

OTAGO AND SOUTHLAND CARDBOARD-BOX WORKERS
(FEMALE).—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 Otago Box-workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned firms and companies (hereinafter called "the employers") :—

Cadbury, Fry, Hudson, Ltd., Castle Street, Dunedin.

Evening Star Co., Ltd., Stuart Street, Dunedin.

Mackintosh, Caley, Phoenix, Ltd., Maclaggan Street, Dunedin.

New Zealand Paper Mills, Ltd., Crawford Street, Dunedin.

Ross and Glendining, Ltd., High 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 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

Application of Award

1. The industry to which this award applies is the manufacture of cardboard boxes, cartons, the finishing of components for munition containers, and the fitting of inners to munition containers.

Hours of Work

2. The hours of work shall not exceed forty per week, eight hours to be worked each day between 8 a.m. and 6 p.m. on the first five days of the week.

Wages

3. (a) The minimum rates of wages shall be:—

	Per Week.
	£ s. d.
(i) General hands—	
For the first six months ..	0 18 6
For the second six months ..	1 2 6
For the third six months ..	1 6 6
For the fourth six months ..	1 11 0
For the fifth six months ..	1 15 0
For the sixth six months ..	1 19 0
For the seventh six months ..	2 3 0
For the eighth six months ..	2 7 6
And thereafter ..	2 12 6
(ii) Workers employed fitting inners to munition containers	2 15 0

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

(b) Time lost by a worker through sickness or default, or through her voluntary absence from work with the consent of the employer, or during the annual closing of the factory for stocktaking or overhaul of machinery, may be deducted from her wages.

(c) Subject to the provisions of the Factories Act, 1921-22, and its amendments, only time worked shall be paid for.

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. All time worked outside the hours prescribed in clause 2 hereof or in excess of eight hours on any day shall be paid for at the rate of time and a half, with a minimum of 1s. 6d. per hour. Twenty-four hours' notice shall be given by the employer to work overtime after the ordinary time for ceasing work. When less than twenty-four hours' notice has been given, 1s. 6d. tea-money shall be paid.

Holidays

6. (a) The following holidays shall be observed: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, the birthday of the reigning Sovereign, and any other day which may be observed as a holiday in the industry in connection with which the box-workers are employed.

(b) If any of the specified holidays shall be generally observed on any other day, such other day shall be deemed to be the holiday for the purpose of this award.

(c) 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.

(d) 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 for the broken period served shall be allowed or paid for.

(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.)

Termination of Engagement

7. Any journeywoman employed for three consecutive months in any workroom shall be entitled to one week's notice that her services are dispensed with, and any such journeywoman leaving her employment shall likewise give one week's notice: Provided that nothing herein contained shall affect the right of an employer to dismiss without notice any worker guilty of such misconduct as would at common law justify the immediate dismissal of such worker.

Matters not provided for

8. Any dispute in connection with any matter not provided for in this award shall be settled between any particular employer concerned and the secretary or president of the union; and in default of any agreement being arrived at, 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 Conciliation 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.

Workers to be Members of Union

9. (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

10. (a) Any worker who considers herself 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, her 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 her to have her 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

11. (a) This award shall operate throughout the Otago and Southland 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

12. This award, in so far as it related to wages, shall be deemed to have come into force on the 1st day of May, 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.
