

CANTERBURY AND OTAGO AND SOUTHLAND **BY-PRODUCTS**
WORKERS.—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 undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Barr, R. J., Gore.

Canterbury By-products Co., Ltd., 227 Manchester Street, Christchurch.

Cundall's By-products Works, Ltd., West Plains.

Jensen Bros., Burnside.

McLeod Bros., Ltd., Washdyke, Timaru.

McLeod Bros., Ltd., 336 Cumberland Street, Dunedin.

Pattrick, E., and Co., Sockburn, Christchurch.

Ramsay, A. B., Washdyke, Timaru.

Southland Butchers' By-products Co., Ltd., Invercargill.

Stephenson, T. W., Chappells Road, Hornby (53 Puriri Street, Riccarton, Christchurch).

Zealandia Soap and Candle Co., Ltd., Belfast (registered office, 202 Hereford Street, Christchurch).

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 18th 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 18th day of October, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to the animal by-products industry.

Hours of Work

2. (a) The ordinary week's work shall consist of forty-four hours, which shall be worked between the hours of 8 a.m. and 5 p.m. on five days of the week, and on Saturday between the hours of 8 a.m. and 12 noon.

(b) By mutual arrangement the commencing-hour may be altered to 7.30 a.m., provided that not more than eight hours are worked in any one day without payment of overtime.

(c) With the consent of the men concerned, five hours may be worked without an interval for a meal where such extension is necessary to complete a day's work.

(d) Where shifts are worked, each shift shall consist of eight hours including crib-time (crib-time to be not more than thirty minutes).

Wages

3. (a) The minimum rates of wages shall be as follows:—

	Per Week.
	£ s. d.
Casing-workers	6 3 4
Workers receiving offal and/or cutting up paunches at by-products and boiling-down works	Per Hour. s. d. 2 10
Workers loading up Iwells	2 9
Workers whilst engaged in crushing air-dried bones, and tallow-workers ..	2 8½
All other workers	2 7½

(b) Men engaged chipping boilers, digesters, and Iwells shall be paid at the rate of time and a half for such work.

(c) Shift-workers shall be paid 1s. 6d. per shift extra for each afternoon or night shift worked. No worker shall be considered a shift-worker unless he is employed for three or more consecutive shifts outside the hours prescribed in clause 2 hereof.

(d) No deduction shall be made from the wages of weekly workers except for time lost through the workers' own default, sickness, or accident.

Employment of Youths

4. 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 3 6
17½ to 18 years of age	2 10 0
18 to 18½ years of age	2 17 6
18½ to 19 years of age	3 7 6
19 to 20 years of age	3 17 6

Thereafter, the minimum wage for adult workers.

Increase in Rates of Remuneration

5. 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 9th August, 1940, and 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.

Overtime

6. (a) Except where otherwise provided, all time worked in excess or outside of the hours mentioned in clause 2 hereof in any one day shall be considered overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) When a worker is ordered back to work overtime after 6 p.m., a minimum of two hours at overtime rates shall be paid for.

(c) When workers are required to work overtime after 6 p.m. on any day, the employer shall provide a meal or pay such worker 2s. to enable him or her to purchase a meal, unless such worker has been notified on the day previous that he or she will be required to work overtime: Provided that when such notice has been given and the worker's services are not required, he or she shall still receive the meal allowance. The provisions of clause 5 hereof increasing rates of remuneration shall not apply to the meal-money payment provided for in this subclause.

Holidays

7. (a) The following shall be the recognized holidays:—

- (i) New Year's Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day, and Boxing Day; and
- (ii) Easter Saturday and one other day to be mutually agreed upon between the union and each individual employer.

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

(c) Payment for the holidays provided in subclause (a) (i) hereof shall be made to all hourly workers in accordance with the provisions of the Factories Act, 1921-22, as amended: Provided that no worker shall receive payment for any holiday or part of a holiday which falls outside of the ordinary working-week.

(d) All work performed on the holidays mentioned in subclause (a) (i) shall be paid for at double rates in addition to any payment to which a worker is entitled under subclause (c) hereof, and all work performed on the holidays prescribed in subclause (a) (ii) hereof shall be paid for at double time only.

(e) All work performed on Sundays shall be paid for at double rates.

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

Payment of Wages

8. Wages shall be paid weekly and in cash not later than Thursday and in the employer's time. Two days' lie-time shall be allowed.

General Conditions

9. (a) An interval of ten minutes' duration for smoking shall be allowed morning and afternoon without deduction from the men's wages.

(b) Proper provision shall be made for dining and dressing accommodation, and facilities for drying employees' clothes shall be provided.

(c) Workers shall be supplied, where necessary, with aprons, leggings, clogs, or gum boots.

(d) Suitable washing accommodation shall be provided. Both hot and cold water shall be laid on.

(e) Sufficient drinking-water of good quality shall be provided.

(f) Lavatory accommodation shall be provided and kept clean.

(g) A suitable covered bicycle-stand shall be provided by the employer.

(h) Respirators shall be supplied, where necessary, to men working amongst or handling bonedust or bone-flour.

(i) Double rates shall be paid to men employed skinning or cutting up animals which have died or been killed four hours prior to reaching the works, and such animals, if they arrive at the works before 4 p.m., shall be skinned and cut up on the same day. Double rates shall also be paid where men are required to deal with horses that have been destroyed if the carcasses are not dealt with on the same day upon which they are received at the works.

(j) Wherever possible, offal arriving at the works before 5 p.m. shall be disposed of on the same day.

(k) An approved first-aid outfit shall be available at each works.

(l) In all cases where men are called out and there is no work, or less than two hours' work available, they shall receive a minimum of two hours' pay at the rate specified.

Disputes Committee

10. Anything not provided for in this award, or any dispute that may arise over anything that is provided for in this award, shall be mutually arranged between two representatives of the union and the works-manager. In the event of their being unable to agree, the matter shall be referred to the Conciliation Commissioner for settlement. Either side, if dissatisfied with the decision of the Conciliation Commissioner, shall have the right of appeal to the Court.

Workers to be Members of Union

11. (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

12. (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.

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.

Extension of Hours under Factories Act

14. 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

15. 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

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

Term of Award

17. This award shall come into force on the day of the date hereof, and shall continue in force until the 18th 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 18th day of October, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters in dispute and referred to the Court related to wages, classifications, and additional payment for workers receiving offal, cutting up and skinning carcasses, and cutting up paunches.

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

Mr. Monteith is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

I dissent totally from this award.

The wording of some of the classifications is too restrictive and will result in workers securing less wages than are received for the same work under other awards. Also, the rates of wages awarded for casing workers do not compare favourably with rates under other awards. Workers who do the disagreeable work of killing, skinning, and cutting up carcasses (with exception of cutting up paunches), are placed on the minimum rate. No general provision is made for handling manure: in many other awards, 3d. extra is paid.

I am certain that to place workers who kill and/or dissect cattle on the minimum rate of 2s. 7½d. an hour is most unfair. In this by-products industry beasts which have died outside the works are brought in to be skinned and dissected. Under the Freezing-works' award, from two and a half times to four times the ordinary piecework rate is paid for such dead cattle, and an ordinary slaughterman gets 3s. 6d. an hour for ordinary cattle. Here the rate is based on 2s. 7½d. an hour. Handling and mixing and bagging manure in many awards is paid an extra rate of 3d. per hour: here a few will receive an extra 1d. Also, men fleshing and salting hides will be on the minimum rates.

No recognition of the dirty and unpleasant nature of this industry is shown in the rates awarded.