

## AUCKLAND GASWORKS EMPLOYEES.—AWARD

In the Court of Arbitration of New Zealand, Northern 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 Auckland Gasworks and Related Trades' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Auckland Gas Co., Ltd., Wyndham Street, Auckland.

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 as hereinafter provided and shall continue in force until the 1st day of April, 1947, 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 14th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to which Award applicable*

1. This award applies to any worker engaged in the manufacture and distribution of gas and by-products, and to showroom attendants.

### *Hours of Work*

2. (a) *Yardmen, Drivers, and Mechanical Coal Plant Operators.*—The hours of work for yardmen and drivers, and for the operators on the mechanical coal plant, shall not exceed forty per week, exclusive of overtime.

(b) *Complaints-men.*—The hours of work for complaints-men shall be as follows: two sets of hours per day may be worked in the complaints department. The first set of hours (herein called the day set) shall be worked between the hours of 8 a.m. and 5 p.m. on five days of the week and between 8 a.m. and 12 noon on Saturdays. The second set of hours (herein called the afternoon set) shall consist of eight hours worked consecutively between the hours of 1 p.m. and 9 p.m. on six ordinary days of the week: Provided that no worker shall work more than eighty-four hours in each period of two weeks nor more than forty-four hours in any one week: Provided, further, that workers employed on the afternoon set of hours on six days per week, including Saturday afternoon, shall be paid an allowance of 10s. per week in addition to their weekly wages.

There shall be, as far as possible, an equal distribution of day and afternoon work among the complaints-men. Such distribution shall be so arranged that no complaints-men shall be required to work on a day set and on an afternoon set of hours in any one week except in case of emergency.

(c) *Gate-keepers and Watchmen.*—The normal working-hours for gate-keepers and watchmen shall be between the hours of 6.30 a.m. and 11 p.m. on each day from Monday to Friday, both days inclusive, and between the hours of 6.30 a.m. and 1 p.m. on Saturdays, all hours in excess of forty per week to be paid at overtime rates.

The company may elect to employ watchmen and gate-keepers continuously on shift-work, in which case all time worked on Saturdays, Sundays, and holidays shall be paid for at time and a half rates. The night shift shall be paid 2s. in addition to ordinary rates.

(d) *All other Workers.*—The hours of work for all other workers, including maintenance-men and shiftmen, shall be forty per week, exclusive of overtime.

(e) For forty-hour workers, other than shift-workers, the daily hours shall be between 7.30 a.m. and 5 p.m. on each of the days of the week from Monday to Friday, both days inclusive.

(f) *Shift-work*.—The ordinary hours for shift workers shall be as follows: a week's work shall consist of five shifts of eight hours each. Workers shall change shifts, as may be mutually arranged, so that no worker shall average more than twenty shifts in the period of twenty-eight days.

### *Classification and Rates of Wages*

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

(1) *Shift-workers engaged in the manufacture of gas*:—

	Per Shift.		
	£	s.	d.
(a) Horizontal retorts: Power stoking-machines—			
Leading hand .. .. .	1	7	6
Charging and pushing machine operators, stokers, retort patcher and scurfer, pipe-jumpers, water-gas operators, and coke-transporter men .. .. .	1	5	4
Fire-cleaners regularly employed on shift-work or day-work .. .. .	1	5	4

The following workers employed in the present horizontal-retort house and engaged in operating the existing equipment shall whilst so employed be paid 3d. per hour in excess of the rates prescribed above: leading hand, charging and pushing machine operators, stokers, and coke-transporter men.

(b) *Vertical chamber ovens*:—

Leading operator, where more than two men are employed per shift .. .. .	1	6	4
Other operators and water-gas operators .. .. .	1	5	4
Fire-cleaners where regularly employed on shift-work or day-work .. .. .	1	5	4

(c) *Engine-drivers* shall be paid the rates provided in any award covering stationary- and traction-engine drivers for the time being in force in the district concerned.

(d) *Ammonia-plant and tar-plant operators* .. 1 3 0

(2) *Day-workers*.—The following classes of workers shall be paid the rates prescribed in any award or industrial agreement for the time being in force covering such workers, but if not covered they shall be paid the rates hereinafter mentioned:—

(a) (i) *Tinsmiths, sheet-metal workers, dry tin plate meter repairers*, where soldering has to be done to meters, main-laying gangers (in charge of not less than six men), 3s. 0½d. per hour.

- (ii) Provided that any of such workers at present receiving a higher rate of pay shall not have their wages reduced.
- (b) Cast-iron dry-meter repairers, wet-meter repairers, service layers, main layers and jointers, head storemen, telpher-drivers, men employed chipping, cleaning, painting, and/or spraying steel and iron structures, 2s. 11d. per hour.
- (c) Loco.-firemen, blacksmiths' strikers, stove-meter and other shopmen reconditioning stoves, maintenance-men, complaints-men, 2s. 9½d. per hour: Provided that any work defined as "plumbing work" in the New Zealand Plumbers and Gasfitters' award shall be paid for at the rate provided in the said award.
- (d) Showroom attendants, salesmen, and meter-readers, 2s. 9½d. per hour.
- (e) Coal-workers, 2s. 9d. per hour.
- (f) (i) By-product operators, 2s. 9d. per hour.  
(ii) Operator tar-distilling plant on day-work, 2s. 9d. per hour.  
(iii) Other workers, 2s. 8d. per hour.
- (g) Worker who is employed welding, 1s. 6d. per day or part of a day extra.
- (h) All other workers, 2s. 7½d. per hour.
- (i) Motor-drivers not covered by another award, and motor-drivers who are employed in connection with maintenance and servicing work, shall be paid the rates provided in the Motor and Horse Drivers' award for the time being in force.
- (j) Working foremen shall be paid not less than the rate specified in paragraph (a) of subsection (2) hereof.
- (k) In works where fire-cleaners are not regularly employed to clean fires each day or shift and yard hands or other workers are employed to perform this work, they shall be paid while fire-cleaning at the fire-cleaner's rate: Provided that a minimum of five hours shall be paid for on each day when casual fire-cleaners are called upon to perform this work.
- (l) Workers other than tradesmen employed on tradesmen's work shall be paid the tradesmen's rates specified in clause 3 (2) (a) hereof.
- (m) Loco.-drivers standing by during the lunch hour shall be paid for the standing-by time.
- (n) Workers required to fill an emergency vacancy in the retort-house shall be paid retort-house workers' rates.
- (o) Day-workers sent home to come back on shift to be paid two hours' appearance money.

*Dirty Work*

4. (a) (i) Yard workers engaged in emptying, easing, or turning oxide in purifier-boxes or in grinding oxide shall be paid time and a half rates.

(ii) Yard workers while engaged in refilling oxide into purifier-boxes shall be paid 3s. per day or part of a day in addition to their ordinary wages.

(b) Yard workers while engaged in cleaning out tar or distillate tanks or in removing crude naphthalene from tanks or wells shall be paid 3s. per day or part of a day in addition to their ordinary wages.

(c) Yard workers while employed filling retorts with coke, patching retorts, cleaning retort-bench flues, cleaning tar-mains and governor in retort-houses, dismantling retorts, mouthpieces, and ascension pipes, assisting to clean flues in emergencies, dismantling and cleaning (except steaming or washing out) washers and scrubbers, cleaning ammonia-stills shall receive 3d. per hour extra above yardmen's rates.

(d) Provided that not more than the highest rate payable under any one of the foregoing subclauses shall be payable on any one day.

(e) (i) Men employed in spraying tar shall be supplied with gum boots, gloves, and goggles.

(ii) Workers while engaged in spraying tar shall be paid 3d. per hour above the yardman's rate, with a minimum of four hours per day.

(iii) A yard hand employed in handling tar shall be paid 1d. per hour above his ordinary rate of wages.

A worker engaged in assisting the sprayer shall be paid 2d. per hour above the yardmen's rate while so employed.

*Wet and Dusty Places*

5. While a worker is required to work under conditions not normal to his usual employment in excessively dusty places or in mud or water to such an extent that getting dusty, muddy, or wet becomes unavoidable, he shall be paid 3d. per hour above his ordinary rates of pay: Provided that this shall not apply to workers who, under any other provision of this award, are being paid an allowance for similar conditions.

*Hot Places*

6. Workers while employed in any place where the temperature is 110 degrees or over shall be paid 3d. per hour or part of an hour above their ordinary rate of pay.

*Height-money*

7. (a) Workers required to work from a bosun's chair or a swinging stage shall be paid 2s. per day in addition to their ordinary rates of wages.

(b) Where a worker is required to work at a height from the ground which is unusual to his employment and which is deemed to be dangerous, the question of additional payment, if any, shall be dealt with in accordance with the provisions of clause 19 hereof, except in the case of tradesmen, who shall receive such payment for height-money, if any, as may be prescribed by the relevant tradesmen's award.

*Overtime*

8. (a) All time worked outside of or in excess of the hours mentioned in clause 2 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates.

(b) Workers, other than shift-workers, who are called upon to work on Sunday shall be paid a minimum of four hours at double time rates, except for complaints men, who shall be paid a minimum of two hours.

(c) *Shift-workers: Saturday, Sunday, and Holiday Pay.*—Each shift-worker working on Sunday or on the holidays mentioned in clause 10 hereof or between noon and midnight on Saturday shall be paid double time rates for all time so worked. Each shift-worker working between midnight Friday and noon on Saturday shall be paid at the rate of time and a half for all time so worked.

(d) Except for the purpose of changing shifts, all time worked in excess of the ordinary shift-work hours shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates.

(e) No shift-worker shall be required to work two shifts in twenty-four hours unless a break of eight hours intervenes.

(f) Any casual or part-time shift-worker who has worked in excess of forty hours in any one week shall be entitled to payment for overtime at the rate applicable to the class of work on which the overtime was worked.

(g) There shall be an equal distribution of overtime among the employees as far as practicable.

*Meal-money*

9. The employers shall allow meal-money at the rate of 2s. per meal when workers are called upon to work overtime after 6 p.m., unless such workers can reasonably get home for

a meal and return to work in one hour or such time as may be agreed upon between the union and the employer. The company may elect to provide a meal in lieu of paying meal-money.

The provisions of clause 23 hereof increasing rates of remuneration shall not apply to the meal-money payment provided for in this subclause.

### *Holidays*

10. (a) Workers, other than shift-workers, shall be allowed the following holidays without deduction from pay: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, 2nd January, and Anniversary Day or, where it is not observed, another day in lieu thereof to be mutually agreed upon.

(b) Workers, other than shift-workers, who are required to work on any of the days mentioned in the preceding subclause shall be paid for such work at double time rates.

(c) No payment shall be made in addition to the ordinary week's wages on account of any holiday which falls on a non-working day except for work actually performed on that day.

### *Annual Holidays*

11. (a) Workers other than shift-workers shall be allowed annual holidays in accordance with the Annual Holidays Act.

(b) Shift-workers after each complete twelve months of service shall be allowed a holiday of three clear weeks (fifteen working-days) at their ordinary rate of pay. The holiday shall be given at a time mutually arranged between the worker and the management.

(c) Any shift-worker who has been employed for less than twelve months but not less than three months upon his discharge or on leaving of his own accord or being transferred to other work than shift-work shall be entitled to holiday pay *pro rata* at his ordinary rate of pay.

### *Employment of Youths and Females*

12. (a) Youths may be employed in meter-repairing shops, stove-shops, maintenance department, stores, and showrooms in the proportion of one youth to every four or fraction of the first four adults permanently employed: Provided that youths under nineteen years of age shall not be employed in the maintenance or complaints departments and shall be employed as assistants to adults at servicing work for the first year of their employment.



(b) Subject to the provisions of the Factories Act, 1921-22, and its amendments, the following shall be the minimum rates of wages payable to youths:—

		Per Week.		
		£	s.	d.
Sixteen to seventeen years of age—				
First six months	..	1	10	0
Second six months	..	1	15	0
Seventeen to eighteen years of age—				
First six months	..	2	1	0
Second six months	..	2	6	0
Eighteen to nineteen years of age—				
First six months	..	2	17	0
Second six months	..	3	2	0
Nineteen to twenty years of age—				
First six months	..	3	8	0
Second six months	..	3	13	0
Twenty to twenty-one years of age—				
First six months	..	4	3	0
Second six months	..	4	10	0

Thereafter, adult wages.

(c) Where females are employed, the wages and conditions as at present may be continued in operation during the currency of this award.

#### *General Conditions*

13. (a) Workers employed working continuously for eight hours on a day-shift but who are not rotating shift-workers shall be paid at the same rate of wages as the shift-workers with whom they are working and shall be entitled to the same privileges.

(b) Any worker, other than a shift-worker, employed in filling a casual vacancy caused through sickness or default of the above-mentioned workers shall receive 2s. 6d. for the first shift in addition to the wages prescribed in clause 3 hereof for shift-workers.

(c) *Payment of Wages.*—Except where mutually arranged, all wages shall be paid not later than Thursday of each week during working-hours.

(d) *Pram-working.*—In the event of the coke-transporter breaking down or being put out of action for repairs, machine-men and stokers shall be paid double rates for such time as they are employed at pram-working. Whilst pram-working, every endeavour shall be made by the workers to keep up the manufacture of gas, but they shall not be required to work

continuously more than forty minutes to the hour. Feeding the producers of new beds being heated up is excluded from this provision.

(e) Workers employed in tunnels or in any places where they are in contact with gas, smoke, fumes, or dust shall be supplied with efficient respirators.

(f) The employer shall supply at each works sufficient and efficient tools and equipment, including respirators and first-aid outfits, to be kept in a convenient and accessible place.

(g) Men engaged in laying and cutting live mains shall be supplied with efficient respirators, which shall form part of the equipment.

(h) All gasworks buildings where men are required to perform work shall be adequately ventilated and lighted so as to protect the health and ensure the safety of the workers.

(i) A suitable heating-appliance shall be provided at the works for workers requiring to heat their food.

(j) Where coke from the retorts is required to be wheeled or trucked out, the floor of the retort-house shall be level and clear of obstruction and the barrows or trucks in good working-order.

(k) During the time that any portion of the plant may be closed down temporarily, workers usually employed on that portion of the plant shall be found employment in other departments.

(l) At all works each shift shall be a continuous eight hours.

(m) Fire-cleaners required to wheel out ashes and the worker on the coke ramp shall be provided with protective clothing when they are required to work outside in wet weather.

(n) For use in case of emergency, soda-water shall be kept in a convenient place for the benefit of men who may be liable to be affected by dangerous fumes in the course of their work.

(o) An interval of ten minutes shall be allowed to day-workers each morning for refreshment.

#### *Accommodation*

14. (a) The employers bound by this award shall provide and maintain at their works, to the satisfaction of the Inspector of Factories, sanitary arrangements and accommodation to enable workers to take their meals and change their

clothing, and also provide lockers for the safe keeping of the workers' clothing, and make provision for hot and cold shower-baths. The present practice as to keeping accommodation clean shall continue.

(b) Where reasonably necessary, the employers shall provide sanitary conveniences for the accommodation and for the reasonable comfort of outside workers.

### *Tools*

15. The employer shall provide each worker with such tools as he may require over and above his ordinary trade equipment. Tools lost through the worker's neglect shall be replaced at the worker's expense.

### *Travelling-allowance*

16. (a) Workers shall be at the place where the work is to be performed at the time appointed for commencing work. When the place where the work is to be performed is over one and a half miles from the place of engagement, all fares shall be paid by the employer, and the time reasonably occupied in travelling to and from work shall be allowed by the employer at ordinary time rates.

No worker residing less than one and a half miles from the place where the work is to be performed, by the nearest convenient mode of access for foot passengers, shall be entitled to the allowance mentioned in this subclause.

(b) Workers who use their own bicycles in the service of the employer shall be paid not less than the rate of 2s. 6d. per week for pedal-cycle and 10s. for motor-cycle.

(c) Any worker required to commence work after the cessation of public wheeled traffic or before the ordinary time of starting such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic, shall be paid for time occupied in travelling to or from his home, computed on three miles per hour, at ordinary rates of pay.

If a conveyance is provided for the worker by his employer, he shall not be entitled to payment for travelling-time.

For the purposes of this award, "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by workers travelling to and from their work.

*Place of Engagement*

17. (a) Workers shall accept engagement only at main depots 1, 2, 3, 4, 5, 6, 7, 8, 13, and 14; men on street mains and services shall not accept engagement at depots numbered 1, 2, 3, 4, 5, and 6.

(b) The depots of the Auckland Gas Co., Ltd., are—

1. Wyndham Street.
2. Pitt Street Showroom.
3. Devonport Showroom.
4. Onehunga Showroom.
5. Takapuna Showroom.
6. Otahuhu Showroom.
7. Gasworks, Beaumont Street.
8. Gasworks, Devonport.
9. Holder Station, Onehunga.
10. Holder Station, Otahuhu.
11. Holder Station, Takapuna.
12. Holder Station, Papatoetoe.
13. Holder Station, St. Heliers.
14. Holder Station, New Lynn.
15. Greenlane Depot.
16. Golf Road Depot.
17. Kensington Avenue Depot.
18. Point Chevalier Depot.
19. Mount Albert Depot.
20. Avondale Depot.

*Termination of Employment*

18. (a) Except in the case of casual workers, not less than one week's notice shall be given on either side of the intention to terminate the employment of any worker, but this shall not prevent an employer from dismissing a worker summarily for misconduct, and such worker shall be paid only the wages due to the time of his dismissal.

(b) On the termination of his employment every worker, provided he shall have delivered to the employer all property in his possession belonging to the employer, shall be paid the sum due to him for wages.

*Disputes Committee*

19. 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; any such settlement shall be binding only on the parties to the particular dispute. If no settlement is arrived at, then such dispute shall be referred to a National Disputes Committee consisting of three representatives of the employers and three 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.

*Under-rate Workers*

20. (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.

*Workers to be Members of Union*

21. (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.)

*Workers other than Adults*

22. If and so long as the rules of the union permit any worker employed in any position or employment subject to this award who is under the age of eighteen years to become a member of the union without ballot or other election, and upon payment of not more than half the payments provided by the rules of the union for adult workers, such worker shall become a member of the union, and if such worker neglects to become a member of the union within two weeks from the date of employment the employer shall, if requested so to do by the union, dismiss such worker, provided there is then a member of the union equally qualified and of similar status and ready and willing to perform the particular work required to be done.

*Increase in Rates of Remuneration*

23. The two general orders made 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.

*Scope and Application of Award*

24. This award shall apply to workers employed in the gas manufacturing and distributing industry by the Auckland Gas Co., Ltd., Auckland, but shall not apply to any such worker who is employed substantially at work covered by any other existing award or industrial agreement and who is bound by such award or industrial agreement.

*Term of Award*

25. 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 1st day of April, 1947.

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 14th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The principal matters in dispute related to hours of work, shift-work, classifications and wages, dirty work, wet and dirty places, hot places, height-money, overtime, holidays, general conditions, tools, and date of coming into force of award.

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

A. TYNDALL, Judge.

## DISSENTING OPINION OF MR. MONTEITH

I am not in agreement with the wages awarded, the "smoke-oh" clause, which only gives a break in the morning, and the shift allowance, as in many other awards 2s. 6d. is provided.