

NEW ZEALAND **DAIRY-FACTORIES' EMPLOYEES.**—
APPLICATION FOR AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and the Economic Stabilization Emergency Regulations 1942; and in the matter of an application for amendment of the New Zealand Dairy-factories' Employees' award, dated the 11th day of December, 1944, and recorded in 44 Book of Awards 1089.

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

THE Court has before it an application to amend the New Zealand Dairy-factories' Employees' award (44 Book of Awards 1089) and amendment (45 Book of Awards 287) by increasing all rates of wages by varying amounts.

The application is made by the New Zealand Dairy Factories and Related Trades' Employees' Industrial Union of Workers pursuant to clause 1 of Regulation 39A of the Economic Stabilization Emergency Regulations 1942, Amendment No. 5 (Serial number 1945/6).

The relevant clause reads:—

Upon application made by any party to any award or industrial agreement that is in force on the commencement of this regulation, the Court may amend the provisions of the award or industrial agreement

relating to rates of remuneration in such manner as the Court thinks fit for the purpose of restoring or preserving a proper relationship with the rates of remuneration of other workers or classes of workers (whether fixed by any award, apprenticeship order, or industrial agreement or otherwise).

It will be noted that the Court may exercise these special powers of amendment for one purpose and one purpose only—namely, the purpose of restoring and preserving a proper relationship with the rates of remuneration of other workers or classes of workers.

On 17th March, 1945, the Court issued a pronouncement on standard hourly rates of wages for adult male workers. The pronouncement was made pursuant to the powers contained in Regulation 39B. The following extract is taken from the pronouncement:—

It should be made clear that this pronouncement is not in itself a general order, and therefore has no operative effect. It is purely an indication of the Court's future policy. It is also to be clearly understood that the adoption of the foregoing rates does not mean that a general increase of 3½d. per hour is necessarily to be granted in all awards and industrial agreements. Parties are reminded that this pronouncement is made for the purposes of the Economic Stabilization Emergency Regulations, and those regulations authorize the Court to amend awards and industrial agreements for the purpose *only* of restoring or preserving a proper relationship between the rates of remuneration of various classes of workers. A flat increase to all workers would not correct, but merely perpetuate, existing anomalies.

The Court does not intend to make any pronouncement relating to standard rates for female workers or for juniors.

As soon as possible after this pronouncement is issued the Court requests that in all cases where applications for amendments are made pursuant to Regulation 39A (1) the parties should confer with a view to reaching agreement as to any amendments that should be made. Where agreement cannot be reached, applications should be made to the Court for a hearing.

In response to the Court's request representatives of the New Zealand Dairy Factories and Related Trades' Industrial Union of Workers and the New Zealand Dairy Factories' Industrial Association of Employers conferred and arrived at a complete agreement as to the adjustments which should be made to the rates of remuneration for the purpose of restoring and preserving a proper relationship with the rates of remuneration of other workers or classes of workers.

On 19th April, 1945, a joint application to amend the award in accordance with the agreement reached was forwarded to the Court. The application was signed for and on behalf of the New Zealand Dairy Factory and Related Trades' Industrial Union of Workers and for and on behalf of the

New Zealand Dairy Factories' Industrial Association of Employers. The application was endorsed with the following explanatory note, which was independently signed:—

This application for amendment arises from two causes—

- (1) A dispute in the industry which followed the making of the last award, resulting in a serious stoppage of work:
- (2) The Court's recent pronouncement made under the Economic Stabilization Emergency Regulations.

The application expresses agreement reached between the parties, including representatives of the men who ceased work.

The Court duly amended the award, in accordance with the application of the parties, on 2nd May, 1945, and pursuant to its powers under the Industrial Conciliation and Arbitration Act and the Economic Stabilization Emergency Regulations.

The only important change in the Court's practice since the parties arrived at their agreement has been to grant certain adult male weekly workers 11s. 8d. per forty-hour week, in place of 10s. per forty-hour week previously granted in a number of instances. The reasons for this change have been set out in the memorandum to an amendment of the Northern and Wellington Cardboard-box, Carton, and Paper-bag Makers' award (45 Book of Awards 747). It was pointed out near the end of that memorandum that in certain businesses some adult male weekly workers had received 11s. 8d. per week increase since the introduction of stabilization, while others working on the same premises had received only 10s. per week. One object of the change was to place these workers in the same relative position.

The dairy-factory employees have in general received an increase of 11s. 8d. per week since the introduction of stabilization. Moreover, the nominal base rate set out in the latest amendment to their award for "all other workers" is £5 1s. 8d. per week, which is identical with the nominal base rate for "all other adult male workers" prescribed in the latest amendment to the Cardboard-box, Carton, and Paper-bag Makers' award. It is also identical with the minimum base rate in several other factory awards.

Having regard to all the circumstances and the provisions of the Economic Stabilization Emergency Regulations, the Court has decided to decline the application.

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

Dated this 17th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

While an award made before the Economic Stabilization Emergency Regulations 1942, Amendment No. 5, was gazetted, continues to operate, a union can at any time apply for a revision of the rates of remuneration for the purpose of restoring or preserving a proper relationship. Such is the case with the application now before the Court.

The Court has recently increased the minimum wages for weekly labourers, and undermentioned are a few examples of factory workers on a forty-hour week whose rates have been increased by the Court or by agreement of the parties:—

Canterbury Household Woodware, Wooden Toy, and Novelty Workers' award (Vol. 45, page 755): £5 5s.

Amendment—Dunedin Wax Vesta Employees' award (Vol. 45, page 793): £5 5s.

Amendment—Christchurch Rubber-workers' award (Vol. 45, page 974): £5 5s.

Amendment—Otago and Southland Preserved Foods, Jam, and Starch Factory Employees' award (Vol. 45, page 990): £5 5s. 3d.

Amendment—Otago and Southland Brewers, Bottlers, and Bottlewashers' award (Vol. 45, page 1011): £5 15s.

Amendment—Otago and Southland Laundry Workers, Dyers, and Dry Cleaners' award (Vol. 45, page 1017): £5 6s. 8d.

Otago and Southland Aerated-water Employees' award (Vol. 45, page 1114): £5 4s. 2d.

All the above rates are subject to the Court's two general orders.

I think that generally to-day a base rate of £5 4s. 2d. a week, plus the two bonuses, is fair and reasonable. When one considers that the dairy industry only employs a large number of its base-rate workers for a few months, as the following table, compiled from the *Monthly Abstract of Statistics*, April, 1945, page 17, will show, I consider that at least £5 4s. 2d. should have been taken as the base rate, particularly when some allowance should be made for the seasonal nature of the industry. The above list of awards relates to industries that have little or no seasonal peak.

Male Wage-earning Employees engaged in Dairy Factories

	1941-42.	1942-43.	1943-44.
June	1,781	1,819	1,774
July	1,702	1,684	1,687
August	2,273	2,038	2,053
September	3,093	2,641	2,549
October.. ..	3,760	3,085	2,902
November	4,083	3,294	3,190
December	4,058	3,315	3,203
January	3,989	3,221	3,088
February	3,730	3,019	2,778
March	3,364	2,841	2,601
April	2,783	2,474	} Not available.
May	2,387	2,178	