

GORE (FORTY-MILE RADIUS) **COAL-MINES' 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 Mataura District Coal-mine Workers' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

Coster, D., Mataura.

Hoffman, J., Otikerama, via Gore.

Larking, P., and Son, Mataura.

Moseby, Edward, and Son, Mataura.

Newvale Coal Co., Gore.

Waimumu Coal Co., Ltd., Gore.

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 April, 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 21st day of October, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. The hours of work shall be, for underground workers seven hours bank to bank, and for surface workers eight hours exclusive of meal-times, excepting on Saturdays, when the hours of work shall be, for underground workers six hours bank to bank, and for surface workers six hours exclusive of meal-times.

Overtime

2. All time worked in excess of the normal shift on any day shall count as overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Where less than half an hour's overtime is worked on a normal working-day one hour's pay at ordinary daily rate of wages shall be paid. Where half an hour to one hour's overtime is worked on a normal working-day one hour shall be paid at one and a half times ordinary daily rate of wages. Any overtime on Saturdays after the completion of the normal Saturday shifts shall be paid for at double time, based on ordinary rate of wages.

Trucking

3. Where the employers do not do the trucking, the miner shall be supplied with a horse and paid at the rate of 1d. per box after 4 chains, including the lay-by.

Regulation of Turn

4. The turn of skips throughout the mine shall be as evenly distributed as possible, provided each miner can fill his turn.

Laying Roads

5. All long rails shall be laid by the employer. Short rails shall be provided by the employer for each place to be laid by the miner.

Wet Places Underground

6. Men in wet places shall work six hours bank to bank, and each pieceworker shall be paid for two hours at 4s. 1½d. per hour, plus one hour's compensation payment of 4s. 1½d.

A "wet place" shall mean a place in which a worker has to stand in more than 3 in. of water, or where, within three hours of starting work, his clothes are wet by water dripping from the roof, or where a worker in open-cast pits gets wet through.

In extra wet places a five-hour shift shall be worked, and pieceworkers shall receive a payment of 14s. 8d. per shift plus one hour's compensation payment of 4s. 1½d.

Holidays

7. (a) The following shall be regarded as holidays, for which payment shall be made at the respective wages rates provided in this award: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, May Day, the birthday of the reigning Sovereign, and Labour Day. In the event

of any of these holidays, except Anzac Day, falling on a Saturday or a Sunday, another day shall be substituted therefor by agreement between the manager and the union. When Anzac Day falls on a Saturday or a Sunday, no payment shall be made therefor.

(b) Fifteen days' (inclusive of the colliery holidays Christmas Day, Boxing Day, and New Year's Day) holiday at his respective wage rate shall be granted to every worker under this award on the completion of each year of service with the same employer. The holidays shall be taken during the official Christmas - New Year period, which shall be of three weeks' duration commencing on the Monday prior to the 25th December in each year: Provided that any worker who, by arrangement with the management, takes his annual holiday at some other period shall be entitled to only twelve working-days at ordinary daily rate of wages.

(c) If the employment of any worker is terminated by either party for any reason before the completion of a year's service, or if the employment has commenced later than 10th January, such worker shall, after the completion of not less than five weeks' service, be granted holiday payment in the proportion of one day at his ordinary daily wages rate for each five weeks' service or fraction of five weeks. Any proportionate holiday payment due to any worker shall be paid immediately on the termination of the employment.

(d) For any work done during the annual holiday period payment shall be at the rate of double time. For all Sunday work payment shall be at the rate of double time. The Miners' National Council undertakes to assist in reducing the number of men for Sunday work in cases where the management considers a lesser number would suffice.

Disputes Committee

8. (a) Any dispute concerning any matter not specifically provided for in this award which cannot be settled by the executive of the union and the management of the mine shall be immediately referred to the District Disputes Committee.

(b) The District Disputes Committee shall consist of one representative appointed by each side, and the local Magistrate or other person agreed upon by the representatives (or, in default of such agreement, appointed by the Court), as chairman, and shall deal with any matter which has not been settled by the means provided in subclause (a) hereof. A majority decision of the District Disputes Committee shall be final and binding on all parties.

Fatal Accidents

9. In the event of any fatal accident occurring in or about the mine it shall be lawful for the workers to cease work for the remainder of the day on which the accident occurs. It shall also be lawful for the workers, excepting pump-men, fan attendants, or men required to maintain the safety of the mine, to cease work for one whole day to attend the funeral of the deceased worker, but not further or otherwise.

Injured Workers

10. In the case of any accident occurring in the mine and the injured man having to be carried out, the deputies shall select the men required as stretcher-bearers, and such men shall be paid for time lost. In the case of serious accidents the stretcher-bearers shall not be required to go back into the mine.

Tool-sharpening

11. All workers' tools shall be sharpened by the employer free of charge.

Supply of Explosives

12. Explosives shall be supplied to miners at cost price. Carbide shall be provided free of cost to all workers.

Shiftmens' Tools

13. The employers shall provide free all tools for shiftmen, and each man shall be responsible for tools supplied to him.

Rights of Workers

14. A representative of the union shall be granted leave of absence to attend to the business of delegates' meetings on twenty-four hours' notice being given to the manager.

Right of Contract

15. The management shall have the right to invite tenders and let contracts under co-operative principles for the execution of any work not specifically provided for in this award, and, notwithstanding that trucking is herein provided for, contracts may be let for trucking.

Payment of Wages

16. Wages shall be paid fortnightly at the mine or at the employer's office on a day to be agreed upon between the employer and the union. As from the 3rd August, 1948, the

coal-mine owners undertake to make advances to all employees on back Fridays at the rate of 25s. per shift for adults and 12s. 6d. per shift for juniors, based on the number of shifts worked during the first week of each pay period.

Minimum Wage

17. (a) A miner working on tonnage rates who shall be unable through no fault of his own to earn an average of 35s. 4d. per shift for any fortnightly period shall be paid an amount sufficient to make up his earnings to an average of 35s. 4d. per shift for the number of shifts worked by him during such period.

This clause shall not apply to the first week of the cavil period, except in such places which immediately prior to the cavil had been minimum-wage places.

(b) Men who cavil together and are subsequently either required or permitted by the management to work separate places shall have their earnings calculated separately in respect of each place for the purpose of computing the minimum wage.

(c) Men in double-shift or three-shift places shall share earnings equally according to time worked. Each case of failure of the men in a double-shift or three-shift place to earn the minimum wage shall be considered on its merits.

(d) Men who earn the minimum wage on the back shift shall be paid 2s. per shift more than the day-shift minimum wage-rate, and men who earn the minimum wage on the night shift shall be paid 2s. 8d. per shift more than the day-shift minimum wage-rate.

(e) A minimum weekly wage shall be paid computed on each employee's actual earnings (whether at piece-work, contract, or wage rates), the rate being:—

	Per Week.
	£ s. d.
Under sixteen years of age	2 0 0
Sixteen to seventeen years of age	2 10 0
Seventeen to eighteen years of age	3 0 0
Eighteen to nineteen years of age	3 10 0
Over nineteen years of age	6 5 0

The right of any worker to the minimum weekly wage in any week shall be subject to the following conditions:—

- (1) That the worker on each working-day in that week reported for work at his usual place of employment, or at such other place as the employer may have directed, at the same time at which the worker usually reported for work, or took such other steps to ascertain whether his services were required on that day as may have been agreed to by the employer:

- (2) That the worker during that week performed his work with due diligence and complied with all the terms and conditions of his employment:
- (3) That the worker during the immediately preceding two weeks was not absent from available work on more than one working-day for any reason other than—
 - (i) Sickness or accident or other causes outside his control;
 - (ii) Leave of absence to which the worker was entitled under the terms of his employment or leave of absence granted by the employer:
- (4) That the employer was not prevented from providing work to the worker by reason of a strike of workers in the colliery or any other colliery, industry, or undertaking.

(f) Minimum weekly wages shall not apply to and shall not be payable in respect of the agreed period of annual holidays. During the agreed annual holiday period minimum weekly wages will be replaced by the workers rights to holiday pay in accordance with the provisions of clause 7 hereof.

Under-rate Workers

18. If any worker is unable from any cause to earn the minimum wage provided by this award for any class of work in which he is seeking employment, such worker may be employed at such lesser wage as may be agreed upon in writing by the president of the union and the manager of the mine. The term "worker" in this clause shall mean either a man or a youth, as may be applicable.

Preference

19. (a) 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 person who is not for the time being a member of an industrial union of workers bound by this award.

(b) The provisions of the foregoing clause shall operate only if and so long as the rules of the union shall permit any worker coming within the scope of this award of good character and sober habits to become a member of the union upon payment of an entrance fee not exceeding 5s., upon a written application, without ballot or other election, and to continue a member upon payment of subsequent contributions not exceeding 1s. per week.

*Day Wages*20. (a) *Underground*—

(1) Truckers, rope attendants, horse-drivers, pit-bottomers, and winchmen	Per Shift. £ s. d. 1 10 6
Provided that truckers under eighteen years of age shall receive	1 5 11
(2) Shiftmen	1 11 10
(3) Miners taken from the face to do any other work	1 15 4
(4) A miner driving a Bord or Stenton below the standard width and height 14 ft. by 10 ft. shall be paid at day wage rates.	

(b) *Open-cast Workers*—

Drivers of tractors, bull-dozers, or mechanical shovels	1 16 4
Assistant drag-line operator or firemen	1 14 4
Men boring holes, handling explosives, and doing other work at the coal face	1 14 4
Other men	1 11 10
	Per Week. £ s. d.
Lorry-drivers, per week of forty hours	8 11 8
Open-cast workers shall work eight hours per day, exclusive of meal-times.	

“ Smoke-oh ”

21. All workers shall be allowed without deduction of pay an interval of fifteen minutes morning and afternoon.

Shelter-sheds

22. The employers shall provide suitable shelter-sheds.

Application of Award

23. (a) The manager of each mine and, where the manager is not a member of the firm or company operating the mine, one other member of such firm or company, shall be exempted from the provisions of this award.

(b) Where the deputy is also the mine-manager he shall be exempted from all the provisions of this award.

Scope of Award

24. This award shall operate within a radius of forty miles from the chief post-office, Gore.

Term of Award

25. This award, in so far as wages are concerned, shall be deemed to have come into force on the 1st day of May, 1948, and so far as 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 30th day of April, 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 21st day of October, 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.

A. TYNDALL, Judge.