

TARANAKI AND WELLINGTON **CHEMICAL-MANURE AND ACID WORKERS.—AWARD**

*[Filed in the Office of the Clerk of Awards, New Plymouth]*

In the Court of Arbitration of New Zealand, Taranaki and Wellington Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the North Island Federated Fertilizer Workers' Industrial Association of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Kemphorne, Prosser, and Co.'s New Zealand Drug Co., Ltd., Aramoho, Wanganui.

New Zealand Farmers' Fertilizer Co., Ltd., Smart Road, New Plymouth.

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 20th day of October, 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 25th day of November, 1948.

[L.S.]

A. TYNDALL, Judge.

## SCHEDULE

### *Industry to Which Award Applies*

1. The industry to which this award applies is the manufacture of manures and chemical fertilizers and of the chemicals manufactured in the chemical-fertilizer works of the employers named herein.

### PART I.—DAY-WORKERS

#### *Hours of Work*

2. (a) A week's work shall not exceed forty hours, of which eight hours shall be worked between the hours of 7.30 a.m. and 5 p.m. on each of five days of the week from Monday to Friday, both days inclusive. Not less than three-quarters of an hour shall be allowed for lunch.

(b) On the first occasion on any one day on which a worker is required to present himself for work he shall be paid a minimum of four hours at the appropriate rate, provided that such worker shall not have ceased work on his own accord before the expiration of the afore-mentioned minimum number of hours.

#### *Overtime*

3. (a) All time worked outside of or in excess of the daily hours prescribed in clause 2 (a) hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter, with a minimum of two hours if called back after a meal break, provided that such a worker shall not have ceased work of his own accord before the expiration of the afore-mentioned minimum number of hours.

(b) When workers are required to work overtime after 5.45 p.m. or after 1 p.m. on Saturday, and have not been notified the previous night, the employer shall provide a

substantial meal consisting of at least bread, butter, meat, cheese, and tea, coffee, or cocoa or pay each worker 2s. in lieu thereof.

(c) A worker required to work during his normal meal-times shall be paid double time rates with a minimum payment of half an hour.

(d) Overtime shall be calculated on a daily basis.

#### *Holidays*

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

Payment of wages for the said holidays shall be made to all persons who perform work under this Part of this award at any time during the fortnight ending on the day on which the holiday occurs.

(b) For time worked on the above-mentioned holidays treble time shall be paid. This payment shall be inclusive of any payment due under the previous subclause.

(c) For time worked on Saturdays and the 2nd January time and a half rates shall be paid for the first three hours and double time thereafter.

(d) For time worked on Sundays double time shall be paid.

(e) Notwithstanding the foregoing provisions, men discharging rock phosphate or sulphur shall be paid for the time worked at double time rates on the 2nd January and Easter Saturday.

(f) Should any statutory holiday other than Anzac Day fall on a Sunday, such holiday shall be observed on the following Monday.

#### PART II.—SHIFT-WORKERS

##### *Definitions*

5. (a) For the purpose of this clause "shift-work" means work which is carried out by two or more successive relays or spells of workmen. Continuity of shifts shall not be deemed to be broken by the intervention of Saturday and Sunday. Work shall not be deemed to be "shift-work" unless shifts are worked on four or more consecutive working-days.

(b) An "afternoon shift" means any shift commencing after 12 noon and finishing at or before midnight, and a "night shift" means any shift finishing subsequent to midnight and at or before 8 a.m.

*Hours of Work*

6. (a) A week's work shall not exceed forty hours, to be worked in five shifts of not more than eight hours.

(b) In the despatch department one shift of eight consecutive hours may be worked between the hours of 5 p.m. and 7.30 a.m.

(c) In a manufacturing department or in receiving raw material one or more shifts of eight consecutive hours may be worked on any days of the week.

*Overtime*

7. (a) In the case of shift-workers, overtime shall be payable after eight hours' work, and shall then be payable at the rate of time and a half for the first three hours and double time thereafter. Overtime shall be calculated on a daily basis.

(b) Men on shifts shall not be paid overtime rates for overtime worked by agreement among themselves for the purpose of changing shifts.

(c) If a shift-worker is called back to work during his time off, he shall be paid for such additional work at the usual overtime rates.

*Holidays*

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

Payment of wages for the said holidays shall be made to all workers who perform work under this Part of the award at any time during the fortnight ending on the day on which the holiday occurs.

(b) For time worked on any of the above-mentioned holidays or on the 2nd January, or Easter Saturday, treble time shall be paid. This payment shall be inclusive of any payment due under the previous subclause.

(c) For time worked on Saturday (except Easter Saturday) time and a half rates shall be paid for the first three hours and double time thereafter.

(d) For time worked on Sundays double time shall be paid.

(e) Should any statutory holiday, other than Anzac Day, fall on a Sunday such holiday shall be observed on the following Monday.

(f) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944.

(g) Where workers are continuously employed on shift-work they shall receive three weeks' holiday on full pay on completion of twelve months' service. For less than twelve months' service such holidays shall be allowed and paid for *pro rata*.

### General Provisions

9. (a) Broken shifts shall not be worked.

(b) All shift-workers shall be allowed thirty minutes' crib-time without deduction from wages, provided that the machinery shall be kept working when required.

(c) Men employed on shift-work shall change in turn each week where practicable.

(d) Where a shift-worker is required to commence a shift on any day before 6 a.m. or finish a shift on any day after 10 p.m. he shall be paid 1s. extra per shift: Provided that this clause shall not apply to a worker living within a radius of one and a half miles from the "works."

(e) In the event of a shift-worker required to attend for duty and no work being available, he shall be paid a minimum of four hours at the appropriate rate.

### PART III.—GENERAL

#### Wages

10. (a) The minimum rates of wages shall be as follows:—

	Per Hour.	
	s.	d.
Chambermen .. .. .	3	6½
Chamberman assistant .. .. .	3	5½
Men discharging shipments of phosphate rock .. .. .	3	6¼
Men discharging shipments of sulphur rock .. .. .	3	8
Men discharging shipments of serpentine rock .. .. .	3	6¼
Men on super bank .. .. .	3	8
Men making or handling super-slag or basic slag mixture, either loose or in bags .. .. .	3	6¼
All other workers .. .. .	3	4¾

(b) Workers discharging shipments of sulphur and phosphate rock shall be paid an allowance of 3d. per hour in addition to the above-prescribed rates for all hours worked, including overtime.

(c) Men employed on mixing-pot shall be paid 3d. per hour extra while so employed.

(d) Men employed on diggers and in rock-store, and tractor-drivers, shall be paid 1½d. per hour extra while so employed.

(e) Men employed on dens and mills shall be paid 1½d. per hour extra while so employed.

(f) Men operating bull-dozers and electric shovels shall be paid 3d. per hour extra while so employed.

(g) Men required to enter sulphur-burners to clean same shall be paid time and a half rates while so employed, the minimum payment to be for four hours.

(h) Men cleaning out acid-chambers or employed in repairing or demolishing acid-chambers, towers, or combustion chambers where it becomes necessary to handle material saturated with acid shall be paid 3d. per hour extra while so employed and shall be provided with overalls and gum boots.

(i) Men placed in charge of five or more other men shall be paid 2d. per hour extra while so employed.

(j) Man in charge of mill department or man in charge of super-manufacturing department shall be paid 3d. per hour extra.

(k) A shift-worker employed on afternoon or night shift shall be paid 2s. 6d. per shift extra.

#### *Annual Holidays*

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

#### *Payment of Wages*

12. (a) Wages shall be paid not later than Thursday of each week and during working hours. Workers on night shift shall be paid not later than 10 p.m. on Thursday.

(b) Any shift-worker who is required to return for his wages shall be paid one hour at overtime rates.

(c) If any worker leaves his employment with his employer's consent or is dismissed by his employer, his wages shall be paid immediately following such leaving or dismissal.

(d) A pay-docket shall be handed to each worker on pay-day showing ordinary time, overtime, and deductions.

#### *No Discrimination*

13. The employer shall not, in the employment or dismissal of workers, discriminate against members of the union, nor in the conduct of his business do anything for the purpose of injuring the union directly or indirectly.

*General Provisions*

14. (a) An interval of ten minutes' "smoke-oh" shall be allowed morning and afternoon.

(b) Proper provisions shall be made for dining and dressing accommodation. The room so used shall be kept clean by the employer.

(c) Provisions shall be made for the drying of wet clothes.

(d) Gloves, overalls, rubber aprons, and gum boots shall be supplied to workers when mutually deemed necessary. Where overalls are deemed necessary but are not supplied by the employer, the worker concerned shall be paid 1d. per hour as an overall allowance. Men in acid plant shall receive 2d. per hour extra.

(e) Suitable washing-accommodation shall be provided. Both hot and cold water and showers shall be laid on.

(f) Sufficient drinking-water of good quality shall be provided convenient to each department.

(g) Lavatory accommodation shall be provided and kept clean.

(h) The union shall appoint delegates whose duty it shall be to see that workers do everything in their power to maintain the dining, dressing, and bath rooms and lavatories in a clean and tidy condition.

(i) A covered bicycle-stand shall be provided for employees at the works. Bicycles and other private property shall be stored at the employee's own risk.

(j) Goggles and/or stockinette shall be provided for men working amongst or handling sulphur or when mutually deemed necessary.

(k) Workers shall be provided with respirators when mutually deemed necessary.

(l) Nothing in this award shall be construed to reduce wages and privileges at present in existence.

(m) Approved first-aid outfits shall be available and shall be kept complete.

(n) The employer shall eliminate, as far as practicable, the dust attendant to the normal working of the industry.

(o) Each man shall be provided with a locker for storage of his lunch, boots, clothes, and other personal property.

(p) Facilities for boiling water shall be provided in a convenient place at the works for the purpose of making tea.

(q) A clock shall be placed where mutually deemed necessary.

(r) All workers shall be allowed five minutes before knocking-off time to wash and change clothes.

(s) An annual picnic-day shall be observed on a day to be mutually agreed upon. Workers, other than night-shift workers, required to work on picnic-day between the hours of 8 a.m. and 8 p.m. shall be paid for time so worked at ordinary rates in addition to the usual rates for the day on which the picnic is held.

#### *Youths*

15. Youths shall not be employed. A youth shall be deemed to be a person under the age of eighteen years.

#### *Disputes*

16. 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 connected therewith, 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 the Conciliation Commissioner for the district. The chairman shall either decide the dispute or refer the question to the Court of Arbitration. If, however, the chairman decides the question in dispute, either side shall have the right to appeal to the Court within fourteen days after such decision has been made known to the party desirous of appealing.

#### *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.

#### *Right of Entry Upon Premises*

19. The secretary or other authorized officers 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 worker, but not so as to interfere unreasonably with the employer's business.

*Scope of Award*

20. This award shall operate throughout the Taranaki and Wellington Industrial Districts.

*Term of Award*

21. This award, in so far as it relates to wages, shall be deemed to have come into force on the 20th day of October, 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 20th day of October, 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 25th day of November, 1948.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

After consultation with the representatives of the parties, a sentence has been added to clauses 4 (b) and 8 (b) in order to express fully and correctly the intention of the parties in regard to the payment to be made for work performed on holidays.

In other respects the award embodies the terms of settlement arrived at by the assessors in Conciliation Council.

A. TYNDALL, Judge.