

**NORTHERN INDUSTRIAL DISTRICT FRUIT-PRESERVING,
VEGETABLE-CANNING, ETC., EMPLOYEES—AWARD**

In the Court of Arbitration of New Zealand, Northern 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 Auckland Fruit and Vegetable Preserving and Canning, Condiments, and Related Products Manufacturing Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned firms and companies (hereinafter called "the employers") :—

Brown, Barrett, Limited, Newmarket, Auckland.

Citrus Products, Limited, 12 Ruru Street, Eden Terrace, Auckland.

Irvine, Stevenson, Limited, 91 Hepburn Street, Auckland.

Fruit Juices, Limited, 95 Nelson Street, Auckland.

Kapai Manufacturers, Otahuhu, Auckland.

Koefoeds, Limited, Mortimer Pass, Newmarket, Auckland.

N.Z. Products, Ltd., 29 St. Benedicts Street, Auckland.

Quality Fruits (N.Z.), Limited, Mahuru Street, Newmarket, Auckland.

Stevens, N. W., Limited, St. Benedicts Street, Auckland.

Tasti Products, Limited, Enfield Street, Mount Eden, Auckland.

Thompson and Hills, Limited, Nelson Street, Auckland.

Tucker, W. F., and Company, Auburn Street, Auckland.

Whittome, Stevenson, and Co., Ltd., Newmarket, Auckland.

Winson, G. E., Limited, Baking Powder Manufacturers, Fanshawe Street, Auckland.

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 24th day of March, 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 24th day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. This award shall apply to workers employed in the manufacture and/or packing of the following goods: jam, jellies, lemon-cheese, marmalade, preserved and dried fruit, preserved vegetables, fruit pulps, preserved ginger, jelly crystals, cordials, baking powder, custard powder, candied and drained peels, crystallized and drained fruits, spices and condiments, sauces (including Worcester sauce), soups (other than fish or meat), pickles (including chutney), vinegar and essence (including coffee and coffee essence), glacia and similar salts, canned vegetables and dehydrated vegetables.

Nothing in this award shall apply to workers employed under the Wholesale Storemen and Packers' award.

Hours of Work

2. (a) The ordinary hours of work shall not exceed forty per week, which shall be worked on five days of the week, Monday to Friday, both days inclusive. The daily hours shall not exceed eight per day, to be worked between the hours of 7.30 a.m. and 5 p.m. in the case of males over eighteen years of age and 8 a.m. and 5 p.m. in the case of males under eighteen years of age and females.

(b) Subject to the provisions of the Factories Act, 1946, in the busy season night shifts may be worked for the pulping of fruit and/or tomatoes or the vining of green peas. Workers employed on such shifts shall be paid 3s. per shift extra.

Overtime

3. (a) All time worked outside of or in excess of the hours prescribed in clause 2 hereof shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter, or 1s. 9d. per hour, whichever is the greater. All overtime shall be calculated daily.

(b) When workers are called upon to work overtime after 6 p.m. and cannot reasonably get home to their meal and return in one hour, the employer shall either allow meal-money at the rate of 2s. 3d. per meal or provide a meal of equivalent value on the premises. When overtime is worked for the purpose of handling perishable goods, the provisions of section 21 of the Factories Act as to meal-money shall apply in lieu of the foregoing.

Wages

4. (a) The following shall be the minimum rates of pay for adult male workers:—

A worker employed at manual work and appointed a working foreman by the employer, and whose duty is to take charge of and supervise the work of other workers in a permanent department of the business, shall be paid not less than £6 17s. per week.

General hands, £6 10s. per week.

(b) Youths under twenty-one years of age may be employed at not less than the following weekly rates:—

Age Commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 16	33/-	39/-	46/-	52/6	58/6	65/-	71/-	78/6	90/6	102/6
16 to 17	36/6	42/-	48/6	54/-	62/-	68/6	77/-	84/-	90/6	102/6
17 to 18	42/-	48/-	54/-	60/6	70/6	79/6	89/6	101/6	..	..
18 to 19	54/-	59/6	68/6	77/-	88/-	100/6	..	..	..	..
19 to 20	68/6	74/-	86/-	99/-	..	..	..	..	..	..
20 to 21	85/6	97/-	..	..	..	..	..	..	..	..

Thereafter, or on attaining twenty-one years of age, not less than the minimum rate provided for general hands.

(c) Female workers may be employed at not less than the following weekly rates:—

Age Commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.
Under 16	31/-	37/6	44/-	51/-	57/6	64/-	74/-
16 to 17	34/6	41/-	47/6	54/-	64/-	72/6	..
17 to 18	41/-	47/6	54/-	60/6	70/6	..	..
18 to 19	44/-	51/-	60/6	70/-	..	..	..
19 to 20	51/-	59/6	69/-	..	..	..	..
20 to 21	58/-	68/-	..	..	..	..	..

Thereafter, or on attaining twenty-one years of age, not less than £4 2s. 9d. per week.

(d) A female worker appointed a forewoman by the employer and whose duty it is to take charge of and supervise the work of other workers shall be paid not less than £4 10s. 9d. per week.

Casuals

5. (a) The minimum rate of pay for casual workers shall be 3s. 5d. per hour.

(b) A casual is a worker who is employed for less than one week.

Part-time Workers

6. To assist meet the present acute shortage of labour it is agreed to allow the employment of females for less than forty hours, provided—

(a) That such employment is by mutual consent.

(b) That no part-time worker shall be employed while a sufficient number of other workers is available and willing to do the work offering.

(c) That such workers shall be paid an hourly wage arrived at by dividing the appropriate weekly wage by forty and adding 10 per cent.

(d) That clause 3 (a) shall apply to workers employed under this clause.

Holidays

7. (a) The following shall be the recognized paid holidays: New Year's Day, 2nd January, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and Anniversary Day.

(b) Time worked on a Sunday, or on any of the holidays mentioned in subclause (a) hereof shall be paid for in accordance with the provisions of the Factories Act, 1946. Shift workers shall be paid at this rate also for all work done on any of the above mentioned days.

(c) If any of the holidays mentioned in subclause (a) hereof, other than Anzac Day, shall fall on a Saturday or a Sunday, such holiday shall be observed on the succeeding Monday or Tuesday and in the event of any other holiday falling on such Monday, such holiday shall be observed on the succeeding Tuesday.

(d) The provisions of the Annual Holidays Act, 1944, shall be deemed to be incorporated in this award and shall have effect according to their tenor.

Termination of Employment

8. Except in the case of casual workers, not less than forty eight hours' notice shall be given by either party of the termination of employment: Provided, however, that nothing in this clause shall prevent an employer from summarily dismissing any worker for misconduct.

Payment of Wages

9. (a) Wages shall be paid during working hours on a day to be mutually agreed upon between the workers and the management.

(b) No more than two clear days shall be kept in hand by the employer.

(c) No deduction shall be made from the weekly wages payable hereunder except for time lost through the default or sickness of the worker or by reason of accident not arising out of and in the course of the employment.

General

10. (a) Boiling water shall be supplied for meals.

(b) The proportion of youths to adult male workers shall not exceed one youth to each two adult workers.

(c) Workers employed in damp or wet places shall be supplied with gum boots.

(d) Where necessary, females working with fruit and vegetables shall be supplied with suitable gloves. When handling hot cans, other suitable gloves shall be provided.

(e) Female workers shall not handle more than 28 lb. single-handed.

(f) Boys under seventeen years of age shall not handle more than 56 lb. single-handed.

(g) Waterproof aprons shall be provided where it is necessary to prevent the worker's clothes from becoming wet or damp.

(h) Accommodation and facilities shall be provided in accordance with the provisions of the Factories Act.

(i) A suitable first-aid outfit shall be provided at each factory.

(j) A ten-minute rest period shall be allowed in the morning and afternoon to all workers without deduction of pay, and a female worker shall be allowed time off to make morning and afternoon tea.

(k) When 25 per cent. or more of any consignment of fruit or vegetables is discarded, female workers sorting such discarded fruit or vegetables shall be paid 8d. per hour extra.

(l) No worker shall be called upon to handle or truck any package exceeding 3 cwt. in weight without the assistance of another worker.

(m) Smocks shall be provided for the use of female workers.

(n) No individual worker shall be required to carry any goods exceeding 112 lb. in weight.

(o) A worker called upon to clean vinegar-vats over 8 ft. in depth shall be paid 7s. 6d. extra a day or part of a day while so employed.

(p) When employed grinding pepper to powder, filling containers with powdered pepper, or mixing or filling containers with baking-powder containing phosphates, a worker shall be paid 1s. 6d. a day extra.

(q) When work is performed outside the scope of this award such as canning meat or fish, &c., workers engaged on such work shall be paid the rate of 1s. 1d. per day in addition to the rate prescribed in clause 4 of this award.

Bonus System

11. (a) In all cases where a bonus is paid, the basis on which the bonus is calculated shall be negotiated between representatives of the workers concerned in the factory and the employer.

(b) In factories where a bonus system is in operation, no deduction shall be made from the bonus in respect of any holidays prescribed by this award or by the Factories Act.

Matters Not Provided For

12. 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.

Workers to be Members of Union

13. (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

14. (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.

Access to Factory

15. Every employer bound by this award shall permit the secretary or other authorized officer of the union to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Scope of Award

16. This award shall operate throughout the Northern Industrial District.

Term of Award

17. This award, in so far as it relates to wages, shall be deemed to have come into force on the 3rd day of February, 1949, 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 24th day of March, 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 24th day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award embodies the terms of settlement arrived at by the assessors in Conciliation Council.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.

NORTHERN INDUSTRIAL DISTRICT **FRUIT-PRESERVING,
VEGETABLE-CANNING, ETC. EMPLOYEES**—AMENDMENT
OF AWARD

In the Court of Arbitration of New Zealand.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and the Economic Stabilization Emergency Regulations 1942; and in the matter of the Northern Industrial District Fruit-preserving, Vegetable Canning, &c. Employees' award, dated the 24th day of March, 1949, and recorded in 49 Book of Awards 225.

IN pursuance and exercise of the powers vested in it by the Economic Stabilization Emergency Regulations 1942, and of every other power in that behalf thereunto enabling it, this Court, for the purpose of giving effect to the pronouncement made by it on the 12th day of April, 1949, doth hereby order as follows:—

1. That the said award shall be amended in the manner following:—

(1) By deleting subclause (a) of clause 4 (Wages) and substituting therefor the following subclause:—

“(a) The following shall be the minimum rates of pay for adult male workers:—

“ A worker employed at manual work and appointed a working foreman by the employer, and whose duty is to take charge of and supervise the work of other workers in a permanent department of the business, shall be paid not less than £7 2s. 2d. per week.

“ General hands, £6 14s. 4d. per week.”

(2) By deleting the symbols and figures “£4 2s. 9d.” in subclause (c) of clause 4 (Wages) and substituting therefor the symbols and figures “£4 5s. 6d.”

(3) By deleting the symbols and figures “£4 10s. 9d.” in subclause (d) of clause 4 (Wages) and substituting therefor the symbols and figures “£4 13s. 5d.”

(4) By deleting subclause (a) of clause 5 (Casuals) and substituting therefor the following subclause:—

“(a) The minimum rate of pay for casual workers shall be 3s. 7½d. per hour.”

2. That this order shall come into force on the 1st day of June, 1949.

Dated this 11th day of May, 1949.

[L.S.]

A. TYNDALL, Judge.

NORTHERN INDUSTRIAL DISTRICT FRUIT-PRESERVING, VEGETABLE CANNING, ETC., EMPLOYEES—AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and the Economic Stabilization Emergency Regulations 1942; and in the matter of the Northern Industrial District Fruit-preserving, Vegetable Canning, &c., Employees' award, dated the 24th day of March, 1949, and recorded in 49 Book of Awards 225.

IN pursuance and exercise of the powers vested in it by Regulation 39A of the Economic Stabilization Emergency Regulations 1942, and upon application made by the union of workers party to the Northern Industrial District Fruit-preserving, Vegetable Canning, &c., Employees' award, dated the 24th day of March, 1949, and recorded in 49 Book of Awards 225, this Court doth hereby order as follows:—

1. That the said award (as amended by order of the Court dated the 11th day of May, 1949) shall be further amended by deleting subclause (a) of clause 4 (Wages) and substituting therefor the following subclause:—

“(a) The following shall be the minimum rates of pay for adult male workers:—

“ A worker employed at manual work and appointed a working foreman by the employer, and whose duty is to take charge of and supervise the work of other workers in a permanent department of the business, shall be paid not less than £7 4s. 6d. per week.

“ General hands, £6 16s. 8d. per week.”

2. That this order shall be deemed to have come into force on the 1st day of June, 1949.

Dated this 6th day of July, 1949.

[L.S.]

A. TYNDALL, Judge.