

OTAGO AND SOUTHLAND **TAILORS.**—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 Otago and Southland Tailors, Shop Tailoresses, and Male Pressers, Cutters, and other Clothing Operatives' 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
(Mr. K. Jenkins), 53 Princes Street, Dunedin.

Brown, Ewing, Ltd., Princes Street, Dunedin.

Hendry, J., and Son, George Street, Dunedin.

Iles and Roscow, Dee Street, Invercargill.

Mitchell, A. A., and Co., Thames Street, Oamaru.

Smith, Adam, 39 Moray Place, 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 on the 20th day of March, 1944, and shall continue in force until the 20th 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 16th day of March, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to all workers and to all employers engaged in the retail tailoring trade, whether partially or wholly engaged in the manufacture of bespoke garments.

"Bespoke" in this award shall mean "made to order and/or fitted on."

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, with one hour for lunch.

Wages

3. (a) The minimum wage for men employed on weekly wages, including pressers, shall be £5 10s. per week.

(b) No deduction shall be made from the weekly wage save for time lost through the worker's sickness, default, or slackness of work: Provided that in the case of slackness of work the minimum amount payable to the worker for any time worked during any one week shall not be less than one-half of his weekly wage.

(c) All wages shall be paid weekly.

(d) Pieceworkers shall be paid in accordance with the time statement attached to the Otago and Southland Tailors' award, dated the 8th day of December, 1938, and recorded in 38 Book of Awards 3944 at p. 3951. The said time statement shall, for the purposes of this award, be calculated at the rate of 1s. 9d. per hour. Pieceworkers employed making ladies' garments and military work shall be paid at the rate of 2s. 9d. per hour by the clock.

Increase in Rates of Remuneration

4. 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

5. (a) All work performed beyond the hours prescribed in clause 2 hereof shall be considered overtime and shall be paid for in accordance with the following scale:—

Weekly hands: From 6 p.m. until 9 p.m., time and a half; and thereafter double time. From 6 a.m. to 8 a.m., time and a half.

Pieceworkers: From 6 p.m. until 9 p.m., 1s. 3d. per hour by the clock extra, and thereafter 2s. 6d. per hour extra by the clock. From 6 a.m. until 8 a.m., 1s. 3d. per hour extra by the clock.

(b) All work performed on Saturday between the hours of 8 a.m. and 12 noon shall be paid as follows: Weekly wage workers, time and a half rates; pieceworkers, 1s. 3d. per hour extra.

(c) All work performed on Saturday after 12 noon shall be paid for as follows: Weekly wage workers, at double time rates; pieceworkers, 2s. 6d. per hour extra.

Holidays

6. (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 weekly hands shall be made for these holidays. Weekly hands shall be paid double time for work required to be done on any of the holidays herein prescribed.

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

(d) Weekly wage workers shall be paid double time for work required to be done on any of the aforementioned holidays or Sundays.

(e) Pieceworkers shall be paid for the aforementioned holidays at the award rate prescribed for weekly wage hands.

(f) Pieceworkers shall be paid for work required to be done on any of the aforementioned holidays, or on Sunday, at double the award rate prescribed for weekly wage workers.

(g) An annual holiday of one week on full pay shall be allowed to all weekly wage workers on completion of each year of service, such holiday to be given at a time suitable to the employer, but to commence not later than one month from such completion, except when otherwise arranged with the union. Such holiday shall be in addition to the holidays specified in subclause (a) of this clause. In computing the yearly period, broken time shall be counted as time worked. If the employment of any worker is terminated by either party for any reason before the completion of the first year of service but after three months' service being part thereof has been completed, or at any time after the first year of service has been completed, a holiday of proportionate duration shall be allowed or paid for.

(h) An annual holiday of one week shall be allowed to all pieceworkers on completion of each year of service, such holiday to be given at a time suitable to the employer, but to commence not later than one month from such completion, except when otherwise arranged with the union. Such holiday shall be in addition to the holidays specified in subclause (a) of this clause. Each pieceworker shall be paid for such holiday a sum equal to his average weekly earnings, exclusive of overtime, during the twelve weeks immediately preceding the holiday. If the employment of any pieceworker is terminated by

either party for any reason before the completion of the first year of service but after three months' service being part thereof has been completed, or at any time after the first year of service has been completed, a holiday of proportionate duration shall be allowed and paid for at a rate based on the average weekly earnings of the worker for the period worked.

(i) Payment for the above holidays shall be made in advance not later than the day before the commencement of the holiday.

General Conditions

7. (a) The employer shall have the right to employ whatever labour he may require so long as he complies with the conditions set out herein.

(b) An 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 or fraction of four journeywomen or women over twenty-one years of age or apprentices.

(c) There shall be a fair distribution of work to all operatives in each team.

(d) There shall be a fair distribution of work to all pieceworkers.

(e) Employers may make whatever regulations they deem necessary for timekeeping and good order.

(f) All work shall be done in the shop of the employer for whom or by whom the order is taken and shall be paid for according to the time statement hereto attached.

(g) All pressers shall be *bona fide* tailors subject to the provisions of this award.

(h) Cutting, trimming, and pressing off of all garments shall be done by a male worker.

Detail Disputes

8. 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 requires. 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 committee shall be deemed to be the proper interpretation of the award, subject to any ruling of the Court.

Workers to be Members of Union

9. (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.)

Right of Entry

10. The secretary or other representative of the union shall be permitted to interview employees at their place of employment during working-hours for the purpose of collecting contributions due to the union.

Under-rate Workers

11. (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

12. 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

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

Term of Award

14. This award shall come into force on the 20th day of March, 1944, and shall continue in force until the 20th 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 16th day of March, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The only matters referred to the Court for settlement were holidays and term of award. In other respects the award embodies the terms of settlement arrived at by the assessors in Conciliation Council.

The weekly wage-rates have been brought into line with those already determined by the Court in Wellington, Taranaki, Canterbury, Nelson, Marlborough, and Westland Industrial Districts, and the variations constitute adjustment of anomalies which, we think, should be made having regard to the purpose of the Economic Stabilization Emergency Regulations 1942.

The logs for piecework under the several district awards in this industry differ in varying degrees. With the increase in weekly rates it is, in our opinion, necessary that the piecework rates in this award should be adjusted to some commensurate extent. We are satisfied, from evidence and inquiries, that the increase agreed upon in Conciliation Council is commensurate with the increase awarded to the weekly workers, and that the variation is an adjustment that should be made having regard to the purpose of the regulations.

A. TYNDALL, Judge.
