

**NORTHERN INDUSTRIAL DISTRICT CEMENT-ASBESTOS
WORKERS.—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 Asbestos Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Hardie, James, and Co. Pty., Ltd., Penrose, 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 8th day of October, 1945, and shall continue in force until the 8th day of October, 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 3rd day of October, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to workers employed by James Hardie and Co. Pty., Ltd., in the making of asbestocement products.

Hours of Work

2. The ordinary hours of work shall not exceed eight on each of five days of the week, Monday to Friday, both days inclusive, and shall be worked between the hours of 7.30 a.m. and 5 p.m.

Shift-work

3. (a) Notwithstanding the provisions of clause 2, shifts may be worked outside the ordinary hours of work, provided that they shall not exceed more than five shifts of eight hours to be worked between 7 a.m. Monday and 7 a.m. Saturday inclusive, and shall include a crib time of twenty minutes, which shall be paid for.

(b) For the purpose of this clause, "shift-work" shall mean work which is carried out by two or more successive relays or spells of workers, each relay performing substantially the same duties as the outgoing shift.

(c) Where practicable, shifts shall rotate weekly.

(d) Time worked between the hours of 3 p.m. and 7 a.m. shall be paid for at the rate of 2½d. per hour in addition to the worker's ordinary rate of pay.

(e) It shall not be lawful for workers employed in the despatch department to be employed on shift-work.

Overtime

4. (a) Time worked on any day outside of or in excess of the hours mentioned in clause 2 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.

(b) Overtime shall be calculated daily.

Holidays

5. (a) The following shall be the recognized holidays: Christmas Day, New Year's Day and the day after, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Anniversary Day, and Boxing Day.

(b) The employer shall pay wages for the above holidays to all workers performing work coming within the scope of this award who have been employed in the factory any time during the fortnight ending on the day on which the holiday occurs.

(c) Time worked on Sunday or on any holiday specified in subclause (a) of this clause shall be paid for at the rate of double ordinary time.

(d) In the event of a holiday, other than Anzac Day, falling on a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

Annual Holiday

6. The provisions of the Annual Holidays Act, 1944, shall apply to all workers covered by this award.

Wages

7. The following shall be the minimum rates of wages for adult workers:—

	Per Hour.
	s. d.
Sheet-making-machine drivers	2 11
Pipe machine drivers	2 11
Crane operator (man in charge only) ..	2 10
Milling asbestos	2 9½
Making moulded products	2 8½
Tide-mill mixers	2 8½
Working dry sheet cutter or guillotine ..	2 8
Wet-guillotine hands	2 8
General hands	2 7½

Where workers are employed trimming fibrolite sheets on flat machine and rotary machine, an additional 1d. per hour for worker in charge of machine shall be paid.

Youths

8. (a) Youths may be employed, subject to the provisions of the Factories Act and its amendments, at the following classes of work: making small moulded products and assisting

adults with moulding, sleeve-boring, sleeve-making, assisting on pipe machine, as general shop boy, or any other work which may be agreed upon between the employer and the union.

(b) The following shall be the minimum rates of wages:—

	Per Week.		
	£	s.	d.
15 to 15½ years of age	1	7	6
15½ to 16 years of age	1	12	6
16 to 16½ years of age	1	17	6
16½ to 17 years of age	2	2	6
17 to 17½ years of age	2	7	6
17½ to 18 years of age	2	12	6
18 to 18½ years of age	2	17	6
18½ to 19 years of age	3	2	6
19 to 19½ years of age	3	7	6
19½ to 20 years of age	3	12	6
20 to 20½ years of age	3	17	6
20½ to 21 years of age	4	0	0

Thereafter, adult rates.

(c) In the case of youths the engagement shall be a weekly one, and one week's notice of the termination of the engagement shall be given on either side: Provided, however, that this shall not affect the right of the employer to summarily dismiss a worker for misconduct.

(d) The employer shall be entitled to make a rateable deduction from the weekly wages prescribed in this clause for any time lost by a worker through sickness, accident, or default.

Increase in Rates of Remuneration

9. 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 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.

Dirty Work

10. A worker employed at the following work shall be paid 2d. per hour extra while so employed: unloading and tipping cement, dipping pipes, cleaning machines, cleaning drains, cleaning sludge tanks.

Payment of Wages

11. (a) Wages shall be paid not later than Thursday of each week during working-hours.

(b) All wages shall be paid on dismissal of the workers; when a worker leaves the employer of his own accord, all wages due to him shall be paid by the employer within twenty-four hours.

General Conditions

12. (a) In the event of a worker being required to work overtime after 6 p.m. and being unable to get home for a meal, he shall be paid 2s. additional for tea-money.

The allowance for meals provided for in this subclause shall not be subject to general orders of the Court made under the Rates of Wages Emergency Regulations.

(b) The employer shall provide a constant supply of fresh water for washing and drinking purposes.

(c) A worker shall be deputed to boil water for workers' meals before such meal times.

(d) Piecework and contract work shall be prohibited.

(e) Aprons, gum boots, and/or gloves shall be provided when necessary.

Sanitary Accommodation

13. (a) The employer shall provide dressing-sheds to enable workers to change their clothes, also meal-room, lockers, and lavatory accommodation.

(b) At least two warm showers shall be provided, and ten minutes shall be allowed to workers who have been engaged unloading and/or tipping and handling cement and tide-mill hands to have a shower, which time shall be paid for.

(c) The union delegate shall be responsible to see that accommodation and conveniences are kept clean and tidy.

Accidents

14. A first-aid room, fully equipped, shall be provided and maintained by the employer and the key kept in an accessible place.

Right of Entry

15. 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.

Settlement of Disputes

16. If any dispute shall arise between the parties to this award upon any matters arising out of or in connection with this award, it shall be referred to a committee consisting of a representative of the employer and a representative of the union, who shall appoint an independent chairman. The committee may either decide the matter or refer it to the Court. Either party, if dissatisfied with the decision of the committee, 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.

Extension of Hours under Factories Act

17. 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 the occupier of a factory bound by this award.

Workers to be Members of Union

18. (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

19. (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.

Scope of Award

20. This award shall apply to the parties named herein and to such other parties as may be added from time to time by order of the Court.

Term of Award

21. This award shall come into force on the 8th day of October, 1945, and shall continue in force until the 8th day of October, 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 3rd day of October, 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.
