

**OTAGO AND SOUTHLAND BRICK, TILE, POTTERY, CLAY-PIPE,
AND CONCRETE-GOODS MAKERS—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 and Southland Brick, Tile, Pottery, and Concrete-goods Makers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Abbotsford Tileries, Ltd., Abbotsford.
 Briscoe and Co., Ltd., Crawford Street, Dunedin.
 Browns Brick and Pipe Co., Browns, Southland.
 Dowling and Maley, Willis Street, Dunedin.
 Fairfield Brick and Sand Co., Ltd., Benhar.
 Gore Brick and Tile Co., Ltd., Gore.
 Home Heating Supplies, Ltd., St. Andrew Street, Dunedin.
 Hume Pipe Co., Ltd., Ravensbourne.
 Lambert Bros., Ltd., Wain Street, Kensington.
 McSkimming and Sons, Ltd., Benhar.
 Petrous Tile Co., Ltd., Princes Street, Dunedin.
 Precast Concrete, Ltd., 121 King Street, Dunedin.
 Star Concrete Products, Ltd., Gala Street, Invercargill.
 Todd, Thomas, and Sons, Ltd., North Road, Invercargill.
 Samson Bros., Tilemakers, Macandrew Road, Dunedin.
 Watts, B., Huron Street, East Gore.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, 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 on the 13th day of December, 1948, and shall continue in force until the 13th day of December, 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 10th day of December, 1948.

[L.S.]

D. J. DALGLISH, Deputy Judge,
Acting as Judge of the Court.

SCHEDULE

Industry to Which Award Relates

1. This award shall apply to the manufacture of bricks, tiles, clay pipes, and concrete goods, and also to all pottery-ware and porcelain products.

Hours of Work

2. (a) Forty hours shall constitute an ordinary week's work. The ordinary hours of work shall not exceed eight per day and shall be worked between the hours of 7.30 a.m. and 5 p.m. on the five days of the week, Monday to Friday inclusive.

(b) Burners may be required to work shifts. Each shift shall consist of eight hours, including crib-time, and five shifts shall constitute an ordinary week's work.

Workers employed on shifts outside the ordinary hours of work shall be paid 2s. 6d. per shift in addition to their ordinary rate of pay. This clause shall apply only where shifts are worked on two or more consecutive days.

Holidays

3. (a) The following shall be the recognized holidays which shall be paid for: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Good Friday, Easter

Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign. In the case of pieceworkers, an ordinary day's pay shall be one-tenth of the amount earned by the pieceworker in his ten working-days prior to the holiday, exclusive of overtime.

(b) Time worked on Sundays or on any of the aforesaid holidays shall be paid for at double time rates.

(c) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then such holiday shall be observed on the next succeeding working-day or days.

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

(e) Regular shift-workers after twelve months' continuous service as such shall be granted three weeks' annual holiday on ordinary pay as defined in the Annual Holidays Act, 1944. Any worker who works part time as a shift-worker shall, in addition to two weeks' annual holiday under the Annual Holidays Act, be granted an additional period representing the corresponding proportionate part of one week extra which is granted to regular shift-workers.

Overtime

4. All time worked outside or in excess of the hours prescribed in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Each day shall stand by itself for the purpose of computing overtime.

Wages

		Per Hour.	
		s.	d.
5. (a)	Brick, tile, and clay-pipe makers—		
	Moulders	3	8
	Machinists (while so employed)	3	8
	Setters	3	5 $\frac{1}{4}$
	Sprayers	3	5 $\frac{1}{4}$
	Drawers	3	5 $\frac{1}{4}$
	Digger-drivers	3	5 $\frac{1}{4}$
	Burners	3	4 $\frac{1}{4}$
	All other workers	3	3
(b)	Pottery workers—		
	Moulders	3	8
	Casters	3	5 $\frac{1}{4}$
	Setters	3	5 $\frac{1}{4}$
	Sprayers	3	5 $\frac{1}{4}$
	Drawers	3	5 $\frac{1}{4}$
	Burners	3	4 $\frac{1}{4}$
	All other workers	3	3

(c) *Definitions*.—A “setter” is a worker continuously employed in the kiln and responsible for the setting of articles in the kiln.

A “drawer” is a worker responsible for grading bricks or other articles in the kiln, but does not include workers loading out under instructions from a drawer.

A “moulder” is a worker who presses clay into plaster moulds.

A “machinist” is a worker who operates a machine by which the goods are shaped.

A “sprayer” is a worker who applies glaze material with a spray-gun and who has had six months' experience at such work.

	Per Hour.	
	s.	d.
(d) Concrete-workers—		
Head moulder	3	7½
Moulders	3	5½
Mixers	3	5½
Reinforcement-wire welders and wire-workers	3	5½
Strippers and assemblers	3	4½
Moulders and concrete sundries	3	4½
All other concrete workers	3	3
(e) Concrete roofing-tile workers—		
Tilemakers	3	5½
Mixers	3	5½
All other workers, including knocking off tiles from pallets, dipping plates, wheeling out and stacking tiles	3	3

Boys and Youths

6. (a) The following shall be the minimum weekly wages for youths:—

	Per Week.		
	£	s.	d.
Under 16 years of age	1	17	6
16 to 16½ years of age	2	3	6
16½ to 17 years of age	2	9	6
17 to 17½ years of age	2	17	6
17½ to 18 years of age	3	3	6
18 to 18½ years of age	3	10	0
18½ to 19 years of age	3	15	6
19 to 19½ years of age	4	1	0
19½ to 20 years of age	4	7	6
20 to 20½ years of age	4	18	6
20½ to 21 years of age	5	10	0

(b) The proportion of youths employed shall not be more than one youth to three adult workers.

(c) Youths under eighteen years of age shall not be employed in connection with the concrete-mixer.

Employment of Females

7. Females may be employed in pottery works under the conditions laid down for male workers, subject to the following special provisions:—

(a) The hours of work shall be forty per week, to be worked between the hours of 8 a.m. and 5 p.m. on five days of the week, Monday to Friday. A rest period of ten minutes shall be allowed and paid for every morning and afternoon.

(b) The minimum weekly rates of wages for females shall be:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Fourth Year.
Under 16	33/-	39/6	45/6	51/6	58/6	64/6	73/6
16 to 17	37/-	42/6	49/-	54/6	62/6	68/6	..
17 to 18	41/-	47/6	53/-	61/-	67/-	..	..
18 to 19	45/6	51/6	59/6	65/6	..	..	..
19 to 20	50/-	56/6	64/-	..	..	..	..
20 to 21	58/6	64/6	..	..	..	..	..

Thereafter, or on attaining the age of twenty-one years, not less than £4 4s. per week.

(c) The employer shall provide the following:—

- (i) Overalls and caps.
- (ii) Work seats where necessary.
- (iii) Reasonable facilities for supplying warmth in cold weather.
- (iv) Lockers wherein clothes may be kept.
- (v) Supply of clean drinking-water.
- (vi) Boiling water at meal-times.

Piecework

8. If work is done by piecework, the rates shall be such as will enable a competent worker of average ability to earn at least 10 per cent. more than the minimum rate provided by this award for the particular class of work.

Deductions

9. No deduction shall be made from the weekly wages prescribed herein except for time lost through the worker's sickness or default or through accident not arising out of or in the course of the employment.

Terms of Employment

10. In the case of workers for whom a weekly wage is provided herein, one week's notice of the termination of employment shall be given by the employer or the worker.

General Conditions

11. (a) Any worker required to work in confined spaces or compartments or kilns where the heat exceeds 130 degrees Fahrenheit shall be paid at double ordinary rates.

(b) If any worker is required to work in the same day in any department at other than his usual employment, he shall be paid at the rate prevailing in such department for the time so worked if such is higher than his ordinary rate of pay. If, however, such rate is lower than his ordinary rate of pay, he shall be paid his ordinary rate of pay.

(c) Wages shall be paid in cash weekly not later than Thursday and during working-hours.

(d) Employers shall allow meal-money at the rate of 2s. 3d. per meal when workers are called upon to work overtime after 6 p.m., provided that such workers cannot reasonably get home to their meals.

(e) Warm water shall be provided for moulding during cold weather.

(f) Employers shall provide in their factories a complete first-aid outfit which shall be kept in a place accessible to workers.

(g) Each employer shall provide accommodation to enable workers to dry and change their clothes and have their meal, and facilities for boiling water at meal-times shall be provided. The employer shall also provide sanitary accommodation for workers.

(h) When necessary, gum boots and rubber gloves shall be provided for moulders, mixers, clay-tile workers, and pit workers.

(i) One pair of cotton gloves shall be supplied to concrete-tile makers for each six hours' work, and facilities for washing and drying such gloves shall be provided.

(j) Gloves shall be supplied to wire-welders.

(k) Waterproof coats and leggings shall be supplied to workers who are required to work outside in the rain.

(l) In the event of the services of a worker being dispensed with, all wages due to him shall be made available to him within twenty-four hours.

(m) Suitable aprons shall be supplied to workers using oil.

(n) Ten minutes' cessation of work shall be allowed morning and afternoon for "smoke-oh."

Settlement of Disputes

12. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the president or secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner for the district, 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.

Right of Entry

13. (a) The secretary of the union or other authorized official shall be entitled to enter at all reasonable times upon the premises of the employer bound by this award for the purpose of interviewing the workers, but not so as to interfere unreasonably with the employer's business.

(b) The employer shall, on the request of the union secretary, supply a list of all workers bound by this award, but such list shall not be required at intervals of less than six months.

Workers to be Members of Union

14. (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

15. (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

16. 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

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

Term of Award

18. This award shall come into force on the 13th day of December, 1948, and shall continue in force until the 13th day of December, 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 10th day of December, 1948.

[L.S.]

D. J. DALGLISH, Deputy Judge,
Acting as Judge of the Court.

MEMORANDUM

The matters referred to and settled by the Court were as follows: rate of shift allowance, holidays and annual holidays, overtime, all wage-rates, and the degree of heat in clause 11 (a).

D. J. DALGLISH, Deputy Judge.
