

TIMARU BOROUGH COUNCIL **GARDENERS AND THEIR
LABOURERS.—AWARD**

In the Court of Arbitration of New Zealand, Canterbury 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 Canterbury Builders' and General Labourers' and Related Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council (hereinafter called "the employers") :—

Timaru Borough Council, Timaru.

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 15th day of April, 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 15th day of April, 1946.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. The hours of work shall not exceed forty per week, eight hours per day between 7.30 a.m. and 5 p.m., Monday to Friday inclusive.

Definitions

2. A nurseryman or landscape gardener or gardener is a worker who has served an apprenticeship of five years as a nurseryman's or landscape gardener's or gardener's apprentice, or who at the date of the coming into operation of this award has been employed as a nurseryman or landscape gardener or gardener for a period of not less than five years, or who is at present employed as such. Any gardener's labourer who, in the opinion of the employer, is qualified to perform general gardener's or nursery work shall be paid accordingly.

Wages

3. The following shall be the minimum rates of wages:—

- (a) Nurserymen, landscape gardeners, or gardeners, £5 18s. 4d. per week.
- (b) Gardeners' labourers, £5 8s. 4d. per week.
- (c) Workers in charge of jobs or supervising four to ten (inclusive) other workers shall be paid 1s. per day extra. Where the number of other workers exceeds ten, the rate shall be 1s. 6d. per day extra.
- (d) Any worker in receipt of a higher rate of wages than herein prescribed shall not have his present wage reduced while in his present employment.

Youths

4. Youths shall be employed at the following rates:—

	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	2	6

	Per Week.		
	£	s.	d.
Nineteen to twenty years of age ..	3	12	6
Twenty to twenty-one years of age	4	5	0
Thereafter, adult rates.			

Not more than one youth to every eight adult gardeners shall be employed.

Females' Wages

5. Females may be employed at the following rates:—

	Per Week.		
	£	s.	d.
First year	2	0	0
Second year	2	10	0
Third year	3	2	6
Fourth year	3	12	6
Thereafter, not less than ..	4	5	0

Provided that females of the age of eighteen years and upwards shall be paid not less than £3 2s. 6d. per week for the first year and thereafter according to scale. Not more than one female to every eight adult gardeners shall be employed.

Payment of Wages

6. All wages shall be paid fortnightly and in the employer's time. All waiting-time shall be paid for at ordinary rates.

Tools

7. All tools shall be provided by the employer.

Overtime

8. (a) Time worked outside of or in excess of the hours specified in clause 1 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) All work done on Sundays shall be paid for at the rate of double ordinary time.

Holidays

9. (a) The following shall be the recognized holidays, which shall be paid for at ordinary rates, except when the holiday falls on a day other than an ordinary working-day: New Year's Day, 2nd January, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day, and one other day to be mutually agreed on.

(b) In the event of a holiday, other than Anzac Day, falling on a Sunday, such holiday shall be observed on the succeeding Monday.

(c) For work done on any of the holidays specified in sub-clause (a) hereof, workers shall be paid at the rate of double time. This payment shall be in addition to the ordinary holiday pay, with a minimum payment as for two hours' work.

(d) Payment of wages for the holidays specified in sub-clause (a) hereof shall be made to all workers within the scope of this award who have been employed by the Council for at least four days prior to the holiday occurring.

Annual Holiday

10. All workers shall be granted an annual holiday in accordance with the provisions of the Annual Holidays Act, 1944.

Termination of Engagement

11. One week's notice by either party shall terminate the engagement. This shall not prevent the employer from summarily dismissing a worker for wilful misconduct.

Increase in Rates of Remuneration

12. 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.

General Provisions

13. (a) Workers required to work overtime on any day without being notified on the previous day of such overtime shall, provided they cannot reasonably get home, be paid 2s. for a meal.

(b) An interval of ten minutes shall be allowed during each morning and afternoon.

(c) A first-aid outfit, accessible to all workers, shall be provided at all depots, gardens, and reserves.

(d) Workers required to use their bicycles substantially for Council purposes shall be paid an allowance of £5 5s. per annum.

Suburban Work

14. Time occupied by any worker travelling to and from a job away from the depot beyond one and a half miles from the depot to which he is attached, or his own home, whichever is the nearer, shall be deemed to be part of the day's work, and shall be paid for at ordinary rates.

Disputes Committee

15. It is provided that if any dispute or difference shall arise between the parties bound by this award as to any matter whatsoever arising out of or connected therewith and not 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 of Arbitration 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

16. (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 rates 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

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 wages, to examine the permit or agreement by which such wage is fixed.

Right of Entry upon Premises

18. 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.

Application of Award

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

Term of Award

20. This award shall come into force on the day of the date hereof, and shall continue in force until the 15th day of April, 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 15th day of April, 1946.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award embodies the terms of settlement arrived at either in Conciliation Council or by the representatives of the parties.

A. TYNDALL, Judge.