
INVERCARGILL MUNICIPAL EMPLOYEES.—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 its amendments; and in the matter of an industrial dispute between the Southland Labourers and Related Trades'

Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council (hereinafter called "the employers") :—

Invercargill City Council, Invercargill.

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 27th day of September, 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 20th day of October, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. (a) Except where otherwise specified, the normal hours of work shall be forty per week, eight hours of which shall be worked on five days of the week between the hours of 7.30 a.m. and 5 p.m., Monday to Friday, both days inclusive.

(b) The interval for meals shall be a matter for mutual arrangement between the employer and the worker, after consultation with the union.

(c) No worker shall work more than five hours continuously without an interval for a meal.

Shift-work

2. (a) In the waterworks (pump attendants) and the sewerage department (pump attendants) shifts may be worked for a total of not more than forty hours per week without payment of overtime.

(b) Any time worked in excess of eight hours per shift of forty hours per week shall be paid for at overtime rates as in clause 5.

(c) Clause 1 does not apply to shift-workers employed under this clause.

(d) In respect to shift-workers, extra annual leave of one day for each award holiday worked shall be granted in lieu of an extra day's pay.

Wages

3. (a) Works department—

Gangers	..	..	£5	5s.	0d.	per week.
Storemen	..	..	£5	5s.	0d.	per week.
Labourers	..	..	£4	17s.	6d.	per week.
Licensed drainlayers	..	..	£5	5s.	0d.	per week.
Drainlayers	..	..	£5	2s.	6d.	per week.
Assistants to drainlayers	..	..	£5	0s.	0d.	per week.
Street orderlies	..	..	£4	17s.	6d.	per week.

(b) Waterworks department—

Pump attendants	..	..	£5	12s.	0d.	per week.
Service-layers	..	..	£5	1s.	8d.	per week.
Caulkers	..	..		3d.	per hour extra when engaged in caulking lead joints.	
Labourers	..	..	£4	17s.	6d.	per week.

(c) Sewerage department—

Pump attendants	..	£5 12s. 0d. per week.
Labourers	..	£5 3s. 4d. per week.

The definition of a sewerage labourer: "A worker who is required actually to handle or come into contact with sewers in which foul sewage is, or normally is, flowing, or manholes, tanks, or similar structures actually holding foul sewage."

(d) Cemetery—

Sexton	..	A yearly salary of £281 10s.
Assistant sexton	..	A yearly salary of £261 10s.
Labourers	..	£4 17s. 6d. per week.

The Council shall pay 1s. per grave for actual digging, apart from opening, and to apply to any member of the cemetery staff, divisible between the men engaged thereon. Twelve shillings for each Sunday funeral, divisible between the men engaged thereon. The Council shall provide accommodation to enable cemetery workers to change their clothes and have their meals with adequate light and a heater.

(e) Reserves department—

Gardeners holding by examination the National Diploma of Horticulture	..	£5 7s. 6d. per week.
Plant propagators	..	£5 10s. 0d. per week.
Other gardeners	..	£5 2s. 6d. per week.
Gardeners' assistants	..	£5 0s. 0d. per week.
Labourers	..	£4 17s. 6d. per week.

Junior workers may be employed in the reserves department at a commencing wage of £1 5s. per week, with six-monthly increments of 5s. per week until five years' service has been completed, when at least the gardeners' rate shall be paid. Not more than one such junior worker shall be employed to each two workers paid as gardeners.

(f) Male convenience attendants £4 10s. 0d. per week.

The provisions of clause 1 hereof shall not apply to convenience attendants.

(g) A temporary worker is a worker who is employed for less than one week, and his wage shall be 2s. 6d. per hour. Subject to the provisions of the Annual Holidays Act, 1944, a temporary worker shall not be entitled to the holiday provisions of this award.

(h) A worker employed as a foreman, ganger, or leading hand and not otherwise provided for shall be paid 2s. per day additional to his usual rate.

(i) Workers employed on the actual spraying or the spreading of chips or gravel on hot bituminous work shall be paid 2s. per day extra. Other workers employed on liquid tar or bituminous work shall be paid 1s. per day extra.

(j) Tipmen shall be paid 2s. 6d. per week extra and shall be supplied with overalls and boots annually or as required through fair wear-and-tear.

(k) Workers employed on cleaning septic tanks or who come in contact with faecal matter shall be paid 2s. per hour extra whilst so employed on this work.

(l) Workers employed 10 ft. or more from the ground topping or pruning trees, cutting back branches, &c., 3d. per hour extra.

(m) Workers employed on lamp-lighting on Saturday or Sunday or statutory holidays shall receive a minimum payment of 6s. up to twelve lamps, and 6d. each in excess of twelve on each job.

(n) (i) Workers employed in trenches of a depth of 6 ft. or over shall be paid—

2d. per hour extra from 6 ft. to 12 ft.

4d. per hour extra over 12 ft.

(ii) Workers employed sinking shafts to a depth of 6 ft. or over shall be paid—

4d. per hour extra from 6 ft. to 20 ft.

5d. per hour extra from 20 ft. to 30 ft.

8d. per hour in excess of 30 ft.

(iii) Workers employed timbering shall be paid 4d. per hour extra whilst so employed and the above depth rates when they apply.

(iv) Workers employed as tunnelmen shall be paid 4d. per hour extra whilst so employed.

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.

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.

Overtime

5. Except where otherwise provided, all time worked outside or in excess of the hours mentioned in clause 1 shall be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Meal-money

6. Where a worker is called upon to work overtime later than one hour after his ordinary knocking-off time for the day, the employer shall either provide such worker with a meal or pay 1s. 9d. meal-money, provided such worker cannot reasonably get home for a meal, and provided, further, that he has not been notified of such overtime on the previous day.

Deductions

7. The employer may make a rateable deduction from the weekly wages prescribed for any time lost by the worker through sickness, accident, or the worker's own fault.

Payment of Wages

8. Wages shall be paid fortnightly in cash on the job or at the Council's office or at such other place as may be arranged from time to time, payment to be made in working-hours not later than Thursday in any week. In the event of a worker being dismissed, he shall be paid all wages due to

him as soon as possible, but not later than the following working-day. If payment is delayed beyond the stated time through no fault of the worker, he shall be paid the ordinary rate until payment is made.

Variation of Duties

9. Nothing in this award shall prevent any worker covered hereby from doing work covered by another award: Provided that while so engaged he shall be paid at least the rate which is fixed in such other award.

Workers receiving more than the Minimum

10. In the case of workers at present employed by the Council who are receiving more than the minimum rate provided by the award, their wages shall not be reduced by virtue of this award.

Holidays

11. (a) Except where otherwise provided, the following holidays shall be observed, and when any such holiday falls on a working-day it shall be paid for: Christmas Day, Boxing Day, New Year's Day and the day following, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and one other day to be mutually agreed upon.

(b) For workers other than shift-workers any work done on any of the stated holidays, other than Anzac Day, shall be paid at double rates in addition to the pay for the holidays, subject to a minimum payment of 10s. If a worker is required to work on Sunday he shall receive double pay, subject to a minimum of 10s.

(c) In addition to the above holidays, workers covered by this award shall be granted ten days' annual holiday on full pay after each year of service: Provided that a worker leaving his employment or being dismissed at any time shall be entitled to a holiday or equivalent of pay proportionate to the time he has served.

(d) Where practicable, such holidays shall be given in proximity to the Christmas or Easter holidays, or at such other time as is mutually agreed upon.

General Provisions

12. (a) Where reasonably necessary, the employer shall provide accommodation to the satisfaction of the Inspector of Awards to enable workers to change and dry their clothes and have their meal.

(b) Where necessary, sanitary accommodation shall be provided.

(c) Workers shall be allowed ten minutes to partake of a hot drink morning and afternoon.

(d) Workers actually operating tar or bitumen sprayers or working on kettles or boilers shall be supplied with boots, overalls, and oil.

(e) Workers spreading chips or gravel on hot bituminous work shall be supplied with overalls and, where necessary, boots.

(f) Where a worker is required by the employer to use a bicycle in connection with his work, he shall be provided with the same at the employer's expense.

(g) Employers shall supply suitable oilskin raincoats to surfacemen when they are required to work in wet weather, and to workers required in wet weather to clear sumps, culverts, drains, or water-tables. Workers using oilskin raincoats shall be held responsible for any loss or damage due to wilful destruction or neglect.

Wet Places and Protective Clothing

13. (a) Six hours shall be considered a "working-day" in all "wet places" and shall be paid for as if the worker had worked a full eight hours.

A "wet place" means—

In the case of underground work, where it is necessary for men to wear oilskins.

In the case of work above ground, where men are required by the officer in charge to work in rain, and they get wet, or where men get wet at their work from causes other than rain.

In the case of work where men are standing in water 3 in. or more in depth.

The intention of this clause is that if workers have been provided by the Council with gum boots or waterproof clothing, or both, so that they do not get wet, the job will not be classed as a "wet place."

(b) The Council shall supply gum boots and waterproof clothing where necessary, and a workman working in water is to be paid an allowance of 1s. per day in addition to his ordinary rates of pay for every working-day on which he requires to wear gum boots for not less than four hours in order to keep dry at his work. This clause does not apply where the job is paid as a "wet place." It does apply to all cases where men are required to work in drains, swamps, or other places so wet or muddy as to require the use of gum boots.

(c) The officer in charge of the job shall be the judge as to whether gum boots are necessary: Provided that should a dispute arise on the question, the matter shall be decided by the Chairman of the Committee concerned and a representative of the union.

(d) All gum boots on being relinquished shall be thoroughly cleaned in the employer's time before being reissued.

Definitions

14. (a) Nothing in this award shall apply to a foreman who does not perform manual work.

(b) A "working ganger" or "leading hand" is a worker who is in charge of three or more workers.

(c) A "gardener" is a worker who has served an apprenticeship of five years, or who is classed as a gardener by the employer; or who, having been employed originally as a "junior worker" by the Council, has continued in the employ of the Council in its reserves department for a period of not less than five years.

(d) A "gardener's assistant" is a worker who, not complying with the definition of a gardener, is required to bed out plants and generally assist gardeners.

Travelling-time

15. Where the work is more than three miles from the post-office, travelling-time beyond that distance shall be within the working-hours, calculated at five minutes per mile.

Country Work

16. (a) "Country work" means work done by a worker in such a locality as to necessitate his sleeping elsewhere than at his genuine place of residence in New Zealand.

(b) Any worker sent to country work shall be conveyed by his employer to and from such work free of charge, or his travelling-expenses going to and returning from such work shall be paid by his employer, but once only during the continuance of the work if such work is continuous and the worker is not in the meantime recalled by his employer.

(c) Time so occupied in travelling shall count as time worked and shall be paid for at ordinary rates.

(d) Such workers employed upon country work shall be paid an additional sum of 5s. 2d. per working-day, but the employer may, in lieu thereof, provide them at his own expense with suitable board and lodging, or where the employer provides satisfactory accommodation 2s. 10d. shall be paid for

food allowance for every working-day the workers are in camp. For the purposes of this clause "satisfactory accommodation" shall include the provision of suitable cooking-utensils and fire-place or oven, provision for storage of food, and of reasonable sanitary conveniences. Workers making use of such accommodation shall keep it clean and take reasonable care of it. If they fail to do so, the employer may employ some other person to do the work and may deduct the cost of such work from any moneys due or accruing due to such workers.

(e) Notwithstanding anything elsewhere contained in this clause, where men on country work leave camp on Friday night at their own expense to sleep elsewhere and such men have during the day worked on country work, such men shall be paid the usual country allowance for five days, but where a five-day week is being worked on country work and the employer conveys the men to work on the first working-day and returns them to their usual place of abode on the last day of the working-week, not more than four days' allowance shall be paid, but any time occupied in such travelling to and from the work in excess of fifteen minutes each way shall be in the employer's time.

(f) Notwithstanding anything contained herein, an employer may agree with any such worker that in respect of any specified country work the hours of work shall be other than those hereinbefore prescribed: Provided, however, that all time worked outside or in excess of such prescribed hours shall be considered overtime and shall be paid for at the rate of 1d. per hour in addition to the ordinary rates.

(g) In the event of any difficulties arising in connection with this clause due to any special circumstances pertaining to the work of any employer, either of the parties may invoke the disputes clause of this award for the purpose of arriving at a satisfactory solution.

First Aid

17. A properly equipped first-aid emergency kit shall be kept in a convenient and accessible place.

Disputes

18. The essence of this award being that the work of the employer shall not on any account whatsoever be impeded but shall always proceed as if no such 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 with this award

and not dealt with herein, every such dispute or difference shall be referred to a committee of six—the Town Clerk, the head of the department, the Chairman of the Committee, and three representatives from the union—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 a decision of any 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

19. (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.)

Preference

20. Preference of employment shall be given to financial members of the Southland Labourers and Related Trades' Industrial Union of Workers.

Special Arrangements re New Training-walls at Estuary and Quarry-work in connection therewith

21. Notwithstanding any provisions herein contained, all workers who may hereafter be employed by the Council on new training-walls in the estuary and on work at or in connection with the operation of the Council's quarry at Green-hills in relation thereto shall not be subject to this award, but before any workers are engaged on such work all terms and conditions of such work shall be the subject of a separate agreement between the union and the Council.

Scope of Award

22. This award shall apply to the Invercargill City Council and its workers.

Term of Award

23. This award, in so far as it relates to wages, shall be deemed to have come into force on the 27th day of September, 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 27th day of September, 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 20th day of October, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award embodies the terms of settlement arrived at by the assessors in Conciliation Council.

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

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

A. TYNDALL, Judge.
