

NELSON INDUSTRIAL DISTRICT **BUTCHERS.**—AWARD

In the Court of Arbitration of New Zealand, Nelson 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 Nelson Operative Butchers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons and firms (hereinafter called "the employers") :—

Canton, A., Butcher, Motueka.

Cotton, G., and Sons, Butchers, Bridge Street, Nelson.

Gray, Edward, Butcher, Motueka.

Howson, W. S., Butcher, Bridge Street, Nelson.

Hunter, L. A., Butcher, Waimea Road, Nelson.

Hunter, R., Butcher, Muratai Street, Tahunanui.

Lummis Bros., Butchers, Motueka.

Martin, W., Butcher, Wakefield.

Oxnam, D. W., Butcher, Murchison.

Richardson and Haswell, Butchers, Bridge Street,
Nelson.

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 30th day of September, 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 8th day of November, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. (a) The ordinary hours of work shall not exceed forty-four per week, and shall be worked as follows: between the hours of 7 a.m. and 5 p.m. on Monday, Tuesday, and Thursday; between the hours of 7 a.m. and 12.30 p.m. on Wednesday; between the hours of 7 a.m. and 6 p.m. on Friday; and between the hours of 6 a.m. and 12 noon on Saturday.

(b) The daily working-hours under this award shall be worked continuously and not more than two hours of a break shall be allowed on any one day except Friday. No worker, other than those required to cart meat from the abattoirs or slaughterhouses, who may commence work at 6 a.m., shall be permitted to do any work coming within the scope of this award earlier than 7 a.m.

(c) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day of the number of hours usually worked on that day, although no work was actually done on any such day.

(d) During the summer months, 1st November to 31st March, workers carting meat from the abattoirs may commence half an hour earlier than the prescribed hours on Saturday morning, but the total number of hours shall not exceed forty-four per week.

Wages

2. (a) Workers shall be paid not less than the wages specified in the following scale:—

		Per Week.		
		£	s.	d.
First shopman or man in charge .. .. .	..	6	17	10
Second shopman .. .. .	..	6	7	10
First small-goods-man .. .. .	..	6	17	10
Hawking-cart or lorry man .. .. .	..	6	0	4
Slaughterman .. .. .	..	5	17	10
All other workers .. .. .	..	5	15	4

(b) Such wages are weekly wages, and no deduction shall be made from them save for time lost through the default or illness of the worker.

(c) Except in the case of casual labour, one week's notice shall be given by either party of the termination of employment.

(d) An employer who substantially performs the work of a shopman in his own shop shall be classed as "first shopman." Where three or more shopmen are employed in one shop, one man shall be paid first shopman's wages.

(e) A small-goods-man is a worker who is employed for not less than twenty-two hours in each week at making small-goods.

Casual Labour

3. All casual workers shall be paid at the rate of not less than 3s. 3½d. per hour, with a minimum of seven hours for any day on which such workers shall be employed. "Casual" shall mean any person whose engagement is for a period of less than five and a half consecutive days.

Youths

4. (a) Employers may employ youths.

(b) All youths shall be paid not less than the wages specified in the following scale:—

	Per Week.
	£ s. d.
15 years of age and under	1 13 0
From 15½ to 16 years of age	1 17 0
From 16 to 16½ years of age	2 1 0
From 16½ to 17 years of age	2 5 0
From 17 to 18 years of age	2 11 0
From 18 to 19 years of age	2 17 6
From 19 to 21 years of age	3 8 6

Provided, however, that a youth between nineteen and twenty-one years who has served not less than three years at the trade shall receive not less than £3 18s. 6d. per week.

(c) The proportion of youths employed shall not exceed one youth to every three journeymen or fraction of the first two journeymen employed.

(d) Where bicycles are used by youths to deliver meat, the combined weight of the bicycle and the meat shall at no time exceed 125 lb.

(e) No youth under the age of twenty-one years shall carry quarters of beef.

(f) The wages prescribed in this clause are weekly wages, and are not subject to any deduction save for time lost through sickness, accident, or default of the workers.

Increase in Rates of Remuneration

5. 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 females under twenty-one years of age, and apprentices, on earnings up to £1 10s. per week only.

Overtime

6. (a) Work done in any day outside of or in excess of the hours prescribed herein shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Work done on Sunday, Christmas Day, Good Friday, or Anzac Day shall be paid for at the rate of double time, and work done on any of the other holidays mentioned in clause 7 hereof shall be paid for at the rate of time and a half.

(c) Overtime less than half an hour shall count as half an hour, and overtime exceeding half an hour but less than an hour shall count as an hour.

(d) Payment of overtime shall be in addition to the ordinary weekly wages.

(e) All workers required to work overtime shall be paid 2s. 6d. tea-money unless living within one mile of the employer's place of business.

Holidays

7. (a) The following shall be observed as holidays: New Year's Day and the day following, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and Anniversary Day.

(b) Should any of the above-mentioned holidays fall on a Sunday, then such holiday shall be observed on the following Monday. Should any of such Mondays, however, be also a holiday, such holiday shall be observed on the following Tuesday or a day to be arranged.

(c) Annual holidays shall be given in accordance with the Annual Holidays Act, 1944.

General

8. (a) All wages and overtime shall be paid in full on Thursday of each week before the closing hour.

(b) In shops and factories the rotation of employment shall be as follows: first shopman, second shopman, all other workers, small-goods-man, all other workers.

(c) A copy of this award shall be at all times affixed in some conspicuous place at or near the entrance to the shop or factory and in such a position as to be easily accessible to the persons employed therein.

(d) At all establishments, accommodation shall be provided for hanging up and changing clothes.

(e) No worker who has charge of or drives any motor-vehicle for his employer and stables or accommodates such vehicle on his own premises shall be permitted to do any work to such vehicle at his place of residence either before or after the hours of starting or finishing work as set out in this award or on any holiday or a Sunday.

(f) No boy or youth under the age of eighteen years shall be employed to have charge of any cart or motor in which meat is sold or delivered unless he is paid at the rate for boys of eighteen years.

(g) The employment of casual boy labour by either employer or worker is not allowed, and workers are not permitted to have the assistance of casual boy labour at any time.

(h) A slaughterman is a worker who does killing, boiling down, droving, and other necessary work round about or in connection with slaughtering work for his employer.

(i) All workers engaged in carting, loading, unloading, or handling bulk meat shall be provided with overalls or carrying covers.

(j) At all establishments where six workers or more are employed, suitable dressing-rooms shall be provided.

(k) First-aid appliances for use in case of accident shall be provided at each shop or factory.

Wages and Time Book

9. (a) The occupier of a shop in which one or more shop-assistants are employed shall at all times keep in the prescribed form, or in such form as may be approved by the Inspector, a record in English (called the wages and time book) showing in the case of each assistant—

- (i) The name of the assistant, together with his age if under twenty-one years of age;
- (ii) The kind of work on which he is usually employed;
- (iii) The hours during which he has actually been employed on each day;
- (iv) The wages paid on each pay-day and the date thereof; and
- (v) Such other particulars as are prescribed by regulations.

(b) No employer shall place any obstacle in the way of any representative of the union in the collection of moneys due at reasonable times, provided that such collection shall not take place more often than once a week.

Workers to be Members of Union

10. 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 person who is not for the time being a member of an industrial union of workers bound by this award.

(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

11. (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.

Early Closing of Shops

12. (a) In exercise of the powers conferred by section 69 of the Shops and Offices Act, 1921-22, it is ordered that all butchers' shops and the shop of every person, firm, or company in which fresh meat, including pork, is sold within the Nelson Industrial District shall be closed as follows: at the hour of 5 p.m. on four days of the week, at 6 p.m. on one day of the week, and at noon on the day of the statutory closing-day.

(b) All shops mentioned in the preceding subclause shall be closed from the hour of 7 a.m. on those days set out as holidays or days observed in lieu thereof in clause 7 hereof.

(c) This award shall apply to all butchers' and pork-butchers' shops.

Bicycle Allowance

13. Where workers use their own cycles on work of their employer they shall be allowed the sum of 2s. 6d. per week.

Disputes

14. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded by stop-work meeting or otherwise 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 specifically dealt with in this award, every such dispute or difference as the same shall arise shall be referred to a committee to be composed of two representatives of the union and two representatives of the employers, such representatives to be appointed by their respective parties within fourteen days after the making of this award; and when a vacancy occurs on such committee the party concerned shall, within fourteen days of such vacancy occurring, fill such vacancy. The committee shall appoint some independent person as chairman, and such chairman shall be paid equally by both parties to the committee. If the

chairmanship of the committee becomes vacant, then another chairman shall be appointed within fourteen days of such vacancy. The decision of the majority of the committee shall be binding on both parties hereto, subject only to the right of either party to appeal to the Arbitration Court against any decision of the disputes committee upon giving written notice of such appeal to the other party within fourteen days after the decision of the disputes committee.

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 district to which this award relates.

Scope of Award

16. This award shall operate throughout the Nelson Industrial District.

Term of Award

17. 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 30th day of September, 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 8th day of November, 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.