

DUNEDIN WAX-VESTA 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 in the matter of an industrial dispute between the Dunedin Wax-vesta Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

New Zealand Wax Vesta Co., Ltd., 68 David Street,
Caversham, 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 12th day of June, 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 12th day of June, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applicable

1. The industry to which this award applies is the manufacture of wax matches.

Hours of Work

2. (a) The hours of work shall be forty per week, between 8 a.m. and 5 p.m. from Monday to Friday, both days inclusive. Not less than three-quarters of an hour shall be allowed each day for lunch and ten minutes for either morning or afternoon tea at the election of the workers: Provided the hours are continuous, the starting and finishing time of any special adult male worker may be arranged to suit the exigencies of the industry.

(b) Adult male workers may be employed on shift-work outside the hours hereinbefore prescribed, provided that such shifts shall consist of eight hours and that the time worked shall be continuous. Workers employed on shifts shall be paid 1d. per hour in addition to the weekly wage prescribed in clause 3 (c) hereof.

Wages

3. (a) *Wages of Female Workers.*—The minimum rates of wages for female workers shall be as follows:—

	£	s.	d.
	Per Week.		
For the first six months	1	0	0
For the second six months	1	4	0
For the third six months	1	8	0
For the fourth six months	1	12	0
For the fifth six months	1	16	0
For the sixth six months	2	0	0
For the seventh six months	2	3	0
For the eighth six months	2	7	6
Thereafter	2	12	6

Provided that a worker of the age of twenty-one years or over shall be paid not less than the basic wage for the time being prevailing.

(b) *Wages of Boys and Youths.*—The minimum rates of wages for boys and youths shall be as follows:—

	Per Week.		
	£	s.	d.
For the first six months	1	1	6
For the second six months	1	6	0
For the third six months	1	11	0
For the fourth six months	1	16	6
For the fifth six months	2	1	6
For the sixth six months	2	6	6
For the fourth year	2	12	6
For the fifth year	3	7	6

And thereafter the rates fixed for adult male workers.

Provided that a worker of the age of twenty-one years or over shall be paid not less than the basic wage for the time being prevailing.

(c) Wages for adult male workers employed in or about the factory shall be £4 15s. per week.

(d) No worker who was, prior to the coming into force of this award, in receipt of a higher wage than is herein prescribed shall have such wage reduced.

Increase in Rates of Remuneration

4. 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.

Overtime

5. (a) All time worked on any one day in excess of the regular daily hours shall be paid for at the rate of time and a half for the first four hours and double time thereafter, with a minimum payment of 1s. 6d. per hour. When workers are called upon to work overtime beyond one hour after the usual time for ceasing work and have not been notified on the previous day, or reside at such a distance that they cannot reasonably get home for a meal, they shall be allowed 1s. 6d. meal-money.

(b) Double rates shall be paid for any work done on Saturday afternoon, Sunday, or any of the following holidays: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, and the birthday of the reigning Sovereign.

Holidays

6. (a) The following shall be observed as holidays and shall be allowed without deduction of pay: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, and the birthday of the reigning Sovereign.

(b) An annual holiday of one week on full pay shall be allowed, at a suitable time to the employer (where possible in conjunction with the Christmas-New Year holidays) to all workers on completion of each year of service.

(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.)

(c) If the employment of any worker is terminated by either party for any reason, other than by the employer for misconduct of the worker, before the completion of the first year of service but after three months' service being part thereof has been completed, or at any time after the first year of service has been completed, a holiday of proportionate duration shall be allowed or paid for.

General Conditions

7. (a) Wages shall be paid weekly not later than on Friday.

(b) The employer shall be entitled to make a rateable deduction from the wages of any worker for any time lost through sickness or default, or on account of the temporary closing of the factory for cleaning or repairing the machinery, or through any interruption of manufacturing processes caused by climatic conditions.

(c) If work is not available at the factory for any worker or workers on any ordinary working-day, the employer shall give notice to such workers on the previous day that their attendance will not be required. If such notice is not given and any worker presents himself for employment in the morning, such worker shall be entitled to a half-day's pay. If any worker has so presented himself in the morning and is required to attend in the afternoon and no work is available, such worker shall be entitled to a further half-day's pay.

(d) When slackness of work or the exigencies of trade render it necessary to work short time, the employer shall distribute the work as evenly amongst the workers of each class as circumstances will permit, and in such cases workers shall be paid only for the time actually worked.

Matters not provided for

8. Any dispute in connection with any matter not provided for in this award shall be mutually arranged between two representatives of the union and the manager. In the event of their being unable to agree, the matter shall be referred to the Conciliation Commissioner for the district for settlement. Either party, if dissatisfied with the decision of the Conciliation Commissioner, shall have the right to appeal to the Court.

Extension of Hours under Factories Act

9. 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 upon the terms of this award in respect of each occupier of a factory bound by this award.

Workers to be Members of Union

10. (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

11. (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

12. This award shall apply only to the parties named herein.

Term of Award

13. This award, in so far as it relates to wages, shall be deemed to have come into force on the 28th day of April, 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 12th day of June, 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 12th day of June, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award, with the exception of the annual holiday provision, embodies the terms of settlement arrived at by the assessors in Conciliation Council, and in making the award the Court has had regard to the Economic Stabilization Emergency Regulations.

With reference to annual holidays, the Court, with the agreement of the representatives of the parties, has found it necessary to reinsert the present provision for one week in lieu of the two weeks agreed upon in Conciliation Council. This has been done in order to comply with the requirements of Regulation 38 of the Economic Stabilization Emergency Regulations which debars the Court from varying principal conditions of employment, except in certain special circumstances. It is true that the Annual Holidays Act, 1944, makes provision for two weeks' annual leave for workers, but the Act does not come into operation until the 1st August, 1944.

A. TYNDALL, Judge.
