

WILSON'S (N.Z.) PORTLAND CEMENT, LTD., **CEMENT-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 in the matter of an industrial dispute between the Portland Cement-workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Wilson's (N.Z.) Portland Cement, Ltd., Portland.

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 8th day of May, 1944, and shall continue in force until the 8th day of May, 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 1st day of May, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. (a) Except as hereinafter provided, the ordinary hours of work of day-workers shall not exceed eight hours on five days of the week, Monday to Friday, both days inclusive, to be worked between the hours of 8 a.m. and 5 p.m.: Provided that the employer and the union may agree mutually to an earlier starting hour and a correspondingly earlier finishing hour.

(b) One hour shall be allowed for dinner. The dinner-hour may be curtailed by mutual agreement between the employers and the union.

(c) The ordinary hours of work of shift-workers shall not exceed five shifts of eight hours each in any one week.

(d) Where shifts are worked, a shift shall not exceed eight hours per day, inclusive of crib-time.

(e) Night and day work shall be divided equally between men on shift, so that each man will be treated alike.

(f) If a day-worker is required to work an afternoon or night shift on repair work he shall be paid a shift allowance of 2s. per shift in addition to his ordinary pay; but if required to work on afternoon or night shift for less than three consecutive working-days in connection with repair work this provision shall not apply, and overtime rates shall be paid for time worked on any day outside of or in excess of the hours specified in subclause (a) of this clause.

(g) A shift-worker may be temporarily transferred to day-work in order to complete a full week of forty hours, whenever possible, but such work shall be performed without payment of overtime.

Overtime

2. (a) All work done outside of or in excess of the hours mentioned in clause 1 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) A worker residing out of Portland not being notified about overtime in time to enable him to arrange for crib shall receive an allowance of 2s. If such a worker is notified that

he is to work overtime and brings an extra meal with him and overtime is not worked, such worker shall be paid an allowance of 1s. 6d.

(c) A worker other than a shift-worker who is required to start work between the hours of 12 midnight and 6 a.m. shall be paid double time rates up to the ordinary time of starting work. A worker required to start after 6 a.m. shall be paid time and a half up to the ordinary time of starting work.

(d) A worker having worked all day and night and being required to continue working on into the next day shall be paid double time rates for all such time worked.

(e) A worker required to start work on the wharf after 6 p.m. shall be paid waiting time from 6 p.m. until the time he is required to report for work, such payment to be at his ordinary rate.

Wages

3. (a) The following shall be the minimum rates of pay:—

	Per Hour.	
	s.	d.
(1) General labourers, and others not specified ..	2	4½
(2) Locomotive firemen, platelayers, and winchmen	2	4½
(3) Permanent carpenters', electricians', and fitters labourers	2	4½
(4) Kiln-greasers, hammer and rolls mill men, coal-dump and belt men, motor-men, and flue-dust men	2	4¾
(5) Crusher-men	2	4¾
(6) Millers, rock and coal drier firemen, and filter attendants	2	6
(7) Kiln-burners	2	9½
Packhouse—		
(8) Other packhouse workers	2	4½
(9) Loading cement, &c., into trucks	2	6
(10) Bates baggers and cement tunnel workers ..	2	7½
Shipping—		
(11) (a) Loading and discharging boats: Other workers	2	7½
(b) Hatchmen, winchmen, and truckmen loading or discharging boats	2	7½
(12) Portland Quarry—		
(a) Other quarry workers	2	4½
(b) Drillers' assistants	2	5
(c) Drillers	2	6
(d) Shot-firers	2	6

		Per Hour.	
		s.	d.
(12)	Portland Quarry— <i>continued</i>		
	(e) Benchmen	2	7½
	(f) Sauerman drag driver	2	6
	(g) Benchmen, when suspended over face	2	7½
	(h) Jumper-drill men	2	9½
(13)	Waro Quarry—		
	(a) Truckers	2	5
	(b) Quarrymen	2	6½
	(c) Shot firers and drillers	2	7½

(b) A worker engaged in bins, or tanks, or Wilsonite silos, or Sly dust-arrester handling dried or ground coal, lime, cement, raw meal, or clinker shall be paid not less than 4s. per hour for the first four hours; thereafter double time for bin-work. This shall not apply to the clinker-storage shed.

(c) Cleaning or painting or repairing chimney-stacks when suspended on a bosun's chair shall be paid for at 30s. per day.

(d) Wire-rope splicing shall be paid for at 3s. per hour.

(e) When a shift-worker is employed on the afternoon or night shift he shall be paid 1s. 6d. per shift in addition to his ordinary rate of pay.

Special Payments

4. (a) A worker when employed cleaning or repairing mill roofs shall be paid 3d. per hour extra.

(b) A worker when handling large-size explosives in the Portland Quarry Magazine and from magazine to quarry-face shall be paid 2d. per hour in addition to his ordinary rate, and shall be provided with respirators if required.

(c) A worker required to do bricklaying, other than lining rotary kilns, driers, or coolers, shall be paid bricklayers' rates or 3d. per hour in addition to his ordinary rate of pay, whichever may be the greater.

(d) A worker employed lining rotary kilns shall be paid 4½d. per hour extra while so employed.

(e) A worker engaged tube milling or handling Repello shall be paid 4d. per hour or part of an hour in addition to the rates hereinbefore provided.

(f) A worker engaged feeding a concrete-mixer, or handling, mixing, or spreading wet concrete, shall be paid 1d. extra per hour.

(g) Riggers and gear runners, and workers assisting in the erection of scaffolds, shall be paid whilst so employed 12ft. or more above the floor not less than 1½d. extra per hour.

(h) A worker engaged inside boilers or inside main flue from kiln chambers to boilers, or inside kiln chambers, or wheeling out of kilns, shall be paid 4½d. per hour extra.

(i) A worker engaged repairing cooler, kiln, or drier gears, locomotives, or coal-mills shall be paid 3d. per hour in addition to his ordinary pay if in the opinion of the engineer the work is extra hot or dirty.

(j) A worker working in slurry silos shall receive an allowance of 1s. 6d. per day.

(k) A worker engaged removing clinker from beneath coolers while a cooler or coolers are running, or cleaning up in clinker pit or clinker tunnels, shall receive 4½d. per hour in addition to his ordinary rate of pay. Such worker shall have the right to a change of work after four hours.

(l) A worker employed shovelling or driving winch inside clinker-storage shed shall receive 4d. per hour extra.

(m) A worker required to work in any compartment or confined space where the heat exceeds 110 degrees Fahrenheit shall be paid double rates, computed on his ordinary rate of pay.

(n) A worker required to work during meal-hours shall be paid double time.

(o) A worker working on the wharf shall be allowed travelling-time to and from the western end of the wharf.

(p) A worker going to work and being sent home by reason of there being no work and through no fault of his own shall receive two hours' pay at ordinary rates unless previously notified by the employer's foreman.

(q) In the event of a worker commencing work and not completing a day's work through no fault of his own, he shall receive a full day's wages.

(r) A worker ordered out on Saturdays, Sundays, or overtime shall receive not less than two hours' pay.

(s) A worker employed blowing out motors shall receive 3d. per hour in addition to his ordinary rate.

(t) A worker employed trimming to grabs aboard ship shall be paid 6d. per hour extra.

(u) Baggers, men loading trucks at the packhouse, and men in a ship's hold shall be paid 3d. per hour extra when handling cement of a temperature of 110 degrees Fahrenheit or over.

Men employed on the wharf to lift cement in paper bags from trucks to trays shall be paid 3d. per hour extra when the cement is of a temperature of 110 degrees Fahrenheit or more.

(v) Two shillings per day, or part thereof, additional shall be paid to men cleaning or clearing blocked sewers or coming in contact with faecal or sewerage matter.

(w) A worker employed in sinking shifts, sumps, pierholes, or working in trenches over 6 ft. in depth shall be paid the following extra payments:—

Over 6 ft. and up to and inclusive of 12 ft., 1½d. per hour extra. Over 12 ft. and up to and inclusive of 20 ft., 2½d. per hour extra. Over 20 ft., the last-mentioned rate plus 1d. per hour additional for every 7 ft. over 20 ft.

(x) Where grabs are used discharging boats and no stevedore is provided, one of the workers covered by this award shall be placed in charge of the grabs and shall be paid 2s. per day extra, but such man shall himself work as a member of the gang.

(y) Winchmen, truckies, and hatchmen working boats when grabs are used shall be paid 6d. per hour extra.

(z) Men employed under the raw-meal silos to bag carbo and sew the bags shall be paid 2d. per hour in addition to their ordinary rate.

(aa) No worker shall be entitled to receive payment under more than one of the provisions of this clause at the one time.

General Conditions

5. (a) No worker shall be permitted to work more than sixteen consecutive hours without a break of eight hours, except in the event of a breakdown of machinery necessitating a stoppage of the works, and boat-loading, when more than sixteen hours may be worked.

(b) Safety ropes shall be supplied to men engaged in cleaning or repairing roofs.

(c) The wharf foreman shall tell each man off to his duty.

(d) Rubber gloves shall be supplied to workers packing cement joints on pipes.

(e) Gum boots shall be supplied to workers in wet places when required.

(f) Every effort shall be made to eliminate or reduce dust in the packhouse.

(g) Respirators, or mutton-cloths, and goggles shall be supplied to workers working in dust when required.

(h) Workers feeding coal-blets, boat attendants berthing or unberthing boats, winchmen, hatchmen, truckmen, crusher-men, locomotive firemen, and quarry workers shall be supplied with oilskins in wet weather when required.

(i) Waro Quarry workers shall be supplied with water-proof capes in wet weather.

(j) Workers engaged in loading or unloading trucks on the wharf shall be supplied with goggles.

(k) In the event of boats loading after 10 p.m., a cup of tea and eatables shall be provided both in the packhouse and on the wharf, and twenty minutes shall be allowed for supper.

(l) When loading or discharging boats there shall be not less than six men employed stacking in every hatch.

(m) In every 'tween deck boat and in all boats where double handling or the use of hand trucks or barrows is necessary at least eight men shall be employed in each hatch worked.

(n) On all vessels over 275 tons net register shore winchmen and hatchmen shall be employed.

Youths

6. (a) Youths may be employed in accordance with the following scale:—

	First Year, per Week.	Second Year, per Week.	Third Year, per Week.	Fourth Year, per Week.
Sixteen to seventeen—	s. d.	s. d.	s. d.	s. d.
First six months ..	25 0	33 0	} 54 0	62 0
Second six months ..	29 0	37 0		
Seventeen to eighteen—				
First six months ..	33 0	} 54 0	62 0	..
Second six months ..	37 0			
Eighteen to nineteen ..	54 0	} 62 0
Nineteen to twenty ..	62 0			
Thereafter adult rates.				

(b) No youths under sixteen years of age shall be employed.

First-aid

7. A modern first-aid outfit, fully equipped, shall be kept in a convenient and accessible place at the works, wharf, quarry, and Waro Quarry.

Tools

8. All tools shall be supplied by the employer.

Suburban Work

9. In the event of men being required to go to work outside their ordinary work, the employer shall pay the fares and ordinary rate for the time the men are travelling to and from their homes, and price of their meals shall be allowed unless notified on the previous day.

Country Work

10. "Country work" shall mean work which necessitates a worker sleeping away from home, and on which all fares shall be paid travelling to and from thereto, and ordinary rates allowed for time occupied by travelling, with living-allowance at 5s. 2d. per day or 31s. per week, unless suitable board and lodging is provided by the employer.

Accommodation

11. (a) The employer shall provide accommodation to enable workers to change and dry their clothes, and also provide proper sanitary arrangements.

(b) The employer shall provide shower-baths and wash-basins with hot and cold water.

(c) The employer shall also provide a constant supply of fresh water for washing and drinking purposes, and facilities shall be provided for boiling water at meal-times.

(d) A sufficient supply of fresh water and suitable lighting shall be supplied at the end of the wharf for the convenience of workers.

Transfers

12. Any worker engaged temporarily in any line of work other than that in which he is usually engaged shall be paid the wages prevailing in that branch to which he is temporarily transferred: Provided that in no case shall the wage to be paid be less than, that which he would be entitled to at his usual work.

Holidays

13. (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) All work done on the above-mentioned days shall be paid for at double time rates.

(c) Anniversary Day shall be a recognized holiday, but a worker shall not be entitled to payment for such day unless he works, in which case he shall be paid for time worked at the rate of double time.

(d) Shift-workers shall be paid time and a half rates for work done on Saturday between 12 noon and midnight.

(e) *Annual Holiday*.—(i) A worker who completes twelve months' service on the 31st December in any year shall be allowed one week's holiday on full pay, and a worker who completes one months' but less than twelve months' service on the 31st December in any year shall be allowed a proportionate holiday in accordance with his length of service.

(ii) The holiday referred to in paragraph (i) of this subclause shall, as far as practicable, be allowed in conjunction with the Christmas and New Year holidays: Provided that a worker who is not allowed a holiday in conjunction with the Christmas and New Year holidays shall be allowed such holiday at a time to be arranged by his employer.

(iii) A worker who has completed three months' service leaving or being dismissed from the service of an employer prior to the 31st December in any year shall be granted pay in lieu of the holiday mentioned in paragraph (i) of this subclause in proportion to his length of service, but this paragraph shall not apply in the case of any worker dismissed for serious misconduct.

(f) In the case of adult workers, payments under this clause shall be computed on the rates specified in subclause (a) of clause 3. "Full pay," for instance, shall mean the rate to which a worker is entitled under subclause (a) of clause 3 multiplied by 40. The rates specified in subclauses (b), (c), (d), and (e) of clause 3 shall not be taken into account when computing the holiday pay.

In the case of youths, "full pay" shall mean the weekly rate to which a youth is entitled under subclause (a) of clause 6.

(NOTE.—Attention is drawn to the provisions of the Annual Holidays Act, 1944, which will apply to workers covered by this award as from the 1st August, 1944.)

Payment of Wages

14. Wages shall be paid at not longer than fortnightly periods, and in working-hours.

Crib-time

15. No worker shall be compelled to work more than five hours without half an hour for crib-time, but when machinery is running continuously shift-workers shall take their crib without necessitating any cessation of operations.

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 and president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the 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 seven days after such decision has been communicated to the party desiring to appeal.

Workers' Representatives

17. On application by the union's accredited representative, the employer shall offer no unreasonable obstacle to his interviewing men on the works.

Under-rate Workers

18. (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

19. (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.)

Increase in Rates of Remuneration

20. All rates of remuneration (which term includes time and piece-work 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.

Scope of Award

21. This award shall apply to the parties named herein.

Term of Award

22. This award shall come into force on the 8th day of May, 1944, and shall continue in force until the 8th day of May, 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 1st day of May, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award embodies the terms of settlement made by the assessors in Conciliation Council.

In making the award the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

A. TYNDALL, Judge.
