

NEW ZEALAND DAIRY-FACORIES' EMPLOYEES.—AMENDMENT
OF AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and the Economic Stabilization Emergency Regulations 1942; and in the matter of the application for amendment of the New Zealand Dairy-factories' Employees' award, dated the 11th day of December, 1944, and recorded in 44 Book of Awards 1089.

IN pursuance and exercise of the powers vested in it by Regulation 39A of the Economic Stabilization Emergency Regulations 1942 and by section 92 of the Industrial Conciliation and Arbitration Act, 1925, and upon application made by parties to the New Zealand Dairy-factories' Employees' award, dated the 11th day of December, 1944, and recorded in 44 Book of Awards 1089, this Court doth hereby order as follows:—

1. That the said award shall be amended—

(i) By deleting subclause (b) of clause 2 (Hours of Work), and substituting therefor the following subclause:—

“(b) Such hours shall be worked on the first five days on which the worker works in any week, with a maximum of ten hours on any day without payment of overtime.”

(ii) By deleting clause 5 (Saturdays and Sundays), and substituting therefor the following clause:—

“Saturdays and Sundays

“5. In addition to any overtime payment to which the worker may be entitled, for all time worked in excess of four hours on any Saturday, and for all time worked after 1 p.m. on any Saturday, and for all time worked on any Sunday, a worker shall be paid at the rate of half ordinary time in addition to his ordinary rate: Provided that where any work is done on a Sunday the minimum payment shall be for four hours.”

(iii) By deleting subclause (b) of clause 6 (Holidays), and substituting therefor the following:—

“(b) For work done on any of the said holidays a worker shall receive one day's wages at ordinary rates in addition to his ordinary weekly wage or be allowed a day off in lieu of the said holiday.”

(iv) By deleting clause 8 (Wages), and substituting therefor the following clause:—

“ *Wages*

“ 8. The minimum rates of wages payable to the respective classes of workers shall be as follows:—

“(a) *Butter-factories*—

“(i) Where manager and fifteen hands or over are employed—	Per Week.
	£ s. d.
“ First assistant	6 5 8
“ Second assistant	5 19 2
“ Third assistant	5 11 2
“ Fourth assistant	5 7 2
“ All other workers	5 1 8

“(ii) Where manager and ten to fourteen hands are employed—	
“ First assistant	6 5 8
“ Second assistant	5 19 2
“ Third assistant	5 11 2
“ All other workers	5 1 8

“(iii) Where manager and six to nine hands are employed—	
“ First assistant	6 5 8
“ Second assistant	5 19 2
“ All other workers	5 1 8

“(iv) Where manager and three to five hands are employed—	
“ First assistant	6 5 8
“ All other workers	5 1 8

“(v) Where manager and one or two hands are employed—	
“ General hands	5 1 8

“(vi) *Cream-grading*: Where three or more assistants are required by the classification or where the number of suppliers exceeds one hundred, the cream-grader shall, in either case, be a worker other than a classified assistant and shall be paid not less than the wages of a second assistant; but where less than three assistants are required and where there are less than one hundred suppliers, cream-grading may be done either by an assistant or by another worker as directed by the manager, and if done by a worker other than an assistant such worker shall be paid 1s. per day in addition to his ordinary wages for each day or part of a day he is grading cream.

<i>(b) Cheese-factories—</i>		Per Week.
“(i) Where ten vats or over are in use—		£ s. d.
“ First assistant .. ..	..	6 5 8
“ Second assistant .. ..	..	5 19 2
“ Third assistant .. ..	..	5 11 2
“ Fourth assistant .. ..	..	5 7 2
“ All other workers .. ..	..	5 1 8
“(ii) Where seven vats and over are in use—		
“ First assistant .. ..	..	6 5 8
“ Second assistant .. ..	..	5 19 2
“ Third assistant .. ..	..	5 11 2
“ All other workers .. ..	..	5 1 8
“(iii) Where four to six vats are in use—		
“ First assistant .. ..	..	6 2 2
“ Second assistant .. ..	..	5 14 2
“ All other workers .. ..	..	5 1 8
“(iv) Where two or three vats are in use—		
“ First assistant .. ..	..	5 19 2
“ All other workers .. ..	..	5 1 8
“(v) Where one vat is in use—		
“ General hands .. ..	..	5 1 8

“(vi) Classification of Cheese-factories: The number of vats in use in a factory during any season shall be the maximum number of vats in continuous use for a period of more than forty days in that season.

“(vii) During the off-season workers who are then employed in or about cheese-factories shall receive the same rates of wages as they received immediately prior to the factory closing down.

“(viii) Except in the case of absence through sickness not exceeding one week, in cheese-factories where three or more vats are in use for a continuous period of more than forty days there shall be working each day one man to each vat of up to 900 gallons capacity actually in use: Provided that when seven or more vats are actually in use an extra man shall be working on each day. Where less than three vats are in use for a continuous period of forty days there shall be working on each day one man for every 700 gallons of milk or part thereof, and in this case the manager may be counted as one man.

“Without in any way affecting the application of the provision in respect of vats of 900 gallons capacity or under, where vats of over 900 gallons capacity are in use there shall be working each day one man for every 900 gallons or part thereof of milk made into cheese in such vats of over 900 gallons capacity, and, for the purpose of determining the

classification of a cheese-factory under clause 8 (b) (vi), there shall be deemed to be in use one vat for every man working in respect of vats of over 900 gallons capacity.

"(ix) Where a whey-butter maker is substantially employed as such he shall be paid the wages provided for a first assistant in that factory.

"Time occupied in separating shall, for the purpose of this clause, be deemed to be part of the work of whey-butter making.

	Per Week.
	£ s. d.
"(c) Cheese-curing Stations: General hands ..	5 1 8

"(d) Butter-packing Houses where no Manufacturing is done—

"(i) Where two to six workers are employed: Leading hand, £5 4s. 8d. per week; all other adult male workers, £5 1s. 8d. per week.

"(ii) In packing-houses, youths may be employed in the proportion of one youth to each adult worker employed. Any number of females may be employed for the sole purpose of packing butter.

"(e) Cream-bulking Depots—	Per Week.
	£ s. d.
" Man in charge	5 16 8
" All other workers	5 1 8

"(f) Milk-powder Factories—

"(i) Spray process (in factories with two units or less there shall be a first assistant and second assistant; for each unit above two an extra assistant shall be employed)—

" First assistant	6 5 8
" Second assistant	5 19 2
" Third assistant	5 11 2
" Fourth assistant	5 7 2
" Fifth assistant	5 4 8
" Pumpmen—where not employed and classified as first, second, or third assistant	5 11 2
" Milk-grader—where not employed and classified as first, second, or third assistant	5 11 2
" Separator-man—where not employed and classified as first, second, or third assistant	5 11 2

	Per Week.		
	£	s.	d.
"(i) Spray process, &c.— <i>continued</i>			
" Milk-powder grader—			
" Two-unit plant	5	11	2
" Three-unit plant	5	13	8
" Four-unit plant	5	16	2
" Flume and copper men	5	4	8
" All other workers	5	1	8
"(ii) Roller process (applicable to factories producing in excess of 500 tons per annum)—			
" Foreman	6	5	8
" Operators of milk driers—			
" Senior operators	5	19	2
" Other operators	5	11	2
" Milk stage hands—			
" Leading hand	5	14	2
" Other hands	5	1	8
" Separator-man	5	11	2
" Standardizer	5	11	2
" Standardizer's assistant	5	1	8
" Packer operating hydraulic press	5	9	2
" Weigher on top floor	5	1	8
" Packed milk-powder store hands—			
" Head man	5	4	2
" General hands	5	1	8
" All other workers	5	1	8
"(g) <i>Condensed-milk Factories</i> —			
" First assistant	6	5	8
" Second assistant	5	19	2
" Third assistant	5	11	2
" Fourth assistant	5	7	2
" Vacuum-pan operator—where not employed and classified as first, second, or third assistant	5	11	2
" Milk-grader—where not employed and classified as first, second, or third assistant	5	11	2
" Separator-man—where not employed and classified as first, second, or third assistant	5	11	2
" All other workers	5	1	8

"(h) *Casein-creameries*.—The daily average gallonage qualification in all cases refers to the average daily gallonage of fresh milk received over the four flush weeks of the season.

"The daily gallonage clause operates in the manning scale only.

“Manning Scale (Lactic Casein)—

- “Up to 1,400 gallons daily: 1 creamery-manager.
- “Over 1,400 gallons and up to 3,600 gallons daily:
1 creamery-manager; 1 casein-maker.
- “When the daily gallonage exceeds 3,600 gallons and does not exceed 6,000 gallons: 1 creamery-manager; 1 casein-maker; 1 general hand.
- “When the daily gallonage exceeds 6,000 gallons and does not exceed 9,000 gallons: 1 creamery-manager; 1 casein-maker; 2 general hands.
- “When the daily gallonage exceeds 9,000 gallons: 1 additional general hand to be employed for every 3,000 gallons or part thereof in excess of 9,000 gallons.

“Permanent employment shall be provided for all creamery-managers.

“Permanent employment shall be provided for a casein-maker in any creamery where the daily average supply of fresh milk over the period of the four flush weeks of the season exceeds 2,000 gallons.

“Wages:—

- “In creameries where the daily average does not exceed 1,200 gallons: Creamery-manager, £5 8s. 8d. per week.
- “In creameries where the daily average exceeds 1,200 gallons but does not exceed 1,400 gallons: Creamery-manager, £6 1s. 2d. per week.
- “In creameries where the daily average exceeds 1,400 gallons but does not exceed 3,600 gallons: Creamery-manager, £5 3s. 8d. per week; casein-maker, £5 7s. 8d. per week.
- “In creameries where the daily average exceeds 3,600 gallons but does not exceed 6,000 gallons: Creamery-manager, £5 9s. 2d. per week; casein-maker, £5 7s. 8d. per week; general hands, £5 1s. 8d. per week.
- “In creameries where the daily average exceeds 6,000 gallons but does not exceed 8,000 gallons: Creamery-manager, £5 11s. 8d. per week; casein-maker, £5 7s. 8d. per week; general hands, £5 1s. 8d. per week.
- “In creameries where the daily average exceeds 8,000 gallons but does not exceed 10,000 gallons: Creamery-manager, £5 15s. 2d. per week; casein-maker, £5 7s. 8d. per week; general hands, £5 1s. 8d. per week.

“Wages—*continued*

“Over 10,000 gallons daily average: The rate of wages of the creamery-manager may be agreed upon between the company concerned and the union. If no agreement is reached, the matter shall be referred to the Disputes Committee set up in accordance with clause 25 of this award.

“Casein/creamery managers shall be provided, free of charge, with fuel, milk, and suitable living-accommodation, or, in lieu of suitable living-accommodation, £1 per week in addition to the weekly wages.

“(i) *Casein-drying Factories*—

	Per Week		
	£	s.	d.
“In factories of a capacity of 1,100 tons or over—			
“First assistant	6	5	8
“Second assistant	5	19	2
“Third assistant	5	11	2
“All other workers	5	1	8
“In factories of a capacity of less than 1,100 tons—			
“First assistant	6	5	8
“Second assistant	5	19	2
“All other workers	5	1	8

“(j) *Engine-drivers*—

“(i) Where the work that the engine-driver is employed to do requires that he shall hold a first-class certificate as a stationary-engine driver, and he is the holder of such certificate 6 5 8
 “Such driver shall effect his own repairs.

“(ii) Where the work that the engine-driver is employed to do requires that he shall hold a second-class certificate as a stationary-engine driver, and he is the holder of such certificate 6 0 2
 “Such driver shall effect his own repairs.

“(k) *Firemen* attending a boiler or boilers having a total horse-power of 250 or over .. 5 8 2
 “Other firemen 5 1 8

“(l) *Launch-drivers*: Launch-drivers in charge .. 5 9 2

“(m) *Youths*.—Youths may be employed at not less than the following rates of wages:—

	Per Week.		
	£	s.	d.
“ From 15 to 15½ years of age	1	7	6
“ From 15½ to 16 years of age	1	12	6
“ From 16 to 16½ years of age	1	17	6
“ From 16½ to 17 years of age	2	2	6
“ From 17 to 17½ years of age	2	7	6
“ From 17½ to 18 years of age	2	13	6
“ From 18 to 19 years of age	3	1	0
“ From 19 to 20 years of age	3	13	6

“ Thereafter, at the rates prescribed for adults.

“ Youths under seventeen years of age shall not be employed in stacking boxes of butter, dried milk, condensed milk, or cheese, or in shovelling coal or in hot boilers.

“ Youths under eighteen years of age employed under this clause shall not be employed for more than ten hours, in any one day inclusive of overtime.

“ Proportion: In all factories, other than cheese-factories and packing-houses, the proportion of youths to adult workers shall not exceed one to five or fraction of five.

“(n) *Females*.—Females may be employed at not less than the following rates of wages:—

	Per Week.		
	£	s.	d.
“ Under 19 years of age—			
“ First six months	1	17	6
“ Second six months	2	2	6
“ Third six months	2	7	6

“ Provided that on attaining 19 years of age not less than the rate prescribed for that age shall be paid.

“ From 19 to 20 years of age 2 16 0

“ Thereafter 3 1 0

“(o) (i) *Engineers, Canister-makers, Metal-workers' Assistants, and Tinsmiths* shall work the weekly hours and shall receive the wages and overtime rates prescribed by the respective awards covering such workers for the time being in force in the district in which they are employed.

“(ii) *Motor and Horse Drivers*.—As from 1st April, 1945, workers substantially employed as drivers of vehicles, other than those registered under the Transport Licensing Act, 1936, shall be subject in all respects to Part I and the appropriate general provisions of the New Zealand Motor and Horse Drivers' award. Only clauses 11 (No Deduction from Wages), 21 (Supply of Goods), and 27 (Membership of Union) of this award shall apply to such workers.

“(p) *Relieving Workers.*—Any worker required to relieve a lorry-driver shall be paid the rate for a lorry-driver while so employed: Provided that when in any week such a worker is employed for more than half his time at the work of a lorry-driver he shall be paid the lorry-driver’s rates for the whole week: Provided, further, that no worker shall have his wages reduced by the operations of this clause.

“Any other worker who is employed for three days or more as a substitute for another worker receiving a higher rate of pay shall be paid such higher rate while he is so employed.

“In all factories there shall be a worker other than the first, second, third, fourth, or fifth assistant or cream-grader who shall be paid 1s. per day above his ordinary schedule wages for each day upon which an assistant or cream-grader is absent.

“The preceding two paragraphs shall not apply to a worker relieving another who is taking annual holidays at a time when the work of the factory does not require the employment of a worker of the classification of the worker on holiday.

“(q) *Sick-pay.*—In the case of a worker being absent from work on account of sickness up to one week the employer shall either pay the absent worker full wages or pay an equivalent amount to the workers who do his work: Provided that this arrangement may be continued longer than one week if agreed upon by the secretary or other representative of the union and the employer.

“The workers concerned in each case shall decide by ballot whether the sick man shall be paid or the amount distributed amongst the employees who did his work.

“Provided, further, that when overtime has been worked because of the absence of any sick worker or workers the wages of the sick worker may be reduced by an amount equal to the overtime hours worked calculated as if paid for at ordinary rates, but excluding always any time worked on the sixth or seventh day.

“Should any dispute arise as to whether the overtime was necessary because of the absence of any sick worker, the facts shall be recorded and referred to the Disputes Committee for adjudication.

“This subclause shall not apply where a substitute worker is engaged to take the place of the absent sick worker.

“(r) *Dirt-money.*—When workers are required to enter flues or back-end smoke-boxes for the purpose of cleaning them, or to chip and/or clean the interior of boilers while such boilers are laid off for inspection or overhaul, they shall be paid 2s. extra each day or part of a day while so employed.”

(v) By deleting clause 10 (Overtime), and substituting therefor the following clause:—

“ Overtime

“ 10. (a) In calculating the number of hours worked in a week, all time worked in any one week shall be counted, and the extra payments made for time worked on a Saturday after four hours, or for time worked on a Saturday after 1 p.m. or for time worked on a Sunday, shall not be taken into consideration and shall not be deemed to be payment for overtime.

“(b) For all hours worked in any day in excess of ten, time and a half shall be paid for the first four and thereafter double time.

“ For the first eight hours in excess of the weekly hours prescribed in clause 2 (a) and (b), time and a half shall be paid, and thereafter double time, excepting that all time worked on the seventh day shall be paid for at double time.

“ No excess time shall be calculated both on a daily and a weekly basis.

“(c) For any time worked on the sixth day or seventh day there shall be a minimum payment for four hours.

“(d) Workers who have to pull presses after their ordinary day's work is finished shall be paid 3d. per press per day. The press-pulling shall be limited to two pulls after the ordinary day's work is finished, but there shall be no limit as to the time of the last pull.”

(vi) By deleting clause 15 (Casual Labour), and substituting therefor the following clause:—

“ Casual Labour

“ 15. Casual general hands may be employed at not less than 2s. 10d. per hour. A ‘casual’ is a worker employed for less than one week.

“ A worker regularly employed by two employers shall not be deemed to be a ‘casual’ worker so long as he receives a full week's employment in each week.”

(vii) By inserting the word “free” after the word “supplied” where it last appears in subclause (b) of clause 21 (Supply of Goods).

(viii) By deleting clause 23 (Emergencies), and substituting therefor the following clause:—

“ Emergencies

“ 23. Where owing to unforeseen circumstances any factory is working short-handed, the wages of the absent worker or workers shall be divided among the workers who do their

work: Provided that where overtime has been worked because of the absence of any worker or workers the payment made for overtime will be treated as payment or part payment of wages due to the absent worker or workers: Provided, further, that when overtime has been worked because of the absence of any sick worker or workers the wages of the sick worker may be reduced by an amount equal to the overtime hours worked calculated as if paid for at ordinary rates, but excluding always any time worked on the sixth or seventh day.

“Should any dispute arise as to whether the overtime was necessary because of the absence of any worker, the facts shall be recorded and referred to the Disputes Committee for adjudication.

“This clause shall not apply where a substitute worker is engaged to take the place of the absent worker.”

2. That the provisions of this order relating to rates of remuneration shall be deemed to have come into force on the 1st day of April, 1945, and that the other provisions of this order shall come into force on the day of the date hereof.

Dated this 2nd day of May, 1945.

[L.S.]

A. TYNDALL, Judge.
