

OTAGO AND SOUTHLAND **AERATED-WATER 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 Brewery, Bottling Houses, and Aerated Waters' Industrial Union of Workers (hereinafter called "the union") and the undermentioned person, firms, and companies (hereinafter called "the employers") :—

Campbell, D. W., Winton.

Hemsley Bros., 812 King Street, Dunedin.

Lane's Ltd., 8 Carroll Street, Dunedin.

Moffett and Co., Ltd., 92 Esk Street, Invercargill.

Thomsons Ltd., 23 Police Street, Dunedin.

West, T., and Co., Ltd. (Finnie Bros.), 2 Moreau Street, St. Kilda, 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 15th day of August, 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 15th day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to which Award applicable.*

1. This award shall apply to the cordial and aerated-water manufacturing industry.

##### *Hours of Work*

2. (a) From the 1st day of May to the 31st day of October the hours of work shall be forty per week, to be worked on five days of eight hours each between the hours of 8 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) From the 1st day of November to the 30th day of April the hours of work shall be forty-four per week, to be spread equally over the first five days of the week, Monday to Friday inclusive, between the hours of 7.45 a.m. and 5.15 p.m.

### *Overtime*

3. (a) All time worked in any one day beyond 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.

(b) Where a worker has been notified that he is required to work overtime and notice has been subsequently withdrawn on the day overtime was to be worked, he shall receive payment for one hour.

### *Wages*

4. (a) The wages of all adult male workers shall be not less than £5 4s. 2d. per week of forty hours.

(b) The wages of adult male workers shall be not less than £5 14s. 7d. per week of forty-four hours.

(c) Casual workers employed for less than one week shall be paid not less than 2s. 9½d. per hour.

### *Employment of Boys and Youths*

5. (a) The following shall be the minimum rates of wages payable to youths:—

				Per Week.		
				£	s.	d.
Under 16 years	..	..	..	1	5	0
16 to 16½ years	..	..	..	1	10	0
16½ to 17 years	..	..	..	1	15	0
17 to 17½ years	..	..	..	2	0	0
17½ to 18 years	..	..	..	2	6	0
18 to 18½ years	..	..	..	2	11	0
18½ to 19 years	..	..	..	2	16	0
19 to 19½ years	..	..	..	3	1	0
19½ to 20 years	..	..	..	3	7	0
20 to 20½ years	..	..	..	3	12	0
20½ to 21 years	..	..	..	3	17	6

Thereafter, the rate provided for adult workers.

(b) The proportion of juniors to adults shall not exceed one junior to every three adult workers or fraction of three.

(c) The weekly wages prescribed in this clause shall be increased by 10 per cent. when a forty-four-hour week is worked in accordance with subclause (b) of clause 2.

### *Increase in Rates of Remuneration*

6. Except where otherwise provided, 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*

7. (a) The following shall be the recognized holidays which shall be paid for: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, and the birthday of the reigning Sovereign.

(b) If any of the foregoing holidays, except Anzac Day, falls on a Sunday, the holiday shall be observed on the following day.

(c) All work performed on any of the above-mentioned days shall be paid for at double ordinary rates in addition to the payment for the holiday.

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

### *Payment of Wages*

8. (a) Wages shall be paid in cash weekly in the employer's time not later than Thursday, unless Thursday is a bank holiday.

(b) The employment shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wage except for time lost through the worker's sickness or default or through accident not arising out of or in the course of his employment.

### *Termination of Employment*

9. One week's notice of the termination of engagement of any worker, except casuals, shall be given by the employer or the worker, as the case may be; but this shall not affect the right of any employer to discharge a worker for good cause.

### *General Conditions*

10. If required, suitable mitts and masks shall be supplied to workers engaged in bottling and labelling aerated waters, and oilskin aprons to workers engaged in bottle-washing and bottling non-aerated liquids. Clogs or other suitable footwear shall be supplied to workers in wet places. If required, accommodation shall be provided for workers' clothes.

### *Meal-money*

11. (a) Meal-money at the rate of 2s. shall be allowed in all cases where notice of overtime is not given to the worker on the day previous. This provision shall not apply in the case of a breakdown of machinery.

(b) Meal-money shall not be subject to the increases in the rates of remuneration provided for in clause 6 hereof.

### *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 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 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.

*Extension of Hours under Factories Act*

13. 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 in the manner and to the extent set forth in this award in respect of every occupier of a factory bound by this award.

*Workers to be Members of Union*

14. (a) Subject to the provisions of subsection (5) of section 18 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.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union commits a breach of this award, and shall be liable accordingly.

(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*

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.

#### *Application of Award*

16. 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*

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

#### *Term of Award*

18. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of April, 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 15th day of August, 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 15th day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The matters referred to and settled by the Court related to hours of work, wages, holidays, and term of award.

In making wages payable retrospectively to the 1st April, 1945, the Court has taken into consideration an application under the Economic Stabilization Emergency Regulations 1942 for amendment of the expiring award.

Mr. Prime desires to draw attention to his dissenting opinion on the amendment to the Northern and Wellington Cardboard-box, Carton, and Paper-bag Makers' award (recorded in 45 Book of Awards 747).

A. TYNDALL, Judge.

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