

**CANTERBURY AND OTAGO AND SOUTHLAND CHEMICAL-
MANURE AND ACID-WORKERS—AWARD**

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

In the Court of Arbitration of New Zealand, 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 Freezing-works and Related Trades' Industrial Association of Workers (hereinafter called "the union") and the undermentioned companies (hereinafter called "the employers") :—

Dominion Fertiliser Co., Ltd., P.O. Box 499, Ravensbourne, Dunedin.

Kemphorne, Prosser, and Co.'s New Zealand Drug Co., Ltd., Hornby and Christchurch.

Kemphorne, Prosser, and Co.'s New Zealand Drug Co., Ltd., Burnside and Dunedin.

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 on the day of the date hereof,

and shall continue in force until the 28th day of July, 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 28th day of July, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applicable

1. The industry to which this award applies is the manufacture of manures and chemical fertilizers and of the chemicals manufactured in the chemical-fertilizer works of the parties hereto.

PART I—DAY-WORKERS

Hours of Work

2. Subject to the provisions hereinafter contained as to shifts, an ordinary week's work shall not exceed forty hours, of which eight hours shall be worked between the hours of 7.30 a.m. and 5 p.m. on each of five days of the week from Monday to Friday, both days inclusive. Not less than three-quarters of an hour shall be allowed for lunch.

Overtime

3. (a) Except as hereinafter provided, all time worked in any one day outside of or in excess of the hours provided for in clause 2 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) When workers are required to work overtime after 6 p.m. or after 1 p.m. on Saturday and have not been notified the previous night, the employer shall provide a substantial meal consisting of at least bread, butter, meat, cheese, and tea, coffee, or cocoa, or pay each worker 2s. 3d. in lieu thereof.

(c) When a worker is ordered back to work overtime after 6 p.m. on ordinary days or on a Saturday, a minimum of two hours' work at overtime rates shall be paid for unless it can be shown that the failure to provide work was outside the control of the employer. Should any dispute arise as to the interpretation of this subclause, such dispute shall be settled in accordance with the provisions of clause 15 hereof.

Sundays and Holidays

4. For work done on Sundays, New Year's Day, Anniversary Day or any day observed in lieu thereof, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day, double rates shall be paid in addition to any payment to which the worker is entitled under clause 10 hereof.

PART II—SHIFT-WORKERS.

Definitions, &c.

5. (a) In the despatch department one shift of eight consecutive hours may be worked between the hours of 5 p.m. and 7.30 a.m.

(b) "Continuous shifts" shall consist of three shifts of eight hours each in every twenty-four hours worked.

(c) In a manufacturing department or in receiving raw material, one or more shifts of eight consecutive hours may be worked on any days of the week from Monday to Friday, both days inclusive.

(d) Shift-workers shall be allowed thirty minutes' crib-time without deduction from wages: Provided always that the machinery shall be kept in motion when required.

(e) *Shift Allowance.*—A worker employed on an afternoon or night shift shall be paid a shift allowance of 2s. 6d. a shift in addition to his ordinary wages.

For the purpose of this clause an afternoon shift or a night shift shall include any shift commencing between the hours of 12 noon and 7 a.m.

Hours of Work

6. (a) The ordinary weekly hours of work for acid-manufacturing workers on continuous shifts shall be worked between midnight Sunday–Monday and midnight Friday and shall not exceed forty hours, to be worked in eight-hour shifts.

(b) Men employed on shift-work shall change in turn, and no worker shall be retained on night-shift more than two weeks in succession.

Overtime

7. (a) Except where otherwise provided, time worked by shift-workers in excess of eight hours per shift or forty hours during the period from midnight Sunday–Monday and midnight Friday 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.

(b) Men on shifts shall not be paid overtime rates for overtime worked by agreement among themselves for the purpose of changing shifts.

Saturdays, Sundays, and Holidays

8. Subject to the provisions of the Factories Act, 1946, and its amendments, the following provisions shall apply: Time worked on Saturday, or on Sunday, or on Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Anniversary Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, or the birthday of the reigning Sovereign shall not be reckoned as ordinary time or as overtime, but shall be paid for at the following special rates:—

On Sundays	Double time.
On any of the holidays mentioned	Treble time.
On Saturdays	As provided in clause 7 (a) of this Part.

Provided that if a shift-worker in the rock-grinding or super-mixing departments has worked five eight-hour shifts on the five days of the week—Monday to Friday, both days inclusive—and is required to work a sixth shift on Saturday, such sixth shift shall be paid for at the rate of time and a half for the first four hours and double time thereafter. If any award holiday falls on any day from Monday to Friday inclusive, then for the purposes of this proviso such day shall count as a shift worked.

PART III—GENERAL

Wages

9. (a) The minimum rates of wages shall be as follows:—

	Per Hour.	
	s.	d.
Day-workers	3	8 $\frac{1}{4}$
Acid-manufacturing workers	3	10
Men discharging shipments of phosphate rock or sulphur—		
For day-work	4	1
For night shift	4	2
Men discharging shipments of guano—		
For day-work	3	11 $\frac{1}{2}$
For night shift	4	0 $\frac{1}{2}$
Men working on super bank	3	11 $\frac{1}{2}$
Men handling super slag or basic slag	3	9 $\frac{3}{4}$
Men operating bulldozer on basic	4	2
Men operating bulldozer on super	3	11
Chaseside-tractor driver	3	11
Men required to grease and oil machinery	3	9 $\frac{3}{4}$

(b) Men required to enter sulphur-burners to clean same shall be paid time and a half rates while so employed, the minimum payment to be for two hours.

(c) Men cleaning out acid-chambers or cleaning flues and fans or employed in repairing or demolishing acid-chambers, towers, or combustion chambers where it becomes necessary to handle material saturated with acid shall be paid 3d. per hour extra while so employed.

(d) Men placed in charge of five or more other men shall be paid 2d. per hour extra while so employed.

(e) Men in charge of mill department or man in charge of manufacturing department shall be paid 3d. per hour extra.

(f) Men cleaning out rock and sulphur pits and men sieving or bagging sulphur shall be paid the same rate as for discharging.

(g) Men engaged in making and handling reverted super, or unloading lime, shall be paid 3d. per hour extra, with a minimum payment of 1s. per day.

(h) Workers filling acid jars shall be paid the rate prescribed for acid manufacturing workers whilst so employed.

(i) Men required to grease sulphur burners shall be paid double rates with a minimum payment of one hour per day.

(j) Men engaged in repairing dens or grinding plant machinery at night shall be paid the appropriate award rate of wages whilst so employed.

Holidays

10. (a) The following are the recognized holidays under this award: New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) In the event of a holiday, other than Anzac Day, falling on a Saturday or a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(c) Payment of wages for the said holidays shall be made to all persons who perform work under this award at any time during the fortnight ending on the day on which the holiday occurs.

(d) Where any worker has been employed by more than one employer during the fortnight ending on the day on which any of the above holidays occur, 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.

Payment of Wages

11. Wages shall be paid not later than Thursday of each week and during working-hours. Any error or omission in the pay-sheets shall be adjusted within twenty-four hours of notification. When a worker is discharged or leaves he shall be paid all wages due immediately upon ceasing his employment.

No Discrimination

12. The employer shall not in the employment or dismissal of hands discriminate against members of the union, nor in the conduct of his business do anything for the purpose of injuring the union directly or indirectly.

General Provisions

13. (a) An interval of ten minutes for "smoke-oh" shall be allowed morning and afternoon each day.

(b) Proper provision shall be made for dining and dressing accommodation and for drying wet clothes. The room so used shall be kept clean by the employer.

(c) Overalls, boots, and aprons shall be supplied to workers where necessary. Where such protective clothing is necessary but is not supplied, all workers other than in super mixing and cutting out department and in acid plant, shall be paid 1d. per hour allowance. Workers in super mixing and cutting out department and workers in acid plant shall be paid 2d. per hour allowance.

(d) Men called upon to work in any wet phosphate mixture shall be supplied with suitable footwear.

(e) Suitable washing accommodation shall be provided. Both hot and cold water shall be laid on.

(f) Sufficient drinking-water of good quality shall be provided.

(g) Lavatory accommodation shall be provided and kept clean.

(h) The union shall appoint delegates whose duty it shall be to see that the workers do everything in their power to maintain the dining, dressing, and bath rooms in a clean and tidy condition.

(i) A covered bicycle-stand shall be provided at each works. Workers shall be held responsible for their own bicycles.

(j) Goggles and stockinette shall be provided as mutually deemed necessary.

(k) Workers shall be supplied with respirators when mutually deemed necessary.

(l) Privileges at present in existence at each works shall remain in force.

(m) Adequate first-aid outfits shall be available at each works.

(n) If on any day a worker is ordered to start work other than overtime and the work done is less than four hours, he shall be paid as if he had worked four hours.

(o) The employer shall eliminate, as far as practicable, the dust attendant to the normal working of the industry.

(p) Each man shall be provided with a locker for the storage of his lunch, boots, clothes, and other personal property.

(q) Facilities for boiling water shall be provided in a convenient place at each works for the purpose of making tea.

(r) A clock shall be placed in the despatch department.

(s) All workers shall be allowed five minutes before knocking-off time to wash and change clothes.

(t) No worker covered by this award shall be required to work at night unless some other person is within calling distance.

(u) *Shifts.*—In the event of a worker being required to work an extra shift, overtime rates shall be paid until there has been a clear break of eight hours between the time of ceasing work and commencing the new shift.

Annual Holidays

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

(b) Where workers are continuously employed on shift-work they shall receive three weeks' holiday on full pay on completion of twelve months' service. For less than twelve months' service such holidays shall be allowed and paid for *pro rata*.

(c) Workers entitled to holidays or proportionate holiday allowance shall receive payment for same prior to the commencement of such holidays or on the termination of service, as the case may be.

(d) The employer may, if the worker agrees, make a cash payment in lieu of allowing the additional week or portion thereof as a holiday.

Disputes

15. 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, 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 within fourteen days after such decision has been made known to the party desirous of appealing.

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.)

Under-rate Workers

17. (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.

Scope of Award

18. This award shall apply to the parties named herein and to such other parties as may from time to time be added by order of the Court.

Term of Award

19. This award shall come into force on the day of the date hereof, and shall continue in force until the 28th day of July, 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 28th day of July, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

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

A. TYNDALL, Judge.