

NORTH CANTERBURY LOCAL-BODY LINESMEN, INSPECTORS,
AND SERVICEMEN.—AWARD

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the New Zealand (except Northern Industrial District) Amalgamated Engineering and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Councils (hereinafter called "the employers") :—

Heathcote County Council, Christchurch.
Kaiapoi Borough Council, Kaiapoi.
Lyttelton Borough Council, Lyttelton.
Rangiora Borough Council, Rangiora.
Riccarton Borough Council, Christchurch.
Sumner Borough Council, Sumner.
Waimairi County Council, Christchurch.

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 31st day of March, 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 16th day of February, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to the work carried on by local bodies in connection with the classes of work for which provision is hereinafter made.

Definitions

2. (a) "Linesmen's work" means and includes the complete installation of overhead electric light and power mains from the power-station to the point of connection to the consumer's premises, the erection and connecting-up of transformers and platforms, the connecting-up of street lamps, and all repair and maintenance work in connection with overhead mains.

(b) "Inspector's work" means and includes the inspecting and testing of consumer's installations, and such of the supply authority's electrical plant as comes within the scope of the Electrical Supply and Wiring Regulations 1935.

(c) "Servicemen's work" shall consist of attending to all faults and repairs upon reticulation and distributing systems, consumer's installations, and all appliances.

(d) "Charge hand" shall mean a linesman in charge of two or more additional linesmen employed on any linesmen's work and in charge of the job.

Wages

3. (a) Servicemen shall be paid not less than £5 15s. per week.

(b) Linesmen shall be paid at the rate of not less than 2s. 9d. per hour.

(c) Inspectors shall be paid not less than £318 10s. per annum, and such Inspectors shall not be subject to the provisions of clauses 5 and 6 hereof.

(d) Charge hands shall be paid 1s. per day extra while so employed.

(e) All wages shall be paid in accordance with the practice existing at the date of the coming into operation of this award.

(f) Workers coming within the scope of this award shall not have their wages reduced in any case where a higher rate is being paid at the date of its coming into operation.

Increase in Rates of Remuneration

4. 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 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.

Hours of Work

5. (a) Forty hours shall constitute an ordinary week's work.

(b) The ordinary working-hours shall be eight per day on the first five days of the week, and shall be worked between the hours of 8 a.m. and 5 p.m.

(c) If, after having commenced work, it is necessary to cease owing to wet weather, the workers shall in each case be paid for a period of not less than four hours.

(d) Every endeavour shall be made to find work for regular hands during wet weather.

(e) Notwithstanding anything in the foregoing subclauses, servicemen may be worked 160 hours in a period of four weeks, providing that such hours shall not be worked on more than twenty-two days in each consecutive four-weekly period.

Overtime

6. (a) All time worked in excess of or outside of the hours mentioned in clause 5 hereof as applying to linesmen in sub-clauses (a) to (d) or servicemen in subclause (e) shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) If at any time a worker other than a serviceman is called out, after having ceased work, then the time so worked shall be paid for at ordinary overtime rates, to be computed from the time of leaving his home to the time of his return: Provided that, except in the case of renewal of service fuses, when this proviso shall not apply, a minimum payment of two hours at ordinary overtime rates shall be paid.

(c) No worker shall be required to work more than four and a half hours continuously without an interval for a meal.

Holidays

7. (a) The following holidays shall be allowed and paid for: New Year's Day and the day following, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign (or any day observed in lieu thereof), Labour Day, local Show Day (or any day observed in lieu thereof), Christmas Day, Boxing Day, and one other day to be mutually agreed upon. The local body, on request, shall notify the union of the additional day agreed on.

(b) Except in the case of servicemen, time worked on any of the above-mentioned holidays shall be paid for as follows: Christmas Day and Good Friday, double time in addition to ordinary wages; any of the other above-mentioned holidays, time and a half in addition to ordinary wages. Time worked on Sundays shall be paid for at double ordinary rates.

(c) If any of the above-mentioned holidays, except Anzac Day, falls on a Sunday, then such holiday shall be observed on the following Monday.

Annual Leave

8. (a) Two weeks' holiday on full pay shall be granted to all linesmen on completion of each continuous year of service. Servicemen and Inspectors shall be granted two weeks' holiday on full pay on completion of each continuous year of service.

(b) In the event of a worker leaving his situation before the completion of a year's service he shall receive remuneration in proportion to his service in lieu of the above holiday.

(c) Annual leave shall be given at a period suitable to the employer, and, where possible, during the summer months.

Accidents

9. A first-aid outfit, suitably equipped, shall be supplied to each gang.

General Provisions

10. (a) Linesmen shall be provided with best-quality rubber gloves and life-belts, and all necessary tools, including a knife. The worker who receives such tools shall sign and be responsible for them.

(b) Workers shall be provided with gum boots, oilskins, and sou'westers where necessary for use in wet weather on outside work. Linesmen shall be provided with one set of overalls each year. In the case of Inspectors, two sets of overalls and waterproof leggings shall be supplied where necessary.

(c) Workers shall not be prevented from having a break for refreshments during the morning or afternoon where practicable.

(d) No worker shall be permitted to work in connection with any live wires unless accompanied by an assistant, except in the case of renewal of service fuses and in the case of disconnecting the supply in the case of an emergency.

Matters not provided for

11. The essence of this award being that the work of the employer shall not on any account whatsoever be impeded but shall proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award, or any of them, as to any matter whatsoever arising out of or connected therewith and not dealt with in this award, every such dispute or difference shall be referred to a committee which shall be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Workers to be Members of Union

12. (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

13. (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

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

Term of Award

15. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of July, 1943, 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 31st day of March, 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 16th day of February, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

On 11th October, 1943, the Court referred the terms of settlement of the dispute relative to this award back to the parties. The Court's memorandum dealing with the matter is recorded in 43 Book of Awards 509.

Further joint submissions made on behalf of the assessors in regard to the proposed increase in salary of Inspectors have now been received. The submissions contain the following statement:—

“Inspectors under this award work as required without regard to clock-hours and without payment for overtime. The Christchurch City Council Inspectors work eight hours per day, between 8 a.m. and 5 p.m. for five days per week, with overtime payments outside those hours. Christchurch City Council Inspectors do inspections only and are not normally called upon to work outside the clock-hours. Inspectors employed under this award are called on to perform other types of work such as servicing electrical equipment and servicing electrical installations in connection with water and sewerage systems and in sub-stations.

“Inspectors under this award are, in turn, required to remain in their districts and on call during week-ends, on public holidays, and at night. They do not receive standby or other additional payment.”

We are satisfied the proposed increase is necessary to adjust an anomaly, in that similar Inspectors working for other local authorities for the same equivalent weekly wage are not

required to work overtime and stand by on call during weekends, public holidays, and at night without additional remuneration. We consider the more onerous working-conditions justify the increase in remuneration, and we accordingly make the award.

A. TYNDALL, Judge.
