

NEW ZEALAND (EXCEPT AUCKLAND TWENTY-FIVE-MILE RADIUS) LOCAL BODIES' (RURAL SECTION) DRIVERS.—AWARD

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, 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 Road Transport and Motor and Horse Drivers and their Assistants' Industrial Association of Workers (hereinafter called "the union") and the undermentioned union, Councils, Boards, and Trusts (hereinafter called "the employers") :—

New Zealand County Councils' Industrial Union of Employers, P.O. Box 796, Wellington.

NORTHERN INDUSTRIAL DISTRICT

County Councils

Bay of Islands County Council, Kawakawa.
Cook County Council, Gisborne.
Franklin County Council, Pukekohe.
Matamata County Council, Tirau.
Rotorua County Council, Rotorua.
Waimarino County Council, Raetihi.

River Boards

Kaipawa River Board, Helensville.
Poverty Bay River Board, Gisborne.
Taupiri River Board, Hamilton.

Drainage Boards

Aka Aka Drainage Board, Waiuku.
Eureka Drainage Board, Hamilton.
Hauraki Plains West Drainage Board, Ngatea.
Te Puke Drainage Board, Te Puke.

Electric-power Boards

Bay of Plenty Electric-power Board, Box 71, Opotiki.
Central Waikato Electric-power Board, Hamilton.
North Auckland Electric-power Board, Box 29, Dargaville.

TARANAKI INDUSTRIAL DISTRICT

County Councils

Eltham County Council, Eltham.
Patea County Council, Patea.
Taranaki County Council, New Plymouth.

Drainage Boards

Eltham Drainage Board, Eltham.

Electric-power Boards

Opunake Electric-power Board, Box 23, Opunake.
 South Taranaki Electric-power Board, Box 94, Hawera.
 Taranaki Electric-power Board, Box 1, Eltham.

River Boards

Matua River Board, Matua.

WELLINGTON INDUSTRIAL DISTRICT

County Councils

Akitio County Council, Pongaroa.
 Hawke's Bay County Council, Napier.
 Hutt County Council, Bowen Street, Wellington.
 Kairanga County Council, Palmerston North.
 Masterton County Council, Masterton.
 Rangitikei County Council, Marton.

Drainage Boards

Manawatu Drainage Board, Palmerston North.
 Moutoa Drainage Board, Foxton.
 Omarunui Drainage Board, Napier.

Electric-power Boards

Central Hawke's Bay Electric-power Board, Private Bag,
 Waipukurau.
 Horowhenua Electric-power Board, Box 2, Levin.
 Manawatu-Oroua Electric-power Board, Box 239, Palmerston North.
 Wairarapa Electric-power Board, Box 56, Carterton.
 Wanganui-Rangitikei Electric-power Board, Box 11, Wanganui.

River Boards

Hawke's Bay River Board, Herschell Street, Napier.
 Manawatu-Oroua River Board, Palmerston North.
 South Wairarapa River Board, Featherston.

NELSON INDUSTRIAL DISTRICT

County Councils

Collingwood County Council, Collingwood.
 Inangahua County Council, Reefton.
 Takaka County Council, Takaka.

Electric-power Boards

Golden Bay Electric-power Board, Box 39, Takaka.
 Waimea Electric-power Board, Box 74, Nelson.

River Boards

Motueka River Board, Motueka.

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MARLBOROUGH INDUSTRIAL DISTRICT

County Councils

Awatere County Council, Seddon.
Marlborough County Council, Blenheim.

River Boards

Kaikoura River Board, Kaikoura.
Wairau River Board, Blenheim.

WESTLAND INDUSTRIAL DISTRICT

County Councils

Buller County Council, Westport.
Grey County Council, Greymouth.
Westland County Council, Hokitika.

Electric-power Boards

Grey Electric-power Board, Box 67, Greymouth.

CANTERBURY INDUSTRIAL DISTRICT

County Councils

Akaroa County Council, Akaroa.
Ashburton County Council, Ashburton.
Heathcote County Council, Heathcote, Christchurch.
Mackenzie County Council, Fairlie.
Waimate County Council, Waimate.

Drainage Boards

Christchurch Drainage Board, 198 Hereford Street, Christchurch.
Ellesmere Drainage Board, Tai Tapu.
Wainono Drainage Board, Waimate.

Electric-power Boards

Ashburton Electric-power Board, Box 40, Ashburton.
North Canterbury Electric-power Board, Box 20, Rangiora.
South Canterbury Electric-power Board, Box 207, Timaru.

River Boards

Ashley River Trust, Rangiora.
Geraldine River Board, Geraldine.
Waimakariri River Board, Christchurch.

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

County Councils

Bruce County Council, Milton.
Lake County Council, Queenstown.
Peninsula County Council, Portobello.
Southland County Council, Invercargill.
Waitaki County Council, Oamaru.
Wallace County Council, Otautau.

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Drainage Boards

Inch-Clutha Drainage Board, Balclutha.
Waimumu Stream Drainage Board, Invercargill.

Electric-power Boards

Otago Central Electric-power Board, Box 13, Alexandra.
Teviot Electric-power Board, Box 7, Roxburgh.
Waitaki Electric-power Board, Box 466, Oamaru.

River Boards

Clutha River Board, Balclutha.
Taieri River Trust, Mosgiel.
Waikiwi River Board, Invercargill.
Winton River Board, Winton.

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

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award shall take effect as hereinafter provided, and shall continue in force until the 31st 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 31st day of October, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to drivers employed on any class of horse-drawn or motor vehicle or implement by County Councils, River Boards, Drainage Boards, and Electric-power Boards.

Hours of Work

2. (a) Except where otherwise provided, an ordinary week's work shall not exceed forty hours, to be worked on Monday to Friday (both days inclusive) between 7 a.m. and 5.30 p.m.

The daily hours shall not exceed $8\frac{1}{2}$ without payment of overtime. Notwithstanding the foregoing, any driver may be employed up to an additional half-hour daily at ordinary rates of pay. Drivers so employed shall be paid for the time so worked at ordinary rates assessed on an hourly basis in addition to the weekly wage.

(b) One hour shall be allowed for a meal, but this time may be curtailed by mutual agreement; except under special or exceptional circumstances the meal-hour shall not be less than half an hour.

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

(d) The local body shall provide a time-book or time-sheet in which each driver shall enter daily the total hours for which he is entitled to be paid, and the overtime, if any. The local body shall have the time verified and the book or sheet initialled each pay period by a responsible officer.

(e) A "smoke-oh" may be permitted, but this shall be mutually arranged between the employers and the drivers in each case.

Shifts

3. Shifts may be worked where necessary, and, subject to the provisions of clause 15, 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 2s. 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 minimum rates of wages for workers coming within the scope of this award shall be as follows:—

	Per Week.		
	£	s.	d.
(i) For those driving and attending one horse	5	8	0
(ii) For those driving and attending two horses	5	11	0
(iii) For those driving and attending more than two horses, an extra rate of 6d. per day or 2s. 6d. per week shall be paid for each horse above two.			
(iv) Drivers of any class of motor vehicle (not otherwise specified) with a combined weight of vehicle and maximum load not exceeding the weights set out in the following schedule shall be paid not less than the following rates—			
Up to 2 tons (including motor-cycle and tri-car)	5	11	0
Over 2 tons and up to 4 tons	5	13	6
Over 4 tons and up to 5½ tons	5	16	0
Over 5½ tons and up to 10 tons	6	0	0
Over 10 tons	6	3	0
(v) For those driving and operating tractors not otherwise specified	5	15	0
(vi) For drivers driving a tractor and at the same time operating a grader without the assistance of any other worker, and for grader-drivers, drivers of mechanical shovels, bulldozers, excavators, or any other self-propelled mechanical implement not elsewhere specified and other than motor-lawn mowers	6	5	0
(vii) For drivers of heavy road-rollers (other than steam driven)	6	0	0
(viii) For workers operating small motor rollers such as footpath rollers	5	11	0

(b) No deduction shall be made from such weekly wage for any cause save for time lost through the worker's own default, sickness, or accident.

(c) In lieu of paying a driver at overtime rates an employer may employ a driver on the cartage of sewerage or nightsoil outside the clock-hours mentioned in clause 2 hereof, but in such case a day's work shall not exceed seven hours and shall be paid for as if eight hours had been worked, and an extra payment of 3s. 6d. shall be paid for each day upon which the worker is engaged on such work. A worker employed under this clause shall receive overtime payment for time worked in excess of seven hours per day.

A driver employed in cutting or loading solidified sewerage by hand from settling tanks shall be paid 3s. 6d. per day additional to the weekly wage prescribed herein.

(d) A driver specially directed by his employer to take charge of a gang of four or more workers for one day or more shall be paid 1s. per day extra.

(e) Drivers whose clothes are unavoidably and materially damaged by tar, bitumen, or any other material handled in the course of their employment shall be paid 1s. per working-day extra. Employers may in lieu of the above supply drivers when engaged on such work with overalls and other protective materials, for the reasonable care and safety of which the workers shall be responsible.

(f) No worker in receipt of a higher rate of pay than that prescribed by this award shall have his wages reduced because of the coming into force of this award.

Increase in Rates of Remuneration

5. Except where otherwise provided, all rates of remuneration, including time and piece wages and overtime and any other special payments, provided for in this award shall be increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively.

EXPLANATORY NOTE.—(1) The general order of the 9th August, 1940, increased *rates of remuneration* determined by awards and industrial agreements and apprenticeship orders by an amount equal to 5 per cent. thereof.

(2) (a) The general order of the 31st March, 1942, further increased *rates of remuneration* determined by awards and industrial agreements and apprenticeship orders (inclusive of the 5 per cent. increase provided by the general order of the 9th August, 1940) by an amount equal to 5 per cent. thereof, but excluded from the increase such portion of the *remuneration* of each worker as exceeded—

(i) The amount of £5 a week in the case of male workers twenty-years of age and over;

- (ii) The amount of £2 10s. a week in the case of female workers twenty-one years of age and over;
- (iii) The amount of £1 10s. a week in the case of male and female workers under twenty-one years of age; and
- (iv) The amount of £1 10s. a week in the case of apprentices under apprenticeship orders.

(b) The increase in *rates of remuneration* provided by the order referred to in (a) hereof applied to the unexcluded portion of the *remuneration* of each worker, irrespective of his or her total weekly *remuneration*.

(3) The term "*rates of remuneration*" includes time and piece wages and overtime and any other special payments. The term "*remuneration*" means actual earnings, including time and piece wages and overtime and any other special payments.

Casual Drivers

6. (a) To ascertain the ordinary hourly rate of wages for casual drivers the weekly wage in respect of the class of vehicle concerned shall be divided by the number of hours constituting the ordinary week's work, thus ascertaining the hourly rate, and 15 per cent. shall be added thereto: Provided that this clause shall not apply to regular employees temporarily engaged in driving, and provided further that if the rate of wages for drivers is higher than that fixed for such other employment they shall be paid the difference between the rate for their ordinary employment and their rate of pay as drivers calculated on an hourly basis.

(b) Casual drivers shall receive a minimum of four consecutive hours' pay.

(c) A worker shall be deemed to be a casual driver who is not employed continuously for one week.

Holidays

7. (a) The following shall be the recognized holidays without deduction from wages: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and two other days to be mutually agreed upon. The local bodies, on request, shall notify the union concerned of the two days agreed to.

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

(c) Any work done on any of the above holidays or on Sunday shall be paid for at double time rates in addition to ordinary wages.

(d) Holidays shall be allowed in the terms and conditions of the Annual Holidays Act, 1944. Where practicable, such holidays shall be given in proximity to the Christmas or Easter holidays.

Overtime

8. Time worked in excess or outside of the hours mentioned in clauses 2 and 3 hereof in any one day shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

Emergency Work

9. (a) Emergency work shall mean work necessitated by wind, rain, fire, snow, storms, floods, tides, and earthquakes and requiring immediate attention to keep open essential services, and shall include opening lake outlets.

(b) In the case of such emergency work, and notwithstanding anything contained elsewhere in this award, the following provisions shall apply:—

(i) Except on the holidays named in subclause (a) of clause 7, up to eight hours may be worked on any one day without payment of overtime, and time and a half rates shall be paid beyond eight hours' work on such days.

(ii) On holidays provided in subclause (a) of clause 7, ordinary time in addition to the holiday payment provided for in subclause (a) of clause 7 shall be paid for the first eight hours and double time beyond the first eight hours.

(c) To compute the rate of payment beyond the first eight hours per day, the ordinary weekly wage shall be divided by forty.

Drivers' Duties

10. It shall be part of the ordinary duty of a driver to assist when required in loading and unloading the employer's vehicle. An employer may employ a worker who is substantially engaged as a driver at work outside his ordinary duties for the purpose of filling in time, but in such case he shall be paid not less than the award or ruling rate for such work: Provided that for all the time in any week that he shall be doing drivers' work he shall be paid the proportionate amount at the driver's rate of pay, and if in any week he shall be doing drivers' work for more than 50 per cent. of his time he shall be paid the driver's rate for the whole of that week: Provided, further, that if a driver's vehicle is laid off for not more than two weeks, he shall continue to receive his ordinary rate of pay as a driver.

Payment of Wages

11. (a) Wages shall be paid weekly or fortnightly on a specified pay-day, as may be arranged between the employer and the worker. Where agreement is reached through the union representative, payments may be made bi-monthly or monthly.

(b) Where practicable, payment shall be made in cash, but payments may be made by negotiable order-cheque or registered mail.

(c) When men are dismissed because of completion or slackness of work they shall be paid as soon as reasonably practicable thereafter. When it is alleged that there has been unreasonable delay, the Disputes Committee may, if it agrees with the allegation, award compensation to be paid by the employer to the worker concerned.

Terms of Engagement

12. In the case of workers other than casual workers, a week's notice of dismissal or resignation shall be given by the employer or the worker. This shall not prevent the employment of a driver in any one week at other than his usual work without terminating his engagement as a driver.

Country Work

13. (a) "Country work" shall mean work performed at a distance which necessitates the worker sleeping away from his usual place of abode.

(b) Any worker sent to country work shall be conveyed by his employer to and from such work free of charge, or his travelling-expenses going to and returning from such work shall be paid by his employer, but once only during the continuance of the work if such work is continuous and the worker is not in the meantime recalled by his employer.

(c) Time so occupied in travelling shall count as time worked and shall be paid for at ordinary rates.

(d) Such workers employed upon country work shall be paid an additional sum of 6s. per working-day, but the employer may in lieu thereof provide them at his own expense with suitable board and lodgings; or, where the employer provides satisfactory accommodation, 3s. 6d. shall be paid for food allowance for every working-day the workers are in camp. For the purposes of this clause "satisfactory accommodation" shall include a suitable mattress, essential cooking-utensils, provision for storage of food, and reasonable sanitary conveniences.

The provisions of clause 5 of this award increasing rates of remuneration shall not apply to the payments provided for in this subclause.

(e) Workers making use of such accommodation shall keep it clean. If they fail to do so, the employer may employ some other person to do the work and may deduct the cost of such work from any moneys due or accruing due to such workers.

(f) Where a five-day week is being worked on country work and the employer conveys the men to work on the first working-day and returns them to their usual place of abode on the last day of the working-week, not more than four days' allowance shall be paid; but any time occupied in travelling in excess of fifteen minutes each way shall be in the employer's time.

(g) Notwithstanding anything contained herein, an employer may agree with any worker that in respect of any specified country work the hours of work shall be other than those hereinbefore prescribed: Provided, however, that all time worked outside or in excess of such prescribed hours shall be considered overtime, and shall be paid for at the rate of 1½d. an hour in addition to the ordinary rates.

Travelling-time

14. In the event of a driver being required to park or garage his vehicle or implement at a place other than the particular yard or depot to which he is attached, the employer shall do one or other of the following things:—

- (a) Provide the driver with free transport to and from such vehicle or implement:
- (b) Reimburse the driver any additional cost incurred by him in travelling to and from his work on account of his vehicle or implement being parked or garaged away from the particular yard or depot to which he is attached. Further, any additional time occupied by the driver in travelling to and from his work due to the above cause shall be deemed to be part of his day's work and shall count as time or overtime, as the case may be, except that fifteen minutes in going and fifteen minutes in returning shall not be counted as time worked.

Wet Places

15. 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 in wet concrete 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 water or soakage, the boots or overalls supplied do not adequately protect the worker. Employers shall supply suitable oilskin raincoats to drivers when they are required to work in the open in wet weather. Workers using oilskin raincoats shall be held responsible for any loss or damage or wilful destruction or neglect.

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, together with an independent chairman, if required by either party, to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Accidents

17. 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.

General Provisions

18. (a) The secretary or other representative of the union shall be permitted to interview workers in working-hours, but so as not to interfere unreasonably with the operations of the local bodies concerned.

(b) Local bodies shall, on request, at intervals of not less than three months, supply to the secretary of the local union a list of the drivers employed.

Special Provisions for Power Boards

19. Electric-power Boards shall be at liberty to make special arrangements with their drivers as to the hours of work when required to work in connection with breakdown or special work: Provided that the hours shall not exceed forty per week, and in the case of these drivers overtime shall be paid only for any time worked in excess of the hours herein prescribed. Further, this award shall not apply to those employees of Power Boards who are substantially employed as electricians or linesmen and paid as such, but only to those workers who are engaged as drivers and are substantially employed in that capacity.

Workers to be Members of Union

20. (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

21. (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.

Copy of Award

22. Employers bound by this award shall exhibit a copy of this award in such a position as to be easily accessible to the men.

Application of Award

23. 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

24. This award shall operate throughout the Northern Industrial District (except that area lying within a radius of twenty-five miles of the chief post-office of Auckland City), Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.

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Term of Award

25. This award, in so far as it relates to wages, shall be deemed to have come into force on the 24th day of September, 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 31st 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 31st day of October, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The only matter referred to the Court related to holidays. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council. Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.
