

WELLINGTON INDUSTRIAL DISTRICT **WOOLPACK AND  
TEXTILE 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 Manawatu Flax-mill and Flax Textile Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

The New Zealand Woolpack and Textiles, Ltd., 44  
Watson Street, Foxton.

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 13th day of July, 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 13th day of July, 1945.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to which Award applies*

1. This award shall apply to the preparing, spinning, and weaving of fibres and the manufacture of the resultant cloth.

##### *Hours of Work*

2. (a) Except where otherwise expressly prescribed, the week's work shall not exceed forty hours, exclusive of the time necessarily occupied by any worker coming under the provisions of this award in getting up steam for machinery in the mill or work in which he shall be employed, and exclusive, in the case of a driver, of the time required for necessary attendance to horses.

(b) Except as otherwise provided, the ordinary hours of work shall not exceed eight hours per day from Monday to Friday, both days inclusive, to be worked between the hours of 7.45 a.m. and 5 p.m.

(c) An interval of at least three-quarters of an hour shall be allowed for the midday meal.

(d) The provisions of this clause shall not apply to the work of cooks and their assistants.

(e) Night shifts may be worked, subject to the condition that not more than five shifts of eight hours each shall be worked by any worker in any one week.

### Rates of Pay

3. The following shall be the minimum rates of wages for the undermentioned classes of workers:—

	Column No. 1 (payable from the 30th January, 1945, to the 31st March, 1945, both Dates inclusive).		Column No. 2 (payable on and from the 1st day of April, 1945).	
	Per Hour.	Per Hour.	s. d.	s. d.
Feeders on softeners, openers, carders, and goods machines .. .. .	2	5	2	8½
Manglers .. .. .	2	5	2	8½
Spinner hands (on front of spinner) .. .. .	2	5	2	8½
All other adult male workers .. .. .	2	4	2	7½

### Employment of Youths

4. The minimum weekly rates of wages payable to youths shall be as follows:—

TABLE "A"

Age commencing.	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 16 ..	21/-	26/-	31/-	36/6	41/6	46/6	51/6	56/6	62/-	72/-
16 to 17 ..	23/6	28/6	33/6	39/-	44/-	49/-	56/6	61/6	67/-	72/-
17 to 18 ..	28/6	33/6	38/6	44/-	51/6	59/-	66/6	72/-	..	..
18 to 19 ..	33/6	38/6	43/6	49/-	56/6	64/-	..	..	..	..
19 to 20 ..	43/6	48/6	53/6	64/-	..	..	..	..	..	..
20 to 21 ..	53/6	63/6	..	..	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than the rate for general adult hands.

TABLE "B"

Age commencing.	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 16 ..	22/-	27/6	33/-	38/6	44/-	49/6	55/-	60/6	66/-	77/-
16 to 17 ..	25/-	30/6	36/-	41/6	47/-	52/6	60/6	66/-	71/6	77/-
17 to 18 ..	30/6	36/-	41/6	47/-	55/-	63/6	71/6	77/-	..	..
18 to 19 ..	36/-	41/6	47/-	52/6	60/6	69/-	..	..	..	..
19 to 20 ..	47/-	52/6	58/-	69/-	..	..	..	..	..	..
20 to 21 ..	58/-	69/-	..	..	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than the rate for general adult hands.

The minimum weekly rates of wages set out in Table "A" above shall be payable during the period 30th January, 1945, to 31st March, 1945, both dates inclusive; and the minimum weekly rates of wages set out in Table "B" above shall be payable on and from the 1st April, 1945.

### *Employment of Females*

5. The minimum weekly rates of wages payable to female workers shall be as follows:—

#### TABLE "A"

Age commencing.	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	..	..	..	..	..	..

Provided that no one over twenty-one years shall be employed at less than £2 12s. 6d. a week.

#### TABLE "B"

Age commencing.	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 ..	..	..	22/-	26/-	30/-	34/-	38/-	42/-	47/-	57/-
16 to 17 ..	..	..	25/-	30/-	34/-	38/-	42/-	47/-	57/-	..
17 to 18 ..	..	..	29/-	34/-	38/-	42/-	47/-	57/-	..	..
18 to 19 ..	..	..	34/-	39/-	43/-	47/-	57/-	..	..	..
19 to 20 ..	..	..	38/-	43/-	47/-	57/-	..	..	..	..
20 to 21 ..	..	..	42/-	47/-	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than £3 2s. 6d. per week.

The minimum weekly rates of wages set out in Table "A" above shall be payable during the period 30th January, 1945, to 31st March, 1945, both dates inclusive; and the minimum weekly rates of wages set out in Table "B" above shall be payable on and from the 1st April, 1945.

*Shift-workers*

6. Workers when on night shifts shall receive adult rates of pay and shall also receive 2s. per night shift extra.

*Overtime*

7. All time worked on any one day in excess of the hours mentioned in clause 2 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

*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.

*Holidays*

9. (a) The following shall be recognized holidays: New Year's Day, Good Friday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Anzac Day, and Boxing Day. Work done on these days or on Sundays shall be paid for at the rate of double time.

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

#### *Piecework*

10. (a) The rates for pieceworkers shall be fixed by arrangement between the management and the union, but shall in any case be not less than will return to a competent worker not less than 10 per cent. more than the rates specified in clauses 3, 4, and 5.

(b) Pieceworkers, including weavers, required to wait five minutes or longer for any reason other than power failure shall be paid for all time so waiting at the rate prescribed in this award. Time-sheets shall be supplied for the purpose of entering such waiting-time.

(c) Where any pieceworker is teaching a beginner, such pieceworker shall be paid 4s. per day additional to the amount of earnings during the day or part thereof while so teaching.

(d) Pieceworkers employed overtime shall be paid, in addition to their earnings, a sum equal to one-half of the amount of the said earnings for the first three hours, and a sum equal to their earnings thereafter, being not less in any case than 1s. 9½d. per hour.

#### *General Conditions*

11. (a) Scissors, knives, and other equipment necessary shall be supplied by the employers and kept in repair by them.

(b) The employer shall provide a light meal for workers who are required to work overtime after 6 p.m. and cannot reasonably get home for a meal within an hour.

#### *Right of Entry upon Premises*

12. 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.

#### *Wages and Time Record*

13. Every employer bound by this award shall keep a time and wages book in which shall be correctly recorded by each employer (a) the name of every worker employed; (b) the

kind of work on which he or she is employed; (c) the daily hours of his or her employment; (d) the wages paid each week; and (e) the starting and finishing times of all workers.

*Provisions as to Smoking*

14. (a) Workers shall not smoke at all when handling or in the proximity of dry fibre or in any other place prohibited by the employer.

(b) Workers shall not carry wax matches.

*Extension of Hours under Factories Act*

15. 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 such award.

*Matters not provided for*

16. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the union secretary and elected representative of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local 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 desiring to appeal.

*Workers to be Members of Union*

17. (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*

18. (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*

19. 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*

20. This award shall operate throughout the Wellington Industrial District.

*Term of Award*

21. Except as otherwise provided, this award, in so far as it relates to wages, shall be deemed to have come into force on the 30th day of January, 1945, 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 13th day of July, 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 13th day of July, 1945.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The principal matters referred to the Court related to hours of work, wages and classification of workers, working of jute, piecework, provision of smocks and equipment, and the date of coming into operation of the award.

After hearing evidence, and the submissions of the parties on the point, a majority of the Court has decided to omit "feeders on scutchers" from clause 2 of the award. The members of the Court also made a special visit to the factory of the New Zealand Woolpack and Textiles, Ltd., at Foxton to inspect the plant and operations before coming to a decision.

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

A. TYNDALL, Judge.

## DISSENTING OPINION OF MR. PRIME

The wages rates awarded are in some cases higher than are warranted. In particular, I disagree with the implied decision that the workers operating and feeding the machine which the union claims is a scutcher cannot be covered by this award. In my opinion, the alterations in construction and the consequent conditions of the work warrant lower rates than apply as a result of the Court's failure to deal adequately with this question.