

**NEW ZEALAND (EXCEPT OTAGO) COAL, COKE, FIREWOOD,
ETC., WORKERS.—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Nelson, Marlborough, Westland, Canterbury, and Otago and Southland 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 New Zealand Federated Labourers and Related Trades' Industrial Association of Workers (hereinafter called "the union") and the undermentioned union, persons, firms, and companies (hereinafter called "the employers") :—

Wellington Coal Merchants and Dealers' Industrial Union of Employers, care of Wellington Employers' Association, The Terrace, Wellington.

Andrews, J. A., Sackville Street, New Plymouth.

Blick, G., Farnham, Blenheim.

Bryant, A. W., Ltd., Jervois Road, Auckland.

Canterbury Farmers' Co-operative Association, Ltd.,
Timaru.

City Coal Co., Ltd., Liddell Street, Invercargill.

Corcoran and Morris, Buck Street, Greymouth.

Craig, J. J., Ltd., 100 Queen Street, Auckland.

Johnson, Robert, 235 Waltham Road, Christchurch.

McGowan and Magee, Ltd., 22 Customhouse Quay,
Wellington.

McKay, T., and Son, 3 Windsor Street, Parnell, Auckland.

Neale and Haddow, Ltd., Trafalgar Street, Nelson.

Ohai Coal Depot, Liddell Street, Invercargill.

Perkins, P., Queen Street, Westport.

Roberts, T., and Son, 8 Hopper Street, Wellington.

Westport Coal Co., Ltd., 178 Manchester Street,
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 from the 7th day of August, 1944, and shall continue in force until the 7th day of August, 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 31st day of July, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Workers to whom Award applicable

1. This award shall apply to workers employed by persons, firms, and companies engaged wholly or partially in the wholesale or retail business of coal, coke, firewood, shingle, gravel, sand, lime, and cement, &c., sold either by wholesale or retail, but shall not apply to workers covered by another award.

Hours of Work

2. (a) For workers employed in connection with coal-yards the hours of work during the six months from 15th April to 15th October inclusive shall be forty-four per week, and during the six months from 16th October to 14th April inclusive shall be forty per week. A day's work shall not exceed eight hours, to be worked between the hours of 7.45 a.m. and 5 p.m. on five days of the week, and four hours, to be worked between the hours of 7.45 a.m. and noon, on the day of the weekly half-holiday.

(b) For workers employed in establishments other than coal-yards the hours of work shall be forty per week. A day's work shall not exceed eight hours, to be worked between the hours of 7.45 a.m. and 5 p.m. on five days of the week, Monday to Friday, both days inclusive.

Overtime

3. (a) Work performed outside of or in excess of the daily or weekly hours prescribed in clause 2 hereof shall be deemed overtime and paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) All work done after noon on Saturdays shall be paid for at double rates.

(c) All time worked after five hours without an interval of half an hour for a meal shall be paid for at double time rates until such time as the break occurs.

Meal-money

4. (a) Not more than five hours shall be worked without a break of at least forty-five minutes for a meal.

(b) Workers called upon to work overtime on any day shall be paid a meal allowance of 1s. 9d. where they have not been notified on the previous day of being required to work.

Holidays

5. (a) The following shall be the recognized holidays which shall be paid for at ordinary rates except when the holiday falls on a day other than an ordinary working-day: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day and Boxing Day, Anniversary Day or a day in lieu thereof.

(b) The employer shall pay wages for the above holidays to all workers performing work coming within the scope of this award who have been employed by him at any time during the fortnight ending on the day on which the holiday occurs.

(c) Where any worker has been employed upon work coming within the scope of this award by more than one employer during the fortnight ending on the day on which any of the above holidays occurs, he shall be entitled to receive payment for the holiday from such one or more of those employers and, if more than one, in such proportions as the Inspector of Awards determines.

(d) In the event of a holiday other than Anzac Day falling on a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(e) Work performed on Sundays shall be paid for at double time rates. Work performed on any of the above holidays shall be paid for at double ordinary rates in addition to the ordinary wages.

(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.)

Wages

6. (a) The following shall be the minimum rates of wages:—

		Per Week.		
	£	s.	d.	
Sawyers employed on a weekly basis	4	19	0	
Other workers employed on a weekly basis	4	15	0	
				Per Hour.
Casual workers—	£	s.	d.	
Sawyers	0	2	6	
Other workers	0	2	4½	

Foremen or leading hands in charge of four or more workers shall receive 1s. per day additional to the rates prescribed in this clause.

(b) A "casual worker" means a worker whose employment is for less than six consecutive working-days.

(c) 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 clause 2.

Youths

7. (a) Each establishment, employer, or firm shall be entitled to employ one youth.

Additional youths may be employed in the proportion of one youth to each three adult employees at the following rates of wages:—

	Per Week.		
	£	s.	d.
From 17 to 17½ years of age	1	15	0
From 17½ to 18 years of age	2	0	0
From 18 to 18½ years of age	2	5	0
From 18½ to 19 years of age	2	10	0
From 19 to 20 years of age	3	0	0
From 20 to 21 years of age	3	10	0

And thereafter the adult rates.

(b) 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 clause 2.

Increase in Rates of Remuneration

8. 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.

Char

9. Workers employed on the bagging and handling of char shall be paid 1d. per hour additional to the rates prescribed in clause 6.

Payment of Wages

10. (a) All wages, including overtime, shall be paid weekly not later than Thursday in each week, and in the case of workers not employed for a full week they shall be paid immediately on completion of their work.

(b) When a worker is not notified on the previous day that his services are not required on the following working-day, and he reports for work at the usual hour for commencing work and is not engaged, he shall be paid a minimum of three hours' wages at ordinary rates.

(c) Subject to subclause (b) hereof, workers shall be paid for time they remain on the job after actually reporting and until they are notified by the employer or person in charge that their services are no longer required.

Termination of Employment

11. One week's notice of the termination of the employment shall be given by either party in the case of weekly workers, and one hour's notice shall be given in the case of casual workers. Any employer failing to give the requisite notice of termination of employment shall make a rateable payment in lieu thereof, but nothing in this award shall prevent an employer from dismissing a worker without notice for good cause.

General

12. (a) The secretary or other authorized officer of the union 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.

(b) On request by the union secretary the employer shall furnish a list of employees, provided that such list may not be required at shorter periods than three months.

(c) Each employer shall provide accommodation and conveniences to the satisfaction of the Inspector of Awards to enable a worker to change his clothes and have his meals and to wash himself.

(d) Workers shall be allowed an interval of not more than ten minutes each morning and afternoon for refreshments, provided there is no full cessation of the work.

(e) Piecework is prohibited, and it shall be a breach of this award for an employer to pay workers on a commission basis.

(f) Boiling water shall be made available to workers by employers for preparation of hot drinks.

Time-sheets

13. The employer shall provide each worker with a book in which the worker shall enter daily his ordinary hours and any overtime worked, such entries to be initialled daily by the employer. Books shall remain the property of the employer.

Accidents

14. A modern first-aid emergency case, fully equipped, shall be kept by the employer in a convenient and accessible place in the yard or shed. Minor accidents shall be reported on the time-sheet.

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 dealt with in this award, every such dispute or difference 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 the decision of 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

16. (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

17. (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

18. 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

19. This award shall operate throughout the Northern, Taranaki, Wellington, Nelson, Marlborough, Westland, Canterbury, and that portion of the Otago and Southland Industrial District comprised in the former Provincial District of Southland.

Term of Award

20. This award shall come into force on the 7th day of August, 1944, and shall continue in force until the 7th day of August, 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 31st day of July, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters referred to and settled by the Court related to hours of work, overtime (subclause (b)), meal-money, holidays (subclause (d)), annual holidays, wages, dusty work and char work, employment of youths, changing-time, termination of employment, and term of award.

In making the award, the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

Application was made on behalf of three Auckland employers (A. W. Bryant, Ltd., T. McKay and Son, and J. J. Craig, Ltd.) to be struck out, on the grounds that a dispute already exists in the Northern Industrial District. This matter was delegated by the Court to Mr. J. A. Gilmour, S.M., for determination, in order to expedite the making of

the award, and on 12th July his decision (recorded in 44 Book of Awards) declining the application was issued. The Court has accordingly included the three employers concerned in the list of parties and has also included the Northern Industrial District within the scope of the award.

Mr. Prime is not in agreement on the question of wages, as he knows of no change which has taken place in this industry to warrant the increases in wage-rates which have been awarded.

A. TYNDALL, Judge.
