

INVERCARGILL TRAMWAY 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 New Zealand Tramways Authorities' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Corporation (hereinafter called "the employers") :—

The Mayor, Councillors, and Citizens of the City of Invercargill.

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 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

Wages

1. The following shall be the minimum rates of wages payable to the undermentioned employees:—

| | Per Hour. | |
|---|-----------|-------|
| | s. | d. |
| Motormen— | | |
| First two years as motormen-cleaners | 2 | 9 |
| After two years as motormen-cleaners | 2 | 10½ |
| Car-adjusters and examiners (day workers) | 2 | 10 |
| Car-cleaners (day workers) | 2 | 9 |
| Car-shed labourers | 2 | 9 |
| Permanent-way labourers | 2 | 9 |
| | Per Week. | |
| | £ | s. d. |
| Track-cleaners and point-adjusters | 5 | 12 6 |
| | Per Hour. | |
| | s. | d. |
| Firemen and greasers (day workers) | 2 | 9 |
| Trimmers (day workers) | 2 | 9 |

Provided that during the period 4th January, 1945, to 31st March, 1945, both days inclusive, the minimum hourly rates of wages shall be 3½d. per hour less than the rates prescribed above, and the minimum weekly wage shall be 11s. 8d. per week less than the rate prescribed above.

Motormen on full roster and relief shifts shall be paid 2d. per hour additional to the rates prescribed above, and shall receive the said additional rate during holiday leave and when performing stand-by duties.

Other motormen-cleaners shall be paid 2d. per hour additional for the periods during which they are engaged in driving cars.

All broken-shift work shall be paid for at the rate of 1d. per hour additional to the above rates.

Men operating welding-machines shall be paid 2d. per hour additional to the above rates.

Increase in Rates of Remuneration

2. 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.

Hours of Work

3. (a) Forty hours shall constitute a week's work, and shall be worked on five days of the week, with not less than eight hours on each day worked.

Broken shifts shall be completed within eleven hours, except on statutory and public holidays, on which days they shall be completed within a period of twelve hours: Provided that it shall be permissible to exceed the limit of the spread of hours on one occasion each week, in which case a minimum payment of two hours at double time rates shall be made.

(b) Other workers covered by this award shall work eight hours on five days of each week.

(c) All shift-workers shall work by roster and shall receive not less than twenty-four hours' written notice of any change to such roster. Days off shall regularly rotate by a roster which shall be posted for the information of the workers concerned, and such roster shall not be altered except by mutual agreement between two workers to change the day off, in which case also twenty-four hours' notice shall be given.

Overtime

4. (a) All time worked in excess of eight hours per day shall be classified as overtime and shall be paid for at time and a half rates for the first three hours and at double time rates thereafter.

(b) All call-back and call-forward duty shall be paid for at time and a half rates for the first three hours, and thereafter double time, with a minimum payment as for two hours worked. Time worked between midnight and 6 a.m. shall be paid for at double rates, with a minimum payment as for one hour worked.

(c) Any worker required to commence a rostered shift or day's work at or after 4 p.m. shall be paid a night rate of 1d. per hour additional to the rate set out in the wages schedule.

Sunday Work, &c.

5. (a) Any worker required to work on a Sunday, Anzac Day, Christmas Day, or Good Friday shall be paid double time rates, with a minimum payment as for eight hours worked. Any worker shall, in the week following the Sunday worked, be given a day off in lieu thereof. Notwithstanding the provisions of this clause, voluntary work may be undertaken on such days for not more than six hours to meet the requirements of special functions, in which case a minimum payment of not less than four hours at double time rates shall be made.

(b) A roster shall be prepared and posted showing the particular day in the week to be observed as a day off for those workers employed on a Sunday.

Signing off and on

6. Motormen and bus-drivers shall sign on fifteen minutes previous to taking on their vehicles, and shall be allowed ten minutes after finishing work. When signing on and off intermediate shifts, motormen and bus-drivers on broken shifts and call-back duty shall be allowed five minutes each time.

Holidays

7. (a) Workers who are required to work on the holidays hereinafter specified in subclause (g) shall be paid a minimum of eight hours for each of such days worked, and shall be granted fifteen consecutive working-days' holiday leave on full pay after each nine months: Provided that any of such workers who by reason of the operation of any statute are required to be paid double time for work done on holidays shall be granted fourteen consecutive working-days' holiday leave on full pay after each twelve months.

(b) Other workers shall be granted a holiday on each of the holidays hereinafter specified in subclause (g) when any such day falls on a working-day, and shall be paid for such day eight hours at ordinary rates. Such workers shall be granted ten consecutive working-days' holiday on full pay after each year.

(c) For the purposes of this clause the terms "full pay" and "ordinary rates" shall be deemed to include any special payments normally paid to the worker concerned.

(d) Workers covered by subclause (a) of this clause, when Anzac Day, Christmas Day, or Good Friday falls during the holiday leave period, shall receive either an extra day's holiday or an extra day's pay at the option of the employer.

(e) Upon application, holiday pay shall be paid in advance.

(f) Notice to take holiday leave shall be given at least twenty-eight days prior to the date of commencement, and such holiday leave shall be taken when due and shall not be allowed to accumulate, nor shall any worker be permitted to receive payment in lieu of holidays.

(g) The following are the holidays referred to in subclause (a) and elsewhere in this award: Christmas Day, Boxing Day, New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, and Labour Day.

Inquiries

8. (a) No charge laid by an officer against an employee shall be considered unless the intention to lay such charge has been made known to such employee at the time of such alleged offence, or as soon after as practicable. Every charge shall be in writing and shall be open to the inspection of the employee concerned before he is required to answer same.

(b) In the event of a report being made by any member of the general public against an employee, the employee shall be furnished with particulars within twenty-four hours of its being received. The employee shall answer such report within forty-eight hours of its notification to him, but before doing so he shall be entitled to see and make a copy of the original.

(c) No charge shall be preferred against an employee on the complaint of any member of the general public unless such complaint has been made in writing by the person concerned within three days of the alleged offence.

(d) In computing time with respect to the above subclause, Sundays and holidays shall be excluded. The time an employee may be away from duty shall also be excluded.

(e) For breaches of discipline or other offences the manager of the undertaking may, in lieu of or in addition to inflicting suspension from duty as a punishment, reduce a motorman to a lower grade, or withhold promotion, irrespective of length of service.

(f) Any employee shall be permitted to call evidence in defence when an inquiry is held by the employer, and the employer shall, should he deem it necessary, have the person making the complaint in attendance at such inquiry. An employee may, if he so desires, have a union official present when charged with an offence.

(g) If, pending an inquiry, an employee has been suspended, and if he is exonerated, the employee shall be paid for the time so lost at ordinary rates of pay.

(h) In the case of serious accident (where men are not relieved for the purpose) fifteen minutes shall be allowed for the purpose of making out of No. 1 reports.

(i) No entry shall be made against an employee on his service record unless the employee concerned has had due notice. An employee, on application to the manager, may be allowed to inspect his record.

Promotions

9. When any appointments are made in the service, preference shall be given to employees, subject, however, in all cases to the seniority, suitability, capability, and record of the employee concerned, subject to the right of appeal conferred by the Tramways Amendment Act, 1910. This clause shall only apply to positions affected by this award. Applications shall be invited from the staff for all appointments.

Terms of Engagement

10. (a) Not less than one week's notice of termination of employment shall be given by employee and employer.

(b) The provisions of the above subclause shall not be deemed to prevent the employer dismissing any employee without notice for a good and substantial reason, nor shall they apply during the first month of employment.

(c) Any motorman who has left the service and afterwards rejoins shall not enter the traffic department in a higher grade than a motorman in the first year, or may be employed as a motorman-cleaner.

Workers to be Members of Union

11. (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 purpose 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) No Inspector or other officer of the undertaking shall be a member of the union. In the event of a member of the union being appointed to the position of Inspector, or any other office not provided for in this award, he shall immediately resign from the union.

(d) On request by the secretary of the union, the employer shall supply a list of the names of its workers employed under the provisions of the award, but not oftener than once every three months.

(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.)

Passes

12. All men in uniform or carrying passes to be provided for that purpose shall be allowed to travel free while going to or returning from work. Employees carrying passes must observe the conditions printed thereon. Should any employee attempt to travel free at any other time, or to travel to and

from work without uniform and without paying fare, or without producing the pass promptly and without delay, or break in any way the conditions printed on the passes, the privilege shall be withdrawn in respect of the employee concerned for a period of one month, and for a second offence may be withdrawn altogether.

Meal Relief

13. All workers on night shift starting work after 11 p.m. shall be entitled to thirty minutes' meal allowance, such time to be paid for.

Uniforms

14. (a) All employees required to wear uniforms shall be supplied with them at the cost of the employer. The issue shall be a tunic, trousers, and cap annually, and an overcoat every two years. All uniforms shall be and remain the property of the employer and must be returned after receiving the new issue. By arrangement with the employer an employee may be permitted to continue the use of his uniform and overcoat for a period of three months beyond the period of twelve months and two years hereinbefore respectively mentioned, in each of which cases upon the new issue being made the old uniform or overcoat, as the case may be, shall be retained by the employee and shall thenceforth become his property.

(b) Waterproof overcoats and leggings shall be provided for overhead men and track-cleaners.

(c) Two suits of denim overalls shall be supplied to all shed workers annually.

Seats

15. Each car shall be provided with a seat for the motor-man, subject to such reasonable regulations as shall be issued from time to time by the manager.

Change of Duty

16. (a) Any worker required to perform other than his normal duties shall receive the rate of pay for the higher grade of work when so employed, irrespective of whether the higher rate is that paid for his normal employment or for the work upon which he is temporarily employed. When the higher rate is for the temporary employment and the worker is so employed for four hours or more of the normal eight hours, the worker shall be paid as for a full day on the higher rate.

(b) The provisions of subclause (a) hereof shall apply whether the higher rate is provided by this award or by some other award, and they shall also apply in cases where a worker covered by this award is required, as part of his normal work, to perform tradesman's work covered by another award.

General Conditions

17. (a) No traffic worker shall be signed off for less than one hour.

(b) Workers on broken shifts shall not be signed on more than twice in any one day to complete eight hours' work.

(c) Motormen and bus-drivers shall be paid for the time they are waiting at sports, races, public functions, amusements, or while traffic is temporarily suspended.

(d) Workers operating welding-machines shall be paid 2d. per hour additional to the rates set out in the wages schedule.

(e) If a motorman at any time after taking up his duties finds he is not fitted for the work, he shall have the option to revert back to his former position as soon as the requirements of the services permit.

(f) Eligibility for increase to motorman's rates of pay shall apply from the date a cleaner first acts as a motorman.

(g) Motormen and bus-drivers shall be paid 1s. per day extra when training students. Students shall not train on late shopping nights (excepting two nights at end of the training period) and shall not train more than four hours daily.

(h) Motormen and bus-drivers shall be notified of shortages within twenty-four hours after paying in their cash each day, excepting Saturdays, Sundays, and public holidays, when notice within forty-eight hours shall be given. Shortages shall be set off against "overs" every day. Credit balances shall be carried forward. The account shall be balanced monthly, and then credit balances (if any) shall be carried forward. Motormen and bus-drivers shall be allowed to make up their own bags.

Disputes

18. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award, or any of them, as to any matter whatsoever arising out of the award (not being a question affecting rates of pay or hours of work), or if any dispute or difference shall arise between the parties, or any of them, in connection

with any matter relevant to but not dealt with in the award, every such dispute or difference shall be referred to a committee to be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be the Conciliation Commissioner for the district or a person appointed by him. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Scope of Award

19. This award shall apply to the Invercargill City Council and to all those persons employed within the scope of this award in connection with the operation of the Invercargill City Tramways and Power-house.

Term of Award

20. Except as otherwise provided, this award, in so far as it relates to wages, shall be deemed to have come into force on the 4th 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 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.

MEMORANDUM

The matters settled by the Court related to wages and additional payments, overtime, and sick-pay. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

Certain wage rates have been made payable retrospectively to the 4th January, 1945, in accordance with the agreement of the parties; and in making other wage rates payable retrospectively to the 1st April, 1945, the Court has taken into consideration the application made under the Economic Stabilization Emergency Regulations 1942, Amendment No. 5, for amendment of the expiring industrial agreement.

A. TYNDALL, Judge.