

OTAGO AND SOUTHLAND **CANISTER-WORKERS.**—
INTERPRETATION

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an application by the Inspector of Awards, Dunedin, for interpretation of the Otago and Southland Canister-workers' award, dated the 22nd day of April, 1943, and recorded in 43 Book of Awards 161.

WHEREAS by the Otago and Southland Canister-workers' award, dated the 22nd day of April, 1943, and recorded in 43 Book of Awards 161, it is directed in clause 2 (a) that—

Forty hours shall constitute a week's work, which shall be worked on five days of the week from Monday to Friday, both days inclusive, made up of eight hours, to be worked between the hours of 7.30 a.m. and 5 p.m.

and in clause 5 that—

All work done outside of or in excess of the hours prescribed in clause 2 hereof shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. When overtime is worked, tea-money at the rate of 1s. 6d. shall be allowed each worker called upon so to work.

And whereas John Eustace and Son, Ltd., 59 King Street, Dunedin, did employ Cyril George Curline, an adult, for the week ended on the 4th day of August, 1945, and for the week ended on the 3rd day of November, 1945, upon work coming within the scope of the above-mentioned award during the hours set out in the following statement and did pay such worker a wage of £9 5s. 1d., including tea-money, and £8 10s. 10d., including 6s. tea-money, for the respective weeks:—

Statement of Hours

During the week ending on the 4th day of August, 1945, Cyril George Curline worked—

On Monday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m. and from 5.30 p.m. to 8.30 p.m.

On Tuesday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m. and from 5.30 p.m. to 8.30 p.m.

On Wednesday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m. and from 5.30 p.m. to 8.30 p.m.

On Thursday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m.

On Friday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m.

On Saturday: From 8 a.m. to 11 a.m.—

a total of forty hours "ordinary time" and twelve hours overtime.

For the week ended on the 3rd day of November, 1945, Cyril George Curline worked—

On Monday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m. and from 5.30 p.m. to 8.30 p.m.

On Tuesday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m. and from 5.30 p.m. to 8.30 p.m.

On Wednesday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m. and from 5.30 p.m. to 8.30 p.m.

On Thursday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m.

On Friday: From 8 a.m. to 12 a.m. and from 1 p.m. to 5 p.m.

On Saturday: No work.

And whereas a question has arisen as to the interpretation of the said award to the following purport:—

Should Cyril George Curline have been paid for all time in excess of forty hours per week in each week at the rate of time and a half for the first three hours and double time thereafter?

And whereas the Inspector of Awards at Dunedin has made application to the Court for the interpretation of the said question.

OPINION OF THE COURT, DELIVERED BY TYNDALL, J.

The answer to the question submitted to the Court is “Yes.”

Dated this 4th day of March, 1947.

[L.S.]

A. TYNDALL, Judge.