
OTAGO AND SOUTHLAND **MANUFACTURING CHEMISTS'**
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 Otago and Southland Manufacturing Chemists, Preserved Foods, Jam, and Starch Factories' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

British Chemicals, Ltd., 89 King Street, Dunedin.

Crystal Foodstuffs, Ltd., 202 Vogel Street, Dunedin.

Dunedin Brewery and Wilson Malt Extract Co., Ltd.,
8 Willow Bank, Dunedin.

- Gregg, W., and Co., Ltd., 51 Forth Street, Dunedin.
 Kempthorne, Prosser, and Co.'s New Zealand Drug Co.,
 Ltd., 22 Stafford Street, Dunedin.
 Lane Medicine Co., Ltd., Harbour Street, Oamaru.
 Murdoch and Co., Ltd., 205 St. Andrew Street, Dunedin.
 Neil Manufacturing Co., Ltd., Moray Place East,
 Dunedin.
 Reckitt and Colman (N.Z.), Ltd., Forth Street, Dunedin.
 Sentry Products, Ltd., Leven Street, Invercargill.
 Strang, David, Ltd., Esk Street, Invercargill.
 Wellpark Manufacturing Co., Ltd., 1 Mason Street,
 Dunedin.
 Wilson, Balk, and Co., Ltd., 38 Jetty Street, Dunedin.
 Wright, Wm., and Co., Ltd., 464 King Street, 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 31st day of July, 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 27th day of October, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award relates

1. This award shall apply to the manufacture, bottling, canning, and/or packaging of condiments; essences; jelly-crystals; coffee; spices; malt-extracts; plastic, stearate, and oleoate materials; and chemical products and foodstuffs for veterinary, medicinal, and household use.

Hours of Work

2. The ordinary hours of work shall be forty per week, to be worked between 8 a.m. and 5 p.m. on Monday to Friday, both days inclusive: Provided that in the case of malt-extract work the hours may be worked outside the prescribed clock-hours on Monday to Saturday, both days inclusive, so long as the week's work does not exceed forty hours and the day's work, except for the usual meal-time, which shall not exceed one hour, is continuous, and that no one day's work in the week shall exceed nine hours between 8 a.m. and 7 p.m.: Provided, further, that in establishments which handle fruit and other seasonable and perishable goods workers may be employed during the months of December to March inclusive for four hours between 8 a.m. and noon on Saturdays. Weekly workers so employed shall be paid, in addition to the weekly wage, time and a quarter rates for the time worked.

Shift-work

3. Shifts may be worked as required by the employer, provided that where shifts are worked eight hours shall constitute a full shift. Workers working shifts shall be paid 3s. per shift in addition to the ordinary rates of pay prescribed in clause 4 hereof for each shift worked outside the ordinary working-hours as prescribed in clause 2 hereof. Shift-workers shall be allowed an interval of half an hour for a meal without deduction from pay and the hours of work shall be continuous.

A worker required to work for less than three consecutive shifts shall not be deemed to be a shift-worker, but shall be paid for such work at overtime rates.

Wages

4. (a) *Male Workers.*—The following shall be the minimum rates of wages for adult male workers:—

	Per Week.		
	£	s.	d.
Laboratory assistants and man in charge of pill-room (qualified)	6	1	6
Laboratory assistants and man in charge of pill-room (unqualified)	5	0	0
Pill and tablet coater	5	0	0
Pan man in malt-extract factory	5	0	0
Senior oleate worker	5	0	0
All other workers	4	15	0

(b) *Boys and Youths.*—Boys and youths under twenty-one years of age may be employed in the proportion of one boy or youth to every three or fraction of three fully paid adult male workers at not less than the following minimum weekly rates:—

Age commencing employment.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 16½ ..	21/6	26/6	31/6	36/6	44/6	44/6	52/-	52/-	67/6	67/6
16½ to 17 ..	26/6	31/6	36/6	44/6	44/6	52/-	52/-	67/6	..	..
17 to 17½ ..	31/6	36/6	44/6	44/6	52/-	52/-	65/-	..	..	..
17½ to 18 ..	36/6	44/6	44/6	52/-	52/-	65/-	65/-	..	..	..
18 to 19 ..	44/6	44/6	52/-	52/-	63/-	63/-	..	..	..	..
19 to 20 ..	52/-	52/-	63/-	63/-	..	..	..	..	..	..
20 to 21 ..	63/-	63/-	..	..	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than the minimum rate payable to adult workers.

(c) *Female Workers.*—The minimum weekly rates of wages payable to female workers shall be as follows:—

Age commencing Employment.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.
Under 16 ..	18/6	22/6	26/6	31/-	35/-	39/-	43/-	47/6
16 to 17 ..	21/6	25/6	29/6	34/-	38/-	42/-	46/-	..
17 to 18 ..	24/6	28/6	32/6	37/-	41/-	45/-	..	..
18 to 19 ..	27/6	31/6	35/6	40/-	44/-	..	..	..
19 to 20 ..	30/6	34/6	38/6	43/-	..	..	..	..
20 to 21 ..	33/6	37/6	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than £2 12s. 6d. per week.

(d) No worker shall have his or her wages reduced by reason of the coming into force of this award.

General Orders under Rates of Wages Emergency Regulations 1940

5. All rates of remuneration (which term includes time and piecework rates, overtime, and other special payments) provided for in this award shall be subject to the provisions of the general orders dated the 9th August, 1940, and the 31st March, 1942, under the Rates of Wages Emergency Regulations 1940 increasing rates of remuneration as follows:—

- (a) The order dated the 9th August, 1940, increases all rates of remuneration by an amount equal to 5 per cent. thereof:
- (b) The order dated the 31st March, 1942, increases all rates of remuneration (inclusive of the August, 1940, bonus) by an amount equal to 5 per cent., but this increase is payable—
 - (i) In the case of males twenty-one years of age and over, on earnings up to £5 per week only;
 - (ii) In the case of females twenty-one years of age and over, on earnings up to £2 10s. per week only; and
 - (iii) In the case of males or females under twenty-one years of age, and apprentices, on earnings up to £1 10s. per week only.

Overtime

6. (a) All time worked outside of or in excess of the hours prescribed in clauses 2 and 3 hereof shall be considered overtime and shall be paid for at the rate of time and a half for

the first three hours and at double time rates thereafter. If a worker is required to come back after the completion of the ordinary day's work, the worker shall be paid 1s. 9d. tea-money.

(b) The minimum overtime rate for females and youths shall be 1s. 6d. an hour.

Holidays

7. (a) The following holidays shall be allowed without deduction of pay: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign.

(b) For any work done on any of the above-mentioned days double time rates shall be paid.

(c) Should any of the foregoing holidays, except Anzac Day, fall on a Sunday, then such holiday shall be observed on the next succeeding working-day.

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

Casual Workers

8. Workers employed for less than one week shall be deemed to be casuals and shall be paid at not less than the following rates:—

				Per Hour.	
				s.	d.
Adult male workers	..	..	..	2	6
Females	..	..	..	1	6

Weekly Employment

9. (a) Except in the case of casuals, the employment shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wages except for time lost through the worker's sickness, default, or accident.

(b) Not less than one week's notice of the termination of employment shall be given by either party; but nothing in this award shall prevent the employer from summarily dismissing any worker for wilful misconduct.

General Conditions

10. (a) First-aid outfits, fully equipped, shall be provided in each factory and shall be accessible at all times.

(b) Protective clothing and suitable footwear shall be provided for workers employed in wet places or when working with materials which adversely affect clothing or ordinary footwear.

(c) Female workers shall not handle more than 28 lb. single handed.

(d) Boys under seventeen years of age shall not handle more than 56 lb. single handed.

(e) Reasonable facilities for providing warmth in cold weather and efficient ventilation shall be provided in each factory.

(f) The employer shall supply suitable dining and lavatory accommodation, together with facilities for changing clothes, and, where practicable, hot water for washing hands. A suitably furnished rest-room shall be provided for females.

Right of Entry

11. The secretary or other authorized officer of the union of workers 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.

Matters not provided for

12. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Inspector of Awards, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Inspector, may appeal to the Court upon giving written notice to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Payment of Wages

13. Wages shall be paid weekly, in cash, in the employer's time, not later than Friday in each week.

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 bound by this award.

Under-rate Workers

15. (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.

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.

Application of Award

17. 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

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

Term of Award

19. This award, in so far as it relates to wages, shall be deemed to have come into force on the 31st day of July, 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 31st day of July, 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 27th 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.