

OTAGO AND SOUTHLAND **SHOP TAILORESSES.**—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 Tailoresses and other Female Clothing-trade Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned union, persons, firms, and companies (hereinafter called "the employers") :—

Dunedin Master Tailors' Industrial Union of Employers, 53 Princes Street, Dunedin.

Dunedin—

Bennett, Robert, 151 Stuart Street.
Brown, Ewing, and Co., Ltd., 288 Princes Street.
Helean, F. J., 140 Princes Street.
Hendry, J., and Son, Ltd., 159 George Street.
Jenkins, T., 53 Princes Street.
Johnston and Son, Mount Street, Port Chalmers.
MacCrae, John, 23 Dowling Street.
MacLeod MacGillivray, 168 Rattray Street.
Martin, A., 14 Bond Street.
Meldrums Ltd., 122 Princes Street.
Reddells Ltd., 182 Stuart Street.
Smith, Adam, 43 Moray Place.
Todd, R. H., 14 Broadway.
Watson, John, Ltd., George Street, Port Chalmers.
Wilson, E., 153 George Street.

Oamaru—

Martyn, D., 207A Thames Street.
Miller, William, 24 Thames Street.
Mitchell, A., and Co., 129 Thames Street.
Young, T., 49 Thames Street.

Invercargill—

Burney, G. M., 10 Cambridge Street.
Haynes, Herbert, Ltd., Tay Street.
Iles and Roscow, 73A Dee Street.
Marshall and Co., 80 Tay Street.
McDonald, I. W., 54 Esk Street.
Smith, John, Tay Street.

Riverton—

McMurtrie, Wm. Edward.

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 6th day of March, 1944, and shall continue in force until the 6th 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 3rd day of March, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Classes of Workers

1. The class of workers recognized by this award are journeymen and female apprentices.

Hours of Work

2. (a) The hours of work shall be forty per week.

(b) The above-mentioned hours shall be regulated by the employer between the hours of 8 a.m. and 5.30 p.m. on five days of the week, Monday to Friday inclusive.

Female Apprentices

3. (a) The period of apprenticeship shall be four years, but two months' probation shall be allowed the first employer of the apprentice to determine her fitness; and the obligations of the apprentice to serve her employer shall be deemed to be a duty enforceable under this award.

(b) At the end of the period of apprenticeship the employer shall give the apprentice a certificate to show that she has served her apprenticeship. Should the employer at any time before the termination of the apprenticeship wish for any reason to dispense with the services of the apprentice, he shall give her a certificate for the time actually served and procure her another employer carrying on business within a reasonable distance of the original employer's place of business, who shall teach the apprentice, pay her wages prescribed by this award according to the total length of time she has served, and generally perform the obligations of the original employer: Provided that it shall not be obligatory on the employer to find the apprentice another employer if she shall so misconduct herself as to entitle the employer to discharge her, but he shall give such apprentice a certificate for the time actually served.

(c) An employer taking an apprentice shall give notice thereof and of the name of the apprentice to the Inspector of Awards within one week after the expiration of the period of probation, and an employer transferring an apprentice to another employer shall similarly within one week thereof give notice of such transfer to such Inspector. In both cases the Inspector shall notify the secretary of the union when such has taken place.

(d) An employer shall not be deemed to discharge his duty towards his apprentice if he fails to keep her at work owing to slackness of work, but such slackness shall form a proper ground for transferring her to an employer willing to undertake the responsibility of teaching her, notwithstanding that such employer may already have the complement of apprentices in his employ.

(e) When an apprentice is discharged for cause, the employer shall send notice of discharge and of the cause thereof to the Inspector of Awards, and the Inspector shall give notice to the secretary of the union.

(f) The proportion of female apprentices to female operatives shall be as follows: For the first two operatives or any less number, one apprentice; for more than two and up to four, two apprentices; and thereafter in the proportion of one to two.

(g) For the purpose of determining the number of apprentices to operatives the calculation shall be based on two-thirds full-time employment for the six months immediately prior to taking an apprentice.

(h) Any employer taking an apprentice to learn the trade shall be deemed to undertake, for the period hereinbefore mentioned, the duty which he agrees to perform as a duty enforceable under this award, and shall pay such apprentice not less than the undermentioned rates of wages:—

	Per Week.		
	£	s.	d.
First six months	0	18	0
Second six months	1	2	0
Third six months	1	6	0
Fourth six months	1	10	0
Fifth six months	1	15	0
Sixth six months	2	0	0
Seventh six months	2	6	0
Eighth six months	2	11	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.

Wages

4. (a) The minimum wage for coatmakers working independently with or without an apprentice shall be £3 5s. per week.

(b) The minimum wage for other women employed on weekly wages, including machinists, shall be £3 per week.

(c) No deduction shall be made from the weekly wages save for time lost through the worker's sickness or default, or slackness of work.

(d) Pieceworkers shall be paid in accordance with the time statement attached to the Otago and Southland Shop Tailoresses' award, dated the 24th day of February, 1937, and recorded in 37 Book of Awards 184. The said statement shall, for the purposes of this award, be calculated at the rate of 1s. 2½d. per hour. Pieceworkers employed making ladies' garments shall be paid at the rate of 1s. 6d. per hour by the clock.

(e) All wages shall be paid weekly on any day of the week, not later than Friday.

Increase in Rates of Remuneration

5. The two general orders made under the Rates of Wages Emergency Regulations 1940, and dated 9th August, 1940, and 31st March, 1942, respectively, shall be deemed to be incorporated in this award and shall have effect according to their tenor.

Overtime

6. All work performed beyond the hours prescribed in clause 2 hereof shall be considered overtime, and shall be paid at the rate of time and a half for weekly hands. Pieceworkers, rate and a half; but nothing herein contained shall be deemed to affect the provisions of the Factories Amendment Act, 1936, prescribing the limit of time during which females are permitted to work overtime.

Holidays

7. (a) The following shall be the recognized holidays: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, and the day following New Year's Day, or any other day in lieu thereof mutually agreed upon between the employer and the union.

(b) No deduction from the wages of pieceworkers or weekly hands shall be made for these holidays. Weekly-wage hands shall be paid double time for work required to be done on any of the holidays herein prescribed, and pieceworkers shall be paid at the rate of 1s. 6d. per hour extra for work required to be done on these holidays.

(c) When Christmas Day or Boxing Day falls on a Sunday, then the following day shall be the recognized holiday.

(d) Pieceworkers shall be paid for the holidays provided in the Factories Act for eight hours at the average rate earned on piecework during their actual daily working-hours (excluding overtime) during the twelve weeks preceding the holiday.

(e) Weekly workers and pieceworkers upon completion of a year's service from the 1st day of January, 1939, or from the date of commencing the employment if such date is later than the 1st January, 1939, shall receive and be paid for a week's holiday in addition to the holidays set out in subclause (a) hereof. The payment to pieceworkers shall be a sum equal to their average weekly earnings during the twelve months immediately preceding the holiday. If, after three months'

continuous service from the period before stated, the employment is terminated for any reason other than misconduct of the worker, a proportionate holiday or payment in lieu thereof shall be allowed or paid for. The holiday shall be given and taken at a time to be mutually agreed between the union and the employer concerned.

Provisions relating to Both Male and Female Workers

8. (a) There shall be fair distribution of work among all operatives in each workshop by the employer. Where there are several workrooms used by the employer, the same shall be considered and included as one workshop for the purposes of this clause.

(b) The employer shall have the right to introduce whatever machinery his business may in his opinion require, and to divide and subdivide labour in any way he may deem necessary, subject to the payment of wages as herein specified: Provided that there shall be employed on coats not less than one journeyman to every four journeywomen or apprentices or fraction of four; and in calculating the number of men actually employed on the job pressers shall be excluded from the calculation.

(c) The rules as to standing-time shall be as follows: At the first try-on, when the worker has picked the coat to pieces and given it to the cutter to mark up and cut out for him, if the worker is kept idle for more than twenty minutes by reason of the cutter not giving her back the coat within that time she shall be paid full time for any time over the twenty minutes during which she shall be kept idle as before mentioned.

Detail Disputes

9. In the case of a dispute as to the interpretation of any of the clauses or provisions hereof or of anything in the time statement, such dispute shall be referred to a joint committee consisting of two representatives of the union and two of the employers, to be appointed as occasion arises. Such representatives shall elect a chairman, who shall have a casting vote, and in default of their agreeing upon a chairman the chairman shall be the Conciliation Commissioner for the district. The interpretation adopted by such a committee shall be deemed to be the proper interpretation of the award, subject to any ruling of the Court.

Right of Entry

10. Every employer bound by this award shall permit the secretary of the union of workers to enter at all reasonable times upon the premises or works and there interview any worker, but not so as to interfere unreasonably with the employer's business.

Workers to be Members of Union

11. (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

12. (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 wages, to examine the permit or agreement by which such wage is fixed.

Application of Award

13. 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

14. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

15. This award shall come into force on the 6th day of March, 1944, and shall continue in force until the 6th 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 3rd day of March, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters settled by the Court related to apprentices' wages, journeywomen's wages, piecework rates, holidays (clause 7 (a)), team system, and term of award.

The dispute was filed with the Clerk of Awards on the 13th October, 1943; consequently in making the award the Court is bound to comply with the provisions of Regulation 38 of the Economic Stabilization Emergency Regulations 1942.

In settling the matters referred to it the Court has brought the award into line with other recent awards in the same industry in other industrial districts, and is satisfied that the variations which have been incorporated are adjustments which should be made having regard to the general purpose of the regulations.

A. TYNDALL, Judge.
