

**NORTHERN INDUSTRIAL DISTRICT FRUIT-PRESERVING AND
VEGETABLE-CANNING EMPLOYEES.—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 Fruit and Vegetable Preserving and Canning,

Condiments, and Related Products Manufacturing Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned firms and companies (hereinafter called "the employers") :—

Brown, Barrett, Ltd., Newmarket, Auckland.

Citrus Products, Ltd., 12 Ruru Street, Eden Terrace, Auckland.

Irvine and Stevenson's St. George Co., Ltd., 91 Hepburn Street, Auckland.

N.Z. Products, Ltd., 29 St. Benedict's Street, Auckland.

Quality Fruits (N.Z.), Ltd., Mahuru Street, Newmarket, Auckland.

Stevens, N. W., Ltd., St. Benedict's Street, Auckland.

Tasti Products, Ltd., Enfield Street, Mount Eden, Auckland.

Thompson and Hills, Ltd., Nelson Street, Auckland.

Tucker, W. F., and Co., Auburn Street, Auckland.

Whittome, Stevenson, and Co., Ltd., Newmarket, Auckland.

Winson, G. E., Ltd., Baking-powder Manufacturers, Fanshawe 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 20th day of December, 1944, and shall continue in force until the 20th 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 15th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. This award shall apply to workers employed in the manufacture and/or packing of the following goods: jam, jellies, lemon-cheese, marmalade, preserved and dried fruit, preserved vegetables, fruit-pulps, preserved ginger, jelly crystals, cordials, baking-powder, custard powder, candied and drained peels, crystallized and drained fruits, spices and condiments, sauces (including Worcester sauce), soups (other than meat and fish), pickles (including chutney), vinegar and essence (including coffee essence), glacia and similar salts, canned vegetables, and dehydrated vegetables.

Nothing in this award shall apply to workers employed under the Wholesale Storemen and Packers' award.

Hours of Work

2. (a) This subclause shall apply to workers engaged in connection with one or more of the following: fruit or vegetable preserving, fruit or vegetable canning, and jam-making:—

- (i) The ordinary hours of work during the summer months (1st November to 30th April inclusive) shall not exceed forty-four hours per week, and during the winter months (1st May to 31st October inclusive) shall not exceed forty hours per week:

(ii) In the case of male workers sixteen years of age or over the ordinary hours of work shall be worked between the hours of 7.30 a.m. and 5.15 p.m. on five days of the week, Monday to Friday inclusive, and between the hours of 7.30 a.m. and noon on Saturday: Provided that the day's work shall be continuous except for meal intervals, which shall not exceed one hour:

(iii) In the case of male workers under sixteen years of age and female workers the ordinary hours of work shall be worked between the hours of 8 a.m. and 5 p.m. on five days of the week, Monday to Friday, both days inclusive, and between the hours of 8 a.m. and 12 noon on Saturday.

(b) This subclause shall apply to workers other than those provided for by subclause (a) of this clause. The ordinary hours of work shall not exceed forty hours in any one week, and shall be worked between the hours of 8 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(c) In the busy season night shifts may be worked for the pulping of fruit and/or tomatoes, and workers employed on such shifts shall be paid 2s. per shift extra.

Overtime

3. (a) 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 in the case of workers on a weekly wage, the additional payment of 10 per cent. shall be deemed to form part of the ordinary wage.

(b) When workers are required to work overtime on any day, the employer shall provide a meal, or pay each of such workers 2s. to enable him or her to obtain a meal, unless such worker has been notified before noon on the day on which overtime is to be worked that he or she shall be required to work overtime: Provided that when such notice has been given and the worker's services are not required, he or she shall receive the meal allowance. The allowance provided for in this subclause shall not be subject to the general orders made under the Rates of Wages Emergency Regulations or the Economic Stabilization Emergency Regulations.

Wages

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

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 other workers in a permanent department of the business, shall be paid not less than £5 2s. 9d. per week.

General hands, £4 15s. 3d. per week.

(b) Youths under twenty-one years of age may be employed at not less than the following weekly rates:—

Age at commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	Fifth Year.
	First Half.	Sec'nd Half.	First Half.	Sec'nd Half.	First Half.	Sec'nd Half.		
Under 16 years	23/6	27/6	31/6	35/6	40/-	45/-	50/-	62/6
16-17 years	27/6	31/6	35/6	39/6	44/-	49/-	55/-	62/6
17-18 years	31/6	35/6	39/6	43/6	48/-	53/-	62/6	..
18-19 years	35/6	39/6	43/6	47/6	52/-	57/-	..	..
19-20 years	39/6	43/6	47/6	51/6	..	..	..	..
20-21 years	43/6	47/6	..	..	..	..	..	..

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

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

Age at commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.
Under 16 years	19/-	23/-	27/-	31/-	35/-	39/-	44/-	48/-
16-17 years	22/-	26/-	30/-	34/-	38/-	42/-	47/-	..
17-18 years	25/-	29/-	33/-	37/-	41/-	46/-	..	..
18-19 years	28/-	32/-	36/-	40/-	45/-	..	..	..
19-20 years	31/-	35/-	39/-	44/-	..	..	..	..
20-21 years	34/-	38/-	..	..	..	..	..	..

Thereafter, or on attaining twenty-one years of age, not less than £2 15s. per week.

(d) During such period as any factory is actually operated forty-four hours per week pursuant to subclause (a) of clause 2 of this award the weekly workers employed therein shall be paid 10 per cent. in excess of the weekly rates prescribed in this clause.

Increase in Rates of Remuneration

5. 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.

Casual Labour

6. (a) The minimum rate of pay for casual workers shall be 2s. 6d. per hour.

(b) A casual is a worker who is employed for less than one week.

Holidays

7. (a) The following shall be the recognized paid holidays: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and Anniversary Day.

(b) Work done on any of the holidays mentioned in subclause (a) above shall be paid for at the rate prescribed by the Factories Act, 1921-22, and its amendments, for work done on the holidays prescribed in the Factories Act.

(c) If any of the holidays mentioned in subclause (a) hereof, other than Anzac Day, shall fall on a Sunday, then such holiday shall be observed on the following Monday.

(d) The provisions of the Annual Holidays Act, 1944, shall be deemed to be incorporated in this award and shall have effect according to their tenor.

Termination of Engagement

8. Except in the case of casual workers, not less than one week's notice shall be given by either party of the termination of employment: Provided, however, that nothing in this clause shall prevent an employer from summarily dismissing any worker for misconduct.

Payment of Wages

9. (a) Wages shall be paid during working-hours on Tuesday in the employer's time. If a holiday falls on a Monday or Tuesday, the wages shall be paid on Wednesday.

(b) 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.

General Conditions

10. (a) Boiling water shall be supplied for meals.

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

(c) Workers employed in damp or wet places shall be supplied with gum boots.

(d) Females working with lemons or quinces shall be supplied with rubber gloves. When handling hot cans, other suitable gloves shall be provided.

(e) Females workers shall not handle more than 28 lb. single handed.

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

(g) Waterproof aprons shall be provided where it is necessary to prevent the worker's clothes from becoming wet or damp.

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

(i) A suitable first-aid outfit shall be provided at each factory.

(j) A "smoke-oh" of ten minutes shall be allowed each morning, and a female worker shall be allowed time off to make morning tea.

(k) Female workers when working in damp or wet places or when engaged in the handling or sorting of rotten fruit or tomatoes shall be supplied with smocks or overalls.

(l) When 25 per cent. or more of any consignment of fruit or tomatoes is rotten, female workers handling such rotten fruit or tomatoes shall be paid 6d. per hour extra.

Bonus System

11. (a) In all cases where a bonus is paid, the basis on which the bonus is calculated shall be negotiated between representatives of the workers concerned in the factory and the employer.

(b) In factories where a bonus system is in operation no deduction shall be made from the bonus in respect of any holidays prescribed by this award or by the Factories Act.

Extension of Hours under Factories Act

12. 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.

Matters not provided for

13. 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.

Access to Factory

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.

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.

Scope of Award

17. (a) This award shall operate throughout the Northern Industrial District.

(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 district to which this award relates.

Term of Award

-18. This award shall come into force on the 20th day of December, 1944, and shall continue in force until the 20th 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 15th day of December, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters referred to and settled by the Court related to hours of work, overtime, wages, termination of engagement, payment of wages, "smoke-oh," provision of smocks, and additional payment for handling decayed fruit.

In making the award the Court has recognized the restrictions imposed upon it by 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 cannot agree with this award, principally because of the very low rates awarded juniors, both male and female. Here we have junior workers employed largely on unskilled work, and they are not getting anything like a reasonable wage. Where the work done is largely unskilled, junior labour is very profitable. These juniors will not in many cases be able to contribute anything like a reasonable amount towards their keep after they pay their taxation and tram fares, so putting, in my opinion, an unreasonable burden on the parents.

It is noticeable that in Australia junior rates are very much in advance of those in operation in New Zealand. In making this observation I have taken into consideration the difference in hours worked. Many show from 5s. to 25s. advance on those in operation in this country.