
**NELSON INDUSTRIAL DISTRICT FRUIT-PRESERVING AND
VEGETABLE-CANNING EMPLOYEES.—AWARD**

[Filed in the office of the Clerk of Awards, Wellington.]

In the Court of Arbitration of New Zealand, Nelson 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 Wellington, Taranaki, Marlborough, Nelson, and Canterbury Grocers' Sundries, Chemical and Related Products' Factory Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Kirkpatrick and Co., Ltd., Nelson.

Thompson and Hills, Ltd., Motueka.

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 10th day of July, 1944, and shall continue in force until the 10th day of July, 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 5th day of July, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. This award shall apply to all workers engaged in connection with the industry of the manufacture, dehydrating, and/or packing of the following goods: jams, jellies, lemon-cheese, marmalade, preserved and dried fruits, preserved

vegetables, fruit-pulps, cider and fruit juices, preserved ginger, jelly crystals, cordials, baking-powder, candied and drained peels, crystallized and drained fruits, spices and condiments, sauces (including Worcester sauce), soups, pickles (including chutney), vinegar, essences (including coffee essence), and spaghetti.

Hours of Work

2. (a) The ordinary hours of work for workers, other than shift-workers, during the summer months (1st November to 30th April inclusive) shall not exceed forty-four hours per week (exclusive of overtime), with the right to work on Saturdays, and during the winter months (1st May to 31st October inclusive) shall not exceed forty hours per week (exclusive of overtime), eliminating work on Saturdays. During the summer months the workers may be given Saturday morning off, provided the employer gives twenty-four hours' notice of his intention not to work.

(b) In the case of male workers sixteen years of age or over, other than shift-workers, the ordinary hours of work during the summer months (1st November to 30th April inclusive) shall be worked between the hours of 7.30 a.m. and 5.15 p.m. on five days of the week, from Monday to Friday, both days inclusive, with the right to work on Saturdays between the hours of 7.30 a.m. and noon, and during the winter months (1st May to 31st October inclusive) shall be worked between the hours of 7.30 a.m. and 5.15 p.m. on five days of the week, from Monday to Friday, both days inclusive.

(c) Each employer shall be entitled to arrange for shift-work according to the exigencies of his particular business.

(d) Workers employed on shifts shall be paid the ordinary rate of wages with the addition of 2s. per shift.

Overtime

3. All overtime shall be calculated daily, and from Monday to Friday, both days inclusive, shall be paid for at the rate of time and a half for the first three hours and double time thereafter, and on Saturdays shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

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 it 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 10s. per week above the rate for general hands.

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	49/-	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one, 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.	Fifth Year.
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.		
Under 16 years ..	18/6	22/6	26/6	30/6	35/-	39/-	44/-	48/-
16 to 17 years ..	21/6	25/6	29/6	33/6	38/-	42/-	47/-	..
17 to 18 years ..	24/6	28/6	32/6	36/6	41/-	45/-	..	..
18 to 19 years ..	27/6	31/6	35/6	39/6	44/-	..	..	..
19 to 20 years ..	30/6	34/6	38/6	42/6	..	..	..	..
20 to 21 years ..	33/6	39/-	..	..	..	..	..	..

Thereafter not less than £2 14s. 9d. per week.

(d) Female workers employed as inspectors shall receive not less than 3s. 6d. per week above the general rate for females.

(e) The weekly wages prescribed in this clause shall be increased by 10 per cent. when a forty-four-hour week is worked in accordance with subclause (a) of clause 2.

Casual Workers

5. (a) Any male adult over the age of twenty-one years engaged for less than one week shall be termed a casual worker.

(b) The minimum rate of pay for casual workers shall be 2s. 4½d. per hour.

Increase in Rates of Remuneration

6. 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.

Holidays

7. (a) The following days shall be observed as holidays without deduction from pay: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, the birthday of the reigning Sovereign, and Anniversary Day or a day in lieu thereof.

(b) Should any of the above-mentioned holidays, except Anzac Day, fall on a Sunday, then for the purposes of this award such holidays shall be observed on the following Monday.

(c) Double rates, in addition to the ordinary weekly wages, shall be paid for any work done on Sunday or any of the days mentioned in subclause (a) hereof.

(d) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944.

Payment of Wages

8. Where possible, wages shall be paid weekly and in the employer's time and not later than Friday of each week: Provided, however, that where in any factory or works it is customary to pay wages at fortnightly intervals, workers coming within the scope of this award shall receive their wages in accordance with the general custom prevailing in the factory or works.

Termination of Engagement

9. Not less than one day's notice shall be given by either party of the termination of the engagement, but nothing in this clause shall prevent an employer from summarily dismissing any worker for misconduct.

General Conditions

10. (a) Twenty-four hours' notice shall be given to an employee who is required to work overtime, or in lieu thereof 1s. 9d. tea-money shall be paid. Cancellation of overtime notice shall be made before midday.

(b) Boiling water shall be supplied for meals.

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

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

(e) Girls working with acid fruits shall be supplied with gloves.

(f) Female fillers shall not handle more than 28 lb. in weight.

(g) Boys of seventeen years of age and under shall not handle more than 56 lb. in weight.

(h) No female shall be required to push coolers.

(i) A female worker shall be allowed time off to make morning and afternoon tea, and other female workers may partake thereof, provided there is no general cessation of work.

(j) Waterproof aprons shall be provided where work is wet or damp.

Matters not provided for

11. 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 Inspector of Factories, who may either decide the same or refer the matter to the

Court. Either party, if dissatisfied with the decision of the Inspector, 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.

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

Access to Factory

13. Every employer bound by this award shall permit the secretary or other authorized officer of the union of workers to enter at all reasonable times (to be mutually agreed between the employer and the union) upon the premises or the works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Workers to be Members of Union

14. (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

15. (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.

Application of Award

16. 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.

Scope of Award

17. This award shall operate throughout the Nelson Industrial District.

Term of Award

18. This award shall come into force on the 10th day of July, 1944, and shall continue in force until the 10th day of July, 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 5th day of July, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award embodies the terms of settlement arrived at 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, and, in particular, the amendment of the 14th June, 1944 (Statutory Regulations 1944, Serial number 1944/93).

A. TYNDALL, Judge.
