

**NEW ZEALAND (EXCEPT OTAGO AND SOUTHLAND) BREWERY
AND BOTTLING-HOUSE WORKERS.—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, and Canterbury 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 (except Otago and Southland) Brewers, Bottlers, Bottle-washers, and Aerated-water Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

NORTHERN INDUSTRIAL DISTRICT

Associated Bottlers Co., Ltd., Newmarket, Auckland.
Auckland Wine Co., Ltd., 4 Rutland Street, Auckland.
Barry, D. J., Ltd., Gisborne.
Burns, Philp, and Co., Ltd., 3 Albert Street, Auckland.
Campbell and Ehrenfried Co., Ltd., 21 Strand Arcade, Auckland.
Cooke and Co., Ltd., 127 Albert Street, Auckland.
Corban, A. A., and Sons, 28 Fort Street, Auckland.
Dominion Breweries, Ltd., Queen's Arcade, Customs Street, Auckland.
Dominion Compressed Yeast Co., Ltd., Williamson Avenue, Auckland.
Dominion Wines, Ltd., 173 Karangahape Road, Auckland.
Drysdale, C. H., and Co., Little Queen Street, Auckland.
Hancock and Co., Ltd., Customs Street, Auckland.
Hughes and Cossar, Ltd., 30 Swanson Street, Auckland.
Hutchinson (Wholesale), Ltd., Beach Road, Auckland.
Innes, C. L., and Co., Ltd., 211 Khyber Pass, Auckland.
Innes, C. L., and Co., Ltd., Hamilton.
Jowett, S., and Co., 28 Fort Street, Auckland.
Joyce, J. J., Swanson Street, Auckland.
McGill Ltd., Rotorua.
Macindoe, C. G., Proprietary, Ltd., Little Queen Street, Auckland.
Nathan, L. D., and Co., Ltd., 47 Fort Street, Auckland.
New Zealand Breweries, Ltd., Khyber Pass, Auckland.
Reid, John, and Co., Ltd., Anzac Avenue, Auckland.
Simons Proprietary (N.Z.), Ltd., Paeroa.
New Zealand Breweries, Ltd., 539 Aberdeen Road, Gisborne.
Poverty Bay Wine and Spirit Co., Gladstone Road, Gisborne.

TARANAKI INDUSTRIAL DISTRICT

Hardwicke and Robertson, Ltd., New Plymouth.
Hawera Brewery Co., Ltd., Hawera.
Malone, D. J., and Co., Ltd., Stratford.
Taranaki Brewery and Cordials Co., Ltd., New Plymouth.

WELLINGTON INDUSTRIAL DISTRICT

Bakers Standard Brewery Co., Featherston Street, Palmerston North.
 Barry's Bottling Co., Ltd., Wellesley Road, Napier.
 Burridge, Wm., and Son, Masterton.
 Burton Brewery Co., Ltd., Palmerston North.
 Cascade Brewery Co., Ltd., Taihape.
 Henderson's Kauri Brewery, Ltd., Grey Street, Woodville.
 Midland Brewery Co., Ltd., Palmerston North.
 McCarthy Brewery, Ltd., Tory Street, Wellington.
 McLraith and Co., Ltd., 140 Willis Street, Wellington.
 Newbegins Burton Brewery, Hastings Street, Hastings.
 New Zealand Breweries, Ltd., Murphy Street, Wellington.
 Preston and Co., Ltd., Wakefield Street, Wellington.
 Starnes, Mrs. M. A., St. Aubyn Road, Hastings.
 Sunshine Brewery Co., Ltd., Wellesley Road, Napier.
 Taylor, E. T., Ltd., Courtenay Place, Wellington.
 Tui Brewery Co., Ltd., Mangatainokā.
 Union Brewery Co., Ltd., Waipawa.
 Wairoa Wine and Spirit Co., Ltd., Wairoa.
 Wanganui Brewery Co., Ltd., Bates Street, Wanganui.
 Warren Smith and Co., Ltd., Port Ahuriri.
 Wellington Brewery Co., Ltd., Hutt Road, Petone.

MARLBOROUGH INDUSTRIAL DISTRICT

Ball, F. S., Dodson Street, Blenheim.
 Marlborough Brewery Co., Grove Road, Blenheim.

NELSON INDUSTRIAL DISTRICT

Nelson Breweries, Ltd., Nelson.

WESTLAND INDUSTRIAL DISTRICT

Ford, Robert, and Co., Ltd., Hokitika.
 Morley and Co., Westport.
 Stewart, A., Coal Creek, Greymouth.
 Westland Breweries, Ltd., Herbert Street, Greymouth.

CANTERBURY INDUSTRIAL DISTRICT

Ballins Breweries (N.Z.), Ltd., 82 Waltham Road, Christchurch.
 Kearns, J. H., Victoria Malthouse, Waltham Road, Christchurch.
 New Zealand Breweries, Ltd., Christchurch.
 The Canterbury (N.Z.) Seed Co., Ltd., Christchurch.
 The Dominion Compressed Yeast Co., Ltd., Christchurch.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939, 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 1st day of January, 1947, 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 18th day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to workers employed in connection with the brewing and bottling of beer, wine, and spirits; malting; bottle-washing; and manufacture of yeast and its by-products.

Definitions

2. (a) For the purpose of this award a "malthouse worker," a "brewery worker," and a "bottling-house worker" shall be deemed to be workers who are employed in or about a malthouse, a brewery, or a bottling-house respectively.

(b) For the purpose of this award a "cooper" shall be deemed to be a worker employed as such in or about a brewery.

(c) For the purpose of this award a "shift-worker" shall be deemed to be a worker who is employed outside of the hours prescribed in clause 3 hereof.

(d) For the purpose of this award a day shall be deemed to be twenty-four hours from the usual time of commencing work—*i.e.*, if a worker's first working-day commences at 6 a.m. on Monday his second day shall be deemed to commence at 6 a.m. on Tuesday, and so on.

The exception to the foregoing shall be when shifts are changed or commenced—when a special arrangement is made on the application of the workers and/or when an exception is made by the mutual consent of the parties which shall be ratified between the union's representative and the employer.

Hours of Work

3. (a) (i) The ordinary hours of work for brewery and malthouse workers shall not exceed forty hours in any one week or eight hours in any one day, which shall be worked between the hours of 7 a.m. and 5 p.m. from Monday to Friday, both days inclusive, and 7 a.m. and noon on Saturday.

(ii) The hours of work for workers employed by the Canterbury (N.Z.) Seed Co., Ltd., Christchurch, engaged on continuous processes shall be forty per week, but the employer may arrange that the weekly hours for such men may be extended to forty-four hours for alternate weeks, provided the hours of such workers do not exceed thirty-six hours per week on the alternate weeks. A monthly roster of work shall be prepared and placed in a prominent place where it may be seen by the workers. The day off for workers so employed shall rotate.

(b) In bottling-stores forty hours shall constitute a week's work, and/or eight hours in any one day, and shall be worked on Monday to Friday, both days inclusive, between the hours of 7.30 a.m. and 4.30 p.m., or between the hours of 8 a.m. and 5 p.m., or between the hours of 8.30 a.m. and 5.30 p.m., as the employer may decide, subject to the commencing hour for the first working-day of the week continuing throughout that working-week

Notwithstanding anything contained in this subclause, essential workers required for despatch and delivery may be employed on Saturday mornings.

(c) Where possible, workers shall be released from Saturday morning work. Where Saturday work is performed such work shall rotate amongst the staff at as long intervals as possible. Workers employed on Saturday mornings shall be allowed an additional half-holiday during the week from 12 noon.

(d) "*Smoke-oh.*"—All workers shall be permitted to have a break of ten minutes for rest and refreshment during the morning and afternoon without any complete cessation or interruption of the work of the factory.

Shift-work

4. (a) Shifts may be worked by employees in the malt-house and brewery and by the employees in the yeast companies, provided the workers are engaged in connection with a continuous process. Where possible, shifts shall rotate.

(b) Eight consecutive hours shall constitute a shift and forty hours a week's work. Where a worker is required to work for three or less shifts in any one week, such worker shall be paid at overtime rates: Provided that a worker may be employed to relieve a shift-worker so long as he is paid not less than the shift rates. Workers employed on shifts shall be paid the sum of 2s. 9d. per shift in addition to the ordinary wage.

(c) All time worked in excess of or outside of the ordinary shift hours shall be paid for at overtime rates, as prescribed in clause 9 hereof.

(d) Workers on shift-work shall be allowed at least a quarter of an hour crib-time on each shift without deduction from pay.

Wages

5. (a) The following shall be the minimum rates of wages to be paid to the undermentioned classes of workers:—

				Per Week.		
				£	s.	d.
Coopers	6	5 0
Headers	5	17 6
All other workers	5	15 0

(b) All wages and overtime shall be paid in cash not later than Thursday in each week. Overtime shall be calculated up to the previous Tuesday. In each case wages shall be paid during working-hours.

(c) Employers shall have the right to transfer workers from any one department to any other as the exigencies of the manufacture may require.

In the case of a worker performing work which requires a higher pay, then he shall be paid the rate specified for such work.

(d) A worker in charge of three or more workers shall receive not less than 7s. 6d. per week above the rates prescribed in this award.

(e) If a worker is in receipt of more than the rates prescribed in this award, such worker shall not have his wages reduced so long as he remains at his present employment.

Increase in Rates of Remuneration

6. Except where otherwise provided, all rates of remuneration (which term includes time and piecework rates, overtime, and other special payments) provided for in this award shall be subject to the provisions of the general orders dated the 9th August, 1940, and the 31st March, 1942, under the Rates of Wages Emergency Regulations 1940, increasing rates of remuneration as follows:—

(a) The order dated the 9th August, 1940, increases all rates of remuneration by an amount equal to 5 per cent. thereof:

(b) The order dated the 31st March, 1942, increases all rates of remuneration (inclusive of the August, 1940, bonus) by an amount equal to 5 per cent., but this increase is payable—

(i) In the case of males twenty-one years of age and over, on earnings up to £5 per week only;

(ii) In the case of females twenty-one years of age and over, on earnings up to £2 10s. per week only; and

(iii) In the case of males or females under twenty-one years of age, and apprentices, on earnings up to £1 10s. per week only.

Youths

7. (a) To meet the difficulties created by war conditions, employers may employ youths eighteen years of age and over in the following proportion: one youth to four men or fraction thereof: Provided that it shall not be permissible for an employer to dismiss an adult worker and replace him with a youth.

(b) The Dominion Compressed Yeast Co., Ltd., shall be at liberty to employ youths eighteen years of age and over in the following proportion: one youth to each four men or fraction thereof.

(c) In calculating the proportion of youths to be taken on, the required number of men must have been employed for at least two-thirds full time during the preceding six calendar months.

(d) The minimum rates of wages for youths shall be as follows:—

	Per Week.
	£ s. d.
Eighteen to nineteen years of age ..	3 2 6
Nineteen to twenty years of age ..	3 15 0
Twenty to twenty-one years of age ...	4 7 6

Females

8. Females shall not be employed in breweries, malthouses, or bottling-stores, but the Dominion Compressed Yeast Co., Ltd., may employ females for the purposes of packing and despatching of their products at the following minimum weekly rates of pay:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Fourth Year.
Under 16	27/6	32/6	37/6	42/6	47/6	52/6	60/-
16 to 17	32/6	37/6	42/6	47/6	52/6	60/-	..
17 to 18	37/6	42/6	47/6	52/6	60/-	..	..
18 to 19	42/6	47/6	52/6	60/-	..	..	..
19 to 20	47/6	52/6	60/-	..	..	..	..
20 to 21	52/6	60/-	..	..	..	..	..
Thereafter, 65s.							

Overtime

9. (a) All time worked in any one day outside of or in excess of the daily hours prescribed in clause 3 hereof shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter, except on Saturdays, when the rate shall be time and a half for the first four hours and double time thereafter.

For the purposes of this award, overtime shall be computed on a daily basis.

(b) All time worked after noon on Saturdays shall be paid for at double ordinary time rate.

(c) Any worker called back to work overtime shall be paid a minimum of two hours' overtime pay.

Holidays

10. (a) The following holidays shall be allowed without deduction from wages: Christmas Day, Boxing Day, New Year's Day, 2nd January, Anniversary Day (or Show Day), Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign.

(b) Statutory holidays, except Anzac Day, when falling on a Sunday shall be observed on the following Monday, and in the event of Boxing Day falling on a Monday it shall be observed on the following Tuesday.

(c) Time worked on a Sunday, or on any of the holidays mentioned in subclause (a) hereof shall be paid for in accordance with the provisions of the Factories Amendment Act, 1936. Shift-workers shall be paid at this rate also for all work done on any of the above-mentioned days.

Notwithstanding anything contained in this subclause, should a worker be required to work on the 2nd January, he shall receive ordinary time rates for time so worked and one day's additional holiday with his annual holiday.

Any worker called out for work on a Sunday or any of the holidays mentioned in subclause (a) hereof, or not having worked on Saturday morning, and called out to work on Saturday afternoon, shall be paid a minimum of two hours' overtime pay for each call.

(d) The provisions of the Annual Holidays Act, 1944, shall apply to workers covered by this award.

Casual Workers

11. (a) Casual workers shall be paid a minimum wage rate of one-fortieth of the weekly rate.

(b) A "casual worker" is a worker who is employed for a period not exceeding one week.

Meal-money

12. (a) When a worker is called upon to work overtime in excess of three-quarters of an hour and notice of requirement to work overtime has not been given on the previous working-day, 2s. tea-money shall be paid.

(b) When a worker has been notified on the previous working-day that he is required to work overtime, and the notice is withdrawn on the day on which the overtime was to be worked, he shall receive a payment of 2s.

(c) The provisions of clause 6 of this award increasing rates of remuneration shall not apply to the payments provided for in this clause.

Special Provisions

13. (a) Where malthouse men are not required at malting, they shall be given employment about the brewery or bottling-store for the remaining portion of the year, with the exception of those who have not been employed in the malthouse for the whole season.

(b) The temperature of a kiln shall not register more than 160 degrees Fahrenheit while the men are working in such kiln.

(c) Men working in excessive heat shall be allowed fifteen minutes before starting work in a cold temperature.

(d) (i) Any worker required to dukeron the inside of any enclosed cylinder, pasteurizer, or vat shall be paid 10s. 6d. in addition to his ordinary wages for each day or part of a day he is so employed.

(ii) Any worker required to repair, paint, or enamel the inside of any enclosed cylinder, pasteurizer, or vat shall be paid 7s. 6d. in addition to his ordinary wages for each day or part of a day he is so employed.

(iii) Any worker required to paint, enamel, varnish, or dukeron an open vat, of a depth of eight feet or over, shall be paid 7s. 6d. in addition to his ordinary wages for each day or part of a day he is so employed.

Workers employed under this subclause shall be allowed ten minutes off for a shower or a bath.

(e) Any worker required to enamel or dukeron shall be provided with overalls, gloves, and an air-fed helmet to the satisfaction of the Department of Health.

(f) Adequate facilities shall be provided for workers to wash, and, where reasonably practicable, hot water and a drying-room shall be provided, and where necessary a shower-bath shall be provided for malthouse and brewery workers.

(g) Malt-bin veils shall be provided for all workers needing them. Mits and masks and first-aid appliances shall be kept available for all employees.

(h) A worker who is employed in a "chilling-room" shall be paid 5s. per week in addition to his ordinary wage.

(i) When a mash tun of over 100 bushels dry weight has to be cleaned, at least two men shall, where practicable, be employed.

(j) Workers employed in an amber-kiln where the air-temperature 4 ft. from the floor is 160 degrees Fahrenheit or more shall be paid 2s. 6d. per week extra.

(k) The employer shall provide each employee engaged in wet or damp places with suitable boots and rubber or leather aprons, and, if necessary, oilskins for outside work.

(l) Within six months of the coming into operation of this award suitable mess-rooms will be provided for the use of workers.

(m) Suitable aprons shall be provided for all workers engaged in stacking cases.

(m) Any worker employed working inside furnaces or cleaning combings from kilns or removing accumulations of grain dust in maltheuses or malt-stores shall be paid 4d. per hour additional whilst so employed.

(o) Adequate heating facilities shall be provided in winter for females employed by yeast companies.

Disputes

14. 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 or connected therewith and not dealt with in this 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 appointed by the Conciliation Commissioner for the district. 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.

Termination of Employment

15. In the case of workers other than casual hands, a week's notice shall be given by the employer or the worker, as the case may be, but this shall not prevent the employer from summarily dismissing any worker for good cause.

Right of Entry upon Premises

16. (a) The secretary or other authorized officer of the union 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.

(b) Employers shall, once in every six months, if requested by the union, supply a list of workers in their employment.

Lost Time

17. No deduction shall be made from weekly wages on account of holidays, wet weather, or from causes, other than the default or absence of the worker, over which the employer has no control.

Exemptions

18. Nothing in this award shall apply to coopers employed by—

A. A. Corban and Sons, Ltd., 28 Fort Street, Auckland,
 Dominion Breweries, Ltd., Dilworth Building, Customs
 Street, Auckland,
 Dominion Compressed Yeast Co., Ltd., Williamson
 Avenue, Grey Lynn, Auckland,
 New Zéaland Breweries, Ltd., Khyber Pass Road,
 Auckland,

who are already covered by the Northern Industrial District Coopers' award, dated the 24th day of April, 1942, and recorded in 42 Book of Awards 318.

Extension of Hours under Factories Act

19. 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 this award.

Workers to be Members of Union

20. (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

21. (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

22. 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 districts to which this award relates.

Scope of Award

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

Term of Award

24. 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 1st day of January, 1947.

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 18th day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

In making the award, which embodies the terms of settlement arrived at by the assessors in Conciliation Council, the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.
