

**OTAGO AND SOUTHLAND PRESERVED FOODS, JAM, AND
STARCH FACTORY EMPLOYEES.—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 Manufacturing Chemists, Preserved Foods, Jam, and Starch Factories' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned person and companies (hereinafter called the "employers") :—

Central Otago Fruit Co., Ltd., P.O. Box 59, Roxburgh.
Dunedin Canning Co., Ltd., MacLaggan Street, Dunedin.

Irvine and Stevenson's St. George Co., Ltd., Filleul Street, Dunedin.

Johnston's Proprietary Co., Ltd., Bathgate Street, Dunedin.

New Zealand Rice Starch Co., Ltd., 1 Hanover Street, Dunedin.

Smith, H., 315 Castle Street, 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 as hereinafter provided, and shall continue in force until the 29th 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 18th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award relates

1. The industry to which this award shall relate is the manufacture, preparation, and/or packing of starch, jam, preserved fruits, dried fruits, vegetables, fish, meat, food-pastes, oyster-grit, and by-products in connection therewith.

Hours of Work

2. The hours of work during five months of the year (1st December to 30th April inclusive) shall be forty-four per week, to be worked between 8 a.m. and 5 p.m. on five days and 8 a.m. and noon on Saturdays, and during seven months of the year (1st May to 30th November inclusive) shall be forty, to be worked between the hours of 8 a.m. and 5 p.m. from Mondays to Fridays inclusive.

Shift-work

3. Shifts may be worked as required by the employer, provided that where shifts are worked eight hours shall constitute a full shift. Workers working shifts shall be paid 3s. per shift in addition to the ordinary rates of pay prescribed in clause 6 hereof for each shift worked outside the ordinary working-hours as prescribed in clause 2 hereof. Shift-workers shall be allowed an interval of half an hour for a meal without deduction from pay, and the hours of work shall be continuous. A worker required to work for less than three consecutive shifts shall not be deemed to be a shift-worker, but shall be paid for such work at overtime rates.

Overtime

4. All overtime shall be calculated daily, and shall be paid for at the rate of time and a half for the first three hours in any day and double time thereafter, or 1s. 6d. per hour, whichever is the greater.

For the purpose of computing the overtime rate of pay during the forty-four-hour-week period, the additional payment of 10 per cent. hereinafter referred to shall be deemed to form part of the ordinary wage.

Holidays

5. (a) The provisions of the Factories Act, 1921-22, and its amendments relating to holidays, statutory half-holidays, and Sundays, and to payment for work done on such days, shall apply hereto.

(b) The 2nd January shall be a paid holiday for any worker who has been employed for two working-weeks during December. Work done on 2nd January shall be paid for at ordinary rates in addition to the above payment.

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

Wages

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

(i) A worker employed at manual work and appointed a working foreman by the employer, and whose duty is to take charge of and supervise the work of the other workers in a permanent department of the business, shall be paid not less than £5 2s. 6d. per week during the forty-hour-week period and not less than £5 12s. 9d. per week during the forty-four-hour-week period.

(ii) General hands over the age of twenty-one years shall be paid not less than £4 15s. 3d. per week during the forty-hour-week period and not less than £5 4s. 10d. per week during the forty-four-hour-week period.

(b) Youths may be employed at not less than the following minimum weekly rates:—

			£	s.	d.
16-16½ years	..	..	..	1	2 6
16½-17 years	..	..	..	1	7 6
17-17½ years	..	..	..	1	12 6
17½-18 years	..	..	..	1	17 6
18-19 years	..	..	..	2	5 0
19-20 years	..	..	..	2	12 6
20-21 years	..	..	..	3	2 6

(c) Female workers may be employed at not less than the following minimum weekly rates:—

			£	s.	d.
16-16½ years	..	..	..	0	19 0
16½-17 years	..	..	..	1	3 0
17-17½ years	..	..	..	1	7 0
17½-18 years	..	..	..	1	11 0
18-18½ years	..	..	..	1	15 0
18½-19 years	..	..	..	1	19 0
19-20 years	..	..	..	2	3 0
20-21 years	..	..	..	2	7 0
Thereafter	..	..	..	2	14 9

(d) The weekly wages prescribed in subclauses (b), (c), and (f) shall be increased by 10 per cent. when a forty-four-hour week is worked in accordance with clause 2 hereof.

(e) Male adult workers employed for less than one week shall be deemed to be casual workers and shall be paid not less than 2s. 6d. per hour.

(f) Female workers engaged in the canning of meat, tongues, or rabbits shall be paid the rates prescribed in the Freezing-workers' award applying for the time being to the canning of meat in the Otago and Southland Industrial District.

(g) Females employed canning fish or lacquering tins shall be paid 1s. per day or part of a day, in addition to the rates prescribed in subclause (c) hereof, whilst so employed.

Increase in Rates of Remuneration

7. 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

8. Wages shall be paid weekly or fortnightly in the employer's time not later than Friday.

Termination of Engagement

9. Not less than forty-eight hours' notice shall be given by either party of the termination of the engagement; but nothing in this clause shall prevent an employer from summarily dismissing any worker for misconduct.

General Conditions

10. (a) First-aid outfits, fully equipped, shall be provided in each factory and shall be accessible at all times.

(b) Twenty-four hours' notice shall be given to a worker who is required to work overtime after 6 p.m., or, in lieu thereof, 1s. 6d. tea-money shall be paid.

(c) Boiling water shall be supplied at meal-times.

(d) The proportion of youths to adult male workers shall not exceed one youth to each two adult workers.

(e) Workers employed in wet places shall be supplied with gum boots and/or clogs.

(f) Female workers shall not handle more than 28 lb. single handed.

(g) Boys under seventeen years of age shall not handle more than 56 lb. single handed.

(h) No deduction shall be made from the weekly wages payable hereunder except for time lost through the default or sickness of the worker or by reason of accident not arising out of and in the course of the employment.

(i) Workers engaged in the grinding of oyster-shells, in manure-works, in the preparation of crayfish-manure, or in the cleaning of save-alls shall be paid 2s. extra per day or part of a day whilst so employed.

(j) Reasonable facilities for supplying warmth in cold weather shall be provided.

(k) The employer shall supply suitable dining and lavatory accommodation, together with facilities for changing clothes and, where practicable, hot water for washing hands.

Right of Entry

11. 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

12. 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 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 notice to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Extension of Hours under Factories Act

13. 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.

Exemption

14. Nothing in this award shall apply to the National Mortgage and Agency Co. of New Zealand, Ltd., Dunedin.

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 Otago and Southland Industrial District.

Term of Award

19. This award, in so far as it relates to wages, shall be deemed to have come into force on the 29th day of November, 1944, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 29th 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 18th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

In making the award, which embodies the terms of settlement arrived at by the assessors in Conciliation Council, the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.
