

**KELBURNE TRAMWAY EMPLOYEES.—AWARD**

In the Court of Arbitration of New Zealand, Wellington 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 New Zealand Tramways Authorities' Employees' Industrial Union of Workers (hereinafter called "the union") and the Kelburne and Karori Tramway Co., Ltd., Commercial Bank Chambers, 328 Lambton Quay, Wellington (hereinafter called "the employer").

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 June, 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 1st day of June, 1945.

[L.S.]

A. TYNDALL, Judge.

### SCHEDULE

#### *Industry to which Award applies*

1. This award shall apply to the Kelburne and Karori Tramway Co., Ltd., and to all persons employed within the scope of this award.

#### *Hours of Work*

2. (a) The ordinary hours of work shall be forty per week, to be worked in five shifts of eight hours per day from Monday to Saturday inclusive. Except as provided in subclause (b) hereof, no worker shall be required to work for more than five hours continuously without an interval of at least thirty minutes for a meal.

(b) On Sundays nine hours may be worked without a break and paid for in accordance with subclause 5 (f) of this award.

(c) A worker having completed a day's work shall not be required to commence the next day's work until an interval of at least eight hours has elapsed.

#### *Wages*

3. (a) The following shall be the minimum rates of wages for the following classes of workers:—

	Column No. 1 (payable from the 12th February, 1945, to the 31st March, 1945, both Dates inclusive).	Column No. 2 (payable on and from the 1st April, 1945).
	Per Hour. s. d.	Per Hour. s. d.
Gripmen .. .. .	2 7	2 10½
Ropemen .. .. .	2 7½	2 11
General hands .. .. .	2 6½	2 10
Cleaners .. .. .	2 5½	2 9
Ticket clerks .. .. .	1 5½	1 9

(b) Female ticket clerks when working on broken shifts shall be paid 1s. per day travelling-expenses.

### *Increase in Rates of Remuneration*

4. 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.

#### *Overtime*

5. (a) All time worked in excess of eight hours in any one day shall be paid for at time and a half rates for the first four hours and double time thereafter.

(b) Workers may be employed between 11 p.m. and 7 a.m. on the following morning, for the first night on time and a half rates, and thereafter shall be paid 2s. per shift in addition to the ordinary rate. After finishing a night shift any employee who is called out for ropework after midnight shall be allowed 1s. 9d. in lieu of a meal.

(c) Any employee required to work overtime after 11.30 p.m. shall receive a minimum overtime payment of one hour.

(d) Any worker called back from his home after completing his day's work shall receive a minimum of two hours at overtime rates.

(e) As far as possible, overtime shall be rotated so that each employee receives an equal share in his own department.

(f) For work done on Sunday double time rates shall be paid, with a minimum payment as for eight hours work for gripmen and ticket clerks; other workers, four hours.

(g) Employees required to work on for over two hours' overtime shall be allowed half an hour meal relief, which shall be paid for at ordinary rates.

#### *Holidays*

6. (a) Christmas Day, Good Friday, and Anzac Day (except when it falls on a Sunday) shall be holidays, each entitling an employee to eight hours' ordinary pay. Should one of these coincide with a worker's day off, he shall be entitled to another day's holiday or payment for eight hours at ordinary rate in lieu thereof. When a worker is required to work on any of these days he shall be paid for a minimum of four hours at ordinary rates in addition for any time worked up to eight hours, and thereafter at double time rates.

(b) All workers who are required to work on public and statutory holidays shall receive three weeks'—i.e., fifteen working-days'—holiday at ordinary rates of pay after each twelve months of service.

(c) Other workers shall receive annual holidays in accordance with the provisions of the Annual Holidays Act, 1944.

(d) The following are the statutory holidays referred to in subclause (b): Christmas Day, Boxing Day, New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, and Labour Day.

(e) Whenever possible, fourteen days' notice shall be given to each worker to go on annual holidays.

#### *General*

7. (a) Wages shall be paid weekly not later than Thursday in each week and during working-hours.

(b) The employment shall be deemed to be a weekly one and not less than one week's notice of the termination of the employment shall be given by either side, but this shall not restrict an employer from dismissing an employee without notice for good cause.

(c) The employer shall be entitled to make deductions from the wages of employees for time lost through sickness or default.

(d) Workers shall be entitled to one day off in each week on such day as is shown by the day-off roster. If the exigencies of the service require a worker to work on his day off, he shall be paid overtime rates for such day worked.

(e) The employer undertakes to supply smocks for gripmen and an overall suit for the ropeman, an extra overall suit to be kept in the power-house for use when required.

(f) Ticket clerks shall be notified of shortages within twenty-four hours after receipt of their cash at the revenue office, and shortages of each clerk shall be set off against his or her "overs" and shall be balanced on the last day of each month.

(g) A suitable dining-room with provision for hot water shall be provided by the employer to the satisfaction of the Inspector of Awards.

(h) Traffic employees shall work by rosters, and shall receive not less than twenty-four hours' written notice of any alteration to such rosters.

#### *Right of Entry upon Premises*

8. The secretary or other authorized officer of the union of workers 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.

*Disputes*

9. The essence of this award being that the work of the employers 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 as between the parties bound by this award, or any of them, as to any matter whatsoever arising out of the award (not being a question affecting rates of pay or hours of work), or if any dispute or difference shall arise between the parties, or any of them, in connection with any matter relevant to but not dealt with in the 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.

*Workers to be Members of Union*

10. (a) Subject to the provisions of section 18 (5) 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.

(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*

11. (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.

#### *Scope of Award*

12. This award shall apply to the parties named herein.

#### *Term of Award*

13. Except as provided in columns No. 1 and No. 2 of clause 2 hereof, this award, in so far as it relates to wages, shall be deemed to have come into force on the 12th day of February, 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 June, 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 1st day of June, 1945.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The principal matters referred to and settled by the Court related to wages, holidays, deductions from wages, sick-leave, and term of award.

In making the award the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

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

A. TYNDALL, Judge.

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DISSENTING OPINION OF MR. MONTEITH

I dissent from this award. One of my main reasons is the holiday conditions. Tramwaymen work on statutory and public holidays, but compensation is always given to them by increased annual holidays. In Wellington, Christchurch, Auckland, and Invercargill they have been allowed (by agreement with the employers) fifteen days each nine months, and in Wanganui (again by agreement) they have been given ten days in each seven months. In this case the majority of the Court has given worse conditions than any of the above awards. It means that these workers will work on statutory and public holidays and get less compensation than any of those above mentioned; and let me here point out that the above-quoted awards are all awards that have been made or altered since the Annual Holidays Act came into force. I must also draw attention to the rate of 1s. 9d. an hour for clerks (if full time, £3 10s. a week), and point out that they work shifts and that men or women can be employed. Mainly for these reasons, I cannot agree to this award.

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