

CANTERBURY GELATINE AND GLUE WORKERS.—AWARD

In the Court of Arbitration of New Zealand, Canterbury 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 Canterbury Freezing-works and Related Trades' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Davis Gelatine (N.Z.), Ltd., Woolston, 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 26th day of November, 1945, and shall continue in force until the 26th day of November, 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 20th day of November, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award shall apply

1. The industry to which this award shall apply is gelatine and glue manufacturing as carried on by Davis Gelatine (N.Z.), Ltd.

Hours of Work

2. (a) The ordinary hours of work for workers other than shift-workers shall not exceed forty-four per week from 1st January to 30th June inclusive, to be worked between the hours of 8 a.m. and 5 p.m. on five days of the week and 8 a.m. to 12 noon on Saturdays, and forty hours per week from 1st July to 31st December inclusive, to be worked between the hours of 8 a.m. and 4.15 p.m. on five days of the week and 8 a.m. to 12 noon on Saturdays.

(b) The weekly hours for shift-workers shall not exceed forty, which may be worked over six days of the week, provided that no shift exceeds eight hours, inclusive of crib-time.

(c) Notwithstanding the provisions of subclause (a) hereof, the management may, by agreement with the union, vary the daily hours of commencing and ceasing work.

(d) The hours of work for females and boys under sixteen years of age shall be forty per week, which may be worked over five and a half days.

Wages

3. The following shall be the minimum rates of wages:—

- (a) Filtermen on continuous shifts, 3s. 1d. per hour.
- (b) Other shift-workers, 2s. 11½d. per hour.
- (c) Grease filtermen (when filtering), 2s. 10d. per hour.
- (d) Agar department: Man in charge, 2s. 11d. per hour; other workers, 2s. 8½d. per hour.
- (e) Men working at lime-pits, 2s. 10d. per hour.
- (f) Workers not otherwise specified, 2s. 7½d. per hour.
- (g) Workers while engaged in crushing and bagging Kesilghur shall be paid 3d. per hour extra.
- (h) Feeder and sewer while engaged in crushing bone-dust shall be paid 6d. per ton extra.
- (i) Workers while engaged picking and wheeling bones shall be paid 1d. per hour extra.
- (j) Workers while loading pans from sulphur-vats shall be paid collectively 1s. 9d. per vat extra for trotter and 5s. 3d. per vat for hide, to be divided equally amongst each member of the gang.
- (k) Workers while engaged in chipping boilers, digestors, or cleansing boiler-flues shall be paid 1s. per hour extra.
- (l) Provided pans are unloaded whilst hot, workers unloading trotter-pans and glue-pans who are actually working in the pans shall be paid 9d. per pan each extra.
- (m) Workers engaged shovelling and trimming sulphur in bulk shall be paid 6d. per hour extra.
- (n) Workers emptying sewer settling pits shall be paid 6d. per hour extra.

Workers (other than yardmen or lime-pit men) who are required to clean out lime-pits shall be paid 2d. per hour extra whilst so engaged.

Employment of Youths

4. (a) Boys and youths may be employed at the discretion of the employer at not less than the following weekly 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.	Fifth Year.
Under 16 ..	25/-	30/-	35/-	40/-	47/6	52/6	57/6	62/6	70/-
16 to 17 ..	30/-	35/-	40/-	47/6	52/6	57/6	62/6	70/-	..
17 to 18 ..	35/-	40/-	47/6	52/6	57/6	62/6	70/-

Thereafter, or on attaining the age of twenty-one years, the rates prescribed in clause 3 hereof.

(b) Boys shall not be employed in the yard.

Employment of Females

5. (a) No female worker shall be required to lift any weight in excess of 28 lb.

(b) Suitably heated dressing-rooms shall be provided for female workers.

(c) The minimum rates of wages for female workers shall be as follows:—

	Per Week.		
	£	s.	d.
For the first six months	1	5	0
For the second six months	1	10	0
For the third six months	1	15	0
For the fourth six months	2	0	0
For the fifth six months	2	7	6
For the sixth six months	2	12	6
Thereafter	3	2	6

Provided that a worker of the age of twenty-one years or upwards shall be paid not less than the basic wage for the time being prevailing.

Increase in Rates of Remuneration

6. Except where otherwise provided, all rates of remuneration (which terms 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.

Overtime

7. Except where otherwise provided, all time worked in excess 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. This shall apply to men on shift only after eight hours have been worked.

Holidays

8. (a) The following shall be the recognized holidays: New Year's Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(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 above-mentioned holidays shall be made to all hourly workers in accordance with the provisions of the Factories Act, 1921-22, as amended: Provided that no workers 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 above-mentioned holidays 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 Easter Saturday shall be paid for at time and a half rates.

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

(f) Annual holidays shall be allowed in accordance with the Annual Holidays Act, 1944.

Payment of Wages

9. Wages shall be paid weekly. Two days' lie time shall be allowed. Any error or omission in the pay-sheet shall be adjusted, where possible, within forty-eight hours.

General Provisions

10. (a) Ten minutes' "smoke-oh" shall be allowed during the morning and afternoon of each day.

(b) Each worker shall be supplied, where necessary, with aprons, overalls, leggings, clogs, or gum boots. Oilskins shall be provided for workers called upon to work outside in the rain.

(c) A suitable covered bicycle-stand shall be provided.

(d) Respirators shall be allowed to workers employed on crushing Kesilghur and bone-dust.

(e) Where possible, sulphur-vats shall be drained off at least four hours before men are required to work in them. In the case of any dispute as to whether it is possible to comply with this subclause, the workers concerned shall have the right to appeal to the manager.

(f) A first-aid outfit, suitably equipped, shall be available at the works.

(g) Workers shall be allowed ten minutes to cool off after completing work in hot trotter and glue pans.

(h) When a day-worker is required to work overtime after 6 p.m., he shall receive an allowance of 2s. for meal-money. The provisions of clause 6 hereof increasing rates of remuneration shall not apply to the meal-money payment provided for in this subclause.

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 to 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.

Disputes

13. 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 to appeal to the Court.

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

Scope of Award

15. This award shall operate throughout the Canterbury Industrial District.

Term of Award

16. This award shall come into force on the 26th day of November, 1945, and shall continue in force until the 26th day of November, 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 20th day of November, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters in dispute and referred to the Court related to hours of work, wages for adult males, and classifications, special payments, overtime, holidays, payment of wages, "smoke-oh," provision of industrial clothing and footwear, extension of hours under Factories Act, and term of award.

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

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

I strongly dissent from this award on account of the wages, hours of work, and the extension of working-hours granted under the Factories Act. The rates of wages awarded will allow the employer to reduce the wages of a number of workers employed in the yard, who perform very disagreeable

work, and who were paid 2s. 9d. per hour when this case was heard by the Court. These workers at the time of hearing the case were tied to their job by the Industrial Manpower Emergency Regulations, and I consider that they are worth at least 2s. 9d. per hour. Evidence was given that the employer had previously tried, unsuccessfully, to reduce the wages of these workers, but under the terms of this award they are awarded a lesser wage than they are being paid to-day.
