

OTAGO AND SOUTHLAND **PAINT AND VARNISH WORKERS.—**
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 Dunedin Paint and Varnish Manufacturing Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Smith and Smith, Ltd., Octagon, Dunedin.

Wren, James, and Co., Ltd., Princes 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 31st day of May, 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 9th day of August, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award Applicable

1. This award shall apply to the paint, varnish, lacquer, and distemper industry.

Interpretation

2. (a) This award shall apply to workers substantially employed in mixing, grinding, filling, packing (except where such work is subject to any other award), and/or breaking up and shading paint, lacquer, distemper, and related products.

(b) Any worker who is substantially employed in tinting or shading paint and/or related products shall be deemed to be a shader.

(c) A mixer is a worker engaged in mixing and/or grinding dried powders to paste.

(d) A leading hand is a worker who is required to direct or control other workers.

Hours of Work

3. (a) Forty hours shall constitute an ordinary week's work. The hours of work shall be eight in each day on five days of the week, Monday to Friday inclusive, to be worked continuously between the hours of 7.30 a.m. and 5 p.m., except for at least three-quarters of an hour for a meal.

(b) When shifts are worked outside the hours prescribed in subclause (a) hereof, eight hours, including twenty minutes crib-time, shall constitute a shift and forty hours the week's work.

(c) Workers engaged on night shift shall be paid 3s. per shift extra if working on three or more consecutive nights.

(d) A night-shift worker required to work in excess of eight hours shall be paid at overtime rates at time and a half for the first four hours and double time thereafter.

(e) Where shifts are worked, the hours of such shifts shall be fixed by mutual agreement between the employer and the union concerned.

Wages

4. (a) The following shall be the minimum rates of wages:—

	Per Week.		
	£	s.	d.
Leading hands	7	10	0
Shaders	7	2	6
Varnish-cookers and gum-runners ..	7	2	6
Mixers, grinders, and dry-colour storemen	6	17	6
Fillers and packers (other than packers whose position or employment is subject to any other award) ..	6	13	2
Other adult male workers	6	7	6

(b) The minimum weekly rates of wages payable for boys and youths shall be in accordance with the following scale:—

Age commencing.	First Year.		Second Year.		Third Year.		Fourth Year.		Fifth Year.		Sixth Year.	
	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.
Under 16	29/-	35/-	40/6	47/-	53/-	59/-	65/6	71/6	83/6	96/6	110/6	127/6
16 to 17	35/-	40/6	46/6	52/6	59/-	64/6	76/6	87/6	100/6	112/6	127/6	..
17 to 18	45/-	52/-	57/6	63/6	70/-	75/6	87/6	98/6	116/6	124/6	..	..
18 to 19	56/-	63/-	69/-	74/6	86/-	97/-	121/6	..	..	..	..	..
19 to 20	67/-	79/6	90/6	101/6	..	..	..	..	..	..	..	..
20 to 21	90/-	101/6	..	..	..	..	..	..	..	..	..	..

Thereafter at the appropriate adult rate.

(c) (i) Females may be employed, in the proportion of females to males which at present exists, on labelling, lidding, and marking with synthetic colours.

(ii) The following shall be the minimum weekly rates of pay for female workers:—

Age commencing—		£	s.	d.
16 to 16½ years	.. ..	1	10	0
16½ to 17 years	.. ..	1	15	0
17 to 17½ years	.. ..	2	0	0
17½ to 18 years	.. ..	2	5	0
18 to 18½ years	.. ..	2	10	0
18½ to 19 years	.. ..	2	15	0
19 to 19½ years	.. ..	3	0	0
19½ to 20 years	.. ..	3	5	0
20 to 20½ years	.. ..	3	10	0
20½ to 21 years	.. ..	3	15	0
Thereafter	.. ..	4	0	0

(d) If and when the union is unable to supply male labour, females may be employed to fill leadless products up to 7 lb. in weight at the top rate provided for females.

Casual Labour

5. (a) All casual workers shall be paid at the rate of not less than 3s. 3½d. per hour, with a minimum of four hours.

(b) A "casual" shall mean a person whose engagement is for a period of less than five consecutive days.

Overtime

6. (a) All work performed before the ordinary time of starting in the morning or after ceasing work in the evening or on Saturday morning shall be classified as overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter. All overtime shall be calculated on a daily basis.

(b) The minimum rate for overtime shall not be less than 2s. per hour.

(c) In all cases where a worker is given notice to work overtime after the meal interval, the minimum payment shall be for at least two hours: Provided that all work done up to and including half an hour shall be deemed half an hour for the purpose of computing overtime payable, and all work done for a period exceeding half an hour and up to one hour shall count as one hour in the computation of overtime.

(d) Double time rates shall be paid for all time worked on Saturday afternoon or on Sunday.

Proportion

7. The proportion of youths to seniors in the dry-mixing, mixing, grinding, and varnish department shall not exceed one youth to three seniors.

Weekly Employment

8. (a) The employment shall be deemed to be a weekly employment and no deduction shall be made from the weekly wage except for time lost through the worker's sickness or default or his absence from work through no fault of the employer.

(b) Not less than seven days' notice shall be given by either party of the termination of employment, except in the case of casual hands: Provided that nothing in this clause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

Dangerous Work

9. (a) The employers shall, in the case of workers engaged in the working of any paint process which is deemed by the Department of Health to be dangerous to the health of the workers, provide respirators deemed by the Department of Health to be efficient.

(b) Gloves shall be provided where necessary in the varnish department and when handling dry colours.

Payment of Wages

10. Wages shall be paid weekly and in cash not later than Wednesday and in the employer's time, except in the case of casual hands, who shall be paid immediately on discharge.

Holidays

11. (a) The following shall be the recognized holidays: Good Friday, Easter Monday, Labour Day, Anzac Day, Anniversary Day (or a day in lieu thereof), the birthday of the reigning Sovereign, Christmas Day, Boxing Day, New Year's Day, and the day following New Year's Day.

(b) Statutory holidays, except Anzac Day, falling on Sunday shall be observed on the following Monday or the next working-day.

(c) Work done on any holiday covered by the provisions of the Factories Act, 1946, shall be paid for in accordance with the provisions of that Act, and work done on any recognized

holiday not covered by the provisions of the Factories Act, 1946, shall be paid for at the rate of time and a half in addition to the ordinary rates.

(d) An annual holiday shall be allowed as provided in the Annual Holidays Act, 1944.

General Conditions

12. (a) A worker required to work overtime after 6 p.m. shall be paid 2s. 3d. tea-money unless such worker was notified on the previous day that overtime was to be worked.

(b) Boiling water shall be supplied for meals.

(c) Workers employed under this award (other than packers) shall be paid an annual leather-boot allowance of £2 net, and this shall apply to those workers who have completed twelve months' service with the same employer on the date of the coming into force of this award, and thereafter.

(d) Boys under seventeen years of age shall not lift more than 56 lb. unassisted.

(e) The employer shall provide each worker employed under this award with combination overalls whilst employed in the paint and varnish department, and any other covering necessary whilst engaged in dirty work. Employees shall be responsible for the cleaning, maintenance, and reasonable repair of overalls. The employer shall provide each worker so employed with two suits of overalls where practicable at the commencement of each year, with the exception of the dry-colour storeman, who will be supplied with three suits of overalls where practicable at the commencement of each year. Two aprons shall also be provided where practicable at the commencement of each year to workers engaged as varnish cookers.

(f) One pint of milk a day shall be allowed to each worker engaged in mixing dry lead into paints.

(g) This award shall not operate so as to reduce the wage of any worker during his present employment.

(h) Unless otherwise arranged between the union and the employer, five minutes both morning and afternoon shall be allowed for "smoke-oh" without deduction of pay.

(i) The interval between meals may be extended to four and a half hours, and by arrangement between the union and the employer that period may be further extended to five hours where workers have a "smoke-oh" break.

Accommodation

13. The employers shall supply suitable dining and lavatory accommodation as required by the Factories Act, 1946, together with facilities for changing clothes, and hot water for washing.

First-aid Kits

14. First-aid outfits shall be provided in charge of a responsible person in all factories. The employer shall be responsible for keeping supplies of clean medical outfits.

Disputes

15. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award, or any of them, as to any matter whatsoever arising out of or in connection therewith and not dealt with in this award, every such dispute or difference shall be referred to a committee 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 of appeal to the Court of Arbitration within fourteen days after such decision has been made known to the party desirous of appealing.

Right of Entry

16. The secretary or other authorized officer of the union of workers 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

17. (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

18. (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.

Application of Award

19. 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 the industrial district to which this award relates.

Scope of Award

20. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

21. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of June, 1948, and so far as all the other provisions 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 May, 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 9th day of August, 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.

The parties desire the following statement to be recorded:—

“The increases agreed upon should be taken into account in the event of the Court granting an increase on a new pronouncement under the Economic Stabilization Emergency Regulations during the currency of this award.”

A. TYNDALL, Judge.