

**NEW ZEALAND (EXCEPT WESTLAND) FREEZING COMPANIES'  
CLERICAL EMPLOYEES.—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, 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 Freezing and Related Trades' Industries Clerical Officers' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

**NORTHERN INDUSTRIAL DISTRICT**

Allen and Findlay, Quay Street, Auckland.  
 Gisborne Sheep-farmers' Frozen Meat and Mercantile Co., Ltd.,  
 Customhouse Street, Gisborne.  
 Gisborne Refrigerating Co., Ltd., Gisborne.  
 Hair Bros., 61 Lowe Street, Gisborne.  
 Hutton, J. C. (N.Z.), Ltd., Stanley Street, Auckland.  
 Nelson's (N.Z.), Ltd., Childers Road, Gisborne.  
 New Zealand Co-operative Pig Marketing Association, Ltd., Hamilton.  
 Hellaby, R. and W., Ltd., Quay Street, Auckland.  
 Swift (N.Z.), Ltd., Endean's Building, Queen Street, Auckland.  
 The Auckland Farmers' Freezing Co., Ltd., Queen Street, Auckland.  
 Westfield Freezing Co., Ltd., Auckland.  
 Wilson's Meats, Ltd., Endean's Buildings, Queen Street, Auckland.  
 Fletcher, W. and R., Ltd., Fort Street, Auckland.

**TARANAKI INDUSTRIAL DISTRICT**

Hutton, J. C. (N.Z.), Ltd., Eltham.  
 Patea Freezing Co., Ltd., Patea.  
 Borthwick, Thomas, and Sons (A'sia.), Ltd., Waitara.  
 Walker, T. H., and Sons, Ltd., Hawera.

**WELLINGTON INDUSTRIAL DISTRICT**

Co-operative Dairy Producers' Freezing Co., Ltd., Waterloo Quay,  
 Wellington.  
 Co-operative Wholesale Society Co., Ltd., Wellington.  
 Foley Bros., Ltd., Featherston Street, Wellington.  
 Hutton, J. C. (N.Z.), Ltd., 61 Thorndon Quay, Wellington.  
 Nelson's (N.Z.), Ltd., Hastings.  
 Oppenheimer Casing Co, Ltd., 9 Maginnity Street, Wellington.  
 Oppenheimer, S., and Co., New Masonic Building, The Terrace,  
 Wellington.  
 Swift (N.Z.), Ltd., Wairoa.  
 The Gear Meat Co., Ltd., Lambton Quay, Wellington.  
 The Hawke's Bay Farmers' Meat Co., Ltd., Karamu Road, Hastings.  
 The Co-operative Wholesale Society, Ltd., Longburn.

Fletcher, W. and R. (N.Z.), Ltd., Wellington.  
 The New Zealand Refrigerating Co., Ltd., Inlay, Wanganui.  
 Borthwick, Thomas, and Sons (A'sia.), Ltd., Masterton.  
 Richmond, W., Ltd., Market Street, Hastings.  
 Wellington Meat Export Co., Ltd., Wellington.

#### MARLBOROUGH INDUSTRIAL DISTRICT

The New Zealand Refrigerating Co., Ltd., Picton.

#### NELSON INDUSTRIAL DISTRICT

Nelson Freezing Co., Ltd., Stoke, Nelson.

#### CANTERBURY INDUSTRIAL DISTRICT

Canterbury Frozen Meat and Dairy-produce Co., Ltd., 172 Cashel Street, Christchurch.  
 Kean, G. C., and Co., Ltd., 73 Cashel Street, Christchurch.  
 Nicoll Bros., Ltd., 132 Burnett Street, Ashburton.  
 North Canterbury Sheep-farmers' Co-op. Freezing Co., Ltd., Kaiapoi.  
 Sims, Cooper, and Co. (N.Z.), Ltd., 255 Madras Street, Christchurch.  
 Swift (N.Z.), Ltd., 135 Hereford Street, Christchurch.  
 Borthwick, Thomas, and Sons (A'sia.), Ltd., Hereford Street, Christchurch.  
 The New Zealand Refrigerating Co., Ltd., 159 Hereford Street, Christchurch.  
 The New Zealand Loan and Mercantile Agency Co., Ltd., Christchurch.

#### OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Ocean Beach Freezing Co., Ltd., Invercargill.  
 Ward, J. G., and Co., Ltd., Invercargill.  
 South Otago Freezing Co., Ltd., Balclutha.  
 Borthwick, Thomas, and Sons (A'sia.), Ltd., National Bank Chambers, Invercargill.  
 The Southland Frozen Meat Co., Ltd., 12 Esk Street, Invercargill.  
 Waitaki Farmers' Freezing Co., Ltd., 82 Thames Street, Oamaru.  
 New Zealand Refrigerating Co., Ltd., Burnside, Dunedin.

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 1st day of March, 1946, 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 14th day of July, 1944.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Persons to whom Award applies*

1. This award shall apply to all clerical workers for whom provision is made in this award and to all employers in the freezing industry or any other industry related thereto where the employer is the holder of a meat-slaughterhouse license under the Slaughtering and Inspection Act, 1908, or of a meat-export license.

##### *Salaries*

2. (a) The following shall be the minimum rates of salaries which shall be paid by the employers to the officers of the clerical staff employed by them respectively:—

		Per Week.		
(i) The scale for male clerks shall be—		£	s.	d.
First six months	.. ..	1	0	0
Second six months	.. ..	1	5	0
Third six months	.. ..	1	10	0
Fourth six months	.. ..	1	15	0

			Per Week.		
			£	s.	d.
Fifth six months	..	..	2	4	0
Sixth six months	..	..	2	7	6
Fourth year	..	..	2	17	6
Fifth year	..	..	3	10	0
Sixth year	..	..	4	5	0
Seventh year	..	..	4	15	0
Eighth year	..	..	5	0	0
Ninth year	..	..	5	5	0
Tenth year	..	..	5	15	0
Eleventh year	..	..	6	0	0
Thereafter, on merit.					

(ii) The scale for female employees shall be—

First six months	..	..	0	15	0
Second six months	..	..	0	19	0
Third six months	..	..	1	3	0
Fourth six months	..	..	1	7	0
Fifth six months	..	..	1	11	0
Sixth six months	..	..	1	15	0
Fourth year	..	..	2	0	0
Fifth year	..	..	2	5	0
Sixth year	..	..	2	12	6
Seventh year	..	..	2	17	6
Eighth year	..	..	3	5	0
Ninth year	..	..	3	7	6
Tenth year	..	..	3	12	6
Thereafter, on merit.					

(iii) Provided that on attaining the age of twenty-one years each worker shall be entitled to receive the basic wage of £3 16s. per week for males and £1 16s. per week for females and shall receive payment of the basic wage until such time as the salaries shown in the above scales show an increase over the basic rate, when the scales shall be reverted to.

(b) No clerk at present employed on a permanent basis shall, by reason of this award, be transferred to a casual status unless by special arrangement with the union.

(c) No worker whose salary is increased by this award shall be discharged in consequence of its coming into operation. Workers receiving rates of pay in excess of the award rates shall not suffer any reduction in consequence of the coming into operation of the award.

(d) Employers shall not discharge a male employee and substitute a female employee to do the same work by reason of the difference in the male and female scale of wages. No female shall take over work previously done by a male employee whilst there is available for the work a male senior to the female in years of service.

(e) Any previous office or clerical experience shall be taken into account in computing length of service.

### *Increase in Rates of Remuneration*

3. 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.

### *Hours of Work*

4. (a) The ordinary hours per week shall not exceed forty, such hours to be worked between the hours of 7.30 a.m. and 5.30 p.m. Monday to Friday and from 7.30 a.m. to 12.30 p.m. on Saturdays.

(b) Any worker in receipt of a salary of less than £300 per annum who is required to remain at home in the evenings for the purpose of attending to telephone calls shall be paid during the season 10s. per week over and above his usual salary.

(c) No employer shall require a worker to do any work at the worker's home, except as provided in the preceding subclause.

### *Overtime*

5. (a) All overtime shall be paid for at the rate of ordinary time for the first four hours, time and a half for the next four hours, thereafter double time, such overtime to be computed on a weekly basis: Provided it shall be compulsory, if so required by the employer, for workers who work in a works office, factory, or shop to work up to four hours in excess of forty hours per week.

(b) All periods less than half an hour but over a quarter of an hour shall be counted as half an hour.

(c) Where a worker is required to work after ordinary transport has ceased, the employer shall, if necessary, provide transport to the worker's home.

### *Special Provision for Work done on Saturday Afternoons, Sundays, or Statutory Holidays*

6. If any worker is required to work on a Saturday afternoon after the hours specified in clause 7 for the payment of tea-money, Sunday, or a statutory holiday, as specified in clause 12 (a) of this award, payment shall be made as prescribed in the Shops and Offices Act, 1921-22, and its amendments, or the Factories Act, 1921-22, and its amendments, as the case may be.

### *Tea-money*

7. Any employee working after 6 p.m. from Monday to Friday, both days inclusive, and after 12.30 p.m. on Saturdays shall be paid meal allowance of 2s. for each night or afternoon so worked: Provided that, in the case of cable clerks, the time on Saturdays shall be extended to 1 p.m.

### *Period of Engagement*

8. Otherwise than in the case of a casual worker, the employment shall be deemed to be a weekly one, except where otherwise customary.

*Payment of Salaries*

9. Salaries shall be paid weekly, except where otherwise customary or agreed.

*Permanent Transfers*

10. Employers shall pay the fares and the travelling-expenses of their workers to the place of transfer, and shall pay their salaries during the time occupied in travelling to such place. Any period of transfer over three months shall be deemed a permanent transfer.

*Temporary Transfers*

11. Unless otherwise agreed, any worker transferred by his employer to work in a place at such a distance from the place where he was originally engaged as to occasion him additional living or travelling-expenses shall be paid, in addition to his ordinary salary, extra actual and reasonable expenses.

*Holidays*

12. (a) The undermentioned shall be paid holidays and shall not be considered as part of the annual leave: New Year's Day, Good Friday, Easter Saturday, Easter Monday, Easter Tuesday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and the Anniversary Day of the province or one other day in lieu thereof, to be mutually agreed upon in the particular establishment.

(b) Should any of the above holidays fall on a Sunday, the following day shall be allotted in lieu thereof.

*Annual Leave*

13. (a) Every worker, after twelve months' continuous service, shall be entitled to annual leave in each year on full pay for a continuous period of fourteen days, and after ten years' continuous service for a continuous period of twenty-one days on full pay. For periods under twelve months but in excess of six months a proportionate holiday shall be allowed.

(b) Provided that by mutual consent between the employer and worker the twenty-one days' annual leave may be taken in two periods.

(c) Provided, further, that the annual leave now granted to workers shall not be reduced.

(d) Provided, further, that fourteen days shall be the maximum annual leave granted to any clerk working under a departmental foreman.

*Meal-room for Women*

14. Where the number of female employees in an office exceeds four, and such employees customarily take meals on the premises, the employer shall provide suitable accommodation for meals to the satisfaction of the Inspector.

*Limitation of Award*

15. Nothing in this award shall apply to male employees in receipt of a salary of £400 per annum or more, nor to female employees in receipt of a salary of £350 or more.

*Disputes*

16. If any dispute shall arise between the parties to this award upon any matters arising out of or in connection with this award and not specifically dealt with therein it shall be referred to a committee comprised of two representatives of the union and two representatives of the employers, who shall appoint an independent chairman for decision. The decision of a majority of this committee shall be binding, except that any party adversely affected thereby shall have the right, within fourteen days after the decision is given, to appeal against the decision to the Court of Arbitration, which may amend the decision in any way as, after hearing the parties, it may consider necessary or desirable.

*Union Officials' Right of Entry upon Employers' Premises, and certain other Rights*

17. The secretary and president of the union shall have power at all reasonable times, but not so as to interfere unreasonably with the employer's business, to enter upon the premises of any employer bound by this award for all or any of the following purposes:—

- (a) To interview any worker in connection with the operation of this award:
- (b) To make any inquiries necessary for the effective operation of this award.

*Workers to be Members of Union*

18. (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*

19. (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*

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 Northern, Taranaki, Wellington, Marlborough, Nelson, Canterbury, and Otago and Southland Industrial Districts.

#### *Term of Award*

22. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of March, 1944, 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 1st day of March, 1946.

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 14th day of July, 1944.

[L.S.]

A. TYNDALL, Judge.

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#### MEMORANDUM

The only matters settled by the Court related to hours of work and overtime. In other respects 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.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.