the following classes of workers:—

- (a) (i) All workers (other than clerical or office workers) employed in engineering, boilermaking, or moulding factories who are not covered by the Engineers', Boilermakers', or Moulders' awards.

- (ii) All workers employed in connection with engineering or boilermaking work carried on outside a factory who are not covered by the Engineers' or Boilermakers' awards.
- (b) All workers employed in measuring, cutting, bending, placing, and shaping of steel or iron for reinforcing concrete work for buildings, culverts, and other structures, whether such work is performed on the building-site or elsewhere.

PART I.—CONDITIONS RELATING TO WORKERS AS DESCRIBED IN
CLAUSE 1 (a)

*Hours of Work, Overtime, Holidays, and General Conditions
of Employment, &c.*

2. The provisions of the Northern Industrial District General Engineers' award in force from time to time relating to hours of work, shifts, overtime, holidays, special rates, payment of wages, outside work, general provisions as far as applicable, "smoke-oh," and accidents shall apply to workers covered by this Part of this award.

Wages

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

	Per Hour.	
	s.	d.
(i) Sand-blasters (except where the worker is protected by the work being done in an enclosed cabinet)	2	9½
Cupola and brass furnacemen	2	8½
Shot-blasters	2	8
Pressure or steam-hammer men	2	7
Work done on ships (other than tradesmen's work)	2	7
Machinists not covered by other awards ..	2	7
Structural-steel workers engaged in erection work	2	7
Strikers	2	7
Workers assembling imported machinery ..	2	7
Fettlers	2	5½
Boilermakers' assistants holding up ⅝ in. rivets and over, excluding pneumatic holding up	2	6½
Other boilermakers' assistants	2	5
Engineers' assistants, acetylene welders' assistants, yardmen, and all other workers	2	5

(ii) When workers are employed at rigging scaffolds on ships or oil-tanks, such workers shall be paid 2s. 8½d. per hour.

Wages of Boys and Youths

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

	Per Week.		
	£	s.	d.
From 16 to 16½ years	1	7	6
From 16½ to 17 years	1	13	0
From 17 to 18 years	2	4	0
From 18 to 19 years	2	15	0
From 19 to 20 years	3	5	0
From 20 to 21 years	4	0	0

(b) The wages provided for above shall be weekly wages and shall be subject to no deduction except for time lost on account of the worker's own default, sickness, or accident.

(c) An employer shall not require a boy under twenty years to lift excessive weights.

PART II.—CONDITIONS RELATING TO WORKERS AS DESCRIBED IN
CLAUSE 1 (b)

*Hours of Work, Overtime, Holidays, and General Conditions
of Employment, &c.*

5. The provisions of the New Zealand Carpenters and Joiners' award in force from time to time relating to hours of work, meal-money, overtime, holidays, suburban work, country work, general provisions (as far as applicable), and sanitary and other conveniences shall apply to workers covered by this Part of this award.

Shift-work

6. Shift-work shall not be permitted.

Wages

7. (a) The minimum wage payable to workers covered by this Part of the award shall be 2s. 5d. per hour.

(b) All wages shall be paid weekly and within ten minutes of ceasing work. When a worker leaves or is discharged he shall be paid at the place where the work is performed promptly on ceasing work.

(c) *Chargemen:* Where a worker has been specially directed by his employer to take charge of a job, such worker shall be paid 1s. 4d. extra per day.

Boys and Youths

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

	Per Week.		
	£	s.	d.
From 16 to 16½ years	1	7	6
From 16½ to 17 years	1	13	0
From 17 to 18 years	2	4	0
From 18 to 19 years	2	15	0
From 19 to 20 years	3	5	0
From 20 to 21 years	4	0	0

(b) The wages provided for above shall be weekly wages and shall be subject to no deduction except for time lost on account of the worker's own default, sickness, or accident.

(c) All wages shall be paid weekly within ten minutes of ceasing work.

(d) An employer shall not require a boy under twenty years to lift excessive weights.

Working-conditions

9. (a) When steel or iron is to be bent on the job, reasonable shelter shall be provided where practicable.

(b) Tools and chalk shall be provided by the employer.

(c) Work done in 2 in. or more of water or slush, or where water (other than rain) is dripping on the worker, shall be paid for at the rate of time and a half, or gum boots and oilskins shall be provided.

(d) A suitable first-aid outfit shall be available on each job.

PART III.—GENERAL CONDITIONS RELATING TO ALL CLASSES OF WORKERS

Increase in Rates of Remuneration

10. 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 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.

Termination of Employment

11. (a) In the case of adult workers one hour's notice of termination of engagement shall be given by either side, failing which one hour's pay shall be given or forfeited by the employer or worker.

(b) In the case of boys and youths one week's notice of termination of engagement shall be given by the employer or worker, as the case may be; but this shall not prevent the employer from summarily dismissing the worker for misconduct.

Access to Works

12. The secretary or other authorized officer of the union shall, with the consent of the employer (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, but not so as to interfere unreasonably with the employer's business.

Disputes

13. If a dispute shall arise between the parties to this award upon any matters arising out of or in connection with this award, it shall be referred to a committee consisting of a representative of the employer and a representative of the union, who shall appoint an independent chairman. The committee may either decide the matter or refer it to the Court. Either party, if dissatisfied with the decision of the committee, 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

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.

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; but nothing in this award shall apply to an employer who is a party to the Factory Engineers' and Industrial Mechanics' awards, nor shall it apply to County Councils or the Auckland Transport Board.

Nothing in this award shall apply to any Power Board, unless added as a party to the award by order of the Court.

Scope of Award

17. This award shall operate throughout the Northern Industrial District.

Term of Award

18. This award shall come into force on the 20th day of December, 1944, and shall continue in force until the 26th day of June, 1946.

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 15th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The only matter settled by the Court related to the wage-rates for adult workers.

In making the award the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

Mr. Monteith is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

I dissent from this award.

In Wellington workers doing the same class of work are paid 2s. 7d., whereas here they have been awarded 2s. 5d., a difference of 2d. On working a full forty-hour week the workers who are awarded 2s. 5d. in the schedule will receive £4 13s. 2d. after paying taxation. I do not consider this sufficient, and I am of the opinion that the Wellington rate, at least, should have been awarded.