

NEW ZEALAND (EXCEPT TARANAKI AND NELSON) **FOOT-WEAR MANUFACTURING EMPLOYEES—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Wellington, Marlborough, 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 Boot Manufacturers' Association Industrial Union of Employers
(hereinafter called "the employers") and the
New Zealand Federated Footwear Trade Industrial Association of Workers
(hereinafter called "the union").

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 23rd day of September, 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 23rd day of September, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the manufacture of footwear of every description (with the exception of rubber footwear) and of wood heels and lasts.

Departments

2. Work in factories shall be subdivided into the following departments:—

- (i) (a) Pattern cutting.
- (b) Grading and binding of patterns.
- (ii) Clicking.
- (iii) Machining female section.
- (iv) Machining male section.
- (v) Rough-stuff cutting, preparing stuff for makers, including operations prior to making.
- (vi) Making: Commencing with tacking on insoles, including operations prior to finishing or, in the case of pump slippers, from the attaching of the sole to the upper, in cosy slippers commencing from the turning of the uppers.
- (vii) Finishing: "Finishing" commences with the operation of heel and edge trimming, and ends with rubbing off heels, bottoms, or edges.
- (viii) Cleaning and despatching includes all operations prior to the footwear leaving the factory.

Hours of Work

3. The ordinary hours of work shall not exceed forty per week nor eight per day, to be worked on the five days of the week, Monday to Friday, both days inclusive, between the hours of 7.30 a.m. and 5 p.m. for male workers and between 8 a.m. and 5 p.m. for female workers.

Overtime

4. All time worked outside or in excess of the hours prescribed in clause 3 hereof shall be overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter: Provided a minimum of three hours has been worked at overtime rates between Monday and Friday inclusive, notwithstanding anything contained in this clause, workers may be employed on Saturday morning for production purposes at the rate of time and a half. A minimum period of four hours shall be paid for. All time worked after noon on Saturdays shall be paid for at double ordinary time rates.

Holidays

5. (a) The following holidays shall be allowed without deduction from wages: a whole holiday on every Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day, except in the case of the Canterbury Industrial District, where the holiday to be observed in place of Anniversary Day shall be Show Day: Provided, also, that some other day may be substituted for Anniversary Day by the mutual agreement of the employers and the union.

(b) Should any of the above holidays fall on a Saturday or on a Sunday they shall be observed on the next succeeding working days.

(c) Time worked on any of the above-named holidays or on Sundays shall be paid for at twice the ordinary rate.

Annual Holiday

6. Holidays shall be allowed in accordance with the Annual Holidays Act, 1944.

Intermittent Time

7. (a) Where operatives attend at the factory, work shall be found for them for at least one half-day, except where short time is being worked, and in that case the operatives shall be informed overnight if their services will not be required on the next working-day, and shall be informed before the midday interval if they will not be required to attend in the afternoon. If no such intimation is given and the operatives attend at the factory, work shall be found for them for a period of not less than four hours in the morning and three hours in the afternoon, or they shall be paid for the four hours or three hours respectively at not less than the minimum wage rate. This clause shall not apply in the case of machinery breaking down in any factory after the operatives have entered.

(b) An employer who is unable to keep his workers fully employed shall place no obstacle in the way of his workers working for another employer in ordinary working-hours to make up their time to forty per week so long as the work of the first employer is not in any way impeded thereby.

Terms of Employment

8. (a) Twenty-four hours' notice of the termination of the services of the worker shall be given by the employer to the worker or by the worker to the employer.

(b) No deduction shall be made from the wages of any worker for whom a weekly wage is provided herein except for time lost through sickness, accident, or default of the worker.

(c) Wages shall be paid on or before Thursday in each week and within working-hours.

Wages of Adult Male Workers

9. (a) The minimum rate of wages for adult male workers, other than workers provided for in subclause (b) of this clause, shall be:—

3s. 9d. per hour from the 6th April, 1949, to the 31st May, 1949.

3s. 10½d. per hour on and from the 1st June, 1949.

(b) Provided that they are included in the quota for youths, adult male workers may be employed on the limited operations specified in clause 10 (a) for the employment of youths.

The minimum rate of wages for such adult male workers shall be:—

3s. 5d. per hour from the 6th April, 1949, to the 31st May, 1949.

3s. 7d. per hour on and from the 1st June, 1949.

Such workers shall not count as adult male workers for the purpose of proportion under clause 10 (e) of this award.

Employment of Boys and Youths

10. (a) Youths up to the age of seventeen years may be employed on the following operations only:—

All those operations in the industry which are not included in the list of major operations set out in Schedules A, B, or C hereunder:

Provided that no youth may be employed pursuant to this subclause for a period in excess of twelve months.

(b) Youths employed under this clause shall be paid during the first six months 23 per cent. of the adult male rate of wages prescribed in clause 9 (a) of this award, and during the second six months 29 per cent. of such rate.

(c) Youths over the age of seventeen years who, in the opinion of the Advisory Committee, on the joint application of the parent or guardian of the youth and the employer, are not suitable for apprenticeship, may be continued in the employment on terms to be fixed by the Advisory Committee. Such terms so far as they relate to rates of remuneration shall be approved by the Wages Commissioner in each individual case before being put into operation. Such youths shall count in the proportion.

(d) Youths may be employed in the production of cosy or pump slippers on all operations except those set out in Schedule B.

Where the production of slippers is by the veldt-schoen, cement, or machine sewn methods, youths may be employed on all operations except those set out in Schedule C.

(e) The proportion of youths employed under this clause shall be two youths to each complete five adult male workers in any department who have been employed not less than two-thirds full time during the six months immediately preceding the engagement of a youth.

In any department where five or more adult male workers are employed the proportion shall be two youths to each complete five adult male workers and one for the number of workers up to four in excess of a multiple of five: Provided that a department employing less than five adult male workers may employ one youth under this clause.

(f) Apprentices employed in the industry shall count as youths for the purpose of the proportion.

Operations to be Performed by Females

11. Females may be employed, in addition to those in machining and cleaning departments, at the following operations: errands, sweeping and cleaning in female departments only, size-marking on uppers, skiving toe puffs by machine, gemming insoles, and any operations in slipper-factories or in the manufacture of veldt-schoen shoes customarily done by females, and such other operations as may be agreed upon by the local Advisory Committee: Provided that if a female worker is employed at operations other than those provided above, adult male rates shall be paid for the whole of the day during which such work is performed.

TABLE B—PAYABLE ON AND FROM THE 1ST JUNE, 1949

Age Commencing.	First Year.		Second Year.		Third Year.		Fourth Year.		Fifth Year.	
	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.	First Six Months.	Second Six Months.
Under 16	33/-	38/6	44/6	50/-	58/-	65/6	71/-	76/6	82/6	84/6
16 to 17	39/6	45/6	51/-	58/-	65/6	71/-	76/6	81/6	84/-	..
17 to 18	44/-	49/6	55/6	62/-	67/6	74/-	83/6	..	..	..
18 to 19	51/6	57/6	63/-	69/-	77/-	83/6	..	..	..	..
19 to 20	58/-	63/6	76/6	82/6	..	..	..	..	..	..
20 to 21	75/-	82/6	..	..	..	..	..	..	..	..
21 and over	84/6	..	..	..	..	..	..	..	..	..

(e) An assistant employed on liquid-wax-thread machines shall receive an additional 7s. 6d. per week.

General Provisions

14. (a) If overtime is worked after 5 p.m., the employer shall pay the worker 2s. 6d. meal-money unless notice is given on the previous day that overtime will be worked.

If a worker is notified that overtime shall be worked on the following day and overtime is not worked, the employer shall pay the worker 2s. 6d. meal-money, except in circumstances beyond the control of the employer.

(b) In each factory suitable provision shall be made for workers to hang their clothes. If any dispute shall arise concerning the said provisions, it shall be referred to a committee of two workers and two employers or referred to the Conciliation Commissioner for settlement. Each party shall have a right of appeal to the Court.

(c) Adequate dining-accommodation shall be provided.

(d) Notice-boards shall be provided in a prominent position in each factory for the display of union notices.

(e) In each factory there shall be provided a suitably furnished place for the use of female workers.

(f) A properly equipped first-aid outfit shall be readily accessible to all workers while work is being carried on in the factory, and temporary dressings, bandages, and anti-septic shall be available in each department.

This clause shall not apply in factories where a first-aid station is maintained and a qualified person permanently employed therein.

(g) Provision shall be made for the removal of dust and fumes where necessary.

(h) A ten-minute rest period shall be allowed morning and afternoon to all workers.

(i) If the employer cannot provide the worker with the necessary tools and if the worker can supply, the employer shall purchase such tools from the worker at a fair market value: Provided the worker shall have the right on leaving the employment to repurchase such tool or tools. All worn-out tools shall be replaced by the employer: Provided the worn-out tool is returned to the employer when replacement is applied for.

(j) Boiling water shall be provided at morning rest period and at meal-times.

(k) Where paint spraying is carried out respirators shall be provided in accordance with the Paint Spraying Regulations.

(l) Washing facilities, including soap and towels, shall be provided by the employer.

(m) Female workers shall be provided with one smock per year. Gloves shall be provided for workers in the cleaning room. Where the nature of the duties performed by male workers necessitates the wearing of either aprons or overalls, they shall be provided.

Materials

15. The employers shall supply all materials and tools of trade. The employer shall be responsible for the sharpening and repair of scissors.

Piecework or Bonus System

16. (a) A voluntary system of piecework or bonus payment based on average standards of performance which shall enable a worker of average ability to earn at least 15 per cent. above the current award rate may be operated in any department after agreement between the employer and the workers in that department or departments of the factory, after such workers shall have sought the advice and assistance of the secretary of the local union in arriving at the terms upon which the system is to operate: Provided such agreement is set out in writing clearly showing the terms to be undertaken.

(b) A copy of every such agreement shall be posted in the department and a copy shall be forwarded to the secretary of the union upon the completion of the agreement.

(c) No variation or cancellation of any agreement shall be made without the concurrence of the employer, employee, and union secretary. Failing an agreement, the Conciliation Commissioner for the district will set up a disputes committee as provided in the award, who shall decide.

(d) A trial period of three months is to be allowed, on the expiry of which the agreement is to be confirmed by both parties.

(e) No worker shall be compelled to work under a bonus or piecework system, nor shall a worker be dismissed on account of his refusal to work under such a system. Should such a worker be dismissed the onus of proof that dismissal is not for this reason shall rest upon the employer.

Foremen, Forewomen, and Employers' Sons

17. (a) For the purpose of this clause the managing director shall be deemed to be the employer.

(b) Foremen, forewomen, employers' sons, and designers shall not be eligible for membership of the union and shall be outside the scope of this award.

(c) The employer shall be entitled to a foreman or forewoman in each department where such foreman or forewoman is engaged 40 per cent. of his or her time in supervising only: Provided that no foreman or forewoman shall be exempted from the provisions of this award in the male machine department if there are less than six workers employed.

(d) It shall be the duty of the employer to notify the union of the names and occupations of the foremen and forewomen.

Machinery and Subdivision of Labour

18. Subject to the provisions of this award, the employer may adopt any subdivision he may choose in connection with either hand or machine labour, but such subdivision shall be so arranged that the labour of each worker shall be a separate and independent operation.

Where Work Shall be Performed

19. All work shall be performed in the factory workshop, except as herein provided.

Control of Workshop

20. Every employer shall be entitled to make such regulations as he deems necessary for timekeeping and good order.

Advisory Committee

21. (a) A committee consisting of two representatives of employers and two representatives of the union, and known as the "advisory committee," shall be set up in each industrial

district to deal with all applications for permits to work at home and to deal with the issue of under-rate permits and such action as is required under clause 11 hereof.

(b) No resolution of the committee permitting out-work shall be carried unless a majority of the representatives of each side is in agreement.

Disputes Committee

22. 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 four 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. (If a meeting of the committee is not arranged within fourteen days of the dispute having arisen, the Conciliation Commissioner for the district shall convene a meeting of the committee within thirty days if requested to do so by a party to the dispute.) 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. The representatives appointed shall be the appointees of the national organizations of employers and workers in the industry.

Copy of Award to be Posted Up

23. Every employer shall, during the continuance of this award, keep a copy thereof posted up in every workroom of every department in a position suitable for reading at all reasonable times by his workers.

Enforcement of Award in Different Districts

24. Notwithstanding any point arising out of the previous clauses of this award, it shall be the right of any union in the federation to take proceedings for the enforcement of the award in its own industrial district and without reference to the executive of the federation.

Right of Entry Upon Premises

25. (a) The secretary or other authorized officer of the union 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.

(b) The employer shall make available to the secretary of the union at the office of the employer, the names of all workers engaged within the previous month.

Workers to be Members of Union

26. (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

27. (a) Any worker who, through old age or permanent disability, is 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 to the secretary of the union who shall forward such application to the committee set up under clause 21.

(b) Such permit shall be for such period, not exceeding six months, as the committee 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.

(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

28. 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

29. This award shall operate throughout the Northern, Wellington, Marlborough, Westland, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

30. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 6th day of April, 1949, and so far as all other provisions of the award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 23rd day of September, 1950.

SCHEDULE OF OPERATIONS

Schedule A

Pattern Cutting Department—

- (a) Pattern Cutting.
- (b) Grading and Binding Patterns.

Clicking Department—

All operations in the department.

Machine Room—

Operations to be specified by the Committee.

Rough Stuff: Press Work—

- (1) Cutting Bends or shoulders or bellies.
- (2) Sole rounder.
- (3) Channelling.
- (4) Preparation of soles.
- (5) Slugging, heel-building, compressing, breasting or such operations as committee may decide.

Making Room: (A) Machine sewn and cement work—

- (1) Pulling over hand or machine.
- (2) Console laster or other type by hand or machine.
- (3) Bed laster.
- (4) Seat laster.
- (5) Upper roughing cement sole attacher.
- (6) Laying stuff for machine sewn.
- (7) Blake.
- (8) Levelling.
- (9) Heel attaching; seat fitting.
- (10) Or such operations as the Committee decides.

Welt Plant (B)—

- (1) Pulling over hand or machine.
- (2) Bed laster.
- (3) Staple laster.
- (4) Welt sewer.
- (5) Inseam trimmer.
- (6) Rough rounder.
- (7) Stitcher.
- (8) Levelling.
- (9) Heel attaching.
- (10) Or such operations as the committee may decide.

Heavy Work (C)—

- (1) Pulling over hand or machine.
- (2) Console laster or hand lasting.
- (3) Screwer, pegger, loose nailer, &c.
- (4) Stitcher.
- (5) Blake sewer.
- (6) Levelling.
- (7) Heel attaching.
- (8) Or such operations as the committee may decide.

Veldt Schoen (D)—

- (1) Stitcher.
- (2) Heel attaching.
- (3) Staple lasting.
- (4) Or such operations as the Committee may decide.

Finishing Department—

- (1) Heel paring.
- (2) Edge trimming.
- (3) Edge setting.
- (4) Heel scouring; bottom scouring; bottom finishing.
- (5) Or such operations as the Committee may decide.

Cleaning Department—

All operations.

Schedule B

Slippers: Cosy—

Pattern Cutting Department as in Schedule A.

Clicking Department—

Cutting by hand of leather outsides.

Slippers: Pump—

Pattern Cutting Department as in Schedule A.

Clicking Department—

Cutting by hand of leather outsides.

Rough Stuff: Press Work—

- (1) Cutting Bends or shoulders or bellies.
- (2) Sole Rounder.
- (3) Channelling.
- (4) Preparation of soles.
- (5) Slugging, &c.
- (6) Or such operations as the committee may decide.

Making Department—

- (1) Turn shoe sewer.
- (2) Loose Nailer.
- (3) Heel attaching.
- (4) Wood Heel Fitting.
- (5) Or such operations as the committee may decide.

Finishing Department—

Edge trimming.

Schedule C

Slippers—

Veldt Schoen.
Machine Sewn.
Cement.

Operations as set out in Schedule A where they are applicable or such operations as the committee may decide.

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 23rd day of September, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters referred to and settled by the Court were as follows: overtime, holidays, sick leave, wage rates, provision of protective clothing, and operative date of provisions relating to wages.

In compliance with the direction of the Legislature contained in section 89 (8) of the Industrial Conciliation and Arbitration Act, 1925, as amended by section 21 of the Statutes Amendment Act, 1948, certain provisions of the award relating to rates of wages have been made to take effect from the 6th April, 1949, the date first appointed for the hearing of the dispute by the Conciliation Council.

Certain provisions which were agreed upon in Conciliation Council as part of clause 10 have been omitted from the award as the Court is of the opinion that they offend the requirements of section 17 of the Apprentices Act, 1948.

A. TYNDALL, Judge.
