

WELLINGTON INDUSTRIAL DISTRICT **RUBBER-WORKERS.**—
AWARD

In the Court of Arbitration of New Zealand, Wellington 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 Northern, Wellington, and Canterbury Rubber Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- Bramall, G., and Co., Petone.
 Excelsior Supply Co., Ltd., 50-52 Victoria Street,
 Wellington.
 Para Rubber Co., Ltd., Cuba Street, Palmerston North.
 Paratex (1938), Ltd., Petone.
 Reid (N.Z.) Rubber Mills, Ltd., Aulsebrook's Building,
 Wakefield Street, Wellington.
 Rubber Distributors, Ltd., 39 Dixon Street, Wellington.
 Silver, H. E. W., Magneto and Ignition Co., Dixon Street,
 Wellington.
 Thorndon Rubber Co., 31-33 Taranaki Street,
 Wellington.

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 30th day of August, 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 30th day of August, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to workers engaged in the manufacture of rubber goods, including the handling of raw materials used in such manufacture, and shall also include sorters, labelers, wrappers, and packers, and any other workers so engaged and not already covered by an award.

Hours of Work

2. (a) The ordinary hours of work shall not exceed eight per day, to be worked on five days of the week, Monday to Friday, both days inclusive, and between the hours of 7 a.m. and 4.45 p.m.

(b) Notwithstanding the provisions of subclause (a) hereof, an employer may, by agreement with the union, vary the commencing or finishing times set out herein.

Shift-work

3. (a) Shifts may be worked as required by the employer. The ordinary hours of work for shift-workers shall not exceed five shifts of eight hours each, to be worked in whole or in part outside of the hours set out in clause 2 of this award, on Monday to Friday, both days inclusive.

(b) Shift-workers shall be allowed half-an-hour crib-time in each shift without deduction from pay.

(c) Workers on shifts shall be paid 2s. 6d. per shift in addition to the specified weekly wage.

(d) No worker under nineteen years of age shall be employed on night shifts between the hour of midnight and 7 a.m. unless paid adult rates for the shift so worked.

(e) Shifts shall be worked in rotation, except when otherwise mutually arranged between the employer and the workers.

(f) No worker covered by this award shall be required to work at night unless some other person is within calling distance.

(g) Where a worker commences a working-week on any one of the usual three starting-times and is switched to another shift, then he shall be paid at overtime rates for the first shift of eight hours thereafter.

The provisions of this subclause shall not apply in the case of an employer requiring a worker to switch a weekly shift so long as the worker is advised thereof before the end of the working-week.

Overtime

4. Time worked in any day outside of or in excess of the hours mentioned in clauses 2 or 3 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: Provided that when overtime is worked on Saturday morning the rates shall be time and a half for the first four hours and double time thereafter.

Wages

5. (a) The following shall be the minimum weekly rates for male adult workers:—

	Per Week.		
	£	s.	d.
First three months of employment ..	6	3	4
From three months up to first twelve months	6	6	8
Thereafter	6	13	4

(b) The following additional rates shall be paid to men in charge of others or carrying out special duties:—

MEN IN CHARGE OF CALENDERS

- (i) Men in charge of calenders if 50 in. or over in width, 6d. per hour extra.
- (ii) Men in charge of calenders if under 50 in. in width, 4d. per hour extra.

MEN IN CHARGE OF EXTRUDERS

- (iii) Men in charge of one or more extruding machines, 4d. per hour extra.

MIXERS

- (iv) Men employed on dry mixing on open roll or in internal mixers, 1½d. per hour extra.
- (v) Men whilst using carbon black loose, not master batch black, shall be paid 6d. per hour extra whilst so employed, provided the carbon black mixture is more than 10 per cent. of the total weight of mixture.

SPREADERS

- (vi) Men in charge of one or more spreading machines, 4d. per hour extra.

PAN MEN

- (vii) Men in charge of pans for vulcanizing by dry heat or open steam cure (other than latex workers), 1d. per hour extra.

LEADING HANDS

- (viii) Males in charge of more than three other workers, and who are responsible for giving instructions to others, and also responsible for seeing that the work is carried out satisfactorily, 3d. per hour extra.
- (ix) Females whilst so employed, 1½d. per hour extra on the minimum rates set out in clause 7 of this award.

(c) No employee coming within the scope of this award shall have his or her wages reduced by reason of the operation of this award so long as such employee continues to be employed by the same employer in the same position or employment.

Boys and Youths: Wages

6. Subject to the provisions of the Factories Act, 1946, boys and youths may be employed at not less than the following weekly rates of wages:—

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 16 ..	33/1	40/1	46/11	53/8	63/1	69/11	76/9	83/6	92/11	100/9
16 to 17 ..	40/1	46/11	53/8	63/1	69/11	76/9	83/6	92/11	100/9	..
17 to 18 ..	46/11	53/8	63/1	69/11	76/9	83/6	92/11	100/9	..	..
18 to 19 ..	53/8	63/1	69/11	76/9	90/10	100/9	..	..	..	..
19 to 20 ..	64/2	72/0	83/6	100/9	..	..	..	..	..	..
20 to 21 ..	83/6	100/9	..	..	..	..	..	..	..	..

And thereafter, or on attaining the age of twenty-one years, not less than the appropriate adult rate.

Female Workers: Wages

7. (a) Females may be employed at not less than the following weekly rates of wages:—

			Per Week.		
			£	s.	d.
First six months	..	..	1	11	6
Second six months	..	..	1	18	0
Third six months	..	..	2	5	0
Fourth six months	..	..	2	11	6
Fifth six months	..	..	2	18	6
Sixth six months	..	..	3	9	0
Thereafter	..	..	4	4	2

Provided, however, that female workers of the age of twenty-one years and upwards shall be paid at not less than the following rates:—

			Per Week.		
			£	s.	d.
For the first six months	..	..	3	13	0
For the second six months	..	..	3	18	0
And thereafter	..	..	4	4	2

(b) *Casual Female Workers.*—Casual female workers may be employed and shall be paid an hourly rate; such rate shall be based on the *pro rata* weekly rate, plus 5 per cent.

A casual worker is a worker other than a weekly worker who is employed for a lesser period than a week.

Bonus Payments

8. Bonus payments to workers shall be permitted and shall be arranged between the employer and the union.

Payment of Wages

9. All wages shall be paid not later than Thursday in each week in the employer's time.

Terms of Employment

10. (a) Except for casual female workers, the employment shall be deemed to be a weekly employment and no deduction shall be made from the weekly wages except for time lost through the worker's sickness, default, or accident, or for time lost through the factory being closed for repairs to machinery.

(b) Forty-eight hours' notice of termination of service shall be given by the employer or employee; but this shall not affect the employer's right to dismiss an employee without notice for misconduct or other good cause.

(c) If any employer dismisses an employee without notice and without good cause, he or she shall pay the said employee two days' full pay. If an employee leaves his employer's service without notice and without good cause, he or she shall forfeit two days' pay. The employer shall be entitled to keep in hand two days' pay.

Holidays

11. (a) All workers shall receive the following holidays in each year: New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, the birthday of the reigning Sovereign, and 2nd January.

(b) All work performed on the holidays mentioned in sub-clause (a) hereof shall be paid for at double rates in addition to the ordinary rate prescribed in clauses 5, 6, and 7.

(c) All work performed on Sundays or Saturday afternoons shall be paid for at double rates.

(d) 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.

Annual Holidays

12. The provisions of the Annual Holidays Act, 1944, shall apply to all workers covered by this award.

General Conditions

13. (a) A shed for the storage of workers' bicycles shall be provided.

(b) Workers shall be provided with suitable accommodation to the satisfaction of the Inspector of Factories for changing their clothes, and with suitable shower-baths for male workers with hot and cold water laid on. Locker accommodation shall be provided for each worker. Dining-rooms shall be provided to the satisfaction of the Inspector of Factories, with facilities for obtaining boiling water at meal-times.

(c) When a worker is required to work overtime and has not been notified on the previous day, he shall be paid the sum of 2s. meal-money.

(d) A pause for "smoke-oh" morning and afternoon shall be arranged between the employer and the workers, but not so that continuous processes shall be held up or impeded.

(e) All workers shall be provided, when necessary, with materials to carry on the work, such as respirators, goggles, gloves, and waterproof aprons.

(f) No boy under eighteen years of age shall be required to handle packages over 60 lb. in weight or to operate mills or extruders and vulcanizers.

(g) After a shift entailing handling or using loose carbon black; mixers shall be allowed fifteen minutes for washing or bathing.

(h) A suitable first-aid outfit shall be provided.

Under-rate Workers

14. (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.

Workers to be Members of Union

15. (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.)

Workers Other than Adults

16. 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 so to do by the union, dismiss such worker, provided there is then a member of the union equally qualified and of similar status and ready and willing to perform the particular work required to be done.

Disputes

17. The essence of this award being that the work of the employer 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 the award (not being a question affecting rates of pay or hours of work), or if any dispute or difference shall arise between the parties, or any of them, in connection with any matter relevant to but not dealt with in the award, every such dispute or difference shall be referred to a committee to be 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 a Conciliation Commissioner. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Application of Award

18. 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

19. This award shall operate throughout the Wellington Industrial District.

Term of Award

20. This award, in so far as it relates to wages, shall be deemed to have come into force from the beginning of the first pay week after the 29th 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 30th day of August, 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 30th day of August, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

Apart from adjustments and corrections which have been made with the agreement of the representatives of the parties, 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.
