

# NEW ZEALAND (EXCEPT OTAGO) RACECOURSE EMPLOYEES— AWARD

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, 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 Federated Labourers and Related Trades' Industrial Association of Workers (hereinafter called "the union") and the undermentioned clubs (hereinafter called "the employers") :—

## NORTHERN INDUSTRIAL DISTRICT

Avondale Jockey Club, Auckland.  
Cambridge Trotting Club, Cambridge.  
Ohinemuri Jockey Club, Paeroa.  
Rotorua and Bay of Plenty Hunt Club, Rotorua.  
Te Aroha Jockey Club, Te Aroha.  
Poverty Bay Racing Club, Gisborne.  
Takanini Training Track, Takanini.  
Waikato Racing Club, Hamilton.

## TARANAKI INDUSTRIAL DISTRICT

Egmont Racing Club, Hawera.  
Egmont-Wanganui Hunt Club, Waverley.  
Taranaki Jockey Club, New Plymouth.

## WELLINGTON INDUSTRIAL DISTRICT

Carterton Racing Club, Carterton.  
Hawke's Bay Jockey Club, Hastings.  
Manawatu Racing Club, Palmerston North.  
Masterton Racing Club, Masterton.  
Napier Park Racing Club, Napier.  
Waipukurau Jockey Club, Waipukurau.  
Wanganui Jockey Club, Wanganui.  
Waverley Racing Club, Waverley.  
Wellington Racing Club, Wellington.  
Wellington Trotting Club, Wellington.  
Woodville Jockey Club, Woodville.

## MARLBOROUGH INDUSTRIAL DISTRICT

Marlborough Racing Club, Blenheim.  
Marlborough Trotting Club, Blenheim.

## NELSON INDUSTRIAL DISTRICT

Nelson Jockey Club, Nelson.

## WESTLAND INDUSTRIAL DISTRICT

Greymouth Jockey Club, Greymouth.  
Hokitika Trotting Club, Hokitika.  
Westland Racing Club, Hokitika.

## CANTERBURY INDUSTRIAL DISTRICT

Banks Peninsula Racing Club, Christchurch.  
 Canterbury Jockey Club, Christchurch.  
 New Zealand Metropolitan Trotting Club, Christchurch.  
 South Canterbury Hunt Club, Timaru.  
 South Canterbury Jockey Club, Timaru.

## OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Birchwood Hunt Club, Otautau.  
 Gore Racing Club, Gore.  
 Gore Trotting Club, Gore.  
 Otautau Racing Club, Otautau.  
 Riverton Racing Club, Riverton.  
 Southland Racing Club, Invercargill.  
 Southland Trotting Club, Invercargill.  
 Winton Racing Club, Winton.  
 Wyndham Racing Club, Wyndham.  
 Wyndham Trotting Club, Wyndham.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, 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 10th 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 10th day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

## SCHEDULE

### Industry to Which Award Applies and Definitions

1. (a) This award shall cover all outside workers employed by racing, trotting, and hunt clubs, 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.

(b) This award shall not apply to the Auckland Racing Club and to the Auckland Trotting Club.

(c) A "groundsman" employed under this award is a worker who is substantially employed to keep in necessary order the grass spaces, shrubs, trees, and paths.

(d) A "trackman" is a worker who is substantially employed in preparing and attending to the training tracks.

(e) A "male worker not otherwise specified" is a worker employed in doing all kinds of unskilled work and assisting the gardener, and/or the trackman, and/or the groundsman in the general maintenance of the racecourse and its surroundings.

(f) A "weekly employee" is a worker who is employed for more than five consecutive days.

(g) A "qualified gardener" is a worker who is employed as such and may be required to assist in other duties.

(h) A "track controller" is a worker responsible for directing the work of the horses on the tracks during training operations, in so far as the tracks are concerned, and for supervising the work of other workers employed in preparing and maintaining the tracks.

### Wages

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

				Per Week.		
				£	s.	d.
Qualified gardener	..	..	..	7	10	0
Track controller	..	..	..	7	10	0
Trackmen	..	..	..	7	0	0
Groundsmen	..	..	..	6	15	0
Male workers not otherwise specified in this award, 30s. per day or £6 12s. 6d. per week.						

Should any question arise respecting the proper application of any of the above rates to any worker, the matter shall be resolved in accordance with the provisions of clause 8 hereof.

(b) The above described classification shall apply to the following clubs :—

Avondale Jockey Club.  
 Canterbury Jockey Club.  
 Canterbury Park Trotting Club.  
 Egmont Racing Club.  
 Feilding Jockey Club.  
 Gore Racing Club.  
 Hawke's Bay Jockey Club.  
 Manawatu Racing Club.  
 New Brighton Trotting Club.  
 New Zealand Metropolitan Trotting Club.  
 Stratford Racing Club.  
 Southland Racing Club.  
 Taranaki Jockey Club.  
 Te Aroha Jockey Club.  
 Waikato Racing Club.  
 Wanganui Jockey Club.  
 Wellington Racing Club.  
 Wellington Trotting Club.

(c) Casual workers working on race days shall receive a minimum payment of 17s. 6d. for any part of a day's work up to three hours: Provided that where the work extends beyond 1 p.m. such workers shall be paid not less than £1 10s.

(d) The wages for casuals employed by the day on race-days shall be a minimum of £1 10s. per day.

(e) Casuals may be employed on Sunday following a race-day held on a Saturday at not less than double ordinary rates, with a minimum payment of three hours at double ordinary rates of pay.

(f) When a weekly worker is employed on a race-day held on a public or a statutory holiday and/or on a Saturday he shall be paid, in addition to his ordinary weekly wages, only the daily rate provided for a casual worker on race-days.

(g) After each four hours of continuous work all workers shall be provided with a meal on race-days, or in lieu thereof a meal allowance of 2s. 3d. shall be paid on each occasion.

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

(i) Wages shall be paid weekly or fortnightly as arranged between the employer and the worker; but casual workers shall be paid immediately before the termination of the meeting.

(j) Watchmen: The provisions relating to the hours of work, wages, and holidays shall, in lieu of anything elsewhere contained in this award, be as agreed upon between the club, the worker, and the union.

(k) No worker covered by this award now in receipt of a higher rate of wages shall have his wages reduced by virtue of the coming into force of this award.

(l) All racecourse workers employed in the capacity of caretakers and/or groundsmen, and/or male workers not otherwise specified, by all other clubs as defined by the rules of racing or trotting and not included in subclause (b) hereof may undertake any work in or about a course without restriction as to duties, and shall be paid, if continuously employed for one week, a minimum of £6 12s. 6d. per week, or, if employed as casuals, a minimum of 3s. 5½d. per hour: Provided that workers employed under clause 3 (b) shall receive a payment of 7s. 6d. per week in addition to their ordinary weekly wage.

(m) The conditions outlined in the foregoing subclause (l) may be varied by agreement between the representatives of the New Zealand Federated Labourers and Related Trades' Industrial Association of Workers and the representatives of the New Zealand Employers' Federation. Failing an agreement between the parties, the matter shall be referred to the disputes committee herein provided.

### *Hours of Work*

3. (a) Except as provided in subclause (b) hereof, and except on race-days (when the hours of work shall not exceed nine per day without restriction as to clock-hours), the usual hours of work shall not exceed eight per day, to be worked between 7.30 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

(b) Workers employed in attending to or preparing the tracks as covered in subclause (l) of clause 2, or trackmen as provided for in subclause (a) of clause 2, shall work forty hours per week from Monday to 12 noon on Saturday inclusive, and such workers shall commence work at any hour deemed necessary by the employer, but not more than seven hours—to be worked consecutively (excluding a break for a meal)—shall be worked in any one day without payment of overtime.

(c) Nothing in subclauses (a) and (b) hereof shall prevent a caretaker from performing essential duties on Sunday without payment of overtime. This subclause shall not apply to the clubs mentioned in clause 2 (b) hereof.

### *Holidays*

4. (a) Holidays up to ten in number in each year shall be allowed to weekly workers without deduction from wages, but should a race-day fall on a public or statutory holiday another day may be substituted

without deduction from wages by arrangement between the employer and the worker. When a statutory holiday falls within the period of employment of a weekly worker, the provisions of this subclause shall apply.

(b) In addition to the above-described holidays and to compensate for the elasticity of the general conditions respecting statutory holidays, workers covered by this award shall be granted fifteen working days' annual leave on full pay after each full year of service. In other respects the provisions of the Annual Holidays Act, 1944, shall apply.

#### *Overtime*

5. (a) Except where otherwise provided, all work performed outside of or in excess of the hours provided in clause 3 shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours in any one day and double time thereafter.

(b) All work performed on Sundays by "weekly workers" shall be paid for at double ordinary rates, with a minimum payment of three hours at double ordinary rates of pay.

(c) All work performed on a statutory holiday other than race-days provided for in clause 4 (a) shall be paid for at double time rates, in addition to ordinary rates.

#### *Termination of Employment*

6. In the case of weekly workers, one week's notice on either side shall terminate the employment, and in the case of other workers, except those employed by the day, two hours' notice on either side shall terminate the employment.

#### *General Provisions*

7. (a) Safety Devices: Where men are called on to work at a height above the ground, adequate provision shall be made for their safety.

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

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

(d) On the request of the union secretary the employer shall furnish a list of employees: Provided that such lists shall not be required at shorter intervals than six months.

#### *Disputes Committee*

8. 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.

#### *Conditions for Trotting Clubs Which Race on Clay Tracks*

9. To provide for the special circumstances pertaining to clay tracks it is provided that, notwithstanding anything contained elsewhere in this award, the hours for permanent trackmen employed by trotting clubs which race on clay tracks shall be eighty per fortnight. The provisions of this clause shall apply from two weeks prior to the commencement of any race meeting held on such tracks until the conclusion of such meeting and including the day or days on which the meeting was held.

#### *Under-rate Workers*

10. 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 between the worker, the union, and the employer.

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

11. (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.)



*Application of Award*

12. 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*

13. This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, and Canterbury Industrial Districts, and that portion of the Otago and Southland Industrial District formerly known as the Province of Southland.

*Term of Award*

14. This award, in so far as it relates to wages, shall be deemed to have come into force on the 15th day of November, 1948, 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 10th 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 10th day of March, 1949.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The only matters settled by the Court were the wage-rate for trackmen and overtime (daily or weekly computation).

In other respects the award embodies the terms of the memorandum of partial settlement arrived at by the parties in Conciliation Council.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.



NEW ZEALAND (EXCEPT OTAGO) **RACECOURSE EMPLOYEES—**  
**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 New Zealand (except Otago) Racecourse Employees' award, dated the 10th 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 by deleting subclauses (a) and (l) of clause 2 (Wages) and substituting therefor the following subclauses:—

“(a) The minimum rates of wages shall be:—

			Per Week.		
			£	s.	d.
“ Qualified gardener	..	..	7	18	3
“ Track controller	...	..	7	16	7
“ Trackmen	..	..	7	6	7
“ Groundsmen	..	..	7	1	7
“ Male workers not otherwise specified					
in this award, 30s. per day or					
£6 19s. 1d. per week.					

“ Should any question arise respecting the proper application of any of the above rates to any worker, the matter shall be resolved in accordance with the provisions of clause 8 hereof.”

“(l) All racecourse workers employed in the capacity of caretakers and/or groundsmen, and/or male workers not otherwise specified, by all other clubs as defined by the rules of racing and trotting and not included in subclause (b) hereof may undertake any work in or about a course without restriction as to duties, and shall be paid, if continuously employed for one week, a minimum of £6 19s. 1d. per week, or if employed as casuals, a minimum of 3s. 7½d. per hour: Provided that workers employed under clause 3 (b) shall receive a payment of 7s. 6d. per week in addition to their ordinary weekly wage.”

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.