

**ACETONE ILLUMINATING AND WELDING CO., LTD., DUNEDIN,
EMPLOYEES.—AWARD**

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 industrial dispute between the Otago and Southland Gasworks and Related Trades' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Acetone Illuminating and Welding Co., Ltd., Ward Street, Dunedin.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939, 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 24th day of June, 1949, 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 24th day of June, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to workers employed by the Acetone Illuminating and Welding Co., Ltd., New Zealand (Dunedin), in the manufacture, compression, and distribution of oxygen, nitrous oxide, nitrogen, hydrogen, and/or acetylene gas.

Hours of Work

2. (a) Forty hours shall constitute an ordinary week's work, and, except for men on shift, shall be worked between the hours of 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) On compressed-gas plants the employee shall be employed to work one, two, or three shifts of eight hours per day without intervals for meals, these shifts to be mutually arranged between the employer and the workman. Shifts shall rotate if more than one shift is worked.

(c) A worker required to work less than three consecutive shifts outside the hours prescribed in subclause (a) hereof shall be paid at overtime rates, but if required to work three or more consecutive afternoon or night shifts he shall be paid the sum of 3s. per shift in addition to his ordinary wage.

(d) At all works each shift shall be continuous for eight hours.

(e) In any circumstances requiring a shift-worker to commence a shift before having a ten-hour break, he shall be paid half ordinary rates extra for the time by which the ten hours is reduced.

Classification and Rates of Pay

3. (a) "Chargeman" means an adult worker, not being a tradesman, who is employed in charge of a compressed-gas-manufacturing plant and who is responsible for the running of this plant, subject only to the supervision of the management.

"Compressor hand" means an adult worker who is employed in handling compressed-gas cylinders during and after the process of charging and/or is employed in receiving and delivering full and empty cylinders at the factory, and/or is employed in inspecting, testing, or heat-treating cylinders, and/or is employed in charging and cleaning acetylene generators. The disposal and treatment of sludge after it has been ejected from the generator does not qualify for this classification.

(b) The minimum rates of wages payable to the under-mentioned classes of workers shall be as follows:—

				Per Hour.	
				s.	d.
Chargemen	..	..	..	3	6½
Compressor hand	..	..	..	3	4¾
Labourers	..	..	..	3	2

Overtime

4. (a) All time worked in excess of or outside of the hours mentioned in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates.

(b) In the case of shift-workers, all work performed in excess of eight hours in any one shift shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Dirty Work

5. (a) Men employed in connection with caustic purifiers and driers, calcimite, and sludge shall be supplied with wooden-soled boots, gloves, and overalls, and in addition shall, when employed in connection with caustic purifiers and driers, be supplied with goggles and eye shields.

(b) Workers when employed in handling caustic, sludge, calcium chloride, cleaning or painting gasometers, or charging acetylene generators with carbide shall receive 2s. per day or part of a day in addition to their ordinary wages.

Holidays

6. (a) Workers shall be allowed the following holidays without deduction of pay: New Year's Day and the day following 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) Workers who are required to work on any of the days mentioned in the preceding paragraph, or any day observed in lieu thereof, shall be paid at the rate of double time in addition to the ordinary rate of pay.

(c) When any of the holidays, except Anzac Day, mentioned in paragraph (a) falls on a Sunday, then they shall be observed on the following Monday.

Annual Holidays

7. (a) In addition to the holidays specified in clause 6 hereof, shift-workers shall be allowed an annual holiday of twelve days on full pay on completion of twelve months' service.

(b) All other workers covered by this award shall be allowed annual holidays in terms of the Annual Holidays Act, 1944, and its amendments.

(c) All employees going on holiday shall receive their holiday pay in advance up to the end of the current holiday period.

Employment of Youths

8. (a) Youths may be employed in the proportion of one youth to every four or fraction of the first four adults permanently employed: Provided that youths under twenty years of age shall not be employed in the manufacture or compressing of gas.

(b) *Wages.*—The following shall be the minimum weekly rates of wages payable to youths:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 17 ..	35/-	40/6	46/6	54/6	65/-	71/-	78/6	84/-	97/6	103/6
17 to 18 ..	46/6	54/6	65/-	71/-	78/6	84/-	97/6	103/6	..	..
18 to 19 ..	65/-	71/-	78/6	84/-	97/6	103/6	..	..	..	..
19 to 20 ..	78/6	84/-	97/6	103/6	..	..	..	..	..	..
20 to 21 ..	97/6	103/6	..	..	..	..	..	..	..	..

Thereafter, adult wages.

General Conditions

9. (a) Except where mutually arranged, all wages shall be paid weekly and in cash not later than Thursday of each week during working-hours.

(b) The employer shall supply at each works sufficient and efficient tools and equipment, including respirators and first-aid outfits, to be kept in a convenient and accessible place.

(c) An adequate, clean, and well-ventilated room shall be provided with sufficient accommodation for all workers employed who wish to have their meals therein. Lockers shall be provided for each worker in which to hang his clothing. Sufficient and proper ablution facilities shall be provided at which hot and cold water is available at any time. Suitable heating facilities shall be supplied for the purpose of heating the food of all workers employed.

(d) Any worker required to work in a place where the heat exceeds 110 degrees Fahrenheit shall be paid, in addition to the rate of wages to which he is entitled for the time the work is performed, a special heat rate computed at the ordinary time rate for the time he is so employed. No worker shall be permitted to work in a place where the temperature is above 160 degrees Fahrenheit.

Travelling-allowance

10. (a) Workers shall be at the place where the work is to be performed at the time appointed for commencing work. Where the place where the work is to be performed is more than one mile and a half from the place of engagement, all fares shall be paid by the employer, and the time reasonably spent in travelling to and from work shall be allowed by the employer at the ordinary rates of pay.

(b) Employees who are required by the employer to use their own bicycles in the service of the employer shall be paid not less than at the rate of 2s. 6d. per week for a push-cycle and 10s. a week for a motor-cycle.

(c) Any worker required to commence work after the cessation of public wheeled traffic or before the ordinary time of starting of such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic, shall be paid for time occupied in travelling to or from his home, computed on three miles per hour, at ordinary rates of pay.

If a conveyance is provided for the worker by his employer, he shall not be entitled to payment for travelling-time.

For the purpose of this award, "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by workers travelling to or from their work.

Meal-money

11. An employer shall allow meal-money at 2s. per meal when workers are called back to work overtime after 6 p.m. on Monday to Friday inclusive or after 1 p.m. on Saturdays. Shift-workers required to work in excess of one hour's overtime shall be paid meal-money.

Termination of Employment

12. (a) Except in the case of casual workers, not less than one week's notice shall be given on either side of the intention to terminate the employment of any worker; but this shall not prevent an employer from dismissing a worker summarily for misconduct, and such worker shall be paid only the wages due to the time of his dismissal.

(b) On the termination of his employment every worker, provided he shall have delivered to the employer all property in his possession belonging to the employer, shall be paid the sum due to him for wages.

Workers to be Members of Union

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

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union commits a breach of this award, and shall be liable accordingly.

(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.)

Disputes

14. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and two representatives of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within seven days after such decision has been communicated to the party desiring to appeal.

Workers other than Adults

15. If and so long as the rules of the union permit any worker employed in any position or employment subject to this award who is under the age of eighteen years to become a member of the union without ballot or other election and upon payment of not more than half the payments provided by the rules of the union for adult workers, such workers shall become members of the union, and if such worker neglects to become a member of the union within two weeks from the date of employment the employer shall, if requested to do so by the union, dismiss such worker, provided there is then a member of the union equally qualified and of a similar status and ready and willing to perform the particular work required to be done.

Right of Entry

16. Every employer bound by this award shall permit the secretary or other authorized officer of the union of workers 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: Provided that any person other than the secretary of the union, although an authorized officer of the union, must first obtain permission to enter the premises.

Scope of Award

17. This award shall apply to the parties hereto and shall operate throughout the Otago and Southland Industrial District.

Term of Award

18. This award, in so far as it relates to clauses 3 (b), 5 (b), and 8 (b), shall be deemed to have come into force on the 1st day of April, 1947, 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 24th day of June, 1949.

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 24th day of June, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

With the consent of the representatives of the parties, the Court in making the award has not incorporated certain provisions relating to tradesmen, for the reason that such workers do not appear to be eligible for membership of the Otago and Southland Gasworks and Related Trades' Employees' Industrial Union of Workers.

In other respects the award embodies the terms of settlement arrived at by the assessors in Conciliation Council. Wages have been made payable retrospectively, in accordance with the agreement of the parties.

The rates of remuneration prescribed in the award are *not* to be increased by the application of the provisions of the Court's general orders of 9th August, 1940, and 31st March, 1942.

A. TYNDALL, Judge.