

OTAGO AND SOUTHLAND ROPE AND TWINE SPINNERS.—
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 in the matter of an industrial dispute between the Dunedin Rope

and Twine Spinners' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Donaghy's Rope and Twine Co., Ltd., Dunedin.

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 10th day of April, 1944, and shall continue in force until the 10th day of April, 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 3rd day of April, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award relates

1. This award shall apply to the rope and twine making industry.

Hours of Work

2. (a) Forty hours shall constitute a week's work, and eight hours shall constitute a day's work. The working-hours shall be between the hours of 8 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

(b) Notwithstanding anything contained in subclause (a) hereof, shifts may be worked as required by the employer: Provided that eight hours shall constitute a full shift, and that all shifts shall be worked between Monday and Friday, both days inclusive. Thirty minutes' crib-time shall be allowed shift-workers without any deduction from pay.

(c) Shift-workers shall be paid not less than 2s. per shift in addition to the rates prescribed.

(d) A worker required to work for less than three shifts consecutively shall not be deemed to be a shift-worker, but shall be paid for such work at overtime rates.

(e) Workers required to work four and three-quarter hours without a meal shall be allowed a "smoke-oh" or interval of ten minutes during that period, and workers operating or attending to the carding-machine when carding tow shall be allowed a similar period.

(f) A female worker shall be allowed time off to make morning and afternoon tea, and other female workers may partake thereof provided there is no general cessation of work.

Wages

3. The minimum rates of wages for adult male workers shall be as follows:—

	Per Hour.	
	s.	d.
Head rope-maker	2	9
Small-goods rope-maker	2	5½
Assistant rope-maker	2	5½
Leading feeder hand on first spreader ..	2	4½
General hands	2	4½

A worker who has been trained in the making of ropes on the rope walk for a period of at least nine months and who is capable of taking charge of rope-making operations on the rope walk in the absence of the head rope-maker shall be classified as an "assistant rope-maker."

Youths

4. (a) Youths may be employed in the proportion of one youth to every two men employed.

(b) The minimum weekly rates of wages payable to youths shall be as follows:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 16 ..	21/-	26/-	31/-	36/6	41/6	46/6	51/6	56/6	62/-	72/-
16 to 17 ..	23/6	28/6	33/6	39/-	44/-	49/-	56/6	61/6	67/-	72/-
17 to 18 ..	28/6	33/6	38/6	44/-	51/6	59/-	66/6	72/-	..	..
18 to 19 ..	33/6	38/6	43/6	49/-	56/6	64/-	..	..	..	..
19 to 20 ..	43/6	48/6	53/6	64/-	..	..	..	..	..	..
20 to 21 ..	53/6	63/6	..	..	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than the rate for general adult hands.

Female Workers

5. The minimum weekly rates of wages payable to female workers shall be as follows:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.
Under 16 ..	18/6	22/6	26/6	31/-	35/-	39/-	43/-	47/6
16 to 17 ..	21/6	25/6	29/6	34/-	38/-	42/-	46/-	..
17 to 18 ..	24/6	28/6	32/6	37/-	41/-	45/-	..	..
18 to 19 ..	27/6	31/6	35/6	40/-	44/-	..	..	..
19 to 20 ..	30/6	34/6	38/6	43/-	..	..	..	..
20 to 21 ..	33/6	37/6	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than £2 12s. 6d. per week.

Increase in Rates of Remuneration

6. 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.

Weekly Employment

7. (a) The employment of youths and females shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wages prescribed in clauses 4 and 5 except for time lost through the workers' default or sickness or through breakdown of machinery.

(b) Not less than one week's notice shall be given by either party of the termination of employment; but nothing in this clause shall prevent the employer from summarily dismissing any worker for wilful misconduct.

(c) No worker receiving more than the minimum weekly wage above prescribed shall have the wage reduced.

Overtime

8. (a) All time worked in any one day outside or in excess of the hours prescribed in clause 2 hereof shall count as overtime, and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) To male workers over the age of sixteen years employers shall give twenty-four hours' notice of overtime; failing that, they shall allow meal-money at the rate of 1s. 9d. per meal where such workers are required to work overtime after 6 p.m., provided that such workers cannot reasonably get home to their meals.

When female workers or male workers of sixteen years of age or under are required to work overtime, the provisions of section 23 of the Factories Act, 1921-22, shall apply, except that the rate of the allowance for a meal shall be 1s. 9d.

Holidays

9. (a) The following shall be recognized holidays which shall be paid for: Christmas Day, Boxing Day, New Year's Day and the day following that upon which New Year's Day is observed, Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign.

(b) For work done on any of the above-mentioned days double time rates shall be paid in addition to the day's wages.

(c) For work done on Sundays double time rates shall be paid.

Annual Holiday

10. (a) An annual holiday of one working-week on full pay shall be allowed to all workers after completion of each twelve months' service. Whenever possible, such holiday shall be given and taken in conjunction with the Christmas and New Year holidays. Workers who at that time have not completed the full twelve months' service shall be allowed a holiday proportionate to the time served. Workers required to work in connection with the annual overhaul of the factory may be retained in employment during the Christmas or New Year period and granted the holiday then due not later than Easter.

(b) Any worker leaving the employment for any cause, other than misconduct, after serving three months shall be allowed and paid for a holiday proportionate to the time worked.

Payment of Wages

11. All wages shall be paid weekly or fortnightly, not later than Friday, within five minutes of ceasing work.

Accommodation

12. Dining and dressing accommodation and proper sanitary conveniences to the satisfaction of the Inspector of Awards shall be provided, also facilities for boiling water at meal-times.

Accidents

13. A modern first-aid emergency case, fully equipped, shall be kept in the factory in an accessible and convenient place.

Smocks

14. The employer shall supply all female workers with smocks in good order, which shall remain the property of the employer and which shall be laundered and kept clean by the workers.

Right of Entry

15. The secretary or other authorized officer of the union of workers 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.

Matters not provided for

16. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, 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.

Under-rate Workers

17. (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.

Workers to be Members of Union

18. (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.)

Extension of Hours under Factories Act

19. Pursuant to the provisions of section 3 of the Factories Amendment Act, 1936, the limit of hours fixed by subsection (1) of that section are hereby extended upon the terms of this award in respect of every occupier of a factory bound or to be bound by this award.

Application of Award

20. 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

21. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

22. This award shall come into force on the 10th day of April, 1944, and shall continue in force until the 10th day of April, 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 3rd day of April, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

In dealing with this dispute the Court is required not only to take into account Regulation 38 of the Economic Stabilization Emergency Regulations, which debars the Court from varying minimum rates of remuneration or principal conditions of employment except for the purpose of adjusting anomalies, but also clause 6 of Amendment No. 3 to the said regulations (Serial number 1944/9). Clause 6 reads:—

Regulation 38 of the principal regulations is hereby amended by adding the following as subclauses (2) and (3) thereof:—

“(2) Nothing in subclause (1) of this regulation shall apply with respect to any increase in any minimum rate of remuneration (as affected by any general order under the Rates of Wages Emergency Regulations 1940) if the increased rate does not exceed £5 5s. a week for male workers or £3 a week for female workers, or such lower rate as the Court thinks fit in the case of junior workers or in the case of workers whose ordinary hours of work are less than thirty-eight a week.

“(3) Where the Court makes or amends any award or apprenticeship order so as to make any increase to which subclause (2) of this regulation relates the increase shall not be deemed to create any anomaly for the purposes of these regulations.”

There appears to be an impression in some quarters that the rates mentioned in the above clause are to be regarded as minimum gross rates, and that in any future awards the minimum gross rates prescribed will be not less than those mentioned above. It is clear, however, that the clause merely

establishes certain rates as upper limits below which the Court in settling industrial disputes is untrammelled by the Economic Stabilization Emergency Regulations. The onus still rests on applicants to satisfy the Court by evidence and argument that increases up to the specified limits are justified.

In the present dispute the matters referred to and settled by the Court related to shift allowance, "smoke-oh," wages, deductions, meal-money, holidays, and term of award. The rate for general hands has been increased to 2s. 4½d. per hour, as it is considered that these workers are entitled to a slightly higher rate than the ordinary unskilled worker. The rates for youths have been increased by varying amounts ranging from 1s. to 2s. per week, it being considered that these increases are commensurate with the increase of 1d. per hour or 3s. 4d. per forty-hour week granted to adult male workers employed as general hands.

The rate for adult female workers has been increased by 2s. 6d. per week to bring it into line with the rates applying to several other classes of factory workers requiring a similar degree of effort and training. As in the case of youths, the rates for junior females have been increased by varying amounts ranging from 1s. to 2s. per week.

Mr. Prime disagrees with the decision to increase wages, but, in order to enable an award to be made, he refrains from recording a formal dissent.

Mr. Monteith dissents from this award, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

I dissent from this award.

The rates for adult and junior females and youths are insufficient. An increase of at least another 2s. all round should, in my opinion, have been made.
