

NORTHERN INDUSTRIAL DISTRICT **RUBBER-WORKERS.**—  
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 Auckland Rubber Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Reid New Zealand Rubber Mills, Ltd., 41 Shortland Street, 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 18th day of December, 1944, and shall continue in force until the 18th day of December, 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 14th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to which Award applies*

1. The industry to which this award applies is the rubber-manufacturing industry.

##### *Hours of Work*

2. (a) The ordinary hours of work shall not exceed eight in each of the five days of the week, Monday to Friday, both days inclusive, and shall be worked between the hours of 7 a.m. and 4.45 p.m.

(b) No worker shall be employed for more than four and a quarter hours without an interval of at least three-quarters of an hour for a meal.

##### *Shift-work*

3. (a) The ordinary hours of work for shift-workers shall not exceed five shifts of eight hours each, to be worked from Monday to Friday inclusive, and shall be worked between the hours of 3 p.m. and 8 a.m.

(b) A shift-worker shall be allowed half an hour crib-time in each shift without deduction from pay.

(c) A shift-worker when actually at work shall be paid 3d. per hour as shift allowance.

(d) Where a worker is employed on shift-work for three or less than three shifts he shall be paid overtime for the first shift in lieu of shift rates for the first shift.

(e) Where practicable, shifts shall rotate if desired by a worker.

#### Overtime

4. (a) Time worked in any day outside of or in excess of the hours mentioned in clauses 2 and 3 hereof shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) A minimum of three hours' overtime shall be paid for all overtime worked on Saturdays.

(c) When a worker is required to work overtime and has not been notified on the previous day he shall be paid the sum of 2s. meal-money. If such a worker is notified that he is to work and brings an extra meal with him and overtime is not worked, such worker shall be paid an allowance of 2s.

The allowance provided for in this subclause shall not be subject to general orders of the Court made under the Rates of Wages Emergency Regulations or the Economic Stabilization Emergency Regulations.

#### Wages

5. (a) The following shall be the minimum rates of pay for adult male workers:—

	Per Week.		
	£	s.	d.
Leading calender hand .. .. .	5	15	0
Leading hands in the Mechanical Department, the Extruder Department, the Press-moulding Department, and the Tennis-ball and Cycle-tire Department .. .. .	5	10	0
Mixers .. .. .	5	5	0
Mechanical-table and mechanical-lathe hands .. .. .	5	2	6
Calender hands .. .. .	5	2	6
Spreading-table operators .. .. .	5	2	6
Moulders .. .. .	5	0	0
Extruder machinists .. .. .	5	0	0
Reclaim processers .. .. .	5	0	0
All other male workers—			
First six months .. .. .	4	15	0
Thereafter .. .. .	5	0	0

(b) Mixers when using carbon black shall be paid 6d. per day extra.

*Boys' Wages*

6. Subject to the provisions of the Factories Act and its amendments, boys may be employed at the following minimum rates:—

	Per Week.		
	£	s.	d.
Under 16½ years of age ..	1	7	6
From 16½ to 17 years of age ..	1	13	6
From 17 to 17½ years of age ..	2	1	0
From 17½ to 18 years of age ..	2	6	0
From 18 to 19 years of age ..	2	14	0
From 19 to 20 years of age ..	3	2	0
From 20 to 21 years of age ..	3	12	6
Thereafter, adult rates			

*Female Workers' Wages*

7. Female workers may be employed at not less than the following weekly rates:—

Age commencing Employment.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.
Under 17 years ..	20/-	26/-	31/-	36/-	43/-	50/-*
17 to 18 years ..	24/-	30/-	35/-	40/-	47/-	55/-*
18 to 19 years ..	28/-	34/-	40/-	47/-	55/-*	..
19 to 20 years ..	33/-	39/-	47/-	55/-*	..	..
20 to 21 years ..	38/-	46/-	54/-*	..	..	..
21 years and over ..	43/-	50/-	55/-*	..	..	..

\* And thereafter not less than £3 per week.

*Increase in Rates of Remuneration*

8. 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.

#### *Payment of Wages*

9. All wages shall be paid not later than Friday of each week, and shall be paid up to and including the Wednesday preceding the day of payment.

#### *Terms of Employment*

10. (a) The employment shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wage except for time lost through the worker's sickness, default, or accident.

(b) Not less than seven days' notice shall be given by either party of the termination of the employment, but nothing in this clause shall prevent an employer from summarily dismissing any worker for serious misconduct.

#### *Holidays*

11. (a) All workers shall receive the following holidays in each year: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, the birthday of the reigning Sovereign, 2nd January, and Anniversary Day.

(b) All work performed on the holidays mentioned in paragraph (a) hereof shall be paid for at double rates in addition to the ordinary rates prescribed in clauses 5, 6, and 7 hereof.

(c) All work performed on Sundays or after noon on Saturdays shall be paid for at double rates.

(d) In the event of a holiday other than Anzac Day falling on a Sunday such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday such other holiday shall be observed on the succeeding Tuesday.

#### *Annual Holiday*

12. Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944.

*General Conditions*

13. (a) A shed for the storage of workers' bicycles shall be provided.

(b) Workers shall be provided with suitable accommodation to the satisfaction of the Inspector of Factories for changing their clothes and with suitable shower baths and wash-hand basins with hot and cold water laid on. Dining-rooms shall be provided to the satisfaction of the Inspector of Factories, with facilities for obtaining and boiling water at meal-times.

(c) Each worker shall be provided when necessary with material to carry on his work, such as respirators, goggles, waterproof aprons, and soap.

(d) No boy under eighteen years of age shall be required to work on night shift, to handle packages over 60 lb. in weight, or to operate mills or extruders.

(e) After a shift entailing handling or using carbon black, mixers shall be allowed fifteen minutes for washing or bathing.

(f) A drying-room for airing off workers' clothing shall be provided.

(g) A "smoke-oh" of ten minutes morning and afternoon shall be allowed to all female workers. A pause of "smoke-oh" morning and afternoon shall be arranged between the employer and male workers, but not so that continuous processes shall be held up or impeded.

(h) A worker who uses public transport shall not be required to start work before public transport to the factory commences, or to finish work after public transport from the factory is available, unless provision is made for a suitable conveyance.

(i) All women employed shall be provided with smocks.

*Extension of Hours under Factories Act*

14. 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 this award.

*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.

(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.

*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 Northern Industrial District.

*Term of Award*

19. This award shall come into force on the 18th day of December, 1944, and shall continue in force until the 18th day of December, 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 14th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The principal matters referred to the Court related to shift-work, wage rates and classifications, travelling time and fares, and general conditions (subclauses (d), (e), and (g)). 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 am not in agreement with this award.

The rates in some cases are less than the rates now in operation by agreement with the union. Mixers should be paid at least 1s. per day extra.