

OTAGO AND SOUTHLAND FISH-SHOP 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 Amalgamated Society of Shop-assistants' (other than Grocers', Butchers', Chemists', Tobacconists'; and Hairdressers' Assistants) Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons and firms (hereinafter called "the employers") :—

- All British Fish Kitchen, 277 Stuart Street, Dunedin.  
Best Cafe (P. Collins, Proprietor), 271 Stuart Street, Dunedin.  
Brown, A., 757 King Street, Dunedin.  
City Fish Supply (D. L. Grubb), 184 Rattray Street, Dunedin.  
Clarkson, T. D., 20 Prince Albert Road, Dunedin.  
Cockburn, G. A., 296 Main South Road, Dunedin.  
Findlay, Stan., 414 Princes Street, Dunedin.  
Empire Cafe (M. Aspros), 39 Thames Street, Oamaru.  
Fairweather, G. N., 235 Yarrow Street, Invercargill.  
Hym, Norman, 361 George Street, Dunedin.  
Johnson's Fish and Poultry Depot, 366 George Street, Dunedin.  
Jones, W. A., 118 Gordon Street, Mosgiel.  
King's Fish and Oyster Depot, Ordsal Street and Main Street, Gore.  
Lawson, L. W., 106 Stuart Street, Dunedin.  
Lee's Fish Mart, 118 Thames Street, Oamaru.  
McFarlane, R., 434 George Street, Dunedin.  
Minnock, D., 14 Main Road, North-east Valley, Dunedin.  
Neill, John T., 420 King Edward Street, Dunedin.  
Nelson and Son, Ltd., 60 St. Andrew Street and Mailer Street, Mornington, Dunedin.  
Oamaru Fish Supply (Peter Laris), 241 Thames Street, Oamaru.  
Pacific Fish Supply (D. Nobilo), 43 Main Street, Gore.  
Pasco and Co., 119 Dee Street, Invercargill.

Pilotto, G., 275 King Edward Street, Dunedin.  
 Port Chalmers Fish Supply, 164 Rattray Street, Dunedin.  
 Railway Fish Shop (G. Gargiulo), 283 Stuart Street, Dunedin.  
 St. Kilda Fish Supply (T. C. Lee), 78 Prince Albert Road, Dunedin.  
 Stewart, J. W., 199 Princes Street, Dunedin.  
 Tail's Fish Shop, 134 Dee Street, Invercargill.  
 Tall's Fish Supply (H. Tall), Clyde Street, Balclutha.  
 Thompson, D. W., corner of Beach and Rees Streets, Queenstown.  
 Thompson's Fish Supply, 10 Kelvin Street, Invercargill.  
 Toko Fish Supply (Archie Aspros, Proprietor), Union Street, Milton.  
 Vauxhall Fish Supply (J. A. Black), 275 Main South Road,  
 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 20th day of August, 1945, and shall continue in force until the 20th 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 13th day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

## SCHEDULE

### *Industry to which Award applies*

1. (a) This award shall apply to the retail fish trade or industry, which trade or industry comprises the selling of fresh or cooked fish (other than tinned fish), smoked fish, shell-fish, crayfish, mutton-birds, rabbits, or other perishable goods of a like nature.

(b) For the purpose of this award a "shop-assistant" is a worker who is employed in any capacity in connection with the display, preparation, sale, or delivery of goods in or for the establishment of those employers who are bound by this award.

This subclause shall not apply to drivers covered by the New Zealand Motor and Horse Drivers' award.

### *Hours of Work*

2. (a) The ordinary weekly hours of work shall not exceed forty-four, to be worked between the hours of 8 a.m. and 6 p.m. on five days of the week, and between the hours of 8 a.m. and 12 noon on the day of the workers' weekly half-holiday.

(b) The daily hours under this award shall be worked continuously, with an interval of one hour for a meal.

(c) No worker shall be permitted to do any work coming within the scope of this award earlier than 7 a.m.

(d) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall 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.

(e) Each employer shall notify the union, within seven days of the coming into operation of this award, and immediately after the employment of any new worker, of the names of all such workers, together with his daily starting and finishing time each day; his hours when so fixed shall continue in force for a period of not less than six months, and thereafter until an alteration is notified to

the union. Such notices shall be in writing and transmitted not less than seven days before the alteration becomes effective. The operation of all notices under this clause shall be for six-monthly periods unless otherwise agreed to between the union and the employer.

### *Wages*

3. (a) Adult workers shall be paid not less than the wages specified in the following scale:—

	Per Week.		
	£	s.	d.
First shopman in charge .. .. .	6	3	6
All other adult workers .. .. .	5	13	6

(b) An employer who substantially performs the work of a shopman may be classified as a first shopman.

(c) Where three or more adult workers are employed in any shop, one man shall be paid first shopman's wages.

### *Boys and Youths*

4. Boys and youths may be employed at not less than the following rates:—

	Per Week.		
	£	s.	d.
From 15 to 15½ years of age .. .. .	1	7	0
From 15½ to 16 years of age .. .. .	1	12	6
From 16 to 16½ years of age .. .. .	1	18	0
From 16½ to 17 years of age .. .. .	2	4	0
From 17 to 18 years of age .. .. .	2	10	0
From 18 to 19 years of age .. .. .	2	19	0
From 19 to 20 years of age .. .. .	3	10	0
From 20 to 21 years of age .. .. .	4	1	0
Thereafter, as in clause 3 (a).			

### *Weekly Employment*

5. (a) The wages hereinbefore prescribed are weekly wages and are not subject to any deduction save for time lost through the worker's default, or accident, or sickness.

(b) Except in the case of casual workers, one week's notice shall be given on either side to terminate the employment; but this shall not prevent the summary dismissal of a worker for misconduct or any other good cause.

(c) The period of notice in either case shall be exclusive of the whole or part of the annual holiday required to be given in pursuance of this award.

*Proportion*

6. The proportion of boys or youths to adult workers in any establishment shall not be more than one boy or youth to each three or fraction of three adult workers employed.

*Payment of Wages*

7. All wages shall be paid in cash not later than Thursday of each week before the closing hour. Should a holiday fall on a pay-day, then payment shall be made on the working-day previous to the holiday.

*Casual Labour*

8. Casual workers shall be paid at the rate of not less than 3s. per hour. "Casual" shall mean any person whose engagement is for a period of less than one week.

*Overtime*

9. (a) All time worked in any one day outside or in excess of the hours set out in clause 2 shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) For the purpose of calculating overtime, any overtime under fifteen minutes shall count as quarter of an hour, over fifteen minutes and under thirty minutes shall count as half an hour, and over thirty minutes and under one hour shall count as one hour.

*Increase in Rates of Remuneration*

10. 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.

### *Tea-money*

11. (a) Notice shall be given prior to noon on the same day to any worker required to work overtime, and such worker shall be paid 1s. 9d. tea-money on every day on which he is employed during such extended hours.

(b) Under exceptional circumstances, shorter notice may be given by mutual arrangement between the worker and the employer concerned, provided that 2s. tea-money is paid.

### *Holidays*

12. (a) The following shall be observed as full holidays without deduction from wages: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Anniversary Day, Good Friday, Easter Monday, Labour Day, Anzac Day, and the birthday of the reigning Sovereign: Provided that outside a radius of twenty-five miles from the Chief Post-office, Dunedin, some other day may be substituted for Anniversary Day.

(b) Should any of the above-mentioned holidays, except Anzac Day, fall on a Sunday, then for the purpose of this award such holiday shall be observed on the following Monday. In the event of Christmas Day and New Year's Day being observed on a Monday in pursuance of the foregoing, Boxing Day and the 2nd January shall be observed on the Tuesday following the respective Mondays.

(c) Time worked on any of the above-mentioned holidays or on Sundays shall be paid for at twice the ordinary rates in addition to the weekly wage.

(d) No worker shall be employed after the hour of 9 a.m. on any of the holidays specified in subclauses (a) and (b) hereof or upon any other day which is observed as a holiday under this clause.

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

*Time and Wages Book*

13. Each employer shall keep and enter or cause to be kept and entered up a time and wages book in accordance with the requirements of the Shops and Offices Act, 1921-22.

*Right of Entry*

14. 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 and collect subscriptions, but not so as to interfere unreasonably with the employer's business.

*General*

15. (a) Where a worker is called upon for a period of not less than ten working-days to do work which is paid for at a higher rate than the rate he is being paid, he shall be paid such higher rate for the period he is so employed. The employer shall provide a worker transferred in emergency cases with an apron and white coat where the worker is required to wear them.

(b) A copy of this award shall at all times be affixed in some conspicuous place at or near the entrance to the shop or factory and in such a position as to be easily accessible to the persons employed therein.

(c) At all establishments suitable accommodation shall be provided for hanging up and changing clothes.

(d) A first-aid outfit, suitably equipped, shall be provided for use in case of accidents.

(e) Each shop shall supply one pair of gum boots for the use of the workers; such boots shall remain the property of the employer.

(f) This award shall not operate to compel an employer to dismiss any female assistant now employed so long as she remains with her present employer.

(g) Where it is necessary, in order to comply with the requirements of the Health Department, for white coats to be worn by the workers, the employer shall launder same or, at the option of the employer, pay for same to be laundered.

(h) Where a worker, at the request of his employer, uses his own bicycle in connection with his employment, he shall receive in addition to his weekly wage an allowance of 2s. 6d. weekly.

*Workers to be Members of Union*

16. (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*

17. (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.

#### *Closing of Shops*

18. (a) In exercise of the powers vested in the Court by section 69 of the Shops and Offices Act, 1921-22, as amended by section 17 of the Shops and Offices Amendment Act, 1927, it is ordered that all shops carrying on any of the businesses covered by this award within any district to which section 31 of the Shops and Offices Act applies or may hereafter be applied shall be closed on six days of the week at the hour of 6 p.m.: Provided, however, that this subclause shall not apply to shops selling cooked fish only or to shops in which a combined business of selling fresh fish and cooked fish is carried on if the fresh fish is withdrawn from sale at the hour of 6 p.m. on six days of the week: Provided, further, that on the working-day immediately preceding Christmas Day the closing-hour shall be 9.30 p.m., and on the working-day immediately preceding Good Friday the closing-hour shall be 8.30 p.m.

“Fresh fish” for the purpose of this subclause shall include wet fish, whitebait, smoked fish, poultry, and rabbits, but shall not include uncooked shell-fish.

(b) All the said shops shall be closed from the hour of 7 a.m. on each of the days prescribed by this award as holidays, including days lawfully observed as holidays in lieu of any prescribed.

#### *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 Otago and Southland Industrial District.

*Term of Award*

21. This award shall come into force on the 20th day of August, 1945, and shall continue in force until the 20th 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 13th day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

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**MEMORANDUM**

The principal matters settled by the Court related to hours of work, right of entry, employment of females, provision of coats and aprons, bicycle allowance, and closing-hours. The wage rates provided for in the award are in accordance with the agreement of the representatives of the parties.

A. TYNDALL, Judge.

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