

CANTERBURY LOCAL BODIES' OFFICERS (OTHER THAN CLERICAL).—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 local bodies (hereinafter called "the employers") :—

Akaroa County Council, Akaroa.
 Ashburton County Council, Ashburton.
 Christchurch Metropolitan Milk Board.
 Ellesmere Land Drainage Board, Tai Tapu.
 Heathcote County Council, Christchurch.
 Leeston Town Board, Leeston.
 Lyttelton Borough Council, Lyttelton.
 North Canterbury Catchment Board, Christchurch.
 North Canterbury Hospital Board, Christchurch.
 Rangiora Borough Council, Rangiora.
 Selwyn Plantation Board, 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 24th day of May, 1948, and shall continue in force until the 24th 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 18th day of May, 1948.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Officers to whom Award applies

1. (a) Except as hereinafter provided, this award shall apply to permanent officers employed by local bodies under the following classifications: Traffic Inspectors, Sanitary Inspectors, Building Inspectors, Dangerous-goods Inspectors, overseers, foremen, water rangers, cadets; engineering, architectural, and surveyors' assistants; registered engineers, registered surveyors; registered architects; chainmen; dog-rangers (where full-time officers only); or any other officers not covered by an award or industrial agreement.

(b) This award shall not apply to chief officers (including one overseer or foreman where no engineer is employed), provided, however, that such officers are in receipt of not less than £520 per annum.

(c) This award shall not apply to clerical workers or to officers in receipt of more than £520 per annum.

Definitions

2. (a) For the purpose of this award a "permanent officer" is a person appointed by resolution to a permanent or full-time position enumerated in clause 1 hereof, but does not include a person taken on for periods of special duration, or for loan work, or any other works not part of the normal continuous routine of the local body concerned.

(b) "Foreman or overseer" is an officer responsible for the carrying-out of the work of other workers, and who gives directions or instructions or who proceeds from job to job on inspection.

(c) "Sanitary Inspector" shall mean and include any person who is qualified to carry out the duties of a Health or Sanitary Inspector in terms of section 25 of the Health Act, 1920.

(d) "First Division" registered architects, surveyors, engineering assistants, draughtsmen are officers fully qualified and appointed in charge of a distinct branch or branches of the staff, and who are responsible for correct designs, surveys, estimates, specifications, and calculations of strengths and quantities.

(e) "Second Division" architects, surveyors, engineering assistants, draughtsmen, mean officers who have the same duties (but not responsibilities) and qualifications as a First Division officer, who are not in charge of a branch.

Hours of Work

3. (a) The ordinary hours of work shall be fixed by the local body, but shall not exceed forty in any one week without the payment of overtime, except as otherwise prescribed in this award: Provided, further, however, that in fixing hours the local body shall not extend the hours of any officer to Saturdays in cases where Saturdays were not worked by such officer prior to the making of this award.

(b) Where prior to the date of this 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 urgency is required to cope with the work in hand, to work up to forty hours per week without payment of overtime.

Conditions of Service

4. (a) Appointments may be made with a probationary period not exceeding three months. At the expiration of the probationary period the officer shall either be appointed or discharged, and the union shall be notified.

(b) The employment of officers shall be monthly, unless arrangements are made under seal on a different basis, and one month's notice of termination shall be given by either party, except in case of dereliction of duty, insubordination, or misbehaviour, and in such cases the officer is liable to instant dismissal.

(c) Officers shall be paid monthly or twice monthly.

(d) Officers appointed to positions specially classified shall be paid not less than the amount set against such classification.

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

(f) Officers 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.

Complaints

5. (a) No officer shall be dismissed, suspended, or suffer any loss of standing or other disciplinary measures as a result of, nor be called upon to answer any charge arising out of, any complaint made against him by a member of the public unless such complaint has been made in writing by the complainant within seventy-two hours after the subject-matter thereof came to the complainant's knowledge, nor unless the officer concerned shall have been notified thereof within twenty-four hours of the receipt of the complaint. He shall be entitled to see and make a copy of such complaint before being called upon to answer any charge founded thereon. In computing the above times, Saturdays, Sundays, and holidays shall be excluded.

(b) An officer against whom a complaint is made may have the assistance of the secretary of the union at any inquiry, and he shall be entitled to call evidence.

If a complaint is made by another employee, that employee shall be required to attend at the inquiry if the officer against whom the complaint is made so desires.

Salaries

6. (a) The following shall be the minimum rates of salaries payable to the undermentioned classes of officers of all local bodies, including those in Timaru not specifically provided for in subclause (b) hereof:—

- (i) Traffic Officers: Traffic officers shall be paid a commencing salary of £370 per annum, with annual increases over four years until £425 per annum is reached.
- (ii) Combined-duties Officers: Officers combining the duties of any two or more of the following duties—health, traffic, building, and dangerous goods—shall be paid £450 per annum.

(iii) Foremen, &c.:—

- County foreman or overseer: £450 per annum.
 Borough foreman or overseer: £425 per annum.
 Reserves foreman: £390 per annum.
 Riding foreman or foreman under engineer,
 County Clerk, or Town Clerk (other than
 county or borough foremen): £360 per
 annum.
 Adult chainman: £350 per annum.
 Water ranger: £370 per annum.

(iv) Technical and Professional:—

- First Division registered architects, surveyors,
 engineering assistants: £450 per annum.
 Second Division architects, surveyors, engineering
 assistants: £400 per annum.
 Cadets: Where cadets or chainmen under twenty-
 one years of age are employed, the minimum
 weekly rates of wages shall be in accordance
 with the following scale:—

Age commencing Employment.	First Year.		Second Year.		Third Year.		Fourth Year.		Fifth Year	
	First Half.	Second Half.	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	92/-	102/6
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	..	..	..	..
19 to 20	58/6	68/-	79/-	90/-	..	..	..	..	..	..
20 to 21	75/-	87/-	..	..	..	..	..	..	..	..

(b) Special provisions for Timaru Borough Council:—

(i) Traffic Officers—

Where more than one traffic officer is employed—

First officer: £460 per annum.

Other officers: Other officers shall be paid a
 commencing salary of £376 per annum, with
 annual increases over four years until £425
 per annum is reached.

(ii) Sanitary Officers—

Chief Sanitary Inspector: £425 per annum.

Sanitary Inspector (certificated): £405 per annum.

Sanitary Inspector (uncertificated): £380 per
 annum.

(iii) Foremen, &c.—

Borough engineer foreman: £450 per annum.

Waterworks foreman: £425 per annum.

(c) Where a local body provides a residence for any officers, a reasonable charge may be made for same. If any question should arise concerning the rental value of such property, the same shall be decided between the local body and the union.

Holidays and Annual Leave

7. (a) Unless otherwise provided herein, 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, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Show Day or a day in lieu thereof.

(b) Work performed on any of the said holidays shall be paid for at the rate of ordinary time in addition to the weekly wage.

(c) Notwithstanding subclause (b) of this clause, officers required to work on any of the holidays set out in subclause (a) shall receive one day's leave in respect of each of the days so worked.

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

Overtime

8. (a) All time worked in excess of the hours provided in clause 3 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter *pro rata* to the weekly wage.

(b) Officers whose duties necessitate attendance at meetings of the local body and committees outside the ordinary office hours shall not be entitled to payment for attendance at such meetings, nor shall such time be included in the hours worked during any week by such officer.

(c) Officers required to work on Sundays outside their usual weekly hours shall be paid at double time rates.

(d) Not less than four working-hours shall be paid for as overtime for Sunday duty.

Emergency Work

9. (a) In the event of an emergency or where extended hours of work are dictated by the exigencies of the public services requiring the attention of officers provided for under this award, the ordinary hours-of-work clause shall be suspended and work may be carried out, provided the hours do not exceed eighty in any two-weekly period. For work in excess of eighty hours, payment shall be made at time and a half rates, or equivalent time off may be added to the annual leave.

(b) "Emergency" or "emergency work" shall mean work necessitated by wind, rain, fire, snow, storms, floods, tides, and earthquakes requiring immediate attention to keep open or restore essential services, and shall include opening lake outlets.

Transport

10. (a) Officers who provide their own motor-cycles or motor-cars approved by and at the written request of the local body for the carrying-out of their official duties shall be recompensed at rates not less than the following scale:—

Motor-cycles: $1\frac{3}{4}$ d. per mile.

Motor-cars:—

Mileage, per Annum.	Up to 9.5 h.p., per Mile.	9.6 h.p. to to 14.5 h.p., per Mile.	14.6 h.p. and over, per Mile.
0-1,000 miles	d. 5	d. $5\frac{3}{4}$	d. $6\frac{1}{4}$
1,001-2,000 miles	$4\frac{1}{2}$	$5\frac{1}{4}$	$5\frac{3}{4}$
2,001-3,000 miles	4	$4\frac{3}{4}$	$5\frac{1}{4}$
3,001-4,000 miles	$3\frac{1}{2}$	4	$4\frac{3}{4}$
4,001-5,000 miles	$3\frac{1}{4}$	$3\frac{3}{4}$	$4\frac{1}{4}$
5,001 and over	3	$3\frac{1}{2}$	4

Plus 1d. per mile additional for every passenger in excess of three, exclusive of the driver.

(b) Officers who are required at the written request of the local body to use their own bicycles in the execution of their duties shall be paid an allowance of not less than 2s. 6d. per week.

Expenses

11. All authorized out-of-pocket expenses, travelling-expenses, and boarding-allowance incurred by an officer in the execution of his duties shall be paid by the local body.

Telephones

12. Officers required by the local body to be at call for the performance of their duties shall have the telephone installed at the expense of the local body.

Meal Allowance

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

Officers performing Higher-grade Duties

14. Any officer who is temporarily appointed to perform the duties of a higher-grade officer shall, if he occupies the higher-grade position for more than four weeks continuously, be paid from the date upon which he commenced the higher-grade duty at a rate not less than the minimum salary paid for the higher-grade position.

Part-time Officers

15. Subject to the provisions of the Minimum Wage Act, part-time officers shall be paid in proportion to the hours they work on the basis of the award rates for that work plus 15 per cent.

Uniforms and Clothing

16. (a) Officers required by the local body to wear uniform when on duty shall be provided with cap, jacket, and two pairs of trousers, at periods not exceeding twelve months, at the expense of the local body, and where such officers are required to wear greatcoats, raincoats, waterproof leggings, or gum boots they shall be supplied at such intervals as the employer considers them necessary.

(b) Mounted traffic officers shall be provided with brown boots, leather leggings, breeches, and gloves, together with any other necessary equipment in addition to that in sub-clause (a). Such special equipment shall be supplied by the local body as required.

(c) All uniforms enumerated in this clause shall remain the property of the local body.

(d) Other officers required to perform their duties in wet weather shall be supplied with suitable waterproof clothing. All clothing shall remain the property of the local body and shall be renewed as required.

Right of Entry

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

(b) Employers shall, upon written request at intervals of not less than three months of the secretary of the union, supply him with a list of workers in their employ covered by this award.

Workers to be Members of Union

18. (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

19. (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.

Disputes Committee

20. 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.

Application of Award

21. 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

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

Term of Award

23. This award shall come into force on the 24th day of May, 1948, and shall continue in force until the 24th 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 18th day of May, 1948.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters referred to and settled by the Court related to the officers to whom the award is to apply, hours of work, complaints, salaries, holidays, and annual leave, overtime, emergency work, officers performing higher-grade duties, and part-time officers.

The rates of remuneration prescribed in the 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.
