

LOWER HUTT AND PETONE DRIVERS—AWARD

In the Court of Arbitration of New Zealand, Wellington 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 Wellington Road Transport and Motor and Horse Drivers and their Assistants' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Councils (hereinafter called "the employers") :—

Lower Hutt City Council, Lower Hutt.

Petone Borough Council, Petone.

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 March, 1951, 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 5th day of October, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the drivers employed by the Petone Borough Council and the Lower Hutt City Council, and to any other parties who may be added hereto by agreement.

Hours of Work

2. (a) The ordinary hours of work for the horse-drivers shall be forty per week, exclusive of the time required for attendance to horses and cleaning harness, which shall be paid for as provided in clause 4 hereof.

(b) The ordinary hours of work for motor-drivers shall be forty per week, inclusive of time required for attendance to vehicles.

(c) The daily hours shall not exceed eight, and shall be worked between the hours of 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive: Provided that the starting and finishing times may be varied in respect of drivers engaged in removing nightsoil.

Wages

3. (a) The rates of wages for workers coming within the scope of this award shall be as follows:—

	Per Week.
	£ s. d.
(i) Horse-drivers	7 7 0
(ii) Motor-vehicle drivers	7 17 0
(iii) Drivers driving wheeled tractors ..	7 17 0
(iv) Drivers driving wheeled tractors operating mechanically driven attachments (except gang mowers)	8 2 0
(v) Drivers driving track tractors with or without equipment	8 14 6
(vi) Drivers driving wheeled tractor loader ..	8 5 6
(vii) Motor-roller drivers	7 17 0
(viii) Motor-grader drivers	8 14 6

(b) (i) Drivers engaged on loading and collecting refuse shall receive 1s. 6d. per day extra while so employed. Drivers engaged on operating gang mowers shall receive 1s. 6d. per day extra.

(ii) Drivers engaged on mechanical street sweeping machines in preparation for sealing, hauling sprayers in action and using tar, oil, or bitumen, or working with bitumen preparations, and on loads exceeding one ton loads of bulk cement, ashes, clinkers, superphosphates, lime, basic slag, and stable manure shall be paid 6d. per hour extra, with a minimum of four hours per day, whilst so engaged.

(iii) Drivers engaged cleaning sewers or coming in contact with faecal matter shall be paid 6d. extra per hour with a minimum payment of four hours for each day.

(iv) A driver required to stand by his horse or horses during lunch time shall be paid 2s. per day extra.

(c) Drivers while engaged removing nightsoil shall be paid for the time so occupied at the rate of double time, with a minimum of four hours.

(d) Drivers engaged on refuse-collection but not loading refuse while in charge of two or more men shall be paid 1s. 6d. per day extra.

(e) No deductions in respect of time lost by any worker shall be made from the wages payable to him under the provisions of this award except for time lost by reason of the default of the worker or by reason of his illness or of any accident suffered by him.

Stable Work

4. The employer may require horse-drivers to work two and a half hours per week in addition to the hours prescribed in clause 2 hereof in cleaning harness, grooming and harnessing horses: Provided that such work shall be paid for at the rate of 3s. 8d. an hour, such payment to be made in addition to the weekly wage.

Holidays

5. (a) Drivers shall receive and be paid for the following holidays: New Year's Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Anzac Day, Christmas Day, Boxing Day, Anniversary Day, and a day to be set apart for annual picnic.

When any holiday, other than Anzac Day, falls on a Sunday, the following day shall be observed. In the event of a driver being required to work on any of the above-named days, he shall be paid for the same at the rate of double time and, in addition, shall have an extra day added to his annual leave, or shall be paid treble time, at the option of the employer.

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

(c) Except where otherwise mutually arranged not less than twenty-eight days' notice of the date on which the worker is to begin any annual holidays shall be given by the employer.

Overtime

6. For work done in excess of the daily or weekly hours herein prescribed drivers shall be paid at the rate of time and a half for the first four hours and at the rate of double time thereafter. For the purpose of computing overtime worked, each day shall stand by itself.

Drivers' Duties

7. It shall be part of the ordinary duty of a driver to assist when required in loading and unloading the employer's vehicle. An employer may employ a driver at work outside his ordinary duties for the purpose of filling in time, but in such case, he shall be paid not less than the award or ruling rate for such work, and not less in any case than the ordinary rate for drivers. Drivers shall receive preference when any driving duties are to be undertaken, but this provision shall not prevent a ganger, foreman, or leading-hand from driving a vehicle for the purpose of transporting men to and from work.

Payment of Wages

8. Wages shall be paid regularly weekly in cash, overtime included, not later than Thursday of each week, and shall be paid in the employer's time.

Meal-money

9. 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. or after noon on Saturday where such workers cannot reasonably get home to their meals and return within the hour.

Terms of Engagement

10. A week's notice of dismissal or of resignation shall be given by the employer or the worker, as the case may be.

Overalls

11. The employer shall supply raincoats, leggings, gloves, and overalls to drivers when considered necessary, at the discretion of the management or engineer. These shall remain the property of the employer, and the men using same shall be held responsible for any loss or damage due to wilful destruction or neglect. Before a second or subsequent issue is made, the used article shall be returned to the store. In the case of refuse-drivers who load vehicles, 2s. 6d. per week extra shall be paid as an overall cleaning allowance.

Accommodation

12. The employer shall provide suitable accommodation for drivers to change their clothes. It shall be the duty of the employer to see that accommodation is kept in a clean and habitable condition.

Disputes Committee

13. 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 disputes 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 in this award, 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 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.

Accidents

14. A small first-aid emergency kit, approved by the Inspector of Awards, shall be attached to each vehicle.

Workers to be Members of Union

15. (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

16. (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

17. This award shall apply to all drivers engaged by the Borough Council of Petone and the City Council of Lower Hutt.

Term of Award

18. This award, in so far as it relates to rates of wages, shall be deemed to have come into force on the 1st day of September, 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 March, 1951.

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 5th day of October, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

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

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

A. TYNDALL, Judge.
