

NORTHERN, WELLINGTON, AND CANTERBURY BOOT-
REPAIRERS AND BESPOKE WORKERS.—AWARD

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

In the Court of Arbitration of New Zealand, Northern, Wellington, and Canterbury Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the New Zealand Federated Footwear Trade Industrial Association of Workers (hereinafter called "the union") and the undermentioned union, persons, firms, and companies (hereinafter called "the employers") :—

New Zealand Boot-manufacturers' Association Industrial Union of Employers, Kelvin Chambers, 18 The Terrace, Wellington.

NORTHERN INDUSTRIAL DISTRICT

Akast, H., Willow Street, Auckland.
 Balmoral Shoe Co., 541 Dominion Road, Auckland.
 Campbell, D. A., and Co., 16 High Street, Auckland.
 Chambers, H., and Son, 478 Karangahape Road, Auckland.
 Clark, T., 332A Ponsonby Road, Auckland.
 Coldicutt, A. G., 178 Queen Street, Onehunga, Auckland.
 Court, John, Ltd., 204-212 Queen Street, Auckland.
 Crocker, B., 334 Queen Street, Auckland.
 Dadleys Ltd., 200 Queen Street, Auckland.
 Forders Ltd., Otahuhu, Auckland.
 Hannah, R., and Co., 197 Queen Street and 290 Karangahape Road, Auckland; and Hamilton.
 Jones, E. J., Victoria Street East, Auckland.
 Leaning, E. E., 326 Queen Street, Auckland.
 Lindsay, J. A., 59A Richmond Avenue, Grey Lynn, Auckland.
 Mitchie, E. A., 261 Broadway, Newmarket, Auckland.
 Ness, P. R., 111 Great North Road, Grey Lynn, Auckland.
 Nicholson, F., Remuera Road, Auckland.
 Para Rubber Co., 39 Wellesley Street West, Auckland.
 Riley, H., 311 Sandringham Road, Auckland.
 Rowland, W., 43 Victoria Street West, Auckland.
 Smith and Caughey, Ltd., Queen Street, Auckland.
 Uskide Repairs, Civic Buildings, Queen Street, Auckland.
 Walden, P., Boot Specialist, Dargaville.
 Wide Awake Boot Repairing Co., Dilworth Buildings, Customs Street, Auckland.
 Zenith Artificial Appliances, Ltd., 1 Cook Street, Auckland.

WELLINGTON INDUSTRIAL DISTRICT

De Luxe Shoe Co., Cuba Street, Wellington.
 Hannah, R., and Co., Cuba Street and Lambton Quay, Wellington.
 Hurry Up Shoe Co., 43 Willis Street, Wellington.
 Ideal Shoe Factory, Riddiford Street, Newtown, Wellington.
 Langtry, A. C., Kelburn and Plimmer Streets, Wellington.
 McDowell, T., Taranaki and Dixon Streets, Wellington.

CANTERBURY INDUSTRIAL DISTRICT

Anderson, C. S., 635A Worcester Street, Christchurch.
 Blackwells Ltd., Kaiapoi.
 Hancox, E. G., Temuka.
 Hannah, R., and Co., Ltd., 750 Colombo Street, Christchurch.
 Hannibell, A. G., High Street, Rangiora.
 Hawley, F. B., Timaru.
 Hockley, W. P., Hinds.
 Pannell and Co., 105 Manchester Street, Christchurch.
 Para Rubber Co., Ltd., Cashel Street, Christchurch.
 Pye, J., and Co., Rakaia.
 Ridout, G., 922 Colombo Street, Christchurch.
 Stewart, Robinson, 743A Colombo Street, Christchurch.
 The Canterbury Farmers' Co-op. Assn., Geraldine.
 The New Zealand Farmers' Co-op. Assn., 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 1st day of January, 1945, and shall continue in force until the 1st day of January, 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 18th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to the repairing and altering of every class of footwear, and to the making, clicking, rough-stuff cutting, and finishing of bespoke work.

Hours of Work

2. Forty hours shall constitute a week's work, to be worked on six days of the week between the hours of 8 a.m. and 5 p.m. on five days of the week and between the hours of 8 a.m. and noon on Saturdays.

Wages

3. (a) Except where otherwise provided herein, the rates of wages for all male workers coming within the scope of this award shall be 2s. 9d. per hour.

For female workers the rate shall be £4 per week, from which no deduction shall be made except for time lost through sickness, accident, or default.

(b) An employer may arrange with his workers to work on piecework rates to be mutually agreed upon between the employer and the union.

(c) An employer may enter into agreement with any of his employees for the payment of a weekly wage of not less than £5 5s. per week, and no deduction shall be made from the weekly wage except for time lost through the worker's sickness, accident, or default.

(d) Journeymen while engaged on bespoke work shall be paid a minimum rate of 2s. 9d. per hour.

Increase in Rates of Remuneration

4. 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.

Payment of Wages

5. Every employer shall pay to each worker employed by him all moneys due to such worker at least once in each week. The employer must arrange that all wages are paid within five minutes before the close of the day on which wages are paid and within twenty-four hours of the close of the week. Where workers through the fault of the employer are required to make a special visit to the workshop in order to obtain wages due, they shall be paid for not less than four hours' work on this account.

Overtime

6. All time worked in any one day outside or in excess of the hours prescribed in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Holidays

7. (a) The following shall be the recognized holidays, which shall be paid for at ordinary rates except when the holiday falls on a day other than an ordinary working-day: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, Anniversary Day or another day in lieu thereof.

If any of the above holidays, other than Anzac Day, shall fall on Sunday, then such holiday shall be observed on the following Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the following Tuesday.

(b) Where employees are required to work on any of the above-mentioned holidays or on Sundays, they shall be paid double rates in addition to such payment as they may be entitled to under subclause (a) hereof.

(c) Annual holidays shall be granted in accordance with the provisions of the Annual Holidays Act, 1944.

Termination of Engagement

8. (a) Twenty-four hours' notice of the termination of the services of the worker shall be given by the employer to the worker or by the worker to the employer.

(b) In the case of weekly employment a week's notice shall be given on either side.

Division of Departments

9. (a) Bespoke workers.

(b) Clicking and hot-wax-thread machining.

(c) Rough-stuff cutting and preparing stuff for makers.

(d) Making commences with the operation of pulling over, and includes all operations prior to finishing.

(e) Finishing commences with the operation of putting in lasts or fillers, and includes all operations prior to delivery of goods.

(f) Repairing or altering of any class of footwear.

Where Work shall be performed

10. (a) All work in the clicking, making, finishing, rough-stuff, repairing, and bespoke departments shall be performed in the factory or workshop except as hereinafter provided.

(b) A Committee consisting of three representatives of the employers and three representatives of the union (parties to this award), and known as the "Advisory Committee," shall be set up to deal with all applications for permits to work at home, which shall be granted only in cases where the worker is, through old age or permanent disability, incapable of attending the workshop. No resolution of the Committee shall be carried unless a majority of the representatives on each side are in agreement.

Machinery and Subdivision of Labour

11. (a) It is the employer's right to introduce whatever machinery his business may require, and to divide or subdivide labour in any way he may deem necessary, subject to the payment of wages as hereinbefore set forth.

(b) Any system of subdivision of labour may be used, either in connection with hand or machine labour, in the manufacture of bespoke and surgical work, but the employer must arrange the subdivision so that the product of each worker is a separate and independent operation.

Materials

12. Employers shall provide all edged tools and materials.

Control of Workshop

13. Every employer is entitled to the fullest control over the management of the workshop and to make such regulations (within the provision of the statute) as he deems necessary for time-keeping and good order.

Access to Workshop

14. 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.

Foreman and Employer's Sons

15. Every employer shall be entitled to one foreman where four journeymen are employed in any workshop. Such foreman and the employer's sons and daughters shall be exempt from clause 17 of this award.

Matters not provided for

16. The essence of this award being that the work of the employers 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 the Advisory Committee, 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

17. (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

18. (a) Any worker who through old age or permanent disability is 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 to the secretary of the union, who shall forward such application to the local Advisory Committee.

(b) Such permit shall be for such period, not exceeding six months, as the Advisory Committee shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given such worker by the secretary of the union requiring him or her to have the wage again fixed in the manner prescribed in this clause.

(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 the employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Copy of Award

19. A copy of the award shall be posted in an accessible place in the workroom.

Scope and Application of Award

20. (a) This award shall operate throughout the Northern, Wellington, and Canterbury Industrial Districts.

(b) 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 districts to which this award relates.

Term of Award

21. This award shall come into force on the 1st day of January, 1945, and shall continue in force until the 1st day of January, 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 18th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters in dispute and settled by the Court related to Saturday morning work, wages, holidays, and term of award.

The applicant union asked for a five-day week, but, in view of the fact that the industry covered by this award is closely associated with the retail trade, and that it has been announced that amending legislation affecting the retail trade is proposed next year, the Court has decided to retain the "hours of work" clause in the form in which it appeared in the last award.

In making the award the Court has recognized the restrictions imposed upon it by the Economic Stabilization Emergency Regulations 1942.

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

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. PRIME

In view of the rates and margins fixed in the past and concurred in by the parties, I cannot agree to the rates now awarded.
