

NORTHERN INDUSTRIAL DISTRICT SHOP TAILORESSES—
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 Tailoresses and other Female Clothing and Related Trades Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned union, persons, firms, and companies (hereinafter called "the employers") :—

Auckland Master Tailors' Industrial Union of Employers, 35 High Street, Auckland.

Brown, J., 196 Broadway, Newmarket, Auckland.

Burt, C., Seddon Street, Waihi.

Butler, H. E., Belmont Road, Paeroa.

Danby, Albert W., Pollen Street, Thames.

Devcich, A., 69 Victoria Street, Auckland.

Dick, E., Victoria Street, Hamilton.

Flyger, E. L., 410 Karangahape Road, Auckland.

George, A. H., Rord Street, Te Kuiti.

George, W. C., Main Street, Huntly.

Greer, E. C., Limited, Dingwall Buildings, Queen Street, Auckland.

Hebden, A. O., 2A Wyndham Street, Auckland.

Jaffe, Max and Sons, 219 Queen Street, Auckland.

Jaffe, R., 344 Queen Street, Auckland.

Kelly, K. G. M., Rathbone Street, Whangarei.

Lees, Lea, Wellesley Street, Auckland.

Mason, F., Alexander Street, Te Awamutu.

McCarthy, D., Khyber Pass, Newmarket, Auckland.

Meltzer, L., 167 Victoria Street, Hamilton.

Martin, Torrey, British Chambers, High Street, Auckland.

O'Gorman, F. R., Gore Street, Auckland.

Preston and Maurice, Limited, Professional Chambers, High 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 8th day of February, 1951, 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 31st day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Interpretation

1. (a) This award shall apply to all workers and to all employers engaged in the retail tailoring trade, whether partially or wholly engaged in the manufacture of bespoke garments.

The word "bespoke" in this award shall mean "made to order and/or fitted on."

(b) Nothing in this award shall apply to workers in the Northern Industrial District who are covered by the New Zealand Tailoring Trade Employees' award, dated the 3rd day of March, 1949, or any award made in substitution therefor.

Classes of Workers.

2. The classes of workers recognized by this award are journeywomen and female apprentices.

Hours of Work

3. The ordinary hours of work shall not exceed forty hours per week, to be worked between the hours of 8 a.m. and 5.30 p.m. on five days of the week, Monday to Friday, both days inclusive.

Female Apprentices

4. (a) The period of apprenticeship shall be: trousers, vests, and ladies' skirt makers, three years; coatmakers, four years; but three months' probation shall be allowed the first employer of the apprentice to determine her fitness, and the obligation of the apprentice to serve her employer shall be deemed to be a duty enforceable under this award.

(b) At the end of the period of apprenticeship the employer shall give the apprentice a certificate to show that she has served her apprenticeship. Should the employer at any time before the termination of the apprenticeship wish for any reason to dispense with the services of the apprentice, he shall give her a certificate for the time actually served and procure her another employer carrying on business within a reasonable distance from the original employer's place of business who shall teach the apprentice, pay her wages prescribed by this award according to the total length of time she has served, and generally perform the obligations of the original employer: Provided that it shall not be obligatory on the employer to find the apprentice another employer if she shall so misconduct herself as to entitle the employer to discharge her, but he shall give such apprentice a certificate of the time actually served.

(c) An employer taking an apprentice shall give notice thereof and of the name of the apprentice to the Inspector of Awards within one week after the expiration of the period of probation, and an employer transferring an apprentice to another employer shall similarly within one week thereof give such notice of such transfer to such Inspector. In both cases the Inspector shall notify the secretary of the union when such has taken place.

(d) An employer shall not be deemed to discharge his duty towards his apprentice if he fails to keep her at work owing to slackness of work, but such slackness shall form a proper ground for transferring her to an employer willing to undertake the responsibility of teaching her, notwithstanding that such employer may already have the complement of apprentices in his employ.

(e) When an apprentice is discharged for cause, the employer shall send notice of discharge and of the cause thereof to the Inspector of Awards, and the Inspector shall give notice to the secretary of the union.

(f) The proportion of female apprentices to female operatives shall be one to two.

(g) For the purpose of determining the number of apprentices to operatives, the calculation shall be based on two-thirds full-time employment for the six months immediately prior to taking an apprentice.

(h) Any employer taking an apprentice to learn the trade shall be deemed to undertake, for the period hereinafter mentioned, the duty which he agrees to perform as a duty enforceable under this award, and shall pay such apprentice not less than the undermentioned rates of wages:—

		Per Week.		
		£	s.	d.
For the first six months	1	12	0
For the second six months	1	17	0
For the third six months	2	2	0
For the fourth six months	2	7	6
For the fifth six months	2	15	0
For the sixth six months	3	2	0
Thereafter, journeywomen's rates.				
If apprenticed to coatmaking—				
For the seventh six months	3	10	0
For the eighth six months	4	0	0

Provided that workers commencing over sixteen years of age shall receive 5s. per week in advance of the above rates; and over seventeen years of age, 7s. 6d. per week in advance of the above rates; and over eighteen years of age, 10s. per week in advance of the above rates: Provided, also, that workers over twenty-one years of age shall be paid not less than £3 15s. 6d. per week.

(i) Apprentices to machining shall be under the same terms and conditions as for trousers, vests, and skirts.

(j) No deduction shall be made from the weekly wages save for time lost through the worker's sickness or default.

Wages

5. (a) Coatmakers shall be paid not less than £5 5s. per week.

(b) The minimum wage for other journeywomen employed on weekly wages shall be £4 17s. per week, including machinists.

(c) No deduction shall be made from the weekly wages save for time lost through the worker's sickness or default.

(d) All wages shall be paid weekly.

(e) Pieceworkers shall be paid in accordance with the time statement set out in 19 Book of Awards 811–851 inclusive. The said statement shall, for the purposes of this award, be calculated at the rate of 2s. per hour.

Overtime

6. (a) Subject to the provisions set out in clause 7 sub-clause (c) of this award, all time worked in excess of forty hours in any week or outside of the starting or finishing times mentioned in clause 3 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: Provided, however, that the payment for such overtime shall be not less than 1s. 9d. per hour.

(b) Twenty-four hours' notice shall be given by the employer to any worker called upon to work overtime after the ordinary time of ceasing work. When less than twenty-four hours' notice has been given, 2s. 6d. shall be paid for tea-money. When a worker has been notified on the previous day that she shall be required to work overtime and overtime is not available, tea-money shall be provided.

Holidays

7. (a) The following holidays shall be allowed without deduction from wages: New Year's Day, Anniversary Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anzac Day.

(b) If any of the above-mentioned holidays, except Anzac Day, falls on a Sunday, then for the purposes of this award such holiday shall be observed on the following Monday: Provided, further, that if Christmas Day falls on a Sunday, Boxing Day shall be observed on the following Tuesday.

(c) All work performed on Sundays and on the holidays mentioned in subclause (a) hereof shall be paid for at double the ordinary rate of pay.

(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.

Annual Holiday

8. (a) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944. The payment to pieceworkers shall be a sum equal to their average earnings during the twelve months immediately preceding the holiday.

(b) The annual holidays shall, where possible, be taken in conjunction with the Christmas and New Year holidays.

Termination of Employment

9. In respect of weekly workers, one week's notice of the termination of the employment shall be given by either party.

General Provisions

10. (a) There shall be a fair distribution of work among all operatives in each workroom by the employer. Where there are several workrooms used by the employer, the same shall be considered and included as one workroom for the purposes of this clause. During the slack season a turnboard shall be kept by the employer and employees.

(b) The employer shall have the right to introduce whatever machinery his business may, in his opinion, require, and to divide and subdivide labour in any way he may deem necessary, subject to the payment of wages as herein specified: Provided that there shall be employed on coats not less than one journeyman to every four journeywomen or apprentices or fraction of four; and in calculating the number of men actually employed on the job pressers shall be excluded from the calculation.

(c) The rules as to standing-time shall be as follows: at the first try-on, when the worker has picked the coat to pieces and given it to the cutter to mark up and cut out for her, if the worker is kept idle for more than twenty minutes by reason of the cutter not giving her back the coat within that time she shall be paid full time for any time over the twenty minutes during which she shall be kept idle as before mentioned.

(d) An interval of ten minutes shall be allowed each morning and afternoon.

Disputes

11. In the case of a dispute as to the interpretation of any of the clauses or provisions hereof, or of anything in the time statement, such dispute shall be referred to a joint committee consisting of two representatives of the union and two of the employers, to be appointed as occasion arises. Such representatives shall elect a chairman, who shall have a casting vote, and, in default of their agreeing upon a chairman, the chairman shall be the Conciliation Commissioner for the district. The interpretation adopted by such committee shall be deemed to be the proper interpretation of the award, subject to any ruling of the Court.

Workers to be Members of Union

12. (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 her 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

13. (a) Any worker who considers herself 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, her 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 her to have her 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.

Application of Award

14. 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

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

Term of Award

16. This award, in so far as it relates to wages, shall be deemed to have come into force on the 8th 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 8th day of February, 1951.

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 31st 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 SHOP TAILORESSES—
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 Shop Tailoresses' award, dated the 31st day of March, 1949, and recorded in 49 Book of Awards 296.

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 (h) of clause 4 (Female Apprentices) and substituting therefor the following subclause:—

“(h) Any employer taking an apprentice to learn the trade shall be deemed to undertake, for the period hereinafter mentioned, the duty which he agrees to perform as a duty enforceable under this award, and shall pay such apprentice not less than the undermentioned rates of wages:—

	Per Week.		
	£	s.	d.
“ For the first six months	1	12	6
“ For the second six months	1	18	0
“ For the third six months	2	3	6
“ For the fourth six months	2	9	6
“ For the fifth six months	2	18	0
“ For the sixth six months	3	5	6

“ Thereafter, journeywomen's rates.

“ If apprenticed to coatmaking—

“ For the seventh six months .. 3 15 0

“ For the eighth six months .. 4 5 0

“ Provided that workers commencing over sixteen years of age shall receive 5s. per week in advance of the above rates; and over seventeen years of age, 7s. 6d. per week in advance of the above rates; and over eighteen years of age, 10s. per week in advance of the above rates: Provided, also, that workers over twenty-one years of age shall be paid not less than £4 per week.”

(2) By deleting subclauses (a), (b), and (c) of clause 5 (Wages) and substituting therefor the following subclauses:—

“(a) Coatmakers shall be paid not less than £5 5s. per week.

“(b) The minimum wage for other journeywomen employed on weekly wages shall be £5 per week, including machinists.

“(e) Pieceworkers shall be paid in accordance with the time statement set out in 19 Book of Awards 811-851 inclusive. The said statement shall, for the purposes of this award, be calculated at the rate of 2s. 1d. per hour.”

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

Dated this 3rd day of November, 1949.

[L.S.]

A. TYNDALL, Judge.
