

**WELLINGTON INDUSTRIAL DISTRICT CHEMICAL-MANURE
AND ACID WORKERS.—AWARD**

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Wanganui Chemical-fertilizer and Acid Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Kempthorne, Prosser, and Co.'s New Zealand Drug Co.,
Ltd., Aramoho, Wanganui.

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 2nd day of October, 1944, and shall continue in force until the 6th day of December, 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 29th day of September, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award is applied

1. The industry to which this award applies is the manufacture of manures and chemical fertilizers and of the chemicals manufactured in the chemical-fertilizer works of the employer named herein.

PART I.—DAY-WORKERS

Hours of Work

2. Subject to the provisions hereinafter contained as to shifts, a week's work shall not exceed forty hours, of which eight hours shall be worked between the hours of 7.30 a.m. and 5 p.m. on each of five days of the week from Monday to Friday, both days inclusive. Not less than three-quarters of an hour shall be allowed for lunch.

Overtime

3. (a) Except as hereinafter provided, all time worked outside of or in excess of the hours provided for in clause 2 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) When workers are required to work overtime after 5.45 p.m. or after 1 p.m. on Saturday and have not been notified the previous night, the employer shall provide a substantial meal consisting of at least bread, butter, meat, cheese, and tea, coffee or cocoa, or pay each worker 1s. 9d. in lieu thereof.

(c) When a worker is ordered back to work overtime after 5.45 p.m. on ordinary days or on a Saturday, a minimum of two hours' work at overtime rates shall be paid for unless it can be shown that the failure to provide work was outside the control of the employer. Should any dispute arise as to the interpretation of this subclause such dispute shall be settled in accordance with the provisions of clause 15 hereof.

Holidays

4. (a) The provisions of the Factories Act, 1921-22, and its amendments, relating to holidays, statutory half-holidays, and Sundays, and to payment for work done on such days, shall apply hereto.

(b) 2nd January, Easter Saturday, and Anniversary Day, or any day observed in lieu thereof, shall be observed as holidays, but a worker shall not be entitled to any payment in respect of such days unless he works, in which case he shall be paid for the time worked at the rate of time and a half, except that men discharging rock phosphate and sulphur on such days shall be paid for the time worked at double rates.

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

PART II.—SHIFT-WORKERS

Definitions

5. (a) In the despatch department one shift of eight consecutive hours may be worked between the hours of 5 p.m. and 7.30 a.m.

(b) "Continuous shifts" shall consist of three shifts of eight hours each in every twenty-four hours worked.

(c) In a manufacturing department, or in receiving raw material, one or more shifts of eight consecutive hours may be worked on any days of the week from Monday to Friday, both days inclusive.

(d) Shift-workers shall be allowed thirty minutes' crib-time without deduction from wages, provided always that the machinery shall be kept in motion when required.

Hours of Work

6. (a) The ordinary weekly hours of work shall be worked between midnight Sunday-Monday and noon on Saturday, and shall not exceed forty hours, to be worked in eight-hour shifts.

(b) Men employed on shift-work shall change in turn, and no worker shall be retained on night shift more than two weeks in succession.

Overtime

7. (a) Time worked in excess of eight hours per shift of forty hours during the period from midnight Sunday-Monday and 12 noon on Saturday shall be deemed to be overtime and be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Men on shifts shall not be paid overtime rates for overtime worked by agreement among themselves for the purpose of changing shifts.

Saturdays, Sundays, and Holidays

8. (a) Subject to the provisions of the Factories Act, 1921-22, and its amendments, the following provisions shall apply: Time worked on Saturday after 12 noon, or on Sunday, or on Christmas Day, Boxing Day, New Year's Day, 2nd January, Anniversary Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, or the birthday of the reigning Sovereign shall not be reckoned as ordinary time or as overtime, but shall be paid for at the following special rates:—

On Sundays .. .. .	..	Double time.
On any of the holidays mentioned	..	Treble time.
On Saturdays after 12 noon	..	Time and a half.

Provided that if a shift-worker in the rock-grinding or super-mixing departments has worked five eight-hour shifts on the five days of the week—Monday to Friday, both days inclusive—and is required to work a sixth shift on Saturday, such sixth shift shall be paid for at the rate of time and a half for the first four hours and double time thereafter. If any award holiday falls on any day from Monday to Friday inclusive, then for the purposes of this proviso such day shall count as a shift worked.

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

PART III.—GENERAL

Wages

9. The minimum rate of wages shall be as follows:—

	Per Hour.	
	s.	d.
Day-workers	2	7
Chambermen	2	8 $\frac{3}{4}$
Shift-workers	2	8
Men discharging shipments of phosphate rock	2	8 $\frac{1}{2}$
Men discharging shipments of sulphur or guano	2	10
Men working on super bank	2	10
Men making and handling super slag or basic slag mixture either loose or in bags	2	8 $\frac{1}{2}$
Men discharging manganese and serpentine rock	2	8 $\frac{1}{2}$

Men required to enter sulphur-burners to clean same shall be paid time and a half rates while so employed, the minimum payment to be for two hours.

Men cleaning out acid-chambers, or employed in repairing or demolishing acid-chambers, towers, or combustion chambers where it becomes necessary to handle material saturated with acid shall be paid 3d. per hour extra while so employed.

Men placed in charge of five or more other men shall be paid 1½d. per hour extra while so employed.

Man in charge of Mill Department, or man in charge of Super Manufacturing Department, shall be paid 2d. per hour extra.

Employment of Youths

10. Youths may be employed on the mixer pots at the following rates of wages:—

			Per Week.		
			£	s.	d.
16 to 16½ years	..	..	1	13	6
16½ to 17 years	..	..	1	18	6
17 to 17½ years	..	..	2	3	6
17½ to 18 years	..	..	2	8	6
18 to 18½ years	..	..	2	13	6
18½ to 19 years	..	..	2	18	6
19 to 19½ years	..	..	3	3	6
19½ to 20 years	..	..	3	8	6

Thereafter the minimum rate of wages specified for adult workers.

Payment of Wages

11. Wages shall be paid not later than Thursday of each week and during working-hours.

No Discrimination

12. The employer shall not in the employment or dismissal of hands discriminate against members of the union, nor in the conduct of his business do anything for the purpose of injuring the union directly or indirectly.

General Provisions

13. (a) An interval of ten minutes for "smoke-oh" shall be allowed morning and afternoon each day.

(b) Proper provision shall be made for dining and dressing accommodation and for drying wet clothes. The room so used shall be kept clean by the employer.

(c) Gloves, rubber aprons, and gum boots shall be supplied to workers when mutually deemed necessary.

(d) Suitable washing-accommodation shall be provided. Both hot and cold water shall be laid on.

(e) Sufficient drinking-water of good quality shall be provided.

(f) Lavatory accommodation shall be provided and kept clean.

(g) The union shall appoint delegates whose duty it will be to see that the workers do everything in their power to maintain the dining, dressing, and bath rooms in a clean and tidy condition.

(h) A covered bicycle-stand shall be provided at the works. Workers shall be held responsible for their own bicycles.

(i) Goggles and stockinette shall be allowed men working amongst or handling sulphur.

(j) Workers shall be supplied with respirators when mutually deemed necessary.

(k) Privileges at present in existence at the works shall remain in force.

(l) An approved first-aid outfit shall be available at the works.

(m) If on any day a worker is ordered to start work and the work done is less than two hours, he shall be paid as if he had worked two hours: Provided that if a worker is called on at 11 a.m. or later he shall be paid for a minimum of four hours.

(n) The employer shall eliminate, as far as practicable, the dust attendant to the normal working of the industry.

(o) Facilities for boiling water shall be provided in a convenient place at the works for the purpose of making tea.

(p) Each man shall be provided with a locker for the storage of his lunch, boots, clothes, and other personal property.

(q) A clock shall be placed in the despatch department.

(r) All workers shall be allowed five minutes before knocking-off time to wash and change clothes.

Extension of Hours under Factories Act

14. 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.

Disputes

15. 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, 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 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 any 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.

Increase in Rates of Remuneration

18. 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.

Scope of Award

19. This award shall apply to the parties named herein and to such other parties as may from time to time be added by order of the Court.

Term of Award

20. This award shall come into force on the 2nd day of October, 1944, and shall continue in force until the 6th day of December, 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 29th day of September, 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.

A. TYNDALL, Judge.
