

CANTERBURY AND OTAGO AND SOUTHLAND **FELLMONGERS.**—  
AWARD

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

In the Court of Arbitration of New Zealand, Canterbury and Otago and Southland 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 Freezing-works and Related Trades' Industrial Association of Workers (hereinafter called "the union") and the under-mentioned firms and companies (hereinafter called "the employers") :—

Bayley, Tomkins, and Hedges, Ltd., Oamaru and Green Island.

Bell Bros., Milton.

Bowron, G. L., and Co., Ltd., King Edward Terrace, Woolston.

Cundell's By-products, Ltd., Invercargill.

Rishworth Bros., Dunedin.

Southland Butchers' By-products, Ltd., P.O. Box 100, Invercargill.

Wallis, R. and F. (1936), Ltd., Gore.

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 day of the date hereof and shall continue in force until the 25th day of September, 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 25th day of September, 1945.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

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

1. This award shall apply to the fellmongering industry, other than freezing-works covered by the New Zealand (except Westland) Freezing-workers' award (45 Book of Awards 229).

##### *Hours of Work*

2. (a) A week's work shall not exceed forty-four hours, to be regulated by the employer according to the special requirements and circumstances of his business, but so that the ordinary hours of work shall be eight per day on five days of the week, between 7.30 a.m. and 5 p.m., and four on Saturday, between 7.30 a.m. and noon. Not less than three-quarters of an hour shall be allowed for a meal, unless otherwise agreed upon.

(b) Workers may be employed on shift-work for not more than forty-four hours in any one week without payment of overtime, and shall, during each shift, be allowed thirty minutes for a meal without deduction from wages. The normal shift shall consist of eight consecutive hours, but the working of the forty-four-hour week on shift-work shall be mutually arranged between the employer concerned and the union.

(c) When a worker is employed on shift-work for less than three consecutive days in any one week, the provisions of subclause (a) hereof shall apply.

(d) *Shift-workers.*—A worker employed on shift-work under subclause (b) of this clause shall be paid 2s. per shift if any part of such shift falls between 5 p.m. and 7.30 a.m. the following day, such payment to be in addition to the wages prescribed in clauses 3 and 4 of this award.

(e) Unless with the consent of the union, no worker under the age of eighteen years shall be allowed on morning or evening shifts.

#### *Wages of Adults*

3. (a) The following shall be the minimum rates of wages for workers twenty-one years of age or over:—

				Per Hour.	
				s.	d.
Pullers	..	..	..	3	0½
Machine splitters	..	..	..	3	0
Pelt classers and curers	..	..	..	3	0
Machine pelt fleshers	..	..	..	2	10
Machine and hand scudders on pelts (including cobing and piecing)	..	..	..	2	10
Painters	..	..	..	2	9½
Pressers (hand)	..	..	..	2	9
Pressers (power)	..	..	..	2	8½
Lime dolleymen	..	..	..	2	8½
Workers principally employed in handling wet wool or wet pelts	..	..	..	2	8½
All other workers	..	..	..	2	7½

(b) When workers are required to enter flues or back-end smoke-boxes for the purpose of cleaning them, or to chip or clean the interior of boilers while such boilers are laid off for inspection or overhaul, they shall be paid 2s. extra per day or part of a day while so employed.

#### *Employment of Youths*

4. (a) Youths may be employed at the following minimum rates of pay:—

				Per Week.		
				£	s.	d.
Under 16 years of age	..	..	..	1	7	6
16 to 16½ years of age	..	..	..	1	12	6
16½ to 17 years of age	..	..	..	1	17	6
17 to 17½ years of age	..	..	..	2	2	6
17½ to 18 years of age	..	..	..	2	10	0
18 to 18½ years of age	..	..	..	2	15	0
18½ to 19 years of age	..	..	..	3	2	6
19 to 20 years of age	..	..	..	3	12	6
20 to 21 years of age	..	..	..	4	5	0

(b) The number of youths employed shall not exceed one youth to every three or fraction of three workers over twenty-one years of age so employed.

(c) No deduction shall be made from the weekly wages mentioned in this clause except for time lost by the worker through his own default, sickness, or accident.

#### *Increase in Rates of Remuneration*

5. 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.

#### *Overtime*

6. (a) Work done outside of or in excess of the daily hours specified 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) In the case of shift-workers, overtime at the above-mentioned rates shall be paid in excess of the specified shift hours.

### *Holidays*

7. (a) All workers shall receive the following holidays in each year: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign.

(b) Each of the holidays mentioned in subclause (a) of this clause shall be subject to the provisions of the Factories Amendment Act, 1936, as amended by section 17 of the Statutes Amendment Act, 1938, and section 25 of the Statutes Amendment Act, 1941, and shall be paid for in accordance therewith as an ordinary working-day. Piece-workers shall in such cases be paid the rates specified herein for time-workers.

(c) All work done on any of the holidays mentioned in subclause (a) of this clause shall be paid for at double rates, in addition to the ordinary rates payable under subclause (b) of this clause.

(d) The 2nd January and Anniversary Day shall be allowed as holidays; but an adult worker shall not be entitled to pay for such days unless he works, in which case he shall be paid for the time worked at the rate of time and a half.

(e) In districts where Anniversary Day is not generally observed as a holiday, another day, to be agreed upon between the industrial union of workers and the employers in such district, shall be allowed as a holiday. The unions shall advise the Inspector of Factories for the district of the day agreed upon.

(f) When a holiday, other than Anzac Day, falls on a Sunday, such holiday shall be observed on the Monday following. When Christmas Day falls on a Sunday, Boxing Day shall be observed on the Tuesday following.

(g) In addition to the holidays specified in subclause (a) of this clause, holidays shall be allowed as provided in the Annual Holidays Act, 1944.

(h) All time worked on Sundays shall be paid for at double rates.

### *Payment of Wages*

8. Wages shall be paid weekly or fortnightly on any day other than Friday.

### *Termination of Employment*

9. Where the employment extends beyond one month, three days' notice of the termination of the employment shall be given by the employer or worker, as the case may be; but this shall not prevent the employer from summarily dismissing a worker for misconduct.

*Tools and Equipment*

10. (a) The employer shall provide all tools and the equipment reasonably necessary to carry on the work.

(b) Where necessary, workers shall be supplied with waterproof aprons, overalls, leggings, vamps, and gloves, and either clogs, gum boots, or watertight boots at the employer's option.

*General Provisions*

11. (a) Proper provision shall be made for dining and dressing accommodation and for drying wet clothes. Workers shall leave the dining and dressing rooms in a clean and tidy condition after use, but the normal sweeping and cleaning shall be the responsibility of the employers.

(b) Suitable accommodation shall be provided for employee's bicycles.

(c) Suitable washing accommodation with both hot and cold water shall be provided.

(d) A first-aid outfit shall be kept in a convenient place accessible to workers.

(e) Any worker, not having been informed before leaving work that there will be no work on the following day, who presents himself at the works shall, in the event of there being no work, receive not less than two hours' pay.

(f) An interval of ten minutes for "smoke-oh" shall be allowed each morning and afternoon.

*Matters not provided for*

12. Any dispute in connection with any matter not provided for in this award shall be settled between the employer and the secretary or president of the union, and in default of agreement being arrived at, then such dispute shall be referred to the 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.

*Right of Entry upon Premises*

13. 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.

*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.

#### *Extension of Hours under Factories Act*

16. 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.

#### *Application of Award*

17. 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*

18. This award shall operate throughout the Canterbury and Otago and Southland Industrial Districts.

#### *Term of Award*

19. This award shall come into force on the day of the date hereof, and shall continue in force until the 25th day of September, 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 25th day of September, 1945.

[L.S.]

A. TYNDALL, Judge.



## MEMORANDUM

The principal matters referred to and settled by the Court related to hours of work, shift-work, shift allowance, wages and classifications, dirty-work payment, holidays, provision of overalls, afternoon "smoke-oh," and changing-time.

In making the award the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

A. TYNDALL, Judge.

---