

**NEW ZEALAND (EXCEPT WESTLAND) FRUIT AND PRODUCE STORES' EMPLOYEES—AWARD**

*[Filed in the Office of the Clerk of Awards, Auckland.]*

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, 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 Storemen and Packers (other than in Retail Shops) and Warehouse Employees' (other than Drivers and Clerks) Industrial Association of Workers, 305 Pacific Buildings, Wellesley Street East, Auckland

Auckland United Storemen and Packers (other than in Retail Shops) and Warehouse Employees' (other than Drivers and Clerks) Industrial Union of Workers, 305 Pacific Buildings, Wellesley Street East, Auckland

New Plymouth United Storemen and Packers (other than in Retail Shops) and Warehouse Employees' (other than Drivers and Clerks) Industrial Union of Workers, Deven Street, New Plymouth

Wellington United Warehouse and Bulk Store Employees' (other than Drivers and Clerks) Industrial Union of Workers, Trades Hall, Wellington

Hawke's Bay United Storemen and Packers (other than in Retail Shops) and Warehouse Employees' (other than Drivers and Clerks) Industrial Union of Workers, 56 Latham Street, Napier

Nelson Storemen and Packers' Industrial Union of Workers, 4 H.B. Buildings, Trafalgar Street, Nelson

Marlborough United Storemen and Packers (other than in Retail Shops) and Warehouse Employees (other than Drivers and Clerks) Industrial Union of Workers, Mowat Street, Farnham, Blenheim

Christchurch Storemen and Packers (other than in Retail Shops) and Warehouse Employees (other than Drivers and Clerks) Industrial Union of Workers, Trades Hall, 194 Gloucester Street, Christchurch

Otago and Southland Wholesale Storemen and Packers Industrial Union of Workers, Third Floor, Capitol Building, Princes Street, Dunedin

Invercargill Wholesale Storemen and Packers and Warehouse Employees' (other than Drivers and Clerks) Industrial Union of Workers, Trades Hall, Esk Street, Invercargill

(hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

**NORTHERN INDUSTRIAL DISTRICT**

Day and Company Limited, E. C., Fruit and Produce Merchants and Auctioneers, Victoria Street, Hamilton.

Newdick Bros. Limited, Merchants, Quay Street, Auckland.

Perkins and Sons Limited, Fruit and Produce Merchants and Auctioneers, City Markets, Auckland.

- Produce Markets Limited, Fruit and Produce Merchants and Auctioneers, Custom Street West, Auckland.
- Radley and Company Limited, Fruit and Produce Merchants and Auctioneers, City Markets, Auckland.
- Turners and Fow Limited, Fruit and Produce Merchants and Auctioneers, Victoria Street, Hamilton.
- Turners and Growers Limited, Fruit and Produce Merchants and Auctioneers, City Markets, Auckland.

## TARANAKI INDUSTRIAL DISTRICT

- Newton King Limited, Fruit and Produce Merchants and Auctioneers, Juliet Street, New Plymouth.
- Nolan and Company, L. A., Fruit and Produce Merchants and Auctioneers, 241 Devon Street, New Plymouth.
- McCutcheon and Company (Taranaki) Limited, Fruit and Produce Merchants, Liardet Street, New Plymouth.
- Smith and Trim, Fruit and Produce Merchants, Union Street, Hawera.
- Webster Bros., Fruit and Produce Merchants, James Lane, New Plymouth.

## WELLINGTON INDUSTRIAL DISTRICT

- Farm Products Co-op. Wellington Limited, Egg and Produce Merchants, 107-115 Thorndon Quay, Wellington, N. 1.
- Laery and Company Limited, Fruit and Produce Merchants, 7 Allen Street, Wellington, C. 3.
- Market Gardeners Limited, Fruit and Produce Merchants, Wakefield Street, Wellington, C. 3.
- McGlashans Limited, Fruit and Produce Merchants, Tennyson Street, Napier.
- Thompson Bros., Limited, Fruit and Produce Merchants, 8-20 Blair Street, Wellington, C. 3.
- Thomas and Company Limited, Geo., Auctioneers and Fruit and Produce Merchants, Blair Street, Wellington, C. 3.
- Turners (Hawke's Bay) Limited, Fruit and Produce Merchants, Russell Street, Hastings.

## MARLBOROUGH INDUSTRIAL DISTRICT

- Brights Produce Store, Produce Merchants, Maxwell Road, Blenheim.
- Park Davis Trading Company Limited, Produce Merchants, Maxwell Road, Blenheim.

## NELSON INDUSTRIAL DISTRICT

- Baird, James, Fruit and Produce Merchant, Trafalgar Street, Nelson.
- Neale and Haddow Limited, Fruit and Produce Merchants, Trafalgar Street, Nelson.

## CANTERBURY INDUSTRIAL DISTRICT

- Macfarlane and Company Limited, Fruit and Produce Merchants, 156 Lichfield Street, Christchurch.
- Radley Bros., Limited, Fruit and Produce Merchants, corner of Lichfield and Madras Streets, Christchurch.
- Stephenson, Reg., Fruit and Produce Merchant and Auctioneer, 177 Havelock Street, Ashburton.

## OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

- Bray Bros. (Dunedin) Limited, Fruit and Produce Merchants and Auctioneers, Bond Street, Dunedin, C. 1.
- Egg and Farm Produce Distributors (Dunedin) Limited, 57 Cumberland Street, Dunedin, C. 1.
- Fraser and Company Limited, John M., Grain and Produce Merchants and Auctioneers, 146 Crawford Street, Dunedin, and 35 Ribble Street, Oamaru.
- Lovell Bates Limited, Fruit and Produce Auctioneers, corner of Bond, Jetty and Crawford Streets, Dunedin, C. 1.
- Otago Fruit and Produce Limited, Fruit and Produce Merchants and Auctioneers, 66 Bond Street, Dunedin, C. 1.
- Paterson and Company Limited, Thos., Fruit Auctioneers, 22 Vogel Street, Dunedin, C. 1.
- Reilly's Central Produce Mart Limited, Fruit and Produce Merchants and Auctioneers, Moray Place, Dunedin, C. 1.
- Scott Bros., Limited, Produce and Grain Merchants, corner of Princes and Manor Streets, Dunedin, C. 1.
- Vincent and Hinton Limited, Auctioneers, Fruit and Produce and Egg Merchants, 24 Thames Street, Oamaru.

## SOUTHLAND

- Bowdens Mart Limited, Fruit and Produce Merchants, Spey Street, Invercargill.
- Bray, Framton Limited, Fruit and Produce Merchants, Spey Street, Invercargill.
- Cockerill and Campbell Limited, Fruit and Produce Merchants, Gore.
- MacKay Limited, D. W., Fruit and Produce Merchants, Esk Street, Invercargill.
- Todd and Company Limited, Wm., Fruit and Produce Merchants, Don Street, Invercargill.

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 31st day of October, 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 31st day of October, 1949.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Definition of Workers Covered by This Award*

1. (a) This award shall apply to workers who are employed by fruit and produce merchants and who are substantially engaged in one or more of the following classes of work—namely, receiving delivery of, collecting, carrying, sorting, stowing, stacking, handling, packing and unpacking, and despatching goods.

(b) For the purpose of this award a storeman and/or a packer shall be deemed to be a worker of either sex employed at one or more of the duties defined in subclause (a) hereof.

##### *Hours of Work*

2. (a) Except as hereinafter provided, the ordinary hours of work shall not exceed forty per week, or eight per day, to be worked between 7 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) The ordinary hours of work for females employed under clause 5 (e) of this award shall be worked between the hours of 8 a.m. and 5 p.m. each day from Monday to Friday inclusive.

(c) The day's work shall be continuous except for intervals for meals.

(d) Shifts of eight hours each may be worked wholly or partly outside of the hours prescribed in subclause (a) hereof. Workers so employed shall be paid an allowance of 3s. per shift. No work shall be done before 4 a.m.

#### *Overtime*

3. Except as otherwise provided, all time worked outside or in excess of the daily hours prescribed in clause 2 of this award 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.

#### *Meal-time*

4. (a) One hour shall be allowed for meals: Provided that, if the majority of the workers concerned of any employer agree, the meal interval for the establishment may be not less than half an hour.

(b) Any worker who is required to curtail his or her ordinary meal period shall be paid time and a half rates (in addition to the weekly wage) in respect of the time by which such meal period is curtailed.

(c) No male worker shall be employed for more than five hours and no female worker for more than four and a half hours continuously without an interval for a meal or refreshments.

#### *Wages*

5. (a) Workers over the age of twenty-one years shall be paid not less than—

£6 15s. 6d. per week from the 3rd December, 1948, to the 31st May, 1949.

£7 5s. per week on and from the 1st June, 1949.

(b) "Head storeman" is a storeman in charge of other workers. If in charge of two or more adult workers and up to five such workers, he shall be paid 10s. per week extra. If in charge of over five such workers, he shall be paid £1 per week extra.

(c) In stores where one storeman and/or packer is employed who is solely responsible for all inward and outward goods, he or she shall be paid not less than £7 7s. 8d. per week on and from the 1st June, 1949.

(d) Youths may be employed at not less than the following rates:—

	Payable from the 3rd December, 1948, to the 31st May, 1949.			Payable on and from the 1st June, 1949.		
	Per Week.			Per Week.		
	£	s.	d.	£	s.	d.
Under 16 years of age ..	1	16	0	2	0	0
16 to 16½ years of age ..	2	1	6	2	6	0
16½ to 17 years of age ..	2	7	0	2	12	0
17 to 17½ years of age ..	2	12	6	2	18	0
17½ to 18 years of age ..	2	19	6	3	5	0
18 to 19 years of age ..	3	11	0	3	16	0
19 to 20 years of age ..	4	2	0	4	8	6
20 to 21 years of age ..	4	18	0	5	5	0

(e) Notwithstanding anything in the foregoing, females may be employed packing and sorting fruit and eggs, receiving and preparing flowers for sale and work incidental to the foregoing operations, at not less than the following rates:—

	Payable from the 3rd December, 1948, to the 31st May, 1949.			Payable on and from the 1st June, 1949.		
	Per Week.			Per Week.		
	£	s.	d.	£	s.	d.
For the first six months ..	2	0	0	2	4	0
For the second six months ..	2	5	0	2	9	6
For the third six months ..	2	11	0	2	16	0
For the fourth six months ..	2	19	0	3	5	0
For the fifth six months ..	3	9	0	3	15	0
Thereafter ..	4	2	0	4	10	0
Provided that a worker of the age of twenty-one years or upwards shall be paid not less than .. ..	3	7	0	3	15	0

(f) Workers employed in cool stores shall be paid 4d. per hour extra whilst so employed.

#### *Casual Workers*

6. Workers employed for less than one week shall be deemed to be casuals, and shall be paid not less than—

3s. 6d. per hour from the 3rd December, 1948, to the 31st May, 1949.

3s. 9d. per hour on and from the 1st June, 1949.

When casual labour is employed, a minimum of four hours shall be paid for.

*Proportion*

7. Each firm or employer shall be entitled to employ one junior, but the proportion of juniors to adult workers shall not exceed one to three or fraction of three. This limitation shall not apply to juniors casually employed on work such as picking over fruit, vegetables, or other perishable goods.

*Weekly Employment*

8. (a) Except in the case of casuals, the employment shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wages except for time lost through the worker's sickness, accident, or default.

(b) Not less than seven days' written notice shall be given by either party of the termination of the employment, except in the case of casual hands: Provided that nothing in this clause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

*Payment of Wages*

9. Wages shall be paid weekly, and in cash, on any day not later than Thursday, and in the employer's time, except in the case of casual workers, who shall be paid immediately on discharge.

*Holidays*

10. (a) The following shall be the recognized holidays in the unmentioned areas respectively:—

*Northern Industrial District.*—New Year's Day and the day following, Anniversary Day, Good Friday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, Christmas Day, and Boxing Day.

*Taranaki Industrial District.*—New Year's Day and the day following, Good Friday, Easter Monday, Anniversary Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

*Wellington Industrial District (Excluding Hawke's Bay Province).*—New Year's Day and the day following, Anniversary Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

*Hawke's Bay Province.*—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and People's Day of the Spring Show.

*Marlborough Industrial District.*—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day.

*Nelson Industrial District.*—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Anniversary Day, Labour Day, Christmas Day, and Boxing Day.

*Canterbury Industrial District.*—New Year's Day and the day following, Good Friday, Easter Monday, Show Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

*Otago and Southland Industrial District.*—New Year's Day and the day following, Good Friday, Easter Monday, Anniversary Day or another day in lieu thereof, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) Any work done on Sundays or Anzac Day or on any specified holiday, or on any day observed in lieu thereof, shall be paid for at double time rates. The said payments shall be made in addition to the ordinary week's wages.

(c) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then for the purpose of this award such holiday shall be observed on the following Monday. In the event of Christmas Day and New Year's Day being observed on a Monday in pursuance of the foregoing, Boxing Day and the 2nd January shall be observed on the Tuesday following the respective Monday.

(d) The employer shall pay wages for the above holidays to all workers performing work coming within the scope of this award who have been working for him at any time during the fortnight ending on the day on which the holiday occurs.

(e) Where any worker has been employed upon work coming within the scope of this award by 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 proportion as the Inspector of Awards determines.

(f) Subject to the provisions of the Annual Holidays Act, 1944, each worker shall be given an annual holiday of two weeks on full pay. Such holidays shall be in addition to the holidays specified in subclause (a) of this clause. For less than twelve months' service such holidays shall be given in proportion to the period of service.



(g) Workers entitled to holidays shall be paid all wages, including the holiday period, prior to the commencement of the holiday.

#### *Notice of Overtime, and Meal-money*

11. When workers are ordered back to work after 6 p.m. on any day or after 1 p.m. on Saturday the employer shall provide meals or pay each worker 2s. 6d. to obtain a meal, unless such worker has been notified on the previous day that he will be required to work overtime: Provided that where such notice has been given and the worker's services are not required, he shall still be paid the meal allowance.

#### *Accommodation*

12. The employer shall provide adequate and satisfactory dining and lavatory accommodation, and a separate room in which to change clothes. He shall also provide sufficient wash-hand basins with hot and cold water, and facilities for boiling water at meal-times. If more than three females are employed, a separate rest-room and separate sanitary accommodation shall be provided for their use.

#### *Rest Periods*

13. A rest period of ten minutes shall be allowed each morning and afternoon. If a worker is required to work three hours' overtime he shall be allowed, during that period, a rest period of ten minutes.

Shift workers shall be allowed two intervals of ten minutes in each shift.

#### *References*

14. Each worker on leaving or being discharged from the employment shall be given, on request, within twenty-four hours thereafter, a reference in writing stating the position held and length of service. Original references shall be the property of the worker and shall be returned within forty-eight hours after engagement.

#### *First-aid Chest*

15. First-aid outfits shall be provided in all stores and shall be at all times accessible to all workers employed.

#### *Heavy Goods*

16. (a) No individual worker shall be required to lift, except by mechanical means, any goods exceeding 160 lb. gross in weight, or to carry any goods exceeding 200 lb. gross in weight.

(b) No worker shall be called upon to handle or truck any package or packages exceeding 3 cwt. in weight without the assistance of another worker.

(c) No junior under the age of eighteen years shall be required to lift or carry (unassisted) any weight over 70 lb.

#### *Matters Not Provided For*

17. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner or other person to be mutually agreed upon, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

#### *Right of Entry Upon Premises*

18. The secretary or other authorized officer of the union of workers 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.

#### *Notification*

19. Whenever an employer shall employ a worker, he shall, within seven days thereafter, give notice in writing of such employment to the secretary of the union.

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

20. (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*

21. (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.

#### *Copy of Award*

22. The employer shall keep at all times a printed or type-written copy of the award affixed in some conspicuous place at or near the entrance to the store or warehouse in such a position as to be easily read by the persons employed therein.

*Application of Award*

23. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every 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*

24. (a) This award shall apply throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Canterbury, and Otago and Southland Industrial Districts.

(b) This award shall apply to workers substantially employed at work usually performed by storemen and packers, such as receiving, collecting, stowing, handling, sorting, packing and unpacking, and despatching goods.

*Term of Award*

25. This award, in so far as the provisions of clauses 5 and 6 relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 3rd day of December, 1948, and so far as all other provisions 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 October, 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 31st day of October, 1949.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The principal matters settled by the Court were as follows: Wage rates (clauses 5 and 6), annual holidays (clause 9 (f)), and term of award including the operative date of provisions relating to rates of 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 rates of wages have been made to take effect from the 3rd December, 1948.

A. TYNDALL, Judge.