

TARANAKI AND WELLINGTON BY-PRODUCTS WORKERS—  
AWARD

[Filed in the Office of the Clerk of Awards, Wellington]

In the Court of Arbitration of New Zealand, Taranaki and Wellington Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Wellington and Taranaki Soap, Candle, Tannery, and Related Trades Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council, firm, and companies (hereinafter called "the employers") :—

Boiling Down Co., Ltd., Dannevirke.

Carver's Ltd., Hayward Road, Belmont, Wellington.

Feilding By-products (J. Thomas), Feilding.

Hawke's Bay Soap and Tannery Co., Ltd, Napier, and Hastings.

New Plymouth By-products, Ltd. (P. Stainton, Secretary), Post-office Box 42, New Plymouth.

New Zealand Soap Co., Ltd., Ngahauranga, Wellington.

Palmerston North City Council, Palmerston North.

Smith Brothers, Ltd., South Road, Hawera.

Stratford By-products, Ltd., Stratford (care of C. Lamphough, Stratford).

Wanganui Abattoirs, Ltd., Castlecliff, Wanganui.

Manawatu Meat and Cold Storage Co., Ltd., Post-office Box 212, Palmerston North.

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 4th day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to Which Award Applicable*

1. This award shall apply to all employers and their workers who are covered by this award in connection with any by-product factory and who are not at present covered by any other award.

##### *Hours of Work*

2. (a) The hours of work shall be forty per week, to be worked between the hours of 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) Five shifts of not more than eight hours daily may be worked in each week.

(c) Five hours may be worked by mutual agreement between the employer and the workers for the purposes of completing the day's work: Provided that overtime rates shall be paid for time worked in excess of the usual daily hours.

##### *Meal-hours*

3. Not less than three-quarters of an hour shall be allowed for meals.

*Overtime*

4. (a) Subject to the provisions of the Factories Act, 1946, all time worked outside of or in excess of the hours mentioned in clause 2 hereof in any one day shall be considered overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) When a worker has completed his ordinary day's work and is ordered back to work overtime after 5 p.m., a minimum of two hours shall be paid for.

(c) When workers are required to work overtime on any day the employer shall provide a meal or pay such worker 2s. 6d. to enable him to purchase a meal, unless such worker has been notified on the day previous that he will be required to work overtime: Provided that when such notice has been given and the worker's services are not required, he shall still receive the meal allowance.

(d) The minimum rate of pay for youths and females shall not be less than 1s. 9d. per hour.

(e) In all cases where men are called out and there is no work they shall receive a minimum of two hours' pay at the rate prescribed.

(f) All time worked after 12 noon on Saturday shall be paid for at double time rates.

*Holidays*

5. (a) The following holidays shall be observed without deduction from pay: New Year's Day and the day following, Anniversary Day or a day in lieu thereof, Good Friday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, Anzac Day, Christmas Day, and Boxing Day.

(b) Time worked on any of the above-mentioned holidays shall be paid for at double the ordinary rate in addition to the payment to which the worker is entitled under subclause (a) of this clause.

(c) Should any of the above-mentioned holidays, other than Anzac Day, fall on a Saturday or Sunday, then for the purposes of this award such holiday shall be observed on the next succeeding working-day.

(d) If any worker employed in a factory in which work is regularly performed on Sundays is actually employed on any Sunday he shall, in addition to his ordinary rate of pay, be paid for the time worked on such Sunday at not less than the ordinary rate.

(e) Except as provided in the last preceding subclause, every person who is actually employed in any factory on any Sunday shall be paid for the time worked on such Sunday at not less than double the ordinary rate of pay, with a minimum of four hours.

(f) A holiday shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944.

### *Wages*

6. The following shall be the minimum rates of wages:—
- (a) Workers receiving offal, 3s. 6d. per hour.
  - (b) All other workers, 3s. 3d. per hour.
  - (c) Workers engaged in preparing bungs, casings, and glue pieces shall be paid 2d. per hour extra whilst so employed.
  - (d) Workers engaged in chipping boilers or digesters shall be paid time and a half rates while so engaged.
  - (e) A worker placed in charge of three or more other workers shall be paid 1s. per day extra.

### *Shift-work*

7. (a) Shifts may be worked to whatever extent may be deemed necessary to cope with the work, and a shift shall consist of eight hours, including thirty minutes' crib-time and ten minutes "smoke-oh."

(b) Any worker whose usual hours of employment require him to regularly work hours other than those specified in clause 2 or rotate with other shifts shall be deemed to be a shift-worker under this clause.

(c) A worker required to work for less than four consecutive shifts shall not be deemed to be a shift-worker, but shall be paid for such work at overtime rates.

(d) A shift-worker whose shift commences before 6 a.m. or after 12 noon shall be paid 2s. 6d. per shift extra.

(e) Clause 2 hereof shall not apply to shift-workers employed under this clause, provided the total number of hours does not exceed forty per week.

### *Employment of Youths*

8. (a) Youths may be employed at the following minimum rates of pay:—

			Per Week.		
			£	s.	d.
Under 16 years of age	..	..	1	15	0
16 to 16½ years of age	..	..	2	1	6
16½ to 17 years of age	..	..	2	8	0
17 to 17½ years of age	..	..	2	15	6
17½ to 18 years of age	..	..	3	3	6
18 to 18½ years of age	..	..	3	11	6
18½ to 19 years of age	..	..	4	4	6
19 to 20 years of age	..	..	4	17	6

Thereafter, at the minimum wage for adult workers.

(b) The number of youths to each senior worker shall not exceed one to three or fraction of three.

### *General Provisions*

9. (a) An interval of ten minutes' duration for smoking shall be allowed morning and afternoon without deduction from the men's wages.

(b) Proper provision shall be made for dining and dressing accommodation, and facilities for drying clothes shall be provided.

(c) Workers shall, where necessary, be supplied with aprons, leggings, clogs, or gum boots, but any worker whose work justifies the supply of clogs or gum boots may elect to wear leather boots, in which case after three months' continuous service the employer shall refund the cost of one pair of working boots to cover the first six months. Thereafter the employer shall refund the cost of not more than one pair of working boots in each complete six months. In lieu of making such refund, the employer may elect to supply the boots.

(d) Suitable washing-accommodation shall be provided, while both hot and cold water shall be laid on.

(e) Double rates shall be paid to men employed skinning or cutting up animals which have died or been killed four hours prior to reaching the works, and such animals if they arrive at the works before 4 p.m. shall be skinned and cut up on the same day.

(f) Wherever possible, offal arriving at the works before 5 p.m. shall be disposed of the same day.

(g) A first-aid outfit shall be provided in every factory and shall be accessible to workers at all times. The employer shall keep supplies in clean medical outfits and in charge of a responsible person.

### *Disputes*

10. The essence of this award being that the work of the employer 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 specifically 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 to appeal to the Court against

a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

#### *Terms of Employment*

11. (a) Deductions may be made from the wages of workers for time lost through sickness or default or accident or for union subscriptions or for time lost through fire, earthquake, or epidemic.

(b) Nothing in the foregoing subclause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

#### *Wages and Record Book*

12. In every factory the occupier shall at all times keep in the prescribed form, or in such other form as may be approved by the Inspector, a record in English (called the "wages and overtime book") showing, in the case of each worker—

- (a) The name of the worker;
- (b) His age, if under twenty-one years of age;
- (c) The kind of work on which he is usually employed;
- (d) The hours of his employment during each week; and
- (e) The wages paid each week.

#### *Reference*

13. Each worker on leaving or being discharged from his employment shall be given, on request, within twenty-four hours thereafter, a reference in writing stating the position held and length of service. Original references shall be the property of the worker and shall be returned within twenty-four hours after engagement.

#### *Workers to be Members of Union*

14. (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*

15. (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.

#### *Application of Award*

16. 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 districts to which this award relates.

*Scope of Award*

17. This award shall operate throughout the Taranaki and Wellington Industrial Districts.

*Term of Award*

18. This award, in so far as it relates to rates of wages, shall be deemed to have come into force on the 9th 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 4th 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.

The assessors desire to place on record the following statement:—

“ It is agreed by the parties to this award that the increased rates of remuneration herein shall be deemed to be in satisfaction or part satisfaction of any increase which may follow a new standard wage pronouncement or wage order increasing rates of remuneration.”

A. TYNDALL, Judge.



TARANAKI AND WELLINGTON BY-PRODUCTS WORKERS—  
AMENDMENT OF AWARD

[Filed in the Office of the Clerk of Awards, Wellington]

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 Taranaki and Wellington By-products Workers' award, dated the 4th day of March, 1949, and recorded in 49 Book of Awards.

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 subclauses (a) and (b) of clause 6 (Wages) and substituting therefor the following subclauses:—

“(a) Workers receiving offal, 3s. 8d. per hour.

“(b) All other workers, 3s. 5d. per hour.”

(2) By deleting clause 8 and substituting therefor the following clause:—

“*Employment of Youths*

“8. (a) Youths may be employed at the following minimum rates of pay:—

	Per Week.		
	£	s.	d.
“Under 16 years of age .. .. .	1	17	0
“16 to 16½ years of age .. .. .	2	3	6
“16½ to 17 years of age .. .. .	2	10	0
“17 to 17½ years of age .. .. .	2	18	0
“17½ to 18 years of age .. .. .	3	6	0
“18 to 18½ years of age .. .. .	3	14	6
“18½ to 19 years of age .. .. .	4	8	0
“19 to 20 years of age .. .. .	5	2	0

“Thereafter, at the minimum wage for adult workers.

“(b) The number of youths to each senior worker shall not exceed one to three or fraction of three.”

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.