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**TARANAKI AND WELLINGTON GROCERS' SUNDRIES (CANNING)  
EMPLOYEES.—AWARD**

*[Filed in the Office of the Clerk of Awards, Wellington]*

In the Court of Arbitration of New Zealand, Taranaki and Wellington Industrial Districts.—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") :—

Murdock and Co., Ltd., 133 Taranaki Street, Wellington.  
Poole, U. A., and Co., Ltd., Lower Hutt.  
Sykes, A. E., and Sons, Ltd., New Plymouth.  
Thompson and Hills, Ltd., Hastings.

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 manual workers employed in the manufacture, dehydrating, vacuum processing, canning, packing, bottling, labelling, pulping, preparing, or handling of the following goods: fruits, vegetables, sauces (including Worcester sauce), cider and fruit-juice, jam, lemon cheese, marmalade, macaroni preparations, soups, stews, pickles, pulped eggs, vinegar, syrup, and to workers in ancillary trades (other than engineers, engine-drivers, and firemen), and in the manufacture of related products which do not now

come within the provisions of any current award made by the Court of Arbitration or of any current industrial agreement made in accordance with the rules of any other industrial union.

### *Hours of Work*

2. (a) Forty hours shall constitute a week's work and eight hours shall constitute a day's work, to be worked between the hours of 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) Notwithstanding anything contained in subclause (a) hereof, four additional hours may be worked on the forenoon of the sixth day at ordinary rates of pay.

(c) In the busy season night shifts may be worked, and workers employed on such shifts shall be paid 2s. 6d. per shift extra.

(d) Workers on night shifts shall be allowed half an hour crib-time.

(e) A night-shift worker required to work in excess of eight hours shall be paid for such excess time at time and a half for the first four hours and thereafter double time.

### *Overtime*

3. (a) All time worked in excess of the hours prescribed in clause 2 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. For the purpose of computing overtime, work done up to and including half an hour shall be deemed half an hour, and work done for any period exceeding half an hour and up to one hour shall count as one hour.

(b) The minimum rate of payment per hour shall not be less than 1s. 6d.

### *Wages*

4. The following shall be the minimum rates of wages:—

		Per Week.		
		£	s.	d.
(a)	Adult males	..	..	.. 4 15 3
(b)	Youths—			
	16–16½	..	..	.. 1 2 6
	16½–17	..	..	.. 1 7 6
	17–17½	..	..	.. 1 12 6
	17½–18	..	..	.. 1 17 6
	18–19	..	..	.. 2 5 0
	19–20	..	..	.. 2 12 6
	20–21	..	..	.. 3 2 6
	And thereafter the adult wage of			£4 15s. 3d.

		Per Week.		
		£	s.	d.
(c)	Female workers—			
	First six months .. .. .	0	19	0
	Second six months .. .. .	1	3	0
	Third six months .. .. .	1	7	0
	Fourth six months .. .. .	1	11	0
	Fifth six months .. .. .	1	15	0
	Sixth six months .. .. .	1	19	0
	Seventh six months .. .. .	2	3	0
	Eighth six months .. .. .	2	7	0
	Thereafter .. .. .	2	14	9

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.

(d) Adult females with no previous canning-factory experience may be employed at a starting rate equal to the basic wage for the time being prevailing for adult females, with six-monthly increments of 4s. until the full adult rate is reached, half-yearly increments to be calculated from the initial date of employment.

(e) Workers employed for less than one week shall be deemed to be casuals and shall be paid not less than the following rates:—

		Per Hour.		
		s.	d.	
	Adult males .. .. .	2	6	
	Adult females .. .. .	1	6	

Workers who by agreement are employed weekly for a lesser number of hours than those specified in clause 2 hereof shall be paid on a *pro rata* basis calculated on a forty-hour week. The union shall be notified of any such agreement.

(f) A working foreman in charge of a department in which three or more adult male workers are employed shall be paid not less than 5s. above the adult male rate.

#### *Increase in Rates of Remuneration*

5. All rates of remuneration, including time and piece wages and overtime and 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.

#### *Termination of Employment*

6. Not less than forty-eight hours' 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.

#### *Dangerous Work*

7. (a) The employers shall, in the case of workers engaged in the working of any chemical process which is dangerous to the health of the workers, provide respirators, gloves, and such other equipment as will be deemed satisfactory to the Health Department.

(b) In all cases where the use of respirators is essential, the workers shall be paid an extra 6d. per hour for all time so occupied.

#### *Payment of Wages*

8. Wages shall be paid weekly and in cash on any day other than Saturday, and in the employer's time. Workers shall be paid immediately upon discharge.

#### *Holidays*

9. (a) The following shall be recognized as holidays: New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign.

(b) Payment for the said holidays shall be made at the same rate as for an ordinary working-day when any of the said holidays falls upon an ordinary working-day—i.e., Monday to Friday, both days inclusive.

(c) Payment of wages for the said holidays shall be made to all persons who have been employed in the factory at any time during the fortnight ending on the day on which the holiday occurs.

(d) Should any of the above holidays, except Anzac Day, fall on a Sunday, then for the purpose of this award it shall be observed on the following Monday.

(e) Any work done on Sunday or any of the above-mentioned holidays, or holidays observed in lieu thereof, shall be paid for at double time rates. The said payment shall be in addition to the ordinary weekly wage.

(f) Should any of the above holidays not be generally observed in any locality, another day may be observed in lieu thereof.

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

#### *General Conditions*

10. (a) When workers are required to work overtime on any day, the employer shall provide a meal, or pay each of such workers 1s. 9d. to enable him or her to obtain a meal, unless such worker has been notified before noon on the day on which overtime is to be worked that he or she shall be required to work overtime: Provided that when such notice has been given and the worker's services are not required, he or she shall receive the meal allowance.

(b) Boiling water shall be supplied for meals.

(c) Workers employed in damp or wet places shall be supplied with gum boots, and female workers shall be supplied with rubber aprons and overalls.

(d) Female workers shall not handle more than 28 lb. single-handed.

(e) Boys under sixteen years of age shall not handle more than 56 lb. single-handed.

(f) This award shall not operate so as to reduce the wages of any worker during his or her present employment.

#### *Meal-hours*

11. Not less than three-quarters of an hour shall be allowed for meals, unless mutually agreed to by the employer and the worker and approved by the union representative.

*Accommodation*

12. The employer shall supply suitable dining and lavatory accommodation as required by the Factories Act, together with facilities for changing clothes, also hot water for washing.

*Certificate of Service*

13. Each worker on leaving or being discharged from his or her employment shall, on request, within twenty-four hours thereafter, receive a certificate of service in writing stating the position held and the length of service. Original references shall be the property of the worker and shall be returned within forty-eight hours after engagement.

*First-aid Kits*

14. First-aid kits shall be provided in all factories and shall be in charge of a responsible person.

*Disputes*

15. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always 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 specifically dealt with in this award, every such dispute or difference as the same shall arise shall be referred to a committee to 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.

*Right of Entry upon Premises*

16. The secretary or other authorized officer of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

*Workers to be Members of Union*

17. (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*

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.

*Extension of Hours under Factories Act*

19. 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.

*Application of Award*

20. 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 districts to which this award relates.

*Scope of Award*

21. This award shall operate throughout the Taranaki and Wellington Industrial Districts.

*Term of Award*

22. 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.