

## NEW ZEALAND DRESSMAKERS AND MILLINERS.—AWARD

[Filed in the Office of the Clerk of Awards, Christchurch]

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, 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 Federated Clothing Trade Employees' Industrial Association of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

## NORTHERN INDUSTRIAL DISTRICT

Artificial Flower Co., Marmion Street, Auckland.  
 Bartlett, J. M., and Co., Ltd., 129 Greys Avenue, Auckland.  
 Classic Manufacturing Co., Sun Buildings, Albert Street, Auckland.  
 Childswear Ltd., 19 Greys Avenue, Auckland.  
 Dresswell Furs, Frocks, Cooke's Buildings, Queen Street, Auckland.  
 Joy Toys, Ltd., 22 Chancery Street, Auckland.  
 M.K. Millinery, Ltd., Great South Road, Auckland.  
 Reslau Frocks, Ltd., 39 Elliott Street, Auckland.  
 Smith and Caughey, Ltd., Queen Street, Auckland.  
 Taine, W. H. V., Ltd., Sun Buildings, Albert Street, Auckland.

## TARANAKI INDUSTRIAL DISTRICT

McGruer's Ltd., Devon Street, New Plymouth.  
 Ward, C. C., Devon Street, New Plymouth.

## WELLINGTON INDUSTRIAL DISTRICT

Blythe's Ltd., Emerson Street, Napier.  
 Cobbe, John, and Co., Ltd., Manchester Street, Feilding.  
 Children's Garments, Taupo Quay, Wanganui.  
 Fashions Ltd., Courtenay Place, Wellington.  
 Gregory Hats, Ltd., 127 Manners Street, Wellington.  
 Harris Millinery Co., Ltd., Station Street, Napier.  
 Regent Gowns, Ltd., Levy's Buildings, Manners Street, Wellington.  
 Ross Co., Ltd., The Square, Palmerston North.

## MARLBOROUGH INDUSTRIAL DISTRICT

Barretts Ltd., Market Street, Blenheim.  
 Girling's Ltd., 39 Market Place, Blenheim.  
 Hollywood Dressmakers, Queen Street, Blenheim.

## NELSON INDUSTRIAL DISTRICT

Glasson's Ltd., Bridge Street, Nelson.  
 Hollywood Dressmakers, 44 Bridge Street, Nelson.  
 Louisson's Ltd., Drapers, 131 Trafalgar Street, Nelson.  
 McKay, Messrs. W., and Son, Bridge Street, Nelson.  
 Trathan, B., Ltd., Drapers, 91 Trafalgar Street, Nelson.

## WESTLAND INDUSTRIAL DISTRICT

Hay's Ltd., 68 Mackay Street, Greymouth.  
 Miller's Ltd., Mawhera Quay, Greymouth.  
 Truman's Ltd., 65 Mackay Street, Greymouth.

## CANTERBURY INDUSTRIAL DISTRICT

Armstrong, T., and Co., Colombo Street, Christchurch.  
 Ballantyne, J., and Co., Cashel Street, Christchurch.  
 Fashion House, Ltd., Costumiers, 236 High Street, Christchurch.  
 Hefford and Co., 62 East Street, Ashburton.  
 Herbert's Ltd., Drapers, 170 Stafford Street, Timaru.  
 Lord's, Millinery, 163 High Street, Christchurch.  
 New Zealand Farmers' Co-op. Association, Beswick Street, Timaru.  
 Pickford, Miss A., Dressmaker, 81 Tancred Street, Ashburton.  
 Salon Celia, Ltd., Cashel Street, Christchurch.  
 Sparkes, Miss J., 142 Armagh Street, Christchurch.  
 Turner Hats, Ltd., Lichfield Street, Christchurch.  
 Williams, Miss R., Dressmaker, 272 High Street, Christchurch.

## OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Brown, Ewing Co., Ltd., Princes Street, Dunedin.  
 Barnett, Arthur, Ltd., 267-277 George Street, Dunedin.  
 Drapers' Supply Association, 105 George Street, Dunedin.  
 D.I.C., Princes Street, Dunedin.  
 Matthews' Millinery, Ltd., 450 Moray Place, Dunedin.  
 Modern Millinery, Ltd., 258 Cumberland Street, Dunedin.  
 Polytechnic (R. E. Brown and Co.), Thames Street, Oamaru.  
 Smith, H. and J., Ltd., Tay Street, Invercargill.  
 Silk and Frock House, Ltd., 118 Princes 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 on the 1st day of April, 1945, and shall continue in force until the 1st day of April, 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 29th day of March, 1945.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Interpretation*

1. This award shall apply to all workers employed at order dressmaking (including alteration hands) and at millinery, art needlework, and transfer stamping in connection therewith, and at hosiery repairs in a retail establishment. It shall not apply to workers employed at making coats, costumes, or skirts of woollen, worsted, serge, leather, or other similar materials.

##### *Hours of Work*

2. (a) The hours of work for all classes of workers shall be forty per week, to be worked on the first five days of the week: Provided, however, that where workers are employed in workrooms attached to retail establishments where a five and a half day week is observed the following provisions shall apply:—

Workers may be employed on five and a half days in the week for the purpose of attending to any urgent work which is in hand or which may come in on Saturday.

In order to enable such Saturday morning work to be distributed as evenly as possible among all the workers in any workroom it shall be competent for the employer to enter into an agreement with the union to put into operation a roster system designed to enable the employer to have some members of the staff always available for such work.

(b) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day worked for the number of hours usually worked on that day of the week, although no work shall have been actually done on such holiday.

(c) The hours of work shall be posted in each and every workroom by the employer.

*Female Apprentices and Improvers*

3. (a) The term of apprenticeship for females in any capacity shall be two years. Each worker shall also serve a term of two years as an improver.

(b) The minimum wage of female apprentices (whether their term of apprenticeship commenced under this award or any previous award) and improvers employed in any capacity shall be at the following weekly rates:—

Apprentices—	£	s.	d.
For the first six months ..	..	1	2 0
For the second six months ..	..	1	6 0
For the third six months ..	..	1	10 0
For the fourth six months ..	..	1	15 0
Improvers—			
For the fifth six months ..	..	2	1 0
For the sixth six months ..	..	2	6 6
For the fourth year ..	..	2	13 0
Thereafter journeywomen's rates:			

Provided that workers commencing over sixteen years of age shall receive 2s. 6d. per week in advance of the above rates, and over seventeen years of age 7s. 6d. per week in advance of the above rates, and over eighteen years of age 10s. per week in advance of the above rates; but this proviso shall not operate so as to increase journeywomen's rates: Provided also that workers over twenty-one years of age shall be paid not less than £3 per week.

*General Conditions relating to the Employment of Apprentices*

4. (a) The proportion of apprentices to journeywomen in a factory or workroom shall not exceed two apprentices to one journeywoman.

(b) An apprentice shall serve for a full period under competent supervision and shall be taught the work she is required to do in the branch of the trade to which she is apprenticed. The term "branch of the trade" shall mean—

- (i) For dressmakers—all work done by hand on coats, bodices, and skirts not made of tweed, worsted, woollen, serge, or similar materials.
- (ii) Machining.
- (iii) Millinery—whole trade.
- (iv) Making of artificial flowers other than paper.

(c) It shall be obligatory on the part of the employer to pay the wages stipulated in this award and to teach the apprentice the work she is required to do in the branch of the trade to which she is apprenticed. Any apprentice who has served a period at a kindred trade shall have such time counted as part of the apprenticeship as though it had been served at the branch of the trade to which she is apprenticed.

(d) The employer shall not dismiss the apprentice for want of work, but must in such cases provide her with another employer within a reasonable distance, who shall continue the first employer's obligations as to teaching and wages.

(e) When the full time of apprenticeship is served, the employer shall give the apprentice a certificate for the time served.

(f) Should an employer dismiss an apprentice for good cause, he shall nevertheless give her a certificate for the time served.

(g) It shall be obligatory on the part of the apprentice to remain with the employer till the full time is served, unless dismissed for misconduct or discharged by removal from the locality or other sufficient cause.

(h) Notice of dismissal, transference, or discharge by operation of law shall be given by the employer to the Inspector of Awards, who, if requested to do so by the secretary of the local union, shall furnish such secretary with the information supplied by the employer with regard to any particular apprentice or apprentices.

(i) Three months' probation shall be allowed the first employer of any apprentice to determine her fitness. Where this probationary period has less than one month to run, any subsequent employer shall be allowed one month as a probationary period prior to the contract of apprenticeship being entered into. The first period and any other period of probation shall count in the term of apprenticeship.

(j) Time lost in excess of two weeks in the year shall be made up by the apprentice before she shall be deemed to have entered upon her next succeeding year of service.

(k) No deduction shall be made from the wages of any apprentice except for time lost through sickness, accident, or default.

#### *Definition*

5. A "journeywoman" is one who has served her time as an apprentice and as an improver at any branch of the trade.

#### *Journeywomen's Wages*

6. The minimum wage for journeywomen shall be £3 5s. per week, and for journeywomen employed as cutters, £3 10s. 6d. per week.

#### *Sorting, Ticketing, Boxing, and Distribution of Work*

7. Females employed sorting, ticketing, boxing, and distributing work shall be paid the following rates of wages:—

	Per Week.		
	£	s.	d.
For the first six months .. .. .	1	2	0
For the second six months .. .. .	1	6	0
For the third six months .. .. .	1	10	0
For the fourth six months .. .. .	1	15	0
For the fifth six months .. .. .	2	0	0
For the sixth six months .. .. .	2	5	0
For the fourth year .. .. .	2	11	6
Thereafter .. .. .	3	2	6

Provided that workers commencing over sixteen years of age shall receive 2s. 6d. per week in advance of the above rates, and over seventeen years of age 7s. 6d. per week in advance of the above rates, and over eighteen years of age 10s. per week in advance of the above rates; but this proviso shall not operate so as to increase the rate of £3 2s. 6d.: Provided also that workers over twenty-one years of age shall be paid not less than £3 per week.

#### *Increase in Rates of Remuneration*

8. 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.

### *Cutters' Requisites*

9. All cutters' requisites shall be provided by the employer.

### *Overtime*

10. (a) Subject to the proviso in clause 2 (a), all time worked on Saturday mornings and before the ordinary time for starting and after the ordinary time for ceasing work on any other day shall be deemed to be overtime, and shall be paid at the rate of time and a half for the first three hours and double time thereafter. Twenty-four hours' notice shall be given by the employer to any worker called upon to work overtime after the ordinary time for ceasing work. When less than twenty-four hours' notice has been given, 1s. 9d. shall be paid for tea-money. Where a worker has been notified on the previous day that he or she will be required to work overtime and overtime is not made available, tea-money shall be provided.

(b) No worker regularly employed by an employer during the hours fixed by clause 2 of this award shall work for another employer in the industry outside of those hours.

(c) No employer party to this award shall employ any worker outside of award hours unless he also employs such worker during the ordinary hours of work.

*Holidays*

11. (a) The following shall be observed as holidays, and shall be paid for at the same rate as ordinary working-days: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day.

(b) Should any of the above-mentioned holidays, other than Anzac Day, fall on a Sunday, then for the purpose of this award such holidays shall be observed on the following Monday.

(c) Double rates shall be paid for any work done on Saturday afternoon, Sunday, or any of the above-mentioned holidays.

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

*General Provisions*

12. (a) Wages shall be paid weekly not later than the next working-day following the close of each factory's working-week and not later than Thursday in any case, and not later than the usual closing-time of the factory.

(b) All wages shall be paid on the termination of employment.

(c) An employer shall be entitled to make a rateable deduction from the wages of any worker for any time lost by him through sickness, accident, or default.

(d) When work is not available at the factory and notice has not been given to a worker on the previous day, any worker who attends at the factory for the purpose of working shall be paid for at least four hours' work. When such worker is required to attend in the afternoon, such worker shall be paid for four hours' work although no work is available. When a worker has commenced work and, by reason of a stoppage of the machinery, is unable to continue working, payment shall be made as though such worker had worked for the half-day period.

(e) When slackness of work or the exigencies of trade render it necessary to work short time the employer shall distribute the work as evenly among the workers of each class as circumstances will permit, and in such cases workers shall be paid only for the time actually worked, subject to subclause (e) hereof.

(f) Facilities for boiling water shall be provided.

(g) A ten-minute rest period shall be allowed in the morning and afternoon to all workers.

#### *Piecework*

13. Piecework shall be prohibited.

#### *Termination of Employment*

14. One week's notice of the termination of the employment of any worker shall be given by either party.

#### *Bonus System*

15. (a) In all cases where a bonus is paid, the basis on which the bonus is calculated shall be negotiated between representatives elected by the workers directly concerned in the factory, the employer, and a representative of the workers' union. Should it become impossible to reach agreement, any of the above-mentioned parties may refer the question to the Conciliation Commissioner for the industrial district in which the factory is situated for decision. Any party dissatisfied with the decision of the Commissioner may appeal to the Court upon giving written notice of such appeal to the other parties within twenty-one days after such decision shall have been communicated to the party desirous of appealing.

(b) In factories where a bonus system is in operation no deduction shall be made from the bonus in respect to any holidays prescribed by this award or by the Factories Act.

#### *First-aid Outfit*

16. A St. John first-aid outfit or similar kit, fully equipped, shall be provided by the employer on each floor in every factory.

#### *Interviews with Employees*

17. 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.

#### *Matters not provided for*

18. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned 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 Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated 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.)

*Under-rate Workers*

20. (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*

21. 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 the 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*

22. This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.

#### *Term of Award*

23. This award shall come into force on the 1st day of April, 1945, and shall continue in force until the 1st day of April, 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 29th day of March, 1945.

[L.S.]

A. TYNDALL, Judge.

#### MEMORANDUM

The principal matters referred to and settled by the Court related to hours of work, term of apprenticeship and improver-ship for females, branches of the trade to be taught, making up

time lost, all wage rates, holidays, Saturday work, payment of wages, deductions from wages, rest periods, lighting, and bonus system.

The minimum rates of wages of adult weekly workers, both male and female, have in general been increased by 10s. per week. Proportionate adjustments have been made to the rates for juniors. These increases are founded upon the same grounds as the recent alterations to the Court's standard hourly wage rates for adult male workers set out in its pronouncement of 17th March, 1945. The Court has also had regard to the requirements of the Economic Stabilization Emergency Regulations 1942.

Mr. Prime desires to say that he is not fully in accord with the increases awarded in the weekly wage rates, as he considers that in view of previous practice, and in the light of the recent pronouncement, they are greater than are necessary to restore a proper relationship. Recognizing, however, that a double dissent may mean a deadlock, and realizing the necessity for prompt decisions and the early release of awards, he has refrained from recording a formal dissent.

Mr. Monteith is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

#### DISSENTING OPINION OF MR. MONTEITH

I dissent from this award.

In my opinion, an adult female cannot live reasonably unless she has a weekly income of £3. To give this result it is necessary to award £3 3s. a week, which, plus two Court orders and less taxation deductions, would give the ordinary unskilled adult woman in industry £3 net. In this case we have women who serve four years before they secure journeywoman's rate, and I consider that at least £3 9s. should have been awarded.

All female workers in the Railway Service received an increase of at least 3½d. per hour, and most adult women in the Public Service, who received wages approximating the amount that had previously been awarded by this Court, have secured increases of at least £30 a year and, in some cases, £40 a year.

In Australia clothing trade journeywomen get £3 15s. 6d. for the same work, but they work forty-four hours, against forty hours here. The rate I have suggested, if it had been awarded, would have been more in keeping with Australian rates and with the increases of 3½d. in the Railway and Public Services.

NEW ZEALAND DRESSMAKERS AND MILLINERS.—AMEND-  
MENT OF AWARD

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, 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 the New Zealand Dressmakers' and Milliners' award, dated the 29th day of March, 1945, and recorded in 45 Book of Awards 125.

Monday, the 10th day of September, 1945

IN pursuance and exercise of the powers conferred upon it by section 92 (i) (a) of the Industrial Conciliation and Arbitration Act, 1925, and for the purpose of remedying a defect in the New Zealand Dressmakers' and Milliners' award, dated the 29th day of March, 1945, and recorded in 45 Book of Awards 125, this Court doth hereby order as follows:—

1. That subclause (e) of clause 12 (General Provisions) shall be amended by deleting the word and letter "subclause (e)," and substituting therefor the word and letter "subclause (d)."

2. That this order shall come into force on the day of the date hereof.

[L.S.]

A. TYNDALL, Judge.