

AUCKLAND **CHEMICAL-MANURE WORKERS.—DECISION OF
EMERGENCY DISPUTES COMMITTEE**

In the matter of the Strike and Lockout Emergency Regulations 1939 and in the matter of a dispute between the Otahuhu Chemical-manure Workers' Union (Incorporated), of the one part, and the Challenge Phosphate Co., Ltd., Kempthorne Prosser and Co.'s New Zealand Drug Co., Ltd., and the New Zealand Farmers' Fertilizer Co., Ltd., of the other part.

DECISION OF EMERGENCY DISPUTES COMMITTEE

WHEREAS a dispute has arisen between the Otahuhu Chemical-manure Workers' Union (Incorporated), (hereinafter referred to as "the union"), of the one part, and the Challenge Phosphate Co., Ltd., Kempthorne Prosser and Co.'s New Zealand Drug Co., Ltd., and New Zealand Farmers' Fertilizer Co., Ltd. (hereinafter referred to as "the employers"), of the other part, relating to wages, hours, holidays, and other conditions of employment of chemical-manure workers in the Auckland district: And whereas, in exercise of the powers conferred upon him by the Strike and Lockout Emergency Regulations 1939, the Minister of Labour has appointed the following persons to be an Emergency Disputes Committee for the purpose of deciding such dispute—namely, E. A. Cullum, L. Anderson, and F. Irvine, as representatives of workers; J. C. Andrews, A. Nixon, and G. R. Selfe, as representatives of employers; and D. J. Dalglisch, Deputy Judge of the Court of Arbitration, as Chairman, and has referred the dispute to the Committee accordingly. And whereas the Committee has met and considered the dispute, and a majority of the members (excluding the Chairman) has come to a decision as to certain of the matters in dispute, and has been unable to reach a decision as to certain other matters: Now, therefore, the Chairman of the Committee, having come to a decision as to those other matters, doth hereby declare that the following is the decision of the Committee:—

As between the union and the members thereof and the employers and each of them the terms, conditions, and provisions set out in the schedule hereto shall be binding upon the union and upon every member thereof and upon the employers and upon each of them; and the union and every member thereof and the employers and each of them shall respectively do, observe, and perform every matter and thing by the said terms, conditions, and provisions respectively

required to be done, observed, and performed, and shall not do anything in contravention of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same.

SCHEDULE

Industry to which Decision applicable

1. The industry to which this decision applies is the manufacture of manures and chemical fertilizers, and of the chemicals manufactured in the chemical-fertilizer works of the parties hereto.

PART I.—DAY-WORKERS

Hours of Work

2. A week's work shall not exceed forty hours, of which eight shall be worked on five days of the week from Monday to Friday, both days inclusive, between the hours of 7.30 a.m. and 5 p.m.

Meal-hours

3. (a) No worker shall be employed longer than four and a quarter hours without an interval for a meal.

(b) One hour shall be allowed for meals each day, but the interval may, by mutual agreement between the employer and the majority of the workers concerned, be less than one hour: Provided that the period agreed to shall be not less than half an hour.

Overtime

4. (a) All time worked outside of or in excess of the hours provided for in clause 2 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Overtime shall be calculated on a daily basis.

(b) When workers are required to work overtime after 6 p.m. or after 1 p.m. on Saturday and have not been notified the previous night, the employer shall provide a substantial meal consisting of at least bread, butter, meat, cheese, and tea, coffee, or cocoa, or pay each worker 2s. in lieu thereof.

(c) When a worker is ordered back to work overtime after 6 p.m. on ordinary days a minimum of two hours' work at overtime rates shall be paid for, and if ordered back to work on Saturday a minimum of four hours shall be paid for, unless, in either case, it can be shown that the failure

to provide work was outside the control of the employer. Should any dispute arise as to the interpretation of this subclause, such dispute shall be settled in accordance with the provisions of clause 19 hereof.

Sundays and Holidays

5. For work done on Sundays, New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day double rates shall be paid in addition to any payment to which the worker is entitled under clause 13 hereof.

PART II.—SHIFT-WORKERS

Definitions

6. (a) In the despatch department one shift of eight consecutive hours may be worked between the hours of 5 p.m. and 7.30 a.m.

(b) In a manufacturing department or in receiving raw materials two or three shifts of eight consecutive hours may be worked in any day.

Hours of Work

7. (a) The ordinary hours of work shall not exceed five eight-hour shifts to be worked between midnight Sunday-Monday and midnight Friday-Saturday.

(b) Workers employed on shift-work shall change in turn, and no worker shall be retained on night shift for longer than one week and shall be employed on day shift for one week before again returning to night shift.

(c) Employers shall arrange shifts to suit the arrival of available public transport.

(d) Workers on broken shifts shall be reimbursed for any loss they may sustain in purchase of weekly bus or train tickets.

(e) No day-worker shall be transferred to night shift until he has had an eight-hour break.

Overtime

8. (a) Time worked in excess of eight hours a shift during the period midnight Sunday-Monday to midnight Friday-Saturday 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 thereafter double time.

(b) Shift-workers shall not be paid overtime rates for overtime worked by agreement among themselves for the purpose of changing shifts.

Saturdays, Sundays, and Holidays

9. Time worked on Saturday, or on Sunday, or on New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, or Boxing Day shall not be reckoned as ordinary time or as overtime, but shall be paid for at the following special rates:—

On Sundays, double time.

On any of the holidays mentioned, double time in addition to any other payment to which the worker is entitled under clause 13 hereof.

On Saturdays, time and a half for the first three hours and double time thereafter.

Shift Allowance

10. A worker, other than a chamberman, employed on an afternoon or night shift shall be paid a shift allowance of 2s. a shift in addition to his ordinary wages.

A chamberman employed on an afternoon or night shift shall be paid a shift allowance of 2s. 6d. a shift in addition to his ordinary wages.

An afternoon shift means a shift commencing after 12 noon and finishing at or before midnight, and a night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

Crib-time

11. Shift-workers shall be allowed thirty minutes' crib-time without deduction from wages: Provided always that the machinery shall be kept in motion when required.

PART III.—GENERAL

Wages

12. (a) The minimum rates of wages shall be as follows:—

		Per Hour.
		s. d.
Day workers	3 4½
Chambermen	3 6½
Shift-workers other than chambermen	..	3 5¾

Men discharging shipments of phosphate rock or sulphur or cleaning up spill from conveyors to bins—

For day work	3 9½
For night shift	3 10½

Men handling manganese or serpentine rock—	Per Hour.
	s. d.
For day work	3 6½
For night shift	3 7½
Men discharging shipments of guano or cleaning up spill from conveyors to bins—	
For day work	3 8
For night shift	3 9
Men working on super bank	3 8
Men making or handling super-slag or basic-slag mixture, either loose or in bags	3 6½

(b) Men handling basic-slag shall be paid an allowance of 3d. per hour while so employed in addition to the above-prescribed rates for all hours worked, including overtime.

(c) Workers required to enter sulphur-burners to clean same shall be paid time and a half rates while so employed, the minimum payment to be two hours.

(d) Workers cleaning out acid-chambers or employed in repairing or demolishing acid-chambers, towers, or combustion chambers where it becomes necessary to handle the material saturated with acid shall be paid 3d. per hour extra while so employed.

(e) Workers placed in charge of five or more other workers shall be paid 3d. per hour extra while so employed.

(f) Leading hands in the mill department or in the manufacturing department shall be paid 3d. per hour extra.

(g) Any shortage in a worker's pay, if due to an office error shall be paid within twenty-four hours of notification.

Holidays

13. (a) The following are the recognized holidays under this decision: New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

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

(c) Payment of wages for the said holidays shall be made to all persons who perform work under this decision at any time during the fortnight ending on the day on which the holiday occurs.

(d) Where any worker has been employed by more than one employer during the fortnight ending on the day on which any of the above holidays occurs, he shall be entitled to receive payment for the holiday from such one or more of those employers, and, if more than one, in such proportions as the Inspector of Awards determines.

Annual Holidays

14. (a) Annual holidays shall be granted in accordance with the provisions of the Annual Holidays Act, 1944.

(b) (i) In addition to the holiday to which he is entitled under subclause (a) of this clause, a worker who has worked on shift-work for a complete year shall be allowed an additional week's holiday on the same terms as to payment as are provided for in the Annual Holidays Act, 1944.

(ii) In addition to the holiday to which he is entitled under subclause (a) of this clause, a worker who has not worked on shift-work during the whole of the year, but for portion of the year only, shall be allowed such proportionate part of such additional week's holiday as is commensurate with the time he has worked as a shift-worker.

(iii) The employer may, if the worker agrees, make a cash payment in lieu of allowing the additional week or portion thereof as a holiday.

Payment of Wages

15. Wages shall be paid not later than Thursday of each week and during ordinary working-hours.

General Conditions

16. (a) If on any day a worker is ordered to start work and the work done is less than two hours, he shall be paid as if he had worked two hours: Provided that if a worker is called on at 11 a.m. or later, he shall be paid for a minimum of four hours.

(b) An interval of ten minutes for "smoke-oh" shall be allowed each morning and afternoon.

(c) The employer shall eliminate the dust attendant to the normal working of the industry, as far as practicable.

(d) Workers shall be supplied with respirators where mutually deemed necessary.

(e) Gloves, rubber aprons, and gum boots shall be supplied to workers where mutually deemed necessary.

(f) Goggles or stockinette shall be allowed men working amongst or handling sulphur. Stockinette supplied for use under this clause shall not be less than 18 in.

(g) Each man shall be provided with a locker or other equally suitable provision for the storage of his lunch, boots, and clothing. Locks required shall be provided by the worker.

(h) A covered bicycle-stand shall be provided at the works. Workers shall be held responsible for their own cycles.

(i) The employer shall provide a suitable dining-room and a separate room for changing clothes. He shall also provide proper facilities for drying wet clothes. The employer shall be held responsible for the rooms being kept clean each day.

(j) The union shall appoint delegates whose duty it shall be to see that the workers do everything in their power to maintain the dining, dressing, and bath rooms in a clean and tidy condition.

(k) Suitable bathing-accommodation shall be provided, to which both hot and cold water shall be laid on.

(l) Proper facilities for boiling water shall be provided for the purpose of making tea.

(m) Sufficient drinking-water of good quality shall be provided.

(n) Lavatory accommodation shall be provided and kept clean.

(o) All workers shall be allowed five minutes before knocking off time to wash and change clothes.

(p) A clock shall be placed in each department.

(q) The employer shall do everything reasonably possible to provide a parking area protected from dust and fumes for his workers' motor cars and motor cycles.

First Aid

17. The employer shall provide and maintain a properly equipped first-aid outfit, which shall be placed in a convenient and accessible place in each works.

No Discrimination

18. The employer shall not in the employment or dismissal of hands discriminate against members of the union, nor in the conduct of his business do anything for the purpose of injuring the union directly or indirectly.

Disputes

19. If a dispute shall arise between the parties to this decision upon any matters arising out of or in connection with this decision, it shall be referred to a committee consisting of a representative of the employer and a representative of the union, who shall appoint an independent chairman. If the representatives fail to agree as to the appointment of a chairman, a chairman may be appointed by the Minister of Labour. The decision of the Committee shall be final and binding upon the parties.

Right on Entry upon Premises

20. 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.

Workers to be Members of Union

21. It shall not be lawful for any employer bound by this decision to employ or to continue to employ subject to this decision any worker who is not for the time being a financial member of the Otahuhu Chemical-manure Workers' Union (Incorporated).

Under-rate Workers

22. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this decision 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 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.

Terms of Decision

23. (a) The provisions of this decision as to overtime and wages contained in clauses 8 and 12 hereof shall be deemed to have come into force on the 17th March, 1948.

(b) Except as provided in subclause (a) of this clause, this decision shall come into force on the day following the date hereof.

(c) This decision shall continue in force until 29th April, 1949, and thereafter until an agreement between the parties or an award or other instrument covering the conditions of the employment of the workers affected by this decision comes into force.

Dated at Wellington, this 28th day of May, 1948.

D. J. DALGLISH, Chairman.

MEMORANDUM

By agreement of the parties the provisions as to wages and overtime contained in clauses 8 and 12 of the decision have been back-dated to the 17th March, 1948.

D. J. DALGLISH, Chairman.