

NEW ZEALAND (EXCEPT NORTHERN AND WESTLAND  
INDUSTRIAL DISTRICTS) **FARM MACHINERY SERVICEMEN**  
—AWARD

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

In the Court of Arbitration of New Zealand, Taranaki, Wellington, Nelson, Marlborough, 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 Engineering, Coachbuilding, Aircraft, and Related Trades Industrial Union of Workers (hereinafter called “the union”) and the undermentioned firms and companies (hereinafter called “the employers”):—

TARANAKI INDUSTRIAL DISTRICT

Gordon Vacuum Break Milkers, Ltd., Broadway Street, Stratford.  
MacEwen, J. B., and Co., Ltd., 39-43 King Street, New Plymouth.  
Wallace, D. McL. (Taranaki), Ltd., Broadway Street, Stratford.

WELLINGTON INDUSTRIAL DISTRICT

Abraham and Williams, Ltd., corner of Grey and Rangitiki Street,  
Palmerston North.  
Alfa-Laval Separator Co. (N.Z.), Ltd., 131 Rangitiki Street,  
Palmerston North.  
Gough, Gough, and Hamer, Ltd., Hastings.  
Manawatu Machinery Exchange Co., Ltd., 94 Rangitiki Street,  
Palmerston North.

NELSON INDUSTRIAL DISTRICT

Bensemman, E. H. T., and Co., Motueka.  
Levin and Co., Hardy Street, Nelson.

MARLBOROUGH INDUSTRIAL DISTRICT

Clouston, W. E., and Co., Ltd. (McCormick Deering), Blenheim.

CANTERBURY INDUSTRIAL DISTRICT

Andrews and Beaven, Ltd., Moorhouse Avenue, Christchurch.  
Booth, Macdonald, and Co., Ltd., Carlyle Street, Christchurch.  
Gough, Gough, and Hamer, Ltd., Hastings Street, Christchurch.  
International Harvester Co., Ltd., Cashel Street, Christchurch.  
Massey, Harris Co., Ltd., Cashel Street, Christchurch.  
Direct Supply Milker, Ltd., Papanui, Christchurch.  
Gough, E. C., Ltd., 130 Oxford Street, Christchurch.

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICTS

Booth, Macdonald, and Co., Ltd., 27 Kelvin Street, Invercargill.  
Clutha Implement Exchange, Balclutha.  
Gore Implement Exchange, Gore.

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 an

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 on the day of the date hereof, 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 22nd day of November, 1945.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to which Award applies*

1. This award shall apply to mechanics and their assistants employed substantially outside the employer's place of business in any of the following classes of work: Installing or repairing milking-machines, shearing-machines, vacuum, water, milk pumps, water-heaters, rams, windmills, benzine, rosene or Diesel engines, separators and coolers, and such other machinery as such firms install and/or service, or

repairing farm implements; but this award shall not apply to hourly workers employed under the terms and conditions of the New Zealand Metal-trade Employees' award in force for the time being in the district.

#### *Definitions*

2. "Mechanic" means a worker employed on repairs, maintenance, and/or installation work on machinery, and/or mechanized apparatus vendored, and/or serviced by such firms and/or companies as described in clause 1 hereof and/or applies general trade experience to the branch of the trade covered by this award.

#### *Wages*

3. (a) Workers may be employed (i) for not more than 160 hours in any four-weekly period, in which case the minimum wage payable shall be £6 12s. 6d. per week, or (ii) for not more than 160 hours in any four-weekly period for thirty-nine weeks, and for 572 hours during the other thirteen weeks of any year, in which case the minimum wage payable shall be £6 15s. per week throughout the year.

The employer shall notify each worker in writing when he elects to observe the latter provision.

(b) For time worked in excess of the hours set out in subclause (a) time and a half rates shall be paid for the first four hours and double time thereafter. Time worked on Sundays shall not be counted for the purpose of computing overtime.

#### *Holidays*

4. (a) The following holidays shall be allowed and paid for: New Year's Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day, or Show Day, or a day to be substituted therefor by agreement with the union. For each of these holidays upon which an employee is required to work, he shall have a day added to his annual holiday.

(b) If any of the above holidays except Anzac Day fall on a Sunday, such holiday shall be observed on the first working-day or days of the following week.

(c) Time worked on Sunday shall be paid for at ordinary rates in addition to the weekly wage. The ordinary rate shall be computed by dividing the weekly wage by forty.

(d) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944.

*Youths*

5. Youths may be employed as assistants to adults in the proportion of one youth to the first two adult workers and one to each additional three adult workers employed in any district by the same employer, and shall be paid the following minimum weekly rates of wages:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.
Eighteen years ..	65/-	70/-	80/-	90/-	100/-	112/-
Nineteen years ..	82/6	90/-	100/-	112/-	..	..
Twenty years ..	100/-	112/-	..	..	..	..

And thereafter the adult rate.

*Increase in Rates of Remuneration*

6. All rates of remuneration (which term includes time 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;
  - (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.

*Payment of Wages*

7. (a) All wages shall be paid weekly not later than Thursday or in accordance with the present custom.

(b) All wages shall be paid on dismissal of a worker or when a worker leaves of his own accord.

*General Provisions*

8. (a) Workers employed on oxy-acetylene or electric welding and cutting shall be provided with goggles or helmets and gauntlets or gloves.

(b) Suitable screens shall be supplied for electric welding-machines.

(c) *Welding - allowance.*—Workers employed on oxy-acetylene or electric welding, except on spot or butt welding machines, for less than four hours in a day shall be paid 1s. per day extra; for more than four hours in a day, 1s. 6d. extra per day.

(d) *Meal-money.*—The employer shall allow meal-money at the rate of 2s. per meal when workers are called upon to work overtime after 6 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, or Friday, or after 1 p.m. on Saturday, unless such workers can reasonably obtain a meal at their places of residence for the time being and return to their work in one hour, in which case the meal allowance need not be paid. The provisions of clause 6 hereof increasing rates of remuneration shall not apply to the meal-money payment provided for in this subclause.

(e) All necessary travelling-expenses and board and lodging shall be provided or paid for by the employer.

*Accidents*

9. (a) A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place in every works; and shall be open to inspection once a month by a union official; also provision made for a supply of hot water at short notice.

(b) Facilities shall be provided for rendering first-aid in the case of accident to workers while working outside the employer's place of business.

*Access to Workshops*

10. The secretary or other authorized officer of the local union of workers concerned shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business. The employer shall give recognition to any worker who is appointed shop steward in the establishment in which he is employed.

*Matters not provided for*

11. Should any dispute or difference arise in connection with any matter not provided for in this award it shall be settled between the particular employer concerned and two representatives of the local branch of the union. If no settlement is arrived at, then such dispute shall be referred to a Disputes Committee consisting of two representatives of the employers and two representatives of the union for their decision. If such committee is unable to decide the matter it may refer the matter to the Court of Arbitration, or either party may appeal to the Court of Arbitration from the decision of such Committee upon giving to the other party fourteen days' notice in writing of intention so to appeal.

*Workers to be Members of Union*

12. (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*

13. (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*

14. 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*

15. This award shall operate throughout the Taranaki, Wellington, Nelson, Marlborough, Canterbury, and Otago and Southland Industrial Districts.

#### *Term of Award*

16. This award shall come into force on the day of the date hereof, and 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 22nd day of November, 1945.

[L.S.]

A. TYNDALL, Judge.

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#### 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.

E. C. Gough, Ltd., 130 Oxford Street, Christchurch, has made application to be struck out. This application will, if necessary, be dealt with by the Court in the centre from which it originates.

A. TYNDALL, Judge.

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