

NORTHERN, WELLINGTON, NELSON, CANTERBURY, AND
OTAGO AND SOUTHLAND **BISCUIT AND CONFECTIONERY
WORKERS.—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Wellington, Nelson, 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 Federated Biscuit and Confectionery and Related Trades' Industrial Association of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies. (hereinafter called "the employers") :—

Auckland

Browne Bros. and Geddes, Ltd., Newmarket, S.E. 1.
Bycrofts Ltd., Shortland Street, Auckland.
Cereal Foods (N.Z.), Ltd., Surrey Crescent, Auckland.
Heards Ltd., 78 Parnell Road, Auckland.
McClymonts Confectioners, Ltd., Arthur Street, Ponsonby.
McNiven Bros. (N.Z.), Ltd., Khyber Pass Road, Newmarket.
N.Z. Milk Products, Ltd., Cleveland Road, Parnell.
Waldron, C., and Sons, 7 Hill Street, Onehunga.

Wellington

Adams, Bruce, Ltd., College Street, Wellington.
Barrett, L. J., 56 Para Street, Miramar, Wellington.
Grant, C. A., Broadway, Palmerston North.
Jamieson, B. A., Victoria Avenue, Wanganui.
Regent Confectionery Co., Ltd., 96 Courtenay Place, Wellington.
Whittaker, J. J., and Son, Vivian Street, Wellington.

Nelson

Griffin and Co., Ltd., Biscuit and Confectionery Manufacturers,
Nelson.
Ladbrook, R. E., Trafalgar Street, Nelson.

Canterbury

Adams, E., Ltd., Tuam Street, Christchurch.
Aulsebrook and Co., Ltd., St. Asaph Street, Christchurch.
Bruce, J. E., Ltd., High Street, Timaru.
Cairns, T., Colombo Street, Sydenham, Christchurch.
Kitchencraft Chocolates, 6A Quinn's Road, Shirley, Christchurch.

Otago and Southland

Cadbury, Fry, Hudson, Ltd., Confectionery-manufacturers, Dunedin.
Kingsland, D., and Sons, 136 Don Street, Invercargill.
McIntosh, Caley, Phoenix Co., Ltd., 24 McLagan Street, Dunedin.
Rice Bros., Ltd., 101 Dee Street, Invercargill.
Romison, J., and Co., King Street, Dunedin.
Samson, James B., Biscuit-manufacturer, Bridgeman Street, Dunedin.
Tombs, F., 129 King Edward Street, Dunedin.

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 as hereinafter provided and shall continue in force until the 2nd 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 2nd day of October, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applicable

1. This award shall apply to the biscuit and confectionery industry and to all workers, other than clerical workers and factory-managers, who are employed in connection with the work of the factory and are not covered by any other award.

Hours of Work

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

(b) The ordinary hours for day-shift workers shall be not more than eight, to be worked between the hours of 7.30 a.m. and 5 p.m.

(c) Night shifts of eight hours may be worked outside the ordinary daily working-hours: Provided that workers on night shift shall be paid 3s. per shift in addition to the ordinary rates provided in clause 4 hereof.

Overtime

3. All time worked outside or in excess of the hours provided in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours from Monday to Friday, both days inclusive, or for the first four hours on Saturday morning, and double time thereafter. Overtime shall be calculated daily.

Wages

4. The following shall be the minimum weekly rates of wages for adult male workers over twenty-one years of age:—

(a) Workers in charge of departments who have served not less than five years at the trade: Provided that in the case of cereal-product manufacturers and ice-cream-cone manufacturers the worker in charge of a department shall be deemed to come within this subclause whether or not he has served five years at the trade	£	s.	d.
.. .. .	6	6	8
(b) First assistant or leading hands in charge of not less than three adult male workers	5	16	8
(c) (i) Biscuit-dough mixer	5	14	2
(ii) Ice-cream-cone-dough mixer	5	8	0
(d) Man operating bean-roaster, chocolate-mixer, chocolate machine moulder, operator of chocolate-enrobers, pan operator when operating not less than four revolving pans, man working vacuum cooker, man working off sugar boilings, bakehouse machinist in charge of biscuit cutting and embossing machine, brakesman, marzipan and paste maker, liequorice-boiler, cream and syrup boiler, oven attendant, caramel mixer and boiler, conemaker	5	7	6
(e) General hands	5	5	0

(f) For the purposes of this award the following shall be the recognized departments: biscuit, chocolate, and general confectionery. Where an employer operates more than one of these departments a worker in charge shall be recognized in each department and paid in accordance with the provisions of clause 4 (a), except that this shall be subject to the provisions of clause 4 (g): Provided that no worker under clause 4 (g) shall be counted in more than one department.

(g) It shall not be competent for a firm or employer to classify a factory manager or foreman as in charge of any one of the three departments unless such factory manager or foreman is substantially engaged in the work of the department of which he really is in charge.

Youths' Wages

5. Youths under twenty-one years of age may be employed at not less than the following minimum weekly rates:—

Age at commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	Fifth Year.
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.		
Under 16 years ..	26/6	30/6	35/6	39/6	44/6	48/6	55/6	70/-
16 to 17 years ..	30/6	34/6	39/6	43/6	48/6	52/6	60/6	70/-
17 to 18 years ..	34/6	38/6	43/6	47/6	52/6	56/6	68/-	..
18 to 19 years ..	38/6	42/6	47/6	51/6	56/6	60/6	..	..
19 to 20 years ..	42/6	46/6	51/6	55/6	..	..	..	..
20 to 21 years ..	46/6	50/6	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one, not less than the minimum rate provided for general hands.

Female Workers' Wages

6. Female workers may be employed at not less than the following minimum weekly rates:—

Age at commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.
Under 16 years ...	21/6	25/6	30/6	34/6	39/6	43/6	49/-	53/-
16 to 17 years ..	24/6	28/6	33/6	37/6	42/6	46/6	52/-	..
17 to 18 years ..	27/6	31/6	36/6	40/6	45/6	49/6	..	..
18 to 19 years ..	30/6	34/6	39/6	43/6	48/6	..	..	..
19 to 20 years ..	33/6	37/6	42/6	46/6	..	..	..	..
20 to 21 years ..	36/6	40/6	..	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than £3 3s. per week.

Part-time Workers

7. (a) A part-time worker is one whose ordinary hours of work are less than forty per week.

(b) A part-time worker shall be paid an hourly wage arrived at by dividing the appropriate weekly wage by forty and adding 10 per cent.

Increase in Rates of Remuneration

8. 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 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.

Change of Duties

9. Any worker required to perform other than his or her usual work shall be paid for the time so worked at the rate prescribed for such other work if such rate is higher than his or her usual rate of pay.

Holidays

10. (a) The following shall be the recognized holidays: New Year's Day, 2nd January, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, and Boxing Day, also Anniversary Day or another day in lieu thereof: Provided that if any

of the foregoing holidays, except Anzac Day, shall fall on a Sunday, it shall be observed on the succeeding Monday. When Christmas Day falls on a Sunday and is observed on Monday, Boxing Day shall be observed on the Tuesday.

(b) Payment for any of the prescribed holidays where no work is done thereon shall be in accordance with the provisions of the Factories Act, 1921-22, and its amendments.

(c) In addition to any payment to which a worker is entitled under the provisions of subclause (b) hereof, any work done on any of the days set out in subclause (a) hereof or on any Sunday shall be paid for at double time rates.

Annual Holiday

11. Holidays shall be allowed in accordance with the Annual Holidays Act, 1944, but it is agreed between the parties that the annual holidays shall be allowed within two months of becoming due and at a time suitable to the employer.

Payment of Wages

12. (a) Wages shall be paid weekly in the employer's time on any day not later than Thursday: Provided that the present custom in respect of fortnightly payments may be continued.

(b) The employer may make deductions from the weekly wages prescribed herein for time lost through the sickness or default of the worker.

Termination of Engagement

13. Not less than forty-eight hours' notice shall be given by either party of the termination of the engagement; but nothing in this clause shall prevent an employer from summarily dismissing a worker for misconduct.

General Conditions

14. (a) Twenty-four hours' notice shall be given to a worker who is required to work overtime or, in lieu thereof, 2s. tea-money shall be paid: Provided that if notice is given and overtime is not worked, the 2s. tea-money shall be paid.

(b) Boiling water shall be provided for meals.

(c) Provision for dressing-rooms, lockers, or locker-room shall be made in accordance with the requirements of the Inspector of Factories at each establishment.

(d) Workers who, at the date of making this award, are in receipt of more than the rates prescribed herein shall not have their existing rates reduced while they continue in the same employment.

(e) No female employed shall be permitted to smooth, plane, empty, fill, or sieve starch in or from trays: Provided that nothing herein shall prevent a female worker from dusting over deposited goods on trays; nor shall any female stir confectionery or other ingredients over 30 lb. in weight.

(f) Towels, hot water, and wash-basins shall be provided.

(g) Female workers shall not be required to carry more than 35 lb. in weight.

(h) Where wet conditions prevail, such as in the tin-washing department, &c., workers shall be provided with clogs or gum boots.

(i) A St. John first-aid medical chest or similar outfit shall be provided in a convenient and accessible place in all establishments.

(j) Employers shall supply, on request, to the secretary of the union, at not less than quarterly intervals, a list of the workers covered by this award.

(k) A worker requiring overalls or smock shall pay in cash on delivery of the garments, excepting where the employer agrees to accept an order authorizing the deduction of the cost from the worker's wages.

(l) Morning and afternoon tea shall be allowed as at present.

Right of Access

15. The president, secretary, authorized collector, or organizer of the union shall be permitted to interview workers during their working-hours at such place as the employer shall decide, but not so as to interfere unreasonably with the operation of the employer's business.

Settlement of Disputes

16. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award, or any of them, as to any matter whatsoever arising out of or connected therewith and not dealt with in this award, every such dispute or difference

shall be referred to a committee to be composed of two representatives of each side. In default of agreement, the dispute shall be referred to the Conciliation Commissioner for the district for decision. Either side shall have the right of appeal to the Court within fourteen days after such decision shall have been made known to the party desirous of appealing.

Workers to be Members of Union

17. No employer bound by this award shall employ in any position covered by this award any person who is not a financial member of any industrial union of workers bound by this award.

Under-rate Workers

18. (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

19. 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.

Extension of Hours under Factories Act

20. 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 in the manner and to the extent set forth in this award in respect of every occupier of a factory bound by the provisions of this award.

Scope of Award

21. This award shall operate throughout the Northern, Wellington, Nelson, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

22. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of April, 1945, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 2nd 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 2nd 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. Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.