

TIMARU CITY COUNCIL **LIBRARY ASSISTANTS**—AWARD

In the Court of Arbitration of New Zealand, Canterbury 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 Canterbury Local Bodies' Officers' (other than Clerical) Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council (hereinafter called "the employers") :—

Timaru City Council, Timaru.

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 as hereinafter provided and shall continue in force until the 8th 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 8th day of December, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. (a) This award shall apply to the workers employed in the Timaru Public Library controlled by the Timaru City Council; such workers shall be classified as library assistants.

(b) This award shall not apply to the Chief Librarian.

Conditions of Service

2. (a) Employees receiving salaries in excess of that provided by this award shall not have their salaries reduced by reason of the coming into operation of this award.

(b) No employee shall be discharged as a consequence of this award in order that the work may be done at less than the prescribed rates.

(c) The employment of workers covered by this award shall be monthly, and one month's notice of termination shall be given by either party, except in the case of dereliction of duty, insubordination, or misbehaviour, and in such cases the employee shall be liable to instant dismissal.

(d) All salaries shall be paid within working-hours, fortnightly, not later than Thursday, or such other time as may be arranged between the Council and the union.

Hours of Work

3. (a) The hours of work shall not exceed forty per week, such hours to be rostered in accordance with the present system.

(b) Changes in rostered hours shall be as agreed between the Council and the union.

Overtime

4. (a) When overtime is required to be worked, reasonable notice shall be given to the employees, and whenever possible the period of notice of overtime shall not be less than five hours.

(b) No overtime for which overtime rates are payable shall be worked by any employee without the approval of the Chief Librarian.

(c) All time worked in excess of the hours specified in subclause (a) of clause 3 shall be considered as overtime, and shall be paid for at the rate of time and a half for the first two hours, and thereafter double time, with a minimum of 2s. per hour.

(d) All time worked on the holidays set out in subclause (a) of clause 6 hereof, and on Sundays, shall be paid for at double rates in addition to the ordinary salary.

Salaries

5. Subject to the provisions of the Minimum Wage Act, the following shall be the minimum rates of wages for library assistants:—

	Per Annum.
	£
First year	125
Second year	150
Third year	180
Fourth year	210
Fifth year	240
Sixth year	265
Seventh year	285
Eighth year and thereafter	300

Holidays and Annual Leave

6. (a) The following days shall be observed as holidays and shall not count as part of the annual leave: New Year's Day and the day following, Good Friday to Easter Monday (both days inclusive), Anzac Day, the birthday of the reigning Sovereign, Labour Day, Show Day, Christmas Day, Boxing Day, and any other day or days usually observed or granted by the Council.

(b) Should any of the above holidays (other than Anzac Day) fall on a Saturday or a Sunday, the said holiday shall be observed on the next immediate working-day.

(c) Annual leave shall be granted in accordance with the provisions of the Annual Holidays Act, 1944: Provided, however, that after ten years' service with the employer the period of annual leave shall be three weeks.

(d) At least two weeks' notice of the commencement of annual leave shall be given by the Council to the employee concerned.

(e) Annual leave shall be taken at a time to be mutually agreed upon.

Temporary Workers

7. Workers may be engaged in a temporary capacity on an hourly basis for a period not exceeding two weeks, and, subject to the provisions of the Minimum Wage Act, shall be paid at a rate 20 per cent. in excess of an hourly rate equivalent to the appropriate rate prescribed in clause 5 hereof.

Part-time Workers

8. Workers engaged permanently as part-time workers shall be paid on an hourly basis, and, subject to the provisions of the Minimum Wage Act, the hourly rate shall be 20 per cent. in excess of an hourly rate equivalent to the appropriate rate prescribed in clause 5 hereof.

Right of Entry upon Premises

9. (a) The secretary or other authorized officer of the union shall be entitled to enter at all reasonable times upon the premises of the Council for the purpose of interviewing any employee in connection with the operation of this award, but not so as to interfere unreasonably with the Council's business.

(b) The Council shall, upon request by the union, supply a list of employees.

Disputes

10. The essence of this award being that the work of the employer shall not on any account be impeded but shall always proceed as if no difference 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 connected therewith and not dealt with in this 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 the Conciliation Commissioner for the district. Either side shall have the right of appeal to the Court against the decision of such committee upon giving to the other side written notice of such appeal within fourteen days after such decision shall have been made known to the party desirous of appealing.

Workers to be Members of Union

11. From and after the date when this award comes into operation, all employees covered by this award, and employees subsequently appointed shall become members of the Canterbury Local Bodies' Officers' (Other than Clerical) Industrial Union of Workers.

Under-rate Workers

12. (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.

Term of Award

13. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st 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 8th day of December, 1949.

2686

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 8th day of December, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters referred to and settled by the Court were as follows: minimum overtime rate, wages and classifications, transfer of holidays falling on a Saturday, annual leave, provision for temporary and part-time workers, and term of award.

A. TYNDALL, Judge.
