

CANTERBURY LOCAL BODIES' CLERICAL WORKERS.—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 Clerks, Cashiers, and Office Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Councils and Boards (hereinafter called "the employers") :—

Ashburton Hospital Board, Ashburton.

Christchurch Drainage Board, Christchurch.

Rangiora Borough Council, Rangiora.

North Canterbury Electric-power Board, Rangiora.

South Canterbury Catchment Board, Timaru.

Waimari County Council, Christchurch.

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 17th day of May, 1948, and shall continue in force until the 17th day of May, 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 12th day of May, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. (a) This award shall apply to workers employed by Borough Councils, County Councils, Electric-power Boards, Hospital Boards, Road Boards, Town Boards, Drainage Boards, Catchment Boards, and other local bodies who are substantially employed at work of cashiers, clerks, collectors, purchasing officers, meter-readers, telephonists, stenographers, typists, mechanical office equipment operators, and hospital admitting clerks.

(b) 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.

Hours of Work

2. (a) The normal hours of work shall not exceed forty per week, and, except as hereinafter provided, eight hours shall be worked on each of five days of the week, Mondays to Fridays, both days inclusive, and between the hours of 8 a.m. and 5.30 p.m.

(b) At the annual or half-yearly balance-time, or at the time of preparation of rate demands or the issue of motor-drivers' licences, or the last period of payment of rates without penalty, the foregoing provisions relating to hours of work may be suspended by any local body in the case of all

or any of its workers, and overtime shall only be payable provided more than eighty hours are worked in the two weeks following the commencement of such period.

(c) Where, prior to the date of the award, any local body has been customarily observing shorter daily or weekly hours than those hereinbefore specified, that local body shall continue to observe such shorter hours, but in such circumstances that local body shall have the right to call upon its staff whenever necessary to cope with rush periods such as preparation of rate demands, period prior to payment of rates before penalty is imposed, or the half-annual or annual balance-sheets, or the issue of motor-drivers' licences, to work up to forty hours per week without payment of overtime.

(d) Intervals not exceeding ten minutes each shall be allowed for morning and afternoon tea.

Wages

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

Males:—

Age commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.	
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.
Under 17	34/6	40/-	45/6	53/-	58/6	64/-	72/6	83/6
17 to 18	40/-	45/6	53/-	58/6	64/-	72/6	83/6	92/-
18 to 19	50/-	56/-	62/6	71/6	79/6	87/6	108/6	
19 to 20	58/6	68/-	79/-	90/-	106/6		108/6	
20 to 21	75/-	87/-	106/6		108/6		114/6	
Thereafter	142/9		142/9		142/9		142/9	
Age commencing Employment.	Fifth Year.		Sixth Year.	Seventh Year.	Eighth Year.	Thereafter.		
	First Half.	Second Half.						
Under 17	92/-	102/6	118/6	128/-	137/6	142/9		
17 to 18	108/6		118/6	128/-	142/9	142/9		
18 to 19	114/6		119/-	128/-	142/9	142/9		
19 to 20	114/6		119/-	128/-	142/9	142/9		
20 to 21	119/-		127/-	142/9	142/9	142/9		
Thereafter	142/9		142/9	142/9	142/9	142/9		

Females:—

Age commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.
	First Half.	Second Half.	First Half.	Second Half.	First Half.	Second Half.	
Under 17	32/-	37/-	42/-	47/-	52/-	56/6	61/6
17 to 18	37/-	42/-	47/-	52/-	56/6	61/6	69/6
18 to 19	41/6	46/6	52/-	56/6	61/6	69/6	76/-
19 to 20	46/6	51/6	56/6	61/6	69/6	76/-	82/6
20 to 21	51/6	56/6	67/-	69/6	76/-	82/6	91/3
Thereafter	91/3	91/3	91/3	91/3	91/3	91/3	91/3

Age commencing Employment.	Fifth Year.	Sixth Year.	Seventh Year.	Thereafter.
Under 17	72/-	78/6	84/6	91/3
17 to 18	78/6	84/6	91/3	91/3
18 to 19	84/6	91/3	91/3	91/3
19 to 20	91/3	91/3	91/3	91/3
20 to 21	91/3	91/3	91/3	91/3
Thereafter	91/3	91/3	91/3	91/3

(b) Females engaged on the following machines shall be paid not less than 6s. per week in addition to the above rates:—

- (i) Accounting and book-keeping machines, posting and analysis machines, if fitted with vertical and cross adding registers.
- (ii) Calculating-machines used for calculation work other than adding and subtracting.
- (iii) Invoicing-machines fitted with adding registers and where any part of the keyboard is electrically operated and controlled or fitted with vertical and cross adding registers.

(c) The minimum wage payable to any clerical worker shall be determined by taking into account his age at commencing employment and his length of service.

“Age at commencing employment” shall mean the age at which a worker is or was first employed at clerical work.

“Length of service” shall mean the total period of actual employment at clerical work as nearly as can be ascertained. Any period of employment other than clerical work and any period of unemployment shall be excluded from the computation.

Length of service so computed shall be reckoned as having been continuous from the age of commencing employment as defined above.

(NOTE.—Attention is drawn to the fact that this award is to be read subject to the provisions of the Minimum Wage Act, 1945.)

Payment of Wages

4. (a) Wages shall be paid at not longer than fortnightly intervals on a day not later than Thursday in any week.

(b) The employer may make a rateable deduction from the wages of any worker for time lost through sickness, accident, default, or voluntary absence with the consent of the employer, but this shall not be taken to nullify the existing custom of any local body regarding sick-leave unless the circumstances of any particular case justify some departure from this custom.

Overtime

5. (a) When overtime is required to be worked at the request of the chief executive officer reasonable notice shall be given to the worker, and wherever possible the period of notice of overtime shall not be less than five hours.

(b) All time worked in excess or outside of the hours specified 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, with a minimum of 1s. 6d. per hour.

(c) Time worked on Sundays or after noon on Saturdays shall be paid for at double time rates.

(d) Officers who are appointed by the Council to specific positions on the Council's or Board's staff, such as treasurer, chief clerk, accountant, or other such senior executive officers as may be appointed and who are in receipt of not less than the highest rate payable under subclause (a) of clause 3 hereof for a male or female, as the case may be, may work such hours as may be necessary to completely perform the work required of the officer, and this shall include attendance at meetings, taking of minutes, and the performance of usual routine work.

Holidays

6. (a) The following shall be the recognized holidays: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, the birthday of the reigning Sovereign, 2nd January (or some other day to be observed in lieu thereof), and Show Day (or some other day to be observed in lieu thereof).

(b) Should any of the holidays, except Anzac Day, set out in subclause (a) of this clause fall on a Sunday, such holiday shall be observed on the next following working day.

(c) Workers who are employed on any of the days set out in subclause (a) of this clause shall be paid at the rate of double time in addition to the weekly wages: Provided that in lieu of such payment the employer may, where mutually agreed on, with the consent of the union, grant one day off for each such day worked, such day to be taken at a time to be mutually arranged or added to the annual holiday.

(d) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944, and its amendments: Provided, however, that after ten years' continuous service with the same employer the period of annual leave shall be three weeks.

(e) Except as otherwise agreed, at least one month's notice of commencement of annual leave shall be given by the local authority to the worker, and workers shall be paid for the annual holiday on or before its commencement.

Meal Allowance

7. Any worker called upon to work later than 6 p.m. on any day of the week shall be paid 2s. meal allowance if the worker cannot reasonably journey to and from his home for a meal in the time allowed.

Temporary Workers

8. (a) Any worker employed for less than two full weeks in any one engagement shall be termed a temporary worker.

(b) Every temporary worker shall be paid 20 per cent. in addition to the rate prescribed in clause 3 hereof, or at an hourly rate equivalent thereto, with a minimum payment of 1s. 6d. per hour.

Travelling Allowance and Expenses

9. (a) Out-of-pocket expenses reasonably incurred by any worker in the execution of his duties shall be paid by such local authority concerned. All claims for such expenses shall be rendered and settled not less often than monthly, and such claims shall give particulars of travelling done and expenses incurred in the discharge of the worker's duties. A Council or other local authority may in connection with any particular claim require that such claim shall be supported by statutory declaration. Where a worker is required to use his bicycle in the course of his employment he shall be paid an allowance of not less than 2s. 6d. per week.

(b) Officers who provide their own motor-cars or motor-cycles, approved by and at the request of the local body concerned for carrying out their official duties, shall be paid a sum as may be mutually agreed upon between the local body and the officer concerned.

Exemptions

10. (a) Nothing in this award shall apply to any workers in receipt of £400 or more per annum.

(b) Notwithstanding the provisions of subclause (a) of clause 1 and subclause (a) of this clause, nothing in this award shall apply to one senior worker in the case of each local body, provided such worker, if a full-time officer, receives in cash or its equivalent at least the highest rate payable under subclause (a) of clause 3 hereof to a male or female worker, as the case may be. In the event of any dispute arising as to the value of the "equivalent" provided by the employer, such dispute shall be settled in the manner provided in clause 17 of this award.

(c) Clerks engaged for elections or polls are exempt from the provisions of this award.

(d) Nothing in this award shall apply to the Timaru Borough Council.

No Reduction in Wages

11. No worker coming within the scope of this award shall have his wages or salary reduced by reason of the operation of this award.

Terms of Employment

12. For workers other than temporary workers the employment shall be deemed to be a monthly one, and a month's notice shall be given by either side; but this shall not prevent any Council or Board from summarily dismissing any worker for wilful misconduct or other just cause.

Wages and Time Book

13. The employer shall keep in prescribed form a time-book to show the hours of work per day of each worker, and to show morning hours, afternoon hours, and overtime hours. The system of payment of wages now in vogue in the different local authorities' offices, such system having the approval of the Government Audit Department, shall be continued.

Right of Entry

14. (a) The secretary or other authorized representative of the union shall, with the consent of the employer (such consent not to be unreasonably withheld), be entitled to enter the office or works at all reasonable times to interview any worker, but not so as to interfere unreasonably with the employer's business.

(b) Employers shall upon written request by the secretary of the union supply him with a list of workers in their employ covered by this award.

Conditions as to Offices

15. (a) Each employer shall, where practicable, permit his workers to have lunch during the lunch interval on the premises.

(b) In offices in which not less than six females are employed reasonable dining-accommodation shall be provided, if required; also a cloak-room or enclosure in which reasonable privacy is secured for dressing. There shall also be provided, where practicable, a room with suitable couch accommodation for rest in cases of temporary indisposition, but where it is impracticable to set a room apart for that purpose it shall be sufficient if a couch or couches are provided in a portion of the cloak-room screened off from the place where clothing is hung.

(c) *Lighting and Heating.*—Adequate lighting, ventilation, and heating shall be provided in all offices.

Part-time Workers

16. Officers regularly employed, but whose services do not necessitate their employment for the full number of hours specified in clause 2 hereof, shall be deemed to be part-time officers, and their conditions of employment shall be as agreed upon between the employer and the union.

Matters not provided for

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

References

18. (a) Original references shall be the property of the worker or applicant, and shall, on request, be returned within forty-eight hours after engagement or rejection of application.

(b) Each worker on leaving or being discharged from his or her employment shall, on request, be furnished within twenty-four hours thereafter with a statement in writing setting out the position held and length of service.

Workers to be Members of Union

19. (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

20. (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.

Scope of Award

21. This award shall operate throughout the Canterbury Industrial District.

Term of Award

22. This award shall come into force on the 17th day of May, 1948, and shall continue in force until the 17th day of May, 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 12th day of May, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The only matters settled by the Court related to annual holidays. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

The rates of remuneration prescribed in this 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.