

TARANAKI AND WELLINGTON **BY-PRODUCTS WORKERS.**—

AWARD

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

In the Court of Arbitration of New Zealand, Taranaki and Wellington 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 Wellington and Taranaki Soap, Candle, Tannery, and Related Trades' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council, firm, and companies (hereinafter called "the employers") :—

- Carter Brothers, Ltd., Boiling Down Works, Levin.
- Carver, Ltd., Hayward Road, Belmont, Wellington.
- Feilding By-products (J. Thomas), Feilding.
- Hawke's Bay Soap and Tannery Co., Ltd., Napier and Hastings.
- New Plymouth By-products, Ltd. (P. Stainton, Secretary), P.O. Box 142, New Plymouth.
- New Zealand Soap Works, Ltd., Ngahauranga, Wellington.
- Palmerston North City Council, Palmerston North.
- Smith Bros., Ltd., South Road, Hawera.
- Stratford By-products, Ltd., Stratford (care of C. Lamphough, Stratford).
- The Boiling Down Co., Ltd., Dannevirke.
- Wanganui Abattoirs, Ltd., Castlecliff, Wanganui.

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 day of the date hereof, and shall continue in force until the 18th day of December, 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 18th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applicable

1. This award shall apply to all employers and their workers who are covered by this award in connection with any by-product factory and who are not at present covered by any other award.

Hours of Work

2. (a) The hours of work shall be forty per week, to be worked between the hours of 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) Five shifts of not more than eight hours daily may be worked in each week.

(c) Five hours may be worked by mutual agreement between the employer and the workers for the purposes of completing the day's work: Provided that overtime rates shall be paid for time worked in excess of the usual daily hours.

Meal-hours

3. Not less than three-quarters of an hour shall be allowed for meals.

Overtime

4. (a) Subject to the provisions of the Factories Act, 1921-22, and its amendments, all time worked outside of or 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.

(b) When a worker has completed his ordinary day's work and is ordered back to work overtime after 5 p.m., a minimum of two hours shall be paid for.

(c) When workers are required to work overtime on any day the employer shall provide a meal or pay such worker 2s. to enable him to purchase a meal, unless such worker has been notified on the day previous that he will be required to work overtime: Provided that when such notice has been given and the worker's services are not required, he shall still receive the meal allowance. The provisions of clause 9 hereof increasing rates of remuneration shall not apply to the meal-money payment provided for in this subclause.

(d) The minimum rate of pay for youths and females shall not be less than 1s. 9d. per hour.

(e) In all cases where men are called out and there is no work they shall receive a minimum of two hours' pay at the rate prescribed.

(f) All time worked after 12 noon on Saturday shall be paid for at double time rates.

Holidays

5. (a) The following shall be the recognized holidays:—
- (i) Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign.
 - (ii) 2nd January and Anniversary Day or one other day to be mutually agreed upon.

(b) Payment of wages for the said holidays shall be made to all persons who have been employed in the factory at any time during the fortnight ending on the day on which the holiday occurs.

(c) Payment for each whole holiday shall be at the same rate as for ordinary working-days, and shall be paid at the first regular pay-day thereafter.

(d) Every person who is required to perform work on any whole holiday set out in subclause (a) (i) hereof shall, in addition to the payment to which he or she is entitled under the preceding subclause, be paid therefor at not less than double the ordinary rate. For time worked on the days set out in subclause (a) (ii) of this clause payment shall be made in addition to the ordinary payment, at the rate of time and a half.

(e) If any worker employed in a factory in which work is regularly performed on Sundays is actually employed on any Sunday, he shall, in addition to his ordinary rate of pay, be paid for the time worked on such Sunday at not less than the ordinary rate.

(f) Except as provided in the last preceding subclause, every person who is actually employed in any factory on any Sunday shall be paid for the time worked on such Sunday at not less than double the ordinary rate of pay, with a minimum of four hours.

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

Wages

6. The following shall be the minimum rates of wages:—
- (a) Workers receiving offal, 2s. 10d. per hour:
 - (b) All other workers, 2s. 7½d. per hour:
 - (c) Workers engaged in chipping boilers or digesters shall be paid time and a half rates while so engaged:
 - (d) A worker placed in charge of three or more other workers shall be paid 1s. per day extra.

Shift-work

7. (a) Shifts may be worked to whatever extent may be deemed necessary to cope with the work, and a shift shall consist of eight hours, including thirty minutes' crib-time and ten minutes' "smoke-oh."

(b) Any worker whose usual hours of employment require him to regularly work hours other than those specified in clause 2 or rotate with other shifts shall be deemed to be a shift-worker under this clause.

(c) A worker required to work for less than four consecutive shifts shall not be deemed to be a shift-worker, but shall be paid for such work at overtime rates.

(d) A shift-worker whose shift commences before 6 a.m. or after 12 noon shall be paid 2s. per shift extra.

(e) Clause 2 hereof shall not apply to shift-workers employed under this clause, provided the total number of hours does not exceed forty per week.

Employment of Youths

8. (a) Youths may be employed at the following minimum rates of pay:—

	Per Week.		
	£	s.	d.
Under 16 years of age	1	7	6
16 to 16½ years of age	1	12	6
16½ to 17 years of age	1	17	6
17 to 17½ years of age	2	3	6
17½ to 18 years of age	2	10	0
18 to 18½ years of age	2	17	6
18½ to 19 years of age	3	7	6
19 to 20 years of age	3	17	6

Thereafter the minimum wage for adult workers.

(b) The number of youths to each senior worker shall not exceed one to three or fraction of three.

Increase in Rates of Remuneration

9. Except where otherwise provided, 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.

General Provisions

10. (a) An interval of ten minutes' duration for smoking shall be allowed morning and afternoon without deduction from the men's wages.

(b) Proper provision shall be made for dining and dressing accommodation, and facilities for drying clothes shall be provided.

(c) Workers shall, where necessary, be supplied with aprons, leggings, clogs, or gum boots.

(d) Suitable washing-accommodation shall be provided, while both hot and cold water shall be laid on.

(e) Double rates shall be paid to men employed skinning or cutting up animals which have died or been killed four hours prior to reaching the works, and such animals, if they arrive at the works before 4 p.m., shall be skinned and cut up on the same day.

(f) Wherever possible, offal arriving at the works before 5 p.m. shall be disposed of the same day.

(g) A first-aid outfit shall be provided in every factory and shall be accessible to workers at all times. The employer shall keep supplies in clean medical outfits and in charge of a responsible person.

Disputes

11. The essence of this award being that the work of the employer shall not on any account whatsoever be impeded 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 shall be referred to a committee to be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Terms of Employment

12. (a) Deductions may be made from the wages of weekly workers for time lost through sickness or default, or accident, or for time lost through fire, earthquake, or epidemic.

(b) Nothing in the foregoing subclause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

Wages and Record Book

13. In every factory the occupier shall at all times keep in the prescribed form, or in such other form as may be approved by the Inspector, a record in English (called the "wages and overtime book") showing, in the case of each worker—

- (a) The name of the worker;
- (b) His age, if under twenty-one years of age;
- (c) The kind of work on which he is usually employed;
- (d) The hours of his employment during each week; and
- (e) The wages paid each week.

Reference

14. Each worker on leaving or being discharged from his employment shall be given, on request, within twenty-four hours thereafter, a reference in writing stating the position

held and length of service. Original references shall be the property of the worker, and shall be returned within twenty-four hours after engagement.

Workers to be Members of Union

15. (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

16. (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

17. 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

18. This award shall operate throughout the Taranaki and Wellington Industrial Districts.

Term of Award

19. This award shall come into force on the day of the date hereof, and shall continue in force until the 18th day of December, 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 18th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters in dispute and referred to the Court related to hours of work and wages. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

A. TYNDALL, Judge.