

NEW ZEALAND (EXCEPT WESTLAND) FARM MACHINERY  
SERVICEMEN'S—AWARD

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

In the Court of Arbitration of New Zealand, Northern, Wellington, Taranaki, Marlborough, Nelson, Canterbury, and Otago and Southland 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 New Zealand Engineering Coachbuilding, Aircraft and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the undermentioned firms and companies (hereinafter called "the employers") :—

NORTHERN INDUSTRIAL DISTRICT

Booth, Macdonald & Co. Ltd., Penrose, Auckland.

Gordon Vacuum Break Milkers, Ltd., 44 Albert Street, Auckland.

Gough, Gough, and Hamer, Ltd., 48-50 Federal Street, Auckland.

International Harvester Co., Ltd., corner of Selwyn Terrace and Fox Street, Parnell, Auckland.

MacEwans Machinery, Ltd., Fort Street, Auckland.

Wallace D. McL., Ltd., Khyber Pass, Newmarket, Auckland.

TARANAKI INDUSTRIAL DISTRICT

Gordon Vacuum Break Milkers, Ltd., Broadway Street, Stratford.

MacEwan, J. B., and Co., Ltd., 39-43 King Street, New Plymouth.

Newton King, Ltd., P.O. Box 100, New Plymouth.

Wallace, D. McL. (Taranaki) Ltd., Broadway Street, Stratford.

WELLINGTON INDUSTRIAL DISTRICT

Abraham and Williams, Ltd., corner of Grey and Rangitiki Streets, Palmerston North.

Alfa-Laval Separator Co. (N.Z.) Ltd., 131 Rangitiki Street, Palmerston North.

Farm Equipment Co., Ltd., P.O. Box 275, Wanganui.

Gough, Gough, and Hamer, Ltd., Hastings.

Manawatu Machinery Exchange Co., Ltd., 94 Rangitiki Street, Palmerston North.

MARLBOROUGH INDUSTRIAL DISTRICT

Clouston, W. E., and Co., Ltd. (McCormick Deering), Blenheim.

NELSON INDUSTRIAL DISTRICT

Bensemann, E. H. T., and Co., Motueka.

Levin & Co., Hardy Street, Nelson.

## CANTERBURY INDUSTRIAL DISTRICT

Andrews and Beaven Ltd., Moorhouse Avenue, Christchurch.  
 Booth, Macdonald, and Co. Ltd., Carlyle Street, Christchurch.  
 Gough, Gough, and Hamer, Ltd., Hastings Street, Christchurch.  
 International Harvester Co., Ltd., Cashel Street, Christchurch.  
 Direct Supply Milker, Ltd., Papanui, Christchurch.

## OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Booth, Macdonald, and Co. Ltd., 27 Kelvin Street, Invercargill.  
 Clutha Implement Exchange, Balclutha.  
 Gore Implement Exchange, Gore.

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 31st day of October, 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 1st day of June, 1949.

[L.S.]

A. TYNDALL, Judge.

## SCHEDULE

*Industry to Which Award Applies*

1. This award shall apply to mechanics and their assistants employed substantially outside the employer's place of business on any of the following classes of work: installing or repairing milking-machines, shearing-machines, vacuum, water, or milk pumps, water-heaters, rams, windmills, benzine, kerosene, or Diesel engines, separators and coolers, and such other machinery as such firms install and/or service, or repairing farm implements; but this award shall not apply to hourly workers employed under the terms and conditions of the New Zealand Metal-trade Employees' award in force for the time being in the district.

*Definitions*

2. "Mechanic" means a worker employed on repairs, maintenance, and/or installation work on machinery, and/or mechanized apparatus vendored, and/or serviced by such firms and/or companies as described in clause 1 hereof, and/or applies general trade experience to the branch of the trade covered by this award.

*Hours of Work*

3. The ordinary hours of work shall not exceed forty per week or eight per day, to be worked on each day from Monday to Friday inclusive and between the hours of 8 a.m. and 5.30 p.m. The time of starting and ceasing work between these hours shall be mutually arranged in each establishment, with a break of not more than one hour for lunch.

*Overtime*

4. Time worked in excess or outside of the hours mentioned in clause 3 hereof shall be paid for at the rate of time and a half for the first three hours in any day and double time thereafter; provided that on Saturday the rate of time-and-a-half shall be paid for the first four hours.

A worker called out to attend to emergency breakdowns outside of normal working hours shall be paid from the time he leaves his home until he returns with a minimum payment of two hours; provided that where two or more call-outs overlap they shall count as one for the purpose of calculating the minimum payment.

*Holidays*

5. (a) The following holidays shall be allowed and paid for: New Year's Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day or Show Day or a day to be substituted therefor by agreement with the union.

(b) The provisions of the Public Holidays Act, 1910, and its amendments, which deal with holidays which fall on Saturdays or Sundays shall apply to workers employed under this award.

(c) Time worked on Sunday or any holiday mentioned in subclause (a) shall be paid for at double ordinary rate. The ordinary rate shall be computed by dividing the weekly wage by forty.

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

*Wages*

6. (a) The minimum rate of wages for adult workers shall be: From the 20th April, 1949, to the 31st May, 1949, £7 10s. 0d. a week. On and from 1st June, 1949, £7 16s. 8d. a week.

(b) *Youths*.—Youths may be employed as assistants to adults in the proportion of one youth to each two or fraction of two adult workers employed in any district by the same employer, and shall be paid the following minimum weekly rates of wages:

Age Commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.
18 years or under ..	79/-	84/-	95/-	107/-	118/-	132/-
19 years ..	98/-	107/-	118/-	132/-	..	..
20 years ..	118/-	132/-	..	..	..	..
And thereafter adult rate.						

*Payment of Wages*

7. (a) All wages shall be paid weekly not later than Thursday or in accordance with the present custom.

(b) All wages shall be paid on dismissal of a worker or when a worker leaves of his own accord.

(c) A rateable deduction may be made from the weekly wages prescribed in this award for any time lost by a worker through sickness, accident or default, or time off allowed a worker at his own request.

*General Provisions*

8. (a) Workers employed on oxy-acetylene or electric welding and cutting shall be provided with goggles or helmets and gauntlets or gloves.

(b) Suitable screens shall be supplied for electric welding machines.

(c) *Welding - allowance.*—Workers employed on oxy-acetylene or electric welding, except on spot- or butt-welding machines, for less than four hours in a day shall be paid 1s. per day extra; for more than four hours in a day, 1s. 6d. extra per day.

(d) *Meal-money.*—The employer shall allow meal-money at the rate of 2s. 6d. per meal when workers are called upon to work overtime after 6 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, or Friday, or after 1 p.m. on Saturday, unless such workers can reasonably obtain a meal at their places of residence for the time being and return to their work in one hour, in which case the meal allowance need not be paid.

(e) All necessary travelling-expenses and board and lodging shall be provided or paid for by the employer.

(f) A ten-minute break for morning and for afternoon tea shall be allowed to all workers without deduction from pay.

(g) *Tool and Overall Allowance.*—A mechanic required to provide his own tools and overalls (except taps, drills, hack-saw blades, and files) shall be paid 4s. a week for any week in which he works three full days or more. If the employer provides all of the necessary tools or the overalls, the allowance payable shall be 2s. a week. If the employer provides the tools and the overalls no allowance shall be payable under this clause.

*Accidents*

9. (a) A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place in every works, and shall be open to inspection once a month by a union official; also provision made for a supply of hot water at short notice.

(b) Facilities shall be provided for rendering first aid in the case of accident to workers while working outside the employer's place of business.

(c) Outside workers shall be provided with an emergency first-aid kit.

*Access to Workshops*

10. The President, Secretary or authorized paid representative of the local union of workers concerned shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times

upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business. The employer shall give recognition to any worker who is appointed shop steward in the establishment in which he is employed.

*Matters Not Provided For*

11. Should any dispute or difference arise in connection with any matter not provided for in this award, it shall be settled between the particular employer concerned and two representatives of the local branch of the union. If no settlement is arrived at, then such dispute shall be referred to a disputes committee consisting of two representatives of the employers and two representatives of the union for their decision. If such committee is unable to decide the matter, it may refer the matter to the Court of Arbitration, or either party may appeal to the Court of Arbitration from the decision of such committee upon giving to the other party fourteen days' notice in writing of intention so to appeal.

*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 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*

13. (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*

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 districts to which this award relates.

*Scope of Award*

15. This award shall operate throughout the Northern, Wellington, Taranaki, Marlborough, Nelson, Canterbury, and Otago and Southland Industrial Districts.

*Term of Award*

16. This award, in so far as it relates to the rates of wages prescribed by clause 6, shall be deemed to have come into force on the 20th day of April, 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 31st day of October, 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 1st day of June, 1949.

[L.S.]

A. TYNDALL, Judge.

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## MEMORANDUM

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

A. TYNDALL, Judge.

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