

NORTHERN, WELLINGTON, AND CANTERBURY **ACETONE
ILLUMINATING AND WELDING WORKERS.—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Wellington, and Canterbury 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, Coach-building, Aircraft, and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Acetone Illuminating and Welding Co., Ltd., Auckland,
Napier, Wellington, and Christchurch.
Carbonic Ice, Ltd., Hamer Street, Auckland; and 261
Moorhouse Avenue, Christchurch.
Mason Brothers' Engineering Co., Ltd., Pakenham
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 20th 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 20th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to workers employed by the Acetone Illuminating and Welding Co., Ltd., New Zealand (Auckland, Napier, Wellington, and Christchurch), Mason Brothers' Engineering Co., Ltd., Auckland, and Carbonic Ice, Ltd., Auckland and Christchurch, in welding and/or in the manufacture, compression, and distribution of oxygen, nitrous oxide, and/or acetylene gases and/or carbonic acid gases.

Hours of Work

2. (a) Forty hours shall constitute an ordinary week's work, and, except for men on shift, shall be worked between 8 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) On compressed-gas plants the employer shall be entitled to work one, two, or three shifts of eight hours per day inclusive of crib-time without intervals for meals, these shifts to be mutually arranged between the employer and the workmen. Shifts shall rotate if more than one shift is worked.

(c) A worker required to work less than three consecutive shifts outside the hours prescribed in subclause (a) hereof shall be paid at the overtime rates, but if he is required to work three or more consecutive afternoon or night shifts he shall be paid the sum of 3s. per shift in addition to his ordinary wages.

Classification and Rates of Pay

3. (a) "Tradesman" means an adult workman who has served his apprenticeship to one of the engineering trades or who applies trade experience and is wholly or partially employed in the work defined in clause 1 hereof and who, if required, may perform the work defined under "tradesman" in the current Engineers' award.

"Chargeman" means an adult worker, not being a tradesman, who is employed in charge of a compressed-gas-manufacturing plant and who is responsible for the running of this plant, subject only to the supervision of the management.

"Compressor hand" means an adult worker who is employed in handling compressed-gas cylinders during and after the process of charging, and/or is employed in receiving and delivering full and empty cylinders at the factory, and/or is employed in inspecting, testing, or heat-treating cylinders.

"Generator hand" means an adult worker who is employed in charging and cleaning acetylene generators. The disposal and treatment of sludge after it has been ejected from the generator does not qualify for this classification.

(b) The minimum rate of wages payable to the under-mentioned classes of workers shall be as follows: —

				Per Hour.	
				s.	d.
Tradesmen	..	..	..	3	1½
Chargemen	..	..	..	2	11½
Compressor hand	..	..	..	2	10½
Generator hand	..	..	..	2	8½
Labourers	..	..	..	2	8
Welders	..	..	..	3	0½

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

Overtime

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

(b) In the case of shift-workers all work performed in excess of eight hours in any one shift shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Dirty Work

5. (a) At Napier men employed in emptying lime-tower, and making heratol purifier—so long as present conditions of manufacture exist—slaking lime, and refilling the lime-tower shall be paid time and a half while engaged at this work.

(b) Men employed in connection with caustic purifiers and driers, calcimite, heratol, and sludge shall be supplied with wooden soled boots, gloves, and overalls.

(c) Workers when employed handling lump caustic, sludge, calcium chlordine, cleaning or painting or repairing gasometers, handling heratol shall receive 2s. per day or part of a day in addition to their ordinary wages.

Holidays

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

(b) Workers who are required to work on any of the days mentioned in the preceding paragraph shall be paid for such work at double time rates.

(c) When any of the holidays, other than Anzac Day or 2nd January, mentioned in paragraph (a) fall on a Sunday they shall be observed on the day following.

(d) 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

7. (a) In addition to the holidays specified in clause 6 hereof, shift workers shall be allowed an annual holiday of twelve days on full pay on completion of twelve months' service.

(b) All other workers covered by this award shall be allowed annual holidays in terms of the Annual Holidays Act, 1944, and its amendments.

(c) All employees going on holiday shall receive their holiday pay in advance up to the end of the current holiday period.

Employment of Youths

8. (a) Youths may be employed in the proportion of one youth to every four or fraction of the first four adults permanently employed, provided that youths under twenty years of age shall not be employed in the manufacture or compressing of gas.

(b) *Wages.*—The following shall be the minimum weekly rates of wages payable to youths:—

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.	Ninth Six Months.	Tenth Six Months.
Under 17 ..	29/-	34/-	39/-	46/-	56/-	61/-	67/6	72/6	85/-	90/-
17 to 18 ..	39/-	46/-	56/-	61/-	67/6	72/6	85/-	90/-	..	..
18 to 19 ..	56/-	61/-	67/6	72/6	85/-	90/-	..	..	..	..
19 to 20 ..	67/6	72/6	85/-	90/-	..	..	..	..	..	..
20 to 21 ..	85/-	90/-	..	..	..	..	..	..	..	..

Thereafter adult wages.

General Conditions

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

(b) 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.

(c) Where necessary, a dining-room and suitable heating appliances shall be provided at the works for the employees to heat their food, dry their clothing, and also washing facilities with running hot water.

(d) At all works each shift shall be continuous for eight hours, inclusive of a twenty minute break for crib time.

(e) *Heat-money:* Any worker required to work in a place where the heat exceeds 110 degrees Fahrenheit shall be paid, in addition to the rate of wages to which he is entitled for the time the work is performed, a special heat rate computed at the ordinary time rate for the time he is so employed. No worker shall be required to work in a place where the temperature is above 160 degrees.

Travelling-allowance

10. (a) Workers shall be at the place where the work is to be performed at the time appointed for commencing work. Where the place where the work is to be performed is more than one mile and a half from the place of engagement, all

fares shall be paid by the employer, and the time reasonably spent in travelling to and from work shall be allowed by the employer at the ordinary rates of pay.

(b) Employees who are required by the employer to use their own bicycles in the service of the employer shall be paid not less than at the rate of 2s. 6d. per week for a push-cycle and 10s. a week for a 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 purpose of this award "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by workers travelling to or from their work.

Meal-money

11. 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 Monday, Tuesday, Wednesday, Thursday, or Friday, or after 1 p.m. on Saturday, unless such workers can reasonably get home for a meal and return to their work in one hour, in which case the meal allowance need not be paid. Shift-workers required to work in excess of one hour overtime shall be paid meal-money.

The provisions of clause 12 hereof increasing rates of remuneration shall not apply to the meal-money payment provided for in this clause.

Increase in Rates of Remuneration

12. 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 apply to this award and shall have effect according to their tenor.

Termination of Employment

13. (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.

Matters not provided for

14. Should any dispute or difference arise in connection with any matter not provided for in this award it shall be settled between the employer and two local branch representatives of the union. Any such settlement shall be binding only on the parties to the particular dispute. In default of any agreement being arrived at, 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 the other party fourteen days' notice in writing of intention so to appeal.

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.)

Workers other than Adults

16. 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 workers shall become members 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.

Right of Entry upon Premises

17. Every employer bound by this award shall permit the secretary or other authorized officer of the union of workers 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: Provided that any person other than the secretary of the union, although an authorized officer of the union, must first obtain permission to enter the premises.

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 relates.

Scope of Award

19. This award shall operate throughout the Northern, Wellington, and Canterbury Industrial Districts.

Term of Award

20. 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 20th 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 20th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The original terms of settlement contained provisions dealing with the rates of wages and conditions of employment of storemen and drivers. After hearing representatives of the parties, the Court is not satisfied that the rules of the workers' union are sufficiently wide in scope to cover such workers, and consequently any references to them have been omitted from the award.

The terms of settlement also provided that the award should operate in the Otago and Southland Industrial District, as well as in the Northern, Wellington, and Canterbury Industrial Districts. From the documents before the Court it is clear that the Otago and Southland District was not within the scope of the industrial dispute which was heard by the Conciliation Council. The Court has therefore omitted from the award any reference to the Otago and Southland District or to any parties located in that district.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.
