

VICTOR PLASTERS, LTD., 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 Ceramic, Concrete, Builders' and General Labourers' and Related Trades Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Victor Plasters, Ltd., Brigham Street, Western Reclamation, 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 29th 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 29th day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. (a) The ordinary hours of work shall not exceed forty per week, nor more than eight hours per day on five days of the week, Monday to Friday, both days inclusive.

(b) The hours of day-workers (other than shift-workers) shall be between 7.30 a.m. and 5 p.m.

Overtime

2. (a) Except as provided for in subclause (b) hereof, all time worked in excess of the daily hours fixed in clause 1 of this award shall count as overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) All time worked before 12 noon on Saturdays shall be paid for at the rate of time and a half for the first four hours and double time thereafter. All time worked after 12 noon on Saturdays shall be paid for at double time rates.

(c) For work done on Sundays, New Year's Day, 2nd January, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day and the birthday of the reigning Sovereign, double rates shall be paid in addition to the holiday pay.

(d) For the purposes of this clause each day shall stand by itself.

(e) When it is necessary that overtime shall be worked, preference shall be given to the company's regular employees.

Wages

3. The following shall be the minimum rates of wages:—

| | Per Hour. | |
|-------------------|-----------|-----|
| | s. | d. |
| Burners | 3 | 10½ |
| Labourers | 3 | 7¾ |

Leading hand in charge of four or more workers shall receive 1s. 3d. per day extra.

Shift-work

4. (a) Shifts may be worked where necessary, and in such cases shifts shall consist of not more than eight hours, including crib-time, which shall be paid for.

(b) For the purposes of this clause "shift-work" shall mean work which is carried out by two or more successive relays or spells of workmen, each relay performing substantially the same duties as the outgoing shifts. Work shall not be deemed to be shift-work unless shifts are worked on four or more consecutive working-days.

(c) Workers employed on afternoon and night shifts shall be paid the sum of 3s. per shift in addition to their ordinary rate of pay.

Holidays

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

(b) The employer shall pay wages for the above holidays to all workers performing work coming within the scope of the award who have been employed by him during the fortnight ending on the day on which the holiday occurs.

(c) Where any worker has been employed upon work coming within the scope of this award by more than one employer during the fortnight ending on the day on which any of the above holidays occurs, he shall be entitled to receive payment for the holiday from such one or more of those employers and, if more than one, in such proportions as the Inspector of Awards determines.

(d) The attention of the parties is drawn to the provisions of the Public Holidays Act, 1910, and its amendments, which deals with the transference of holidays which fall on a Saturday or a Sunday. This provision shall apply to workers covered by this award.

(e) The provisions of the Annual Holidays Act, 1944, shall apply to workers covered by the provisions of this award.

Accommodation

6. The employer shall provide suitable accommodation to enable workers to change and dry their clothing and have their meals. No tools or materials shall be stored in the change-room. Employers shall also provide proper sanitary accommodation and make provision for boiling water for meals. A

shower and suitable washing conveniences shall be provided. The senior burner on each shift shall be responsible for accommodation and conveniences being kept strictly clean and tidy.

Meal-money

7. Employers shall allow meal-money at the rate of 2s. 6d. per meal when workers are called upon to work overtime on any day, provided that such workers cannot reasonably get home to their meals, and provided, further, that they have not been notified of such overtime on the day preceding the working of such overtime.

Transport Allowance

8. Workers called upon to work overtime and starting and finishing work at a time when the ordinary means of transport have ceased running shall be conveyed from and to their homes at the expense of the employer.

Accidents

9. A modern first-aid emergency case, fully equipped, shall be kept by the employer in a convenient and accessible place at the factory. Accidents shall be reported on kettle sheet.

General Provisions

10. Twopence per hour dust-money shall be paid to all workers coming within the provisions of this award.

Job Delegate

11. A job delegate shall be appointed from time to time and shall be recognized as such by the management.

Termination of Employment

12. Four hours' notice of termination of employment shall be given on either side, and all wages due shall be paid immediately on termination in the employer's time, unless through misconduct.

Disputes

13. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute 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 National Disputes 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 a Conciliation Commissioner. Should either party fail to appoint representatives to the National Disputes Committee, either party may refer the matter in dispute to a Conciliation Commissioner, who may either decide the matter or refer the matter to the Court. In the event of the National Disputes Committee failing to agree the matter shall be referred to the Court. In the event of the National Disputes Committee coming to a decision, either side shall have the right of appeal to the Court against the decision of the Committee or the decision of the Commissioner, and written notice of such appeal shall be given to the other side within fourteen days after such decision has been made known to the party desirous of appealing.

Payment of Wages

14. Wages shall be paid weekly in working-hours and not later than Thursday in each week.

"Smoke-oh"

15. An interval of ten minutes shall be allowed each morning and afternoon without deduction of pay, and in the case of shift-workers two paid breaks of ten minutes shall be allowed at a recognized time, provided that there shall be no cessation of work.

Workers to be Members of Union

16. (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.)

Scope of Award

17. This award shall apply only to the parties hereto.

Term of Award

18. This award, in so far as it relates to wages, shall be deemed to have come into force on the 3rd day of March, 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 29th 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 29th 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.

The assessors desire the following statement to be recorded:—

“The increase agreed upon shall form part of any increase that the Court may grant at its sitting on the 15th March, 1949.”

A. TYNDALL, Judge.

**VICTOR PLASTERS, LTD., 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 Victor Plasters, Ltd., Employees' award, dated the 29th day of March, 1949, and recorded in 49 Book of Awards 251.

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 by deleting clause 3 and substituting therefor the following clause:—

“ Wages

“ 3. The following shall be the minimum rates of wages:—

| | Per Hour. |
|---------------------|-----------|
| | s. d. |
| “ Burners | 4 0 |
| “ Labourers | 3 9½ |

“ Leading hand in charge of four or more workers shall receive 1s. 3d. per day extra.”

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

Dated this 16th day of May, 1949.

[L.S.]

A. TYNDALL, Judge.