

**AUCKLAND RACING CLUB'S AND AUCKLAND TROTTING CLUB'S
GARDENERS AND LABOURERS—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 clubs (hereinafter called "the employers") :—

Auckland Racing Club, 97 Shortland Street, Auckland.

Auckland Trotting Club, Durham 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 28th 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 28th day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Definition

1. This award shall cover all outside workers including gardeners employed by the Auckland Racing Club at Ellerslie and Takanini and the Auckland Trotting Club at Epsom, except totalizator employees, men in charge of number boards, employees working in ticket-boxes, gatekeepers and turnstile attendants handling money, tradesmen or employees substantially employed as drivers or carters, or workers covered by another award.

Wages

2. (a) The minimum rate of wages shall be—

	£	s.	d.	
Weekly workers	7	2	6	per week.
Casual workers,	0	3	5	per hour.

(b) For the purpose of this clause a "casual worker" is a worker employed for a period of not more than five consecutive working days.

(c) The employer may make a rateable deduction from the weekly wage prescribed herein for any time lost by the worker through sickness, accident or default.

(d) Wages shall be paid weekly, but casual workers shall be paid on the termination of the employment.

(e) The provisions of this award relating to the hours of work, wages and holidays shall not apply to watchmen. In their case the hours, wages and holidays shall be settled by a committee set up under clause 11.

(f) All workers actually working on a race day shall be provided with a meal or, in lieu thereof, paid a meal allowance of 2s. 6d.

Hours of Work

3. The ordinary hours of work shall not exceed forty hours per week or eight hours per day to be worked between 7.30 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

Overtime

4. (a) Except as otherwise provided, all time worked in excess of or outside of the daily hours defined in clause 3 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) A worker may be required to work for four hours on Saturday between the hours of 7.30 a.m. and 11.30 a.m. at the rate of 4s. 5d. per hour.

(c) Time worked on Saturday, except as specially provided for in subclause (b), shall be paid for at the rate of time and a half for the first three hours and at the rate of double time thereafter.

Sundays and Holidays

5. (a) The following shall be the recognized holidays which shall be allowed without deduction from wages: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, Anniversary Day, and the 2nd January.

(b) In the event of a holiday other than Anzac Day falling on 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 have worked for the employer during the fortnight ending on the day on which the holiday occurs.

(d) Where any worker has worked for more than one employer during the fortnight ending on the day on which the holiday 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 determines.

(e) Time worked on any of the holidays above mentioned shall be paid for at the rate of double time in addition to any payment to which the worker is entitled under subclause (c) or (d) of this clause.

(f) All time worked on Sundays shall be paid for at the rate of double time.

Annual Holidays

6. The provisions of the Annual Holidays Act shall apply to workers covered by this award, but the holiday shall be fifteen working days.

Termination of Employment

7. In the case of weekly workers, one week's notice on either side shall terminate the employment, and in the case of casuals two hours' notice on either side shall terminate the employment, but this shall not prevent the employer dismissing a worker summarily for misconduct.

General Provisions

8. (a) Oilskins, &c.: Where permanent men are required to work in the rain, oilskins shall be provided.

(b) A first-aid outfit, suitably equipped, shall be provided and maintained by the employer in a place accessible to workers employed under this award.

(c) On the request of the union secretary the employer shall furnish a list of employees, providing that such list may not be required at shorter intervals than six months.

Workers to be Members of Union

9. (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

10. (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.

Disputes

11. 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 dealt with herein, every such dispute or difference shall be referred to a committee to be composed of one representative 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. If such committee cannot agree, it shall refer the matter to the Court. 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.

Exemptions

12. This award shall not apply to the—
 Head gardener at Ellerslie.
 Foreman gardener at Ellerslie.
 Track supervisor at Ellerslie.
 Track manager at Takanini.
 Track manager at Epsom.

Term of Award

13. This award, in so far as it relates to wages, shall be deemed to have come into force on the 7th 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 28th 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 28th 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.

**AUCKLAND RACING CLUB'S AND AUCKLAND TROTTING CLUB'S
GARDENERS AND LABOURERS—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 Auckland Racing Club's and Auckland Trotting Club's Gardeners and Labourers' award, dated the 28th day of March, 1949, and recorded in 49 Book of Awards 508.

IN pursuance and exercise of the powers vested in it by Regulation 39c of the Economic Stabilization Emergency Regulations 1942, and upon application made by the parties to the Auckland Racing Club's and Auckland Trotting Club's Gardeners and Labourers' award, dated the 28th day of March, 1949, and recorded in 49 Book of Awards 508, this Court doth hereby order as follows:—

1. That the said award shall be amended in the manner following:—

(1) By deleting subclause (a) of clause 2 (Wages) and substituting therefor the following subclause:—

“(a) The minimum rate of wages shall be—

	£	s.	d.	
“ Weekly workers	7	9	2	per week.
“ Casual workers	0	3	7	per hour.”

(2) By deleting subclause (b) of clause 4 (Overtime) and substituting therefor the following subclause:—

“(b) A worker may be required to work for four hours on Saturday between the hours of 7.30 a.m. and 11.30 a.m. at the rate of 4s. 8d. per hour.”

2089

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

Dated this 6th day of July, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

This amendment gives effect to an agreement of the parties.

A. TYNDALL, Judge.
