

NORTHERN (EXCEPT AUCKLAND TEN-MILE RADIUS) **LOCAL BODIES' LABOURERS.—AWARD**

In the Court of Arbitration of New Zealand, Northern 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 Auckland District Labourers and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Boards, Council, and society (hereinafter called "the employers") :—

Hamilton Beautifying Society, Hamilton.
Hamilton Borough Council, Hamilton.
Helensville Town Board, Helensville.
Waikato Hospital Board, Hamilton.
Waitemata Power Board, Auckland.

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 on the 17th day of September, 1945;

and shall continue in force until the 17th 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 14th day of September, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. (a) This award shall apply to the work done by the classes of workers mentioned in clause 4 hereof who are employed by the local bodies and other public bodies parties hereto.

(b) Nothing in this award shall apply to persons engaged as latrine attendants, bath attendants, motor-camp or park attendants, night-watchmen, weighbridge attendants, or care-takers.

Hours of Work

2. (a) (i) The normal hours of work shall be forty per week, eight of which shall be worked on each of five days of the week, Monday to Friday, both days inclusive.

(ii) The normal hours shall be worked between the hours of 7.30 a.m. and 5.30 p.m. on five days of the week, Monday to Friday, both days inclusive.

(iii) Notwithstanding the foregoing, to provide a measure of elasticity in the case of essential work, one hour extra may be worked before 5.30 p.m. without payment of overtime on any day from Monday to Friday, both days inclusive, provided always that not more than forty hours are worked at ordinary rates of pay in any one week.

(iv) In addition, notwithstanding any of the provisions hereof, when men lose time through no fault of their own they may by mutual agreement, if employed by the hour, but shall, if employed by the week, if so required by the employer, make up so much of such lost time as may be possible by working not more than one hour extra each day on any of the five days from Monday to Friday, both days inclusive, between the hours of 7.30 a.m. and 5.30 p.m. in the week in which the time is lost or the following week.

(v) The clock-hours mentioned in paragraph (ii) hereof shall not apply to workers whose work is affected by tidal conditions.

(vi) The interval for meals shall be a matter for mutual arrangement between the employer and the worker.

(vii) No worker shall work more than five hours continuously without an interval for a meal.

(b) The ordinary hours of work of street sweepers and cleaners, grave-diggers or sextons, latrine-cleaners, and Thames water-race workers shall not exceed forty per week, to be worked on five and a half days of the week. The day and a half off duty to be allowed each week shall be mutually arranged between the employer and the worker.

Shifts

3. Shifts may be worked where necessary and, subject to the provisions of clauses 11 and 12, each shift shall consist of eight hours, including crib-time, and five shifts shall constitute a week's work. Workers employed on afternoon or night shifts shall be paid 1s. 6d. per shift in addition to their ordinary rate of pay. Any shift starting between 6 p.m. and 6 a.m. is either an afternoon or a night shift. This clause shall apply only where shifts are worked on three or more consecutive working-days.

Wages

4. (a) The following shall be the minimum rates of wages:—

	Per Hour.		Per Week.	
	s.	d.	£	s. d.
Rock-drill men (popper and machine drills), shot-firers	2	11½	5	12 6
Tool-sharpeners	2	11½	5	12 6
Sanitary-drain layers	2	11½	5	12 6
(A "sanitary drain" shall be deemed to be a drain used for sewerage and not for storm-water.)				
Men working in tunnels	2	11½	5	12 6
(A "tunnel" shall mean any underground excavation that is over 15 ft. in length or any shaft or excavation over 15 ft. in depth.)				

	Per Hour.		Per Week.		
	s.	d.	£	s.	d.
Kerb-setters	2	10½	5	10	0
Water-service layers	2	10½	5	10	0
Pipe jointer or caulker	2	10½	5	10	0
Timbermen	2	10½	5	10	0
Quarrymen	2	9½	5	7	6
Pipelayers	2	9½	5	7	6
Grave-diggers	2	9½	5	7	6
Stone-crusher feeders	2	9½	5	7	6
Men scything grass	2	9½			
Flame-throwers	2	9½			
Men employed in sinking shafts or digging trenches 6 ft. deep and up to 15 ft.	2	9½			
Yardmen	2	8½	5	5	0
Labourers not otherwise specified	2	8½	5	5	0

(b) A "working foreman," "ganger," or "leading hand" is a worker in control of at least four other men working as a gang, and shall be paid a minimum of 1s. per day extra while so employed.

(c) Workers whilst engaged in disinterment or reinterment shall receive 2s. 6d. per disinterment or reinterment, in addition to their ordinary wage.

(d) Permanent hands who are in receipt of weekly wages of not less than £5 12s. 6d. shall do any work required by the employer to be done.

(e) The employer shall have the right to determine whether the workers, or any of them, shall be employed at hourly or weekly rates of wages.

(f) Should an employer dismiss any worker (except for misconduct) within one month after having engaged him at a weekly rate, he shall nevertheless pay him at the prescribed hourly rate.

(g) The employer may make a rateable deduction from the weekly wages prescribed for any time lost by the worker through sickness, accident, or default.

Payment of Wages

5. (a) Wages shall be paid weekly and in cash in the employer's time not later than Thursday of each week.

(b) Not more than two days' pay shall be kept in hand by the employer.

(c) When a worker is discharged he shall be paid without delay, and when a worker leaves a job he shall, on demand, be paid within twenty-four hours of leaving. All waiting-time beyond the prescribed time shall be paid for at ordinary rates.

Overtime

6. (a) Time worked outside the hours mentioned in clause 2 in any one day shall be deemed to be overtime and paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Any time worked in excess of five hours without an interval of half an hour for a meal shall be paid for at double time rates until the break occurs.

Holidays

7. (a) The recognized holidays shall be New Year's Day, Good Friday, Easter Monday, Anzac Day; the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and two other days to be arranged between the local body and its workers, and no deduction shall be made from the wages in respect of such holidays.

(b) When any holiday, other than Anzac Day, falls on a Sunday, the following day shall be observed.

(c) Workers required to work on a Sunday or on any of the above-mentioned holidays shall be entitled to receive payment at the ordinary rates in addition to the holiday pay: Provided that yardmen and complaint-men engaged in essential services shall be entitled to not less than time and a half for any such days. The minimum payment for work done on Sundays or any of the above-mentioned holidays shall be two hours' pay.

(d) The Thames Borough Council shall be exempt from the provisions of this clause, so far as water-race workers are concerned, so long as these workers are granted fifteen working-days' leave each year on full pay, inclusive of the holiday provided for in clause 8.

(e) It shall be competent for any worker to arrange with his employer that, in lieu of observing the above-mentioned holidays as they fall due, such holidays may be allowed to accumulate and may be taken at such times as may be mutually arranged.

Annual Holiday

8. The provisions of the Annual Holidays Act, 1944, shall be deemed to be incorporated in this award and shall have effect according to their tenor.

Variation of Rates

9. Nothing in this award shall prevent any worker covered hereby from doing work covered by another award, provided that while so engaged he shall be paid at least the rate which is fixed in such other award.

Travelling-time

10. (a) Labourers employed by Borough Councils, when required to commence work over one and a half miles distant from a central point in each district to be mutually agreed upon between the union and the employer, shall proceed to and from such work or shall be conveyed to and from such work at the expense of the employer, as the employer shall determine.

(b) Time reasonably occupied by workers in travelling or time occupied in conveying the workers to and from such work beyond the one-and-a-half-mile radius before mentioned shall be allowed and paid for by the employer at ordinary rates.

(c) No worker residing less than one and a half miles from the place where the work is to be performed by the nearest convenient mode of access for foot-passengers shall be entitled to the allowance mentioned in this clause.

(d) When a worker is regularly required to use his own bicycle in the course of his employment he shall be paid an allowance of 2s. per week.

Wet. Places

11. Six hours shall constitute a day's work where workers are working in wet places or foul air, and shall be paid for as if the workers had worked eight hours. A "wet place" shall mean a place where workers are standing in water or slush 3 in. or more in depth, or where water other than rain-water is dripping on them; but if the employer shall provide the workers with overalls or gum boots, or both, the place shall not be deemed to be a wet place unless, owing to the depth of the water or soakage, the boots or overalls supplied do not adequately protect the worker.

Tunnel-work

12. In tunnel-work the hours shall not exceed seven and a half hours per day, exclusive of half an hour for crib-time. Workers shall be paid as if they had worked eight hours.

Septic Tanks

13. Six hours shall constitute a day's work when workers are cleaning and removing offal from septic tanks, and workers shall be paid as if they had worked eight hours; and nothing in this award shall disturb the arrangement existing between the union and the Hamilton Borough Council.

Dirty Work

14. (a) Labourers whose clothes are unavoidably and materially damaged by tar or bitumen in the course of their employment shall be paid 1s. per day extra.

(b) Labourers employed in carrying or boiling free tar or bitumen, and workers engaged in directing the nozzle or sprayer in spraying tar, bitumen, or emulsion, shall be supplied with boots, overalls, and oil.

(c) Workers engaged in directing the nozzle or sprayer in spraying tar, bitumen, or emulsion shall receive 1s. 6d. per day extra.

(d) "Free tar" or "bitumen" shall mean tar or bitumen which is not enclosed in barrels or drums.

(e) Workers employed cleaning silt from sewers shall, where necessary, be supplied with gum boots and overalls.

(f) Repairers of sewers, including branch connections, shall, where necessary, be supplied with liquid disinfectant, gum boots, and overalls.

(g) Before work on a sewer is commenced, it shall first receive adequate ventilation and disinfection where necessary.

Stoppage of Work

15. If hourly workers are required by the employer to stand by in wet weather they shall be paid for such waiting-time until definitely sent home, with a minimum payment of two hours per day.

Meal Allowance

16. Where a worker is called upon to work overtime later than one hour after his ordinary knocking-off time for the day, the employer shall either provide such worker with a

meal or pay 2s. meal-money, provided such worker cannot reasonably get home for a meal, and provided, further, that he has not been notified of such overtime on the previous day.

The provisions of clause 28 of this award increasing rates of remuneration shall not apply to the meal-money payment provided for in this clause.

Men handling Stone under Water

17. Where workers are removing boulders, metal, or stone by hand from under water in river or creek beds they shall be paid 2d. per hour extra while so employed, and shall be provided with watertight gum boots. The provisions of clause 11 shall not apply to these workers while they are working under the foregoing conditions.

Quarry-work

18. Quarry-work shall be carried out under the provisions of the Quarries Act.

Timbering

19. All timbering shall be done in accordance with the provisions of the Scaffolding and Excavation Act, 1922.

Ventilation

20. In all drives and tunnels where the air is bad, adequate provision shall be made whereby workers at the face shall be supplied with fresh air equivalent to 30 cubic feet per man per minute.

Termination of Employment

21. In the case of weekly workers, one week's notice on either side shall terminate the engagement. In the case of casual workers, two hours' notice on either side shall terminate the engagement, and all wages due shall be paid immediately on dismissal.

Tools

22. (a) Where necessary, all tools shall be supplied and kept in proper order by the employer.

(b) Employers shall supply suitable oilskin raincoats to surfacemen and refuse-collectors when they are required to work in wet weather, and to workers required in wet weather to clear sumps, culverts, drains, or water-tables. Workers using oilskin raincoats shall be held responsible for any loss or damage due to wilful destruction or neglect.

Accommodation

23. (a) Where reasonably necessary, the employers shall provide accommodation to enable workers to change and dry their clothes and have their meals.

(b) Where practicable, the accommodation shall be kept free of tools and stores, and shall be kept clean by the employer.

Accidents

24. A modern first-aid emergency kit shall be kept by the employer in a convenient and accessible place in every place where the Inspector of Awards shall deem necessary.

Workers' Representative

25. Where he can lawfully do so, an employer bound by this award shall permit the secretary or other authorized officer of the union to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Matters not provided for

26. 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 or such other person as may be agreed on by the parties concerned, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner or such other appointed person, may appeal to the Court upon giving written notice of such appeal to the other party within seven days after such decision shall have been communicated to the party desiring to appeal.

Exemption

27. This award shall apply to Harbour Boards only in respect of casual workers who come within the scope of this award and who are paid by the hour.

General Orders under Rates of Wages Emergency Regulations 1940

28. The two general orders made under the Rates of Wages Emergency Regulations 1940, and dated 9th August, 1940, and 31st March, 1942, respectively, shall be deemed to be incorporated in this award and shall have effect according to their tenor.

Workers to be Members of Union

29. (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 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) Employers shall provide the union secretary, on request, with a list of their workers, but not more often than twice a year.

(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

30. (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

31. 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 that portion of the industrial district to which this award relates.

Scope of Award

32. This award shall apply to Borough Councils (except Gisborne Borough Council), Harbour Boards, Town Boards, Power Boards, Hospital Boards, and beautifying societies in the Northern Industrial District outside of a radius of ten miles from the Chief Post-office in the City of Auckland.

Term of Award

33. This award shall come into force on the 17th day of September, 1945, and shall continue in force until the 17th 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 14th day of September, 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.

A. TYNDALL, Judge.