

OTAGO AND SOUTHLAND **BREWERS, BOTTLERS, AND BOTTLE-
WASHERS.**—AWARD

In the Court of Arbitration of New Zealand, Otago and Southland 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 Otago and Southland Brewery, Bottling-houses, and Aerated Waters' Industrial Union of Workers (hereinafter called "the union") and the undermentioned person and companies (hereinafter called "the employers") :—

Murdoch, A., and Co., Ltd., 205 St. Andrew Street,
Dunedin.

New Zealand Breweries, Ltd., Rattray Street, Dunedin.

Powley and Co., Ltd., Hope Street, Dunedin.

Southland Breweries, Ltd., East Invercargill.

The Dunedin Brewery and Wilson Malt Extract Co.,
Ltd., 8 Willowbank, Dunedin.

Whittingham and Co., Ltd., North Road Waikiwi,
Invercargill.

Whittingham, G. W., 36 Irwell Street, 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 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 24th day of May, 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 4th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

- SCHEDULE

Industry to which Award applicable

1. This award applies to all workers employed in or about a brewery, malthouse, or bottling-house.

Definitions

2. (a) For the purpose of this award a "malthouse labourer," a "brewery labourer," and a "bottling-house labourer" are workers employed in or about a malthouse, a brewery, or a bottling-house respectively.

(b) For the purpose of this award a "cooper" is a worker employed as such in or about a brewery.

Hours of Work

3. (a) An ordinary week's work shall not exceed forty hours nor a day's work eight hours, to be worked between the hours of 7.30 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

(b) Shifts may be worked where necessary. A shift shall not exceed eight hours, inclusive of half an hour for a meal. The hours of shift-workers shall be continuous except for the meal-time. A week's ordinary work for shift-workers shall be from Monday to Friday.

(c) Where a worker is required to work for three or less shifts in any one week outside the ordinary day hours he shall be paid for such time worked at overtime rates.

Wages

4. (a) The following shall be the minimum rates of wages:—

				Per Week.		
				£	s.	d.
Coopers	..	..	..	6	6	8
Hoppers down	..	..	..	5	19	2
All others	..	..	..	5	16	8

(b) Shift-workers shall receive not less than 2s. 6d. per shift extra.

(c) Men working on a hot floor letting go hot casks shall be paid an additional 5s. per week.

(d) Men placed in charge of three or more other workers shall be paid 7s. 6d. per week extra.

(e) Any worker required to enamel or dukeron the inside of any enclosed cylinder, pasteurizer, or other enclosed vessel shall be paid 7s. 6d. in addition to his ordinary wages for each day or part of a day so employed.

(f) A worker who is substantially employed in a chilling-room shall be paid 5s. per week in addition to his ordinary wage.

(g) Workers employed in an amber kiln where the air temperature 4 ft. from the floor is 160 degrees Fahrenheit or more shall be paid 2s. 6d. per week extra.

(h) In the case of a worker performing the work at which he is not regularly employed for a longer period than one week, he shall receive the rate of pay for the work at which he is substantially employed or that prescribed for the work at which he is temporarily engaged, whichever is the greater.

(i) If a worker is in receipt of more than the rates prescribed in this award, such worker shall not have his wages reduced so long as he retains his present position.

Casual Workers

5. Workers employed for less than one week shall be paid at not less than 3s. per hour.

Employment of Boys and Youths

6. (a) Employers may employ youths at not less than the following rates of wages:—

	Per Week.		
	£	s.	d.
Under seventeen years of age ..	2	0	0
Seventeen to eighteen years of age ..	2	10	0
Eighteen to nineteen years of age ..	3	0	0
Nineteen to twenty years of age ..	3	10	0
Twenty to twenty-one years of age ..	4	2	6

Thereafter, not less than adult rates.

(b) Youths shall not be employed in bottling intoxicating liquor.

(c) The proportion of youths to men shall not exceed one youth to every four men or fraction of the first four.

Increase in Rates of Remuneration

7. All rates of remuneration, including time and piece wages and overtime and any other special payments, provided for in this award shall be increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively.

EXPLANATORY NOTE.—(1) The general order of the 9th August, 1940, increased rates of remuneration determined by awards and industrial agreements and apprenticeship orders by an amount equal to 5 per cent. thereof.

(2) (a) The general order of the 31st March, 1942, further increased rates of remuneration determined by awards and industrial agreements and apprenticeship orders (inclusive of the 5 per cent. increase provided by the general order of the 9th August, 1940) by an amount equal to 5 per cent. thereof, but excluded from the increase such portion of the remuneration of each worker as exceeded—

- (i) The amount of £5 a week in the case of male workers twenty-one years of age and over;
- (ii) The amount of £2 10s. a week in the case of female workers twenty-one years of age and over;
- (iii) The amount of £1 10s. a week in the case of male and female workers under twenty-one years of age; and
- (iv) The amount of £1 10s. a week in the case of apprentices under apprenticeship orders.

(b) The increase in *rates of remuneration* provided by the order referred to in (a) hereof applied to the unexcluded portion of the *remuneration* of each worker, irrespective of his or her total weekly *remuneration*.

(3) The term "*rates of remuneration*" includes time and piece wages and overtime and any other special payments. The term "*remuneration*" means actual earnings, including time and piece wages and overtime and any other special payments.

Overtime

8. (a) All time worked in any one day beyond the hours prescribed in clause 3 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Maltsters called upon to work at any time from midnight Friday to midday Saturday shall be paid a minimum of three hours for each period upon which they are called to work, and if called upon to work between midday Saturday and midnight Sunday they shall be paid for a minimum of two hours, all at overtime rates.

Meal-money

9. Meal-money at the rate of 1s. 9d. per meal shall be paid in all cases where notice of overtime is not given to the worker on the day previous. If such notice is given and cancelled the following day, the worker shall be paid a minimum of one hour's pay.

Holidays

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

(b) When any of the holidays mentioned in subclause (a) hereof falls on a working-day, payment shall be made for same, as if worked, at ordinary rates of wages.

(c) When any of the above holidays, except Anzac Day, falls on a Sunday, the holiday shall be observed on the next succeeding working-day.

(d) For work done on any Sunday, payment shall be made at double rates.

(e) For work done on any of the holidays mentioned in subclause (a) hereof, payment shall be made at the rate of double time in addition to any payment the worker may be entitled to under subclause (b) hereof.

(f) Shift-workers whose ordinary day off falls on one of the specified holidays shall be allowed another working-day in lieu thereof, such day to be mutually agreed upon.

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

(h) Payment shall be made prior to the worker leaving for the holiday.

Special Provisions

11. (a) Workers shall be allowed, without deduction of pay, fifteen minutes to cool off after taking off or turning kiln.

(b) Where and when necessary, employers shall provide waterproof aprons, suitable footwear for use in wet places, gloves or mitts, and oilskins. Maltsters shall be provided with goggles and respirators.

(c) A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place. Adequate provisions shall be made for men to change their clothes.

(d) Adequate facilities shall be provided for workers to wash and, where reasonably practicable, hot water and a drying-room shall be provided; and, where necessary, a shower-bath shall be provided for malthouse and brewery workers.

(e) Reasonable dining and sanitary accommodation and provision for the storing of men's clothes shall be provided.

(f) Men employed cleaning out kilns shall be paid 10s. per man per kiln extra.

Matters not provided for

12. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Terms of Employment

13. (a) One week's notice of the termination of engagement of any worker, except casuals, shall be given by the employer or the worker, as the case may be; but this shall not affect the right of any employer to discharge a worker for good cause.

(b) Should the employment of a worker be terminated by the employer with less than one week's notice (other than for good cause) such worker shall be paid one week's wages in lieu of notice.

(c) On the termination of the employment of any worker, all wages and holiday payment due to such worker shall be paid forthwith.

(d) The employment shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wage except for time lost through the worker's sickness or default or through accident not arising out of or in the course of his employment.

Right of Entry upon Premises

14. (a) The secretary or other authorized officer of the union 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.

(b) Employers shall, not more often than once in every six months, if requested by the union, supply a list of workers in their employment.

Extension of Hours under Factories Act

15. 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 upon the terms of this award in respect of every occupier of a factory bound by this award.

Workers to be Members of Union

16. (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

17. (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

18. 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

19. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

20. This award, in so far as it relates to wages, shall be deemed to have come into force on the 24th day of November, 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 24th day of May, 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 4th day of December, 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.