

OTAGO LOCAL-BODY OFFICERS.—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 Clerical Workers' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned local authorities (hereinafter called "the employers") :—

Borough Councils

Alexandra Borough Council, Alexandra.
 Arrowtown Borough Council, Arrowtown.
 Balclutha Borough Council, Balclutha.
 Cromwell Borough Council, Cromwell.
 Green Island Borough Council, Green Island.
 Hampden Borough Council, Hampden.
 Kaitangata Borough Council, Kaitangata.
 Lawrence Borough Council, Lawrence.
 Milton Borough Council, Milton.
 Mosgiel Borough Council, Mosgiel.
 Oamaru Borough Council, Oamaru.
 Palmerston Borough Council, Palmerston.
 Port Chalmers Borough Council, Port Chalmers.
 Queenstown Borough Council, Queenstown.
 Roxburgh Borough Council, Roxburgh.
 St. Kilda Borough Council, St. Kilda, Dunedin.
 Tapanui Borough Council, Tapanui.
 Waikouaiti Borough Council, Waikouaiti.
 West Harbour Borough Council, Ravensbourne.

County Councils

Bruce County Council, Milton.
 Clutha County Council, Balclutha.
 Lake County Council, Queenstown.
 Maniototo County Council, Naseby.
 Peninsula County Council, Portobello.
 Taieri County Council, Mosgiel.
 Tuapeka County Council, Lawrence.
 Vincent County Council, Clyde.
 Waihemo County Council, Palmerston.
 Waikouaiti County Council, Waikouaiti.
 Waitaki County Council, Oamaru.

Electric-power Boards

Otago Central Electric-power Board, Alexandra.
 Otago Electric-power Board, Milton.
 Teviot Electric-power Board, Roxburgh.
 Waitaki Electric-power Board, Oamaru.

Town Board

Clinton Town Board, Clinton.

River Board

Clutha River Board, Clyde Street, Balclutha.

Hospital Boards

Otago Hospital Board, Dunedin.

South Otago Hospital Board, Balclutha.

Waitaki Hospital Board, Oamaru.

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 31st day of March, 1950, 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 17th day of June, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which this Award applies

1. (a) This award shall apply to the offices in which workers affected by this award are employed and to all clerical workers employed therein, except those hereinafter exempted.

(b) This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every trade-union, industrial union, industrial association, or employer who, not being an original party hereto, is, when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within that part of the industrial district to which this award relates.

Definitions

2. (a) For the purposes of this award the term "clerical workers" shall comprise all workers employed wholly or substantially at one or more of the following classes of work: writing, typing, shorthand-writing, attending telephones, book-keeping, office machine operating, receiving and/or paying out cash, or in any other work related to the correspondence, accounts, or records of any local authority establishment.

(b) Nothing in the award shall apply to cleaners (male or female), lift attendants, messengers, and canvassers whose work is substantially outside the office, but this award shall apply to collectors who are substantially employed in collecting cash.

Hours of Work

3. (a) Except where otherwise provided herein, the hours of work shall not exceed eight per day nor thirty-eight in any one week, such hours to be worked from Monday to Friday inclusive.

(b) To meet special circumstances, the weekly working period may be varied or extended to not more than forty hours per week by agreement between the employer concerned and the secretary of the union.

(c) On rush occasions, such as times of local-body elections, rate penalty period, issue of rate demands and reminders, special national and civic occasions, workers may be employed for a period not exceeding forty-two hours per week without payment of overtime: Provided, however, that by agreement with the union the hours of work may be extended, but not so far as to exceed eighty-four hours per fortnight, without payment of overtime.

(d) In Hospital Board establishments shifts may be worked when necessary. In the case of shift-workers the week shall consist of any five days which shall, where practicable, be consecutive. The ordinary hours shall not exceed thirty-eight in any one week nor eight in any one day. During each shift a meal interval of at least thirty minutes shall be allowed and paid for by the employer.

(e) The daily hours of work provided for herein shall be continuous from the time of commencement and, except in the case of shift-workers, shall not be broken except for the regular meal intervals, which shall not exceed one hour and a quarter in duration.

Overtime

4. (a) When overtime is required to be worked, reasonable notice shall be given to the employees, and whenever possible the period of notice of overtime shall not be less than five hours. No overtime for which overtime rates are payable shall be worked by any employee without the approval of the head of the department in which the employee is employed.

(b) All time worked in any one day in excess of or outside the hours as provided in clause 3 hereof shall be deemed to be overtime. Payment for overtime shall be at time and a half for the first three hours, thereafter at double time rates, with a minimum of 1s. 9d. per hour.

(c) Except for workers provided for in subclause (d) of clause 3, time worked on Saturdays in addition to the normal working-hours shall be paid for at time and a half for the first three hours and double time thereafter, and time worked after noon on Saturdays when no work has been performed on Saturday morning shall be paid at double ordinary rates. Time worked on Sunday shall be at double time rates.

(d) When a worker is required to work overtime on any day, the employer shall pay such worker not less than 2s. 6d. meal-money if that worker cannot reasonably journey to and from home for a meal.

(e) Where an employee engaged on the business of his employer is prevented by the business of his employer from returning to his place of residence or is required to commence travelling before the normal starting-time, he shall be paid at ordinary rates for such additional hours so occupied within any one day.

(f) Officers who are appointed by the Council to specific positions on the Council's staff such as treasurer, clerk, collector, or other such officers as may be appointed for

specific duties under the Acts controlling local authorities, may work such hours as may be necessary to completely perform the work required of the officer, and this shall include attendance at meetings, taking of minutes, and the performance of usual routine work.

Rates of Remuneration

5. (a) Except in the case of employees specifically classified, all male employees shall be paid the following minimum scale:—

	£
First year	150
Second year	175
Third year	200
Fourth year	225
Fifth year	250
Sixth year	275
Seventh year	300
Eighth year	325
Ninth year	375
Tenth year and thereafter	425

(b) Except in the case of employees specifically classified, all female employees shall be paid the following minimum scale:—

	£
First year	130
Second year	155
Third year	180
Fourth year	215
Fifth year	240
Sixth year	250
Seventh year	265
Eighth year	275
Ninth year	290
Tenth year and thereafter	315

(c) For the purpose of qualification under the foregoing scales, experience in any employment of a similar character to that covered by this award shall be counted as if it were experience in employment covered by this award.

(d) The following male employees of the Otago Hospital Board are specifically classified, and after ten years' service shall receive the salary mentioned as a minimum:—

	First Year.	Second Year.	Third Year and Thereafter.
Senior stores record clerk } £		£	£
Senior wages clerk .. } 445	450	460	

(e) Meter-readers: Meter readers shall be paid according to the scale set out in subclause (a) of this clause except that the final rate shall be £400 per annum.

(f) The following female workers are specifically classified and shall receive the salary mentioned as a minimum:—

	Without Examination.	With Junior Examination.	With Senior Examination.
Shorthand-writer - typists—	£	£	£
First year ..	150	175	200
Second year ..	175	200	220
Third year ..	200	220	246
Fourth year ..	220	246	270
Fifth year ..	245	260	285
Sixth year ..	255	270	295
Seventh year ..	270	285	310
Eighth year and thereafter ..	285	310	335

Assistant clerk-cashiers: £300.

Typists appointed to charge positions: £312.

Cashiers: £340.

Accountants next in charge shall be paid the minimum rates provided for males in subclause (a) hereof, with a maximum of £345 per annum.

(g) Males and females with School Certificate and males and females with University Entrance Examination shall be paid £10 and £25 respectively above the scale rates set out in subclauses (a) and (b) of this clause up to and including the ninth year of service.

(h) Females substantially engaged on the following machines shall be paid not less than 7s. 6d. per week in addition to the above rates:—

- (i) Accounting and book-keeping machines, posting and analysis machines, if fitted with vertical and cross adding registers.
- (ii) Calculating-machines used for calculating-work other than adding and subtracting.
- (iii) Invoice machines fitted with adding registers and where any part of the keyboard is electrically operated and controlled or fitted with vertical and cross adding registers.

(NOTE.—Attention is drawn to the fact that this award is to be read subject to the provisions of the Minimum Wage Act, 1945.)

Bonus for Qualifications

6. Any employee who obtains a pass in five or more subjects for the University of New Zealand Examination in Accountancy or completes the examination of the New Zealand Hospital Officers' Association (Inc.), the New Zealand Institute of Local Body Administrative Officers (Inc.), or examination under the New Zealand or Australian Institute of Secretaries, or other examinations as may be prescribed by the Town Clerks or County Clerks Institute shall, in the year in which he so qualifies, receive a bonus of £12 10s. In the year in which he completes the whole examination he shall receive a bonus of £22 10s.: Provided this bonus shall apply to the examination of one institute only: Provided moreover, that any employee who at the time of coming into force of this award has already passed the above examination or sections, as the case may be, shall be paid, on the first day after the coming into operation of this award, the difference between this bonus and any other bonus he may have received, such bonus to be in respect of one examination only.

Higher-grade Duties

7. Any employee who is instructed to perform the duties of a higher-grade employee shall, if he occupies the higher position for more than eight weeks continuously, be paid from the date upon which he commenced the higher-grade duty and while engaged in performing such higher-grade duty at the rate not less than the minimum salary paid for the higher position.

Terms of Employment

8. The employment shall be deemed to be a fortnightly one and a fortnight's notice shall be given by either side; but this shall not prevent any Council or Board from summarily dismissing any worker for wilful misconduct or other just cause.

Payment of Wages

9. Wages shall be paid at least fortnightly not later than Thursday, but where agreement is reached through the union representative payment may be made monthly.

Proportion

10. The proportion of junior workers shall not be more than one junior to one or two adults, two juniors to three or four adults, three juniors to five or six adults, and

thereafter not more than one junior for every three or fraction of three adults. For the purpose of this award a senior or adult shall be a worker twenty-one years of age or over.

Holidays

11. (a) The undermentioned shall be paid holidays and shall not be considered as part of the annual leave: 1st January and the day following, Anzac Day, Good Friday, Easter Monday, Easter Saturday (where Saturday is worked), the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, Anniversary Day or a day in lieu thereof. Should any of the holidays above mentioned, except Anzac Day, fall on a Saturday or a Sunday, then such holiday shall be observed on the next following working day or days.

(b) Workers who are employed on any of the days set out in subclause (a) hereof shall be paid at the rate of double time in addition to the weekly wages: Provided that in lieu of such payment the employer may, where mutually agreed upon, grant one day off for each such day worked, such day to be taken at a time to be mutually arranged or added to the annual holiday.

(c) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944: Provided, however, that after ten years' continuous service with the same employer the period of annual leave shall be three weeks.

(d) Employers shall give at least fourteen days' notice to their employees of the day of their annual holiday, and the worker shall be paid for the annual holiday before its commencement.

Transport Allowance

12. In cases where a worker is required by his employer to use a motor-car, motor-cycle, or bicycle in the performance of his work, the employer shall supply the vehicle and keep it in proper repair; or if a worker is required to use his own vehicle the employer shall pay expenses as are mutually arranged, except that for a bicycle so used the weekly allowance made shall not be less than 2s.

Conditions as to Offices, &c.

13. (a) Every employer shall permit his employees, should they so desire, to have lunch on the premises during lunch intervals, and shall provide such conditions as will enable them to do so in reasonable comfort.

(b) *Dining Accommodation and Cloak-rooms.*—In offices in which not less than four females are permanently employed, reasonable dining accommodation shall be provided if required; also a cloak-room or enclosure in which privacy is secured for dressing. There shall also be provided, where practicable, a room with suitable couch accommodation for rest in cases of temporary indisposition, but where it is impracticable to set a room apart for that purpose it shall be sufficient if a couch or couches are provided in a portion of the cloak-room screened off from the place where clothing is hung.

(c) *Lighting, Heating, and Ventilation.*—Adequate lighting, heating, and ventilation shall be provided in all offices.

(d) Where smocks or other special clothing are required by the employer to be worn, these shall be supplied and laundered at the employer's expense and shall remain the property of the employer.

(e) A rest interval of ten minutes shall be allowed in the morning and afternoon for the purpose of partaking of refreshments, provided, however that there is no interference with ordinary duties or inconvenience to the public.

Travelling-expenses

14. (a) Travelling-expenses incurred by any worker under the instructions of his employer shall be paid by the employer.

(b) "Travelling-expenses" shall mean first-class fares, transport to and from point of departure, plus the cost of meals and accommodation.

Sick-leave

15. Employees with under two years of service shall be allowed full pay for a period not exceeding one week in any one year, employees with service over two years and up to five years shall be allowed full pay for a period not exceeding two weeks in any one year, and employees with service for five years and over shall be allowed full pay for a period not exceeding one month in any one year, whilst absent from work through sickness. After the expiry of the above periods on full pay, half-pay shall be granted for similar periods if the employee is still absent from duty through sickness. A medical certificate must be furnished by the employee to his employer in support of the employee's claim for sick pay, such medical certificate to be in the hands of the local authority's chief executive officer not later than 12 noon on the third day that the employee is off duty through sickness, otherwise payment of wages will cease. In

the case of a junior worker under the age of eighteen years a medical certificate must be furnished, but the local authority shall bear the cost of such certificate; and the local authority reserves the right to nominate the medical officer to examine the employee and furnish the certificate. An employee whose sickness is caused by his own misconduct is not entitled to the benefits of this clause.

Casual Workers

16. (a) A worker engaged for less than two weeks shall be termed a casual worker and such worker shall be paid *pro rata* for time worked at a rate of 20 per cent. more than the appropriate rate set out in clause 5. The *pro rata* rate payable shall be calculated on an hourly basis computed from the number of hours fixed in clause 3 as the maximum weekly number of hours which may be worked by clerical workers in the local authority concerned, with the minimum payment of 1s. 6d. per hour.

(b) The employment of casual juvenile clerks is not permitted.

(c) Clerks engaged for elections or polls are exempt from the provisions of the award.

Wages and Time Book

17. The employer shall keep in the prescribed form a time-book to show the hours per day of each employee, and to show morning hours, afternoon hours, and overtime hours. The system for payment of wages now in vogue in the different local authorities' offices, such system having the approval of the Government Audit Department, shall be continued.

Workers to be Members of Union

18. (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.)

Under-rate Workers

19. (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.

References

20. (a) Original references shall be the property of the employee or applicant and shall, on request, be returned within forty-eight hours after engagement or rejection of application.

(b) Each employee on leaving or being discharged from his employment shall, on request, be furnished within twenty-four hours thereafter with a reference in writing stating the position held and the length of service.

Right of Entry

21. The secretary or other authorized officer of the union shall, with the consent of the employer (such consent not to be unreasonably withheld), be entitled to enter at all reasonable times the office or works and there to interview any workers, but not so as to impede the work of the office.

Reduction of Wages

22. No employee coming within the scope of this award shall have his or her salary or wages reduced by reason of the operation of this award.

Validity of Agreement

23. (a) No agreement shall be valid which is or may be contrary to the provisions of this award, and no employee shall contract himself or herself outside the award, with the exception that, in respect of the amount of wages received by the employee for each pay period, there may be made a deduction for superannuation purposes or insurance purposes.

(b) In those local authorities where there is in existence a superannuation scheme with the National Provident Fund and it is mandatory that the employee be a contributor to the scheme, then such deduction from the wages of the employee to the funds shall be deducted from the wages of the employee on each pay.

Exemptions

24. Nothing in this award shall apply to local-authority clerks in receipt of a salary of more than £475 per annum, excluding overtime payments and bonuses.

Part-time Local-body Officers

25. In the smaller local authorities where the volume of work is not sufficient to warrant the engagement of a full-time clerk, the conditions of employment and the rates of pay in the offices of such local authorities may be varied by agreement between the union and the particular authority concerned. Should there be no agreement, the matter shall

be dealt with under clause 26 hereof and the final decision thereon shall operate from the date of reference to the Commissioner.

Matters not provided for

26. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local 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 fourteen days after such decision shall have been communicated to the party desiring to appeal.

Scope of Award

27. This award shall operate throughout that part of the Otago and Southland Industrial District which is comprised in the former Provincial District of Otago.

Term of Award

28. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of April, 1948, 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 31st day of March, 1950.

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 17th day of June, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

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.