

N.Z. ELECTRIC LAMP MANUFACTURERS LTD., WELLINGTON
EMPLOYEES.—APPLICATION FOR AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments, and the Economic Stabilization Emergency Regulations 1942; and in the matter of the New Zealand Electric Lamp Manufacturers, Ltd., Wellington, Employees' industrial dispute.

MEMORANDUM OF THE COURT, DELIVERED BY TYNDALL, J.

IN making awards the Court of Arbitration is required to comply with the provisions of the Economic Stabilization Emergency Regulations 1942. Regulation 38 (1) (as amended) reads as follows:—

In exercising its powers and functions in relation to the making or amendment of awards or apprenticeship orders the Court of Arbitration shall have regard to the general purpose of these regulations and also to the desirability of so fixing rates of remuneration as to restore or preserve a proper relationship with the rates of remuneration of other workers or classes of workers (whether fixed by any award, apprenticeship order, or industrial agreement or otherwise), but, except as provided in Regulations 42 and 43 hereof and in subclause (2) of this regulation, the Court shall not have regard to any fluctuations in the cost of living.

The Court has before it the terms of a settlement reached in Conciliation Council in the New Zealand Electric Lamp Manufacturers, Ltd., Employees' industrial dispute. Since the settlement was reached, the Court issued its standard wage pronouncement on 17th March, 1945. Following upon the pronouncement the authorized representatives of the parties conferred in accordance with a general suggestion made by the Court and reached agreement as to further adjustments to be made to the rates of remuneration.

The Court is now asked to make an award embodying the terms of settlement reached in Conciliation Council, and the further adjustments to rates of remuneration which were agreed upon by the representatives of the parties.

Prior to the introduction of stabilization the minimum rates of remuneration of the workers in the industry were governed by an agreement under the Labour Disputes Investigation

Act, 1913. The agreement was made on 7th May, 1941 (41 Book of Awards 472). The rates of remuneration were set out in the agreement in the following form:—

5. (a) *Boys and Youths.*—Boys and youths under twenty-one years of age shall be employed at not less than the following rates of wages:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 16 ..	20/-	25/-	30/-	35/-	40/-	45/-	50/-	55/-	60/-	70/-
16 to 17 ..	22/6	27/6	32/6	37/6	42/6	47/6	55/-	60/-	65/-	70/-
17 to 18 ..	27/6	32/6	37/6	42/6	50/-	57/6	65/-	70/-	..	..
18 to 19 ..	32/6	37/6	42/6	47/6	55/-	62/6	70/-	..	..	..
19 to 20 ..	42/6	50/-	55/-	65/-	70/-	..	..	..	..	..
20 to 21 ..	55/-	60/-	70/-	..	..	..	..	..	..	..

(b) Male adult workers of the age of twenty-one years and over shall be paid not less than 2s. 5½d. per hour.

(c) Men in charge of three or more workers shall be paid 2d. per hour extra.

(d) *Females.*—Female workers may be employed at not less than the following rates of wages:—

	Per Week.
	£ s. d.
First six months ..	0 19 0
Second six months ..	1 3 0
Third six months ..	1 7 0
Fourth six months ..	1 11 0
Fifth six months ..	1 15 0
Sixth six months ..	2 0 0
Seventh six months ..	2 5 0
Thereafter ..	2 12 6

(e) Females in charge of three or more workers shall be paid 1s. per day extra.

6. All rates of remuneration, including time and piece wages and overtime and other special payments provided for in this agreement, shall be subject to the provisions of the general order dated the 9th August, 1940, under the Rates of Wages Emergency Regulations 1940, increasing rates of remuneration by an amount equal to 5 per cent. thereof.

The rates of remuneration which the Court is now requested to incorporate in an award are as follows:—

5. (a) The following rates of wages shall be paid to male workers:—

	Per Week.
	£ s. d.
16 to 17 years of age ..	2 0 0
17 to 18 years of age ..	2 10 0
18 to 19 years of age ..	3 10 0
19 to 20 years of age ..	4 10 0
Thereafter the rate prescribed in sub-clause (b) hereof.	

(b) Male adult workers of the age of twenty-one years and over shall be paid not less than 2s. 10d. per hour.

(c) Men in charge of three or more workers shall be paid 2d. per hour extra.

(d) Female workers may be employed at not less than the following rates of wages:—

Under eighteen years of age: £1 17s. 6d. per week for the first six months; £2 2s. 6d. per week for the second six months.

Thereafter: £3 7s. 6d. per week.

Over eighteen years of age: First six months' employment with the firm, £2 10s. per week; second six months' employment with the firm, £2 17s. 6d. per week; thereafter, £3 7s. 6d. per week.

(e) Females in charge of three or more workers shall be paid 1s. 6d. per day extra.

6. The two general orders under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively, shall be deemed to be incorporated in this award and shall have effect according to their tenor.

The Court is asked further to incorporate the following clause:—

Independent and apart from the wages paid under this award, and as a means of increasing the regular attendance of workers at their place of employment, a bonus of 5 per cent. on the wages set out herein shall be paid to each worker who shows 100 per cent. regular attendance at work during any one or more weeks.

It will be seen that in a number of instances the minimum rates agreed upon by the parties are greatly in excess of those prescribed in the 1941 agreement. For example, a boy between sixteen and seventeen years of age was entitled under the 1941 agreement to commence at a minimum wage of 22s. 6d. per week, increased by 5 per cent. in accordance with the Court's first general order of 9th August, 1940. With the addition of the increment provided for by the Court's second general order of 31st March, 1942, the gross minimum wage would be £1 4s. 9½d. Under the proposed award the minimum rate for the same boy would be £2 per week, plus the two general orders, plus the special bonus of 5 per cent. if he attended his work regularly, making a gross weekly rate of remuneration of £2 5s. 8d.

A youth from nineteen to twenty years of age under the 1941 agreement was entitled to a minimum gross wage of £2 6s. 1½d. (including both increases prescribed by general order), whereas under the proposed award the same youth when attending his work regularly would be entitled to a minimum gross remuneration of £5 0s. 9½d.

A female under the age of eighteen after one year's service with the employer was entitled under the 1941 agreement to a minimum gross wage of £1 9s. 9½d. Under the

proposed award the same worker with the same period of service when attending her work regularly would be entitled to a minimum gross rate of remuneration of £3 16s. per week.

Under Regulation 38 the Court in making an individual award is directed—

- (a) To have regard to the general purpose of the Economic Stabilization Emergency Regulations, which is to promote the economic stability of New Zealand:
- (b) To have regard to the desirability of so fixing rates of remuneration as to restore or preserve a proper relationship with the rates of remuneration of other workers or classes of workers:
- (c) To disregard any fluctuations in the cost of living.

If the rates agreed upon by the parties in the present instance were incorporated in an award, it is considered that the employer would be placed in an advantageous position in the labour market as compared with many other factory employers. It seems to us that it is just such a state of affairs that the regulations were designed to prevent.

We are also of the opinion that the proposed rates of remuneration would not restore or preserve a proper relationship with the rates of remuneration of other classes of workers.

The Court therefore declines to make an award incorporating the provisions agreed upon by the parties.

Dated this 14th day of August, 1945.

[L.S.]

A. TYNDALL, Judge.