

MARLBOROUGH BUTCHERS—AWARD

In the Court of Arbitration of New Zealand, Marlborough 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 Blenheim Amalgamated Society of Shop Assistants and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned union, persons, firms, and companies (hereinafter called "the employers") :—

Marlborough Butchers' Industrial Union of Employers, Market Place, Blenheim.

Adams Butchery, Market Place, Blenheim.

Burr and Son, Maxwell Road, Blenheim.

Hibberd, D. N., Rai Valley.

McWhinnie, A. B., Main Street, Blenheim.

Rothwell's Butchery, High Street, Blenheim.

Smith Bros., High Street, Picton.

Taylor, T. W., Lucknow Street, Havelock.

Webster, J. W., High Street, Picton.

THE undersigned Deputy Judge of the Court of Arbitration, acting in pursuance of an order of delegation of the said Court of Arbitration, 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 doth also 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 doth also further order that this award shall take effect as hereinafter provided and shall continue in force until the 14th 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 undersigned Deputy Judge of the Court hath hereunto set his hand, this 14th day of October, 1949.

[L.S.]

D. J. DALGLISH,
Deputy Judge of the Court of Arbitration
acting in pursuance of an order of delegation of the
Court of Arbitration.

SCHEDULE

Industry to Which Award Relates

1. (a) This award shall apply to the industry generally known as the butchery trade, which industry for the purpose of this award shall comprise all those persons, firms, and companies who supply or prepare meat (cooked or uncooked), small-goods, pork, and similar goods for human consumption, whether the businesses of such persons, firms, or companies are styled as butchers, pork-butchers, delicatessen shops or other title, and it shall apply to small-goods factories and shops and to freezing-works in respect of their small-goods manufacture for local sale and in respect of their shops where the public are supplied.

(b) Nothing in this award shall operate to prevent the transfer of workers in bacon-factories from the small-goods department to the bacon department, and *vice versa*: Provided that such workers shall be paid not less than the award rate of wages for the particular work on which they are engaged.

Hours of Work

2. (a) Forty hours shall constitute a week's work, to be worked under either Set 1 or Set 2 as follows—

Set 1: Between 7.30 a.m. and 4.30 p.m. on five days of the week, Monday to Friday, both days inclusive.

Set 2: Between 8 a.m. and 5 p.m. on five days of the week, Monday to Friday, both days inclusive.

(b) The daily working-hours under this award shall be worked continuously, and not more than one hour shall be allowed for the mid-day meal.

(c) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day worked for the number of hours usually worked on that day of the week, although no work shall have been actually done on such holiday.

(d) Each employer shall notify the union within seven days of the coming into operation of this award, and immediately after the employment of any new worker, of the names of all such workers, together with his daily starting and finishing time each day: his hours when so fixed shall continue in force for a period of not less than six months, and thereafter until an alteration is notified to the union. Such notices shall be in writing and transmitted not less than seven days before the alteration becomes effective. The operation of all notices under this clause shall be for six-monthly periods, unless otherwise agreed to between the union and the employer.

Wages

3. (a) Workers shall be paid not less than the wages specified in the following scale:—

	Payable From 4th May, 1949, to 31st May, 1949. Per Week. £ s. d.	Payable On and From 1st June, 1949. Per Week. £ s. d.
First shopman or worker in charge ..	8 5 0	8 18 4
Second shopman	7 11 10	8 5 2
First small-goods-man	8 5 0	8 18 4
Second small-goods-man	7 11 10	8 5 2
Slaughterman	7 11 10	8 3 6
Worker in charge of hawking-cart ..	7 11 10	8 3 6
Other workers	7 4 0	7 15 8

(b) For the purpose of this award, a shopman is a worker employed in or about the shop in preparation, display, or sale of goods.

(c) A slaughterman is a worker who does killing, boiling down, droving and all other necessary work round or about or in connection with slaughtering work for his employer.

(d) An employer, manager, or branch manager who actually performs the work of a shopman, may be classed as first shopman or first small-goods-man in that shop or factory: Provided that where three or more adult workers are employed in any shop or small-goods factory one shall be paid as first shopman or as first small-goods-man.

(e) In shops and factories the rotation of employment shall be first shopman, second shopman, all other workers; first small-goods-man, second small-goods-man, all other workers.

Boys and Youths

4. Employers may employ boys and youths at not less than the following rates:—

	Payable From	Payable On
	4th May, 1949, to 31st May, 1949.	and From 1st June, 1949.
	Per Week.	Per Week.
	£ s. d.	£ s. d.
Under 15½ years of age ..	1 18 6	2 2 6
Between 15½ and 16 years of age ..	2 3 6	2 8 0
Between 16 and 16½ years of age ..	2 8 6	2 13 6
Between 16½ and 17 years of age ..	2 15 6	3 1 0
Between 17 and 18 years of age ..	3 3 6	3 10 0
Between 18 and 19 years of age ..	3 12 6	4 0 0
Between 19 and 20 years of age ..	4 7 0	4 15 6
Between 20 and 21 years of age ..	4 18 6	5 8 6

Thereafter in accordance with clause 3 hereof.

Proportion

5. The proportion of boys or youths to be employed in any shop by an employer shall not exceed one boy or youth to every three fully paid workers or fraction thereof.

Casuals

6. A casual is a worker whose engagement is for a period of less than a week.

Casual workers shall be paid not less than £1 10s. 8d. per day for each day upon which they are required to work during the period 4th May, 1949, to 31st May, 1949; and not less than £1 13s. per day for each day upon which they are required to work on or after 1st June, 1949.

Overtime

7. (a) All time worked after the ordinary time for ceasing work on any one day shall be paid for at time and a half rates for the first three hours and double time rates thereafter.

(b) All time worked before the ordinary starting-time in the morning shall be paid for at double time rates.

(c) For the purpose of calculating overtime, any overtime under half an hour shall count as half an hour, and if over half an hour but under one hour as one hour worked.

Notice of Overtime and Tea-money

8. Notice shall be given prior to noon on the same day to any worker required to work overtime after 6 p.m., and such worker shall be paid 2s. 6d. tea-money.

Weekly Employment

9. (a) The employment shall be deemed to be a weekly employment, and no deduction from wages shall be made except for time lost through the default, illness or accident of the worker.

(b) Except in the case of casuals, not less than one week's notice shall be given by either party of the termination of the employment. The period of notice in either case shall be exclusive of the whole or any part of the annual holiday required to be given in pursuance of this award.

Payment of Wages

10. All wages and overtime shall be paid weekly during working hours and in cash not later than Wednesday in each week. Should a holiday fall on any regular pay-day, wages shall be paid for that week on the working-day preceding the holiday.

Holidays

11. (a) The following shall be allowed as holidays with payment at ordinary rates: New Year's Day and the day following; Good Friday; Easter Monday; Anzac Day; the Sovereign's Birthday; Labour Day; Christmas Day; Boxing Day; and Anniversary Day or one other day in lieu thereof to be agreed upon between the employer and the secretary of the union.

If any day shall be generally observed as a holiday in lieu of any of the foregoing holidays, such day shall, for the purposes of this award, be observed in lieu of the specified holiday.

(b) Should any of the above-mentioned holidays, other than Anzac Day, fall on a Saturday or a Sunday, then for the purposes of this award, such holiday shall be observed on the following Monday, Should any of the said Mondays be a holiday under this award, such holiday shall be observed on the following Tuesday.

(c) All work done on Saturdays or Sundays or any of the above-mentioned holidays or on the day observed in lieu thereof shall be paid for at double time rates. The said payment shall be in addition to ordinary weekly wages.

(d) An annual holiday of two weeks on full pay shall be granted to each worker under this award on completion of each year of service: Provided that a worker after ten years of service with the same employer shall be granted an annual holiday of three weeks on completion of each subsequent year of service. The annual holiday shall be exclusive of the holidays provided for in subclause (a) hereof. Workers shall be paid for the annual holiday on or before its commencement.

(e) A worker not completing a year of service shall be granted payment in the same proportion to the length of service.

(f) No cart or other vehicle shall sell or deliver in any combined district, separate district, Town Board district, or country district while the shops in such district are closed in compliance with the terms of this award.

(g) No worker shall be employed on any of the days mentioned as holidays, or upon any other day which is observed as a holiday under the holidays clause of this award, after the hour of 8 a.m.

(h) Any day agreed upon by the master butcher's union and the union of workers as a day upon which all shops bound by this award shall be closed shall be deemed to be a holiday as if it were incorporated in the clause setting out the holidays to be observed as holidays, and no work shall be done on such day after the hour of 8 a.m., and all shops shall remain closed on that day: Provided that workers may be employed in the delivery of meat to institutions, hotels, boardinghouses, and restaurants up to 8 a.m., but this shall not permit the sale of meat over the counter.

(i) Where, in any district, a majority of employers parties to this award sign a requisition to the effect that they desire all shops in such district or districts to close on any specified day or days, and present such requisition to the Inspector of Factories for such district, such day or days shall be deemed to be a holiday, and no workers shall be employed on such day or days, and all shops shall be closed for the whole of the said day or days.

General

12. (a) In the case of weekly employment, where a worker is employed for more than half of his time in any one week on any class of work he shall be paid the rate of wages laid down for that class.

(b) A copy of this award shall be at all times affixed in some conspicuous place at or near the entrance to the shop or factory and in such a position as to be easily accessible to the workers employed therein.

(c) At all establishments suitable accommodation shall be provided for hanging up and changing clothes.

(d) A break of ten minutes to count as time worked shall be allowed each morning and afternoon for refreshments.

(e) No worker who has charge of or drives any vehicle for his employer and stables or accommodates such vehicle on his own premises shall do any cleaning or repairing work to such vehicle at his place of residence either before or after the hours of starting or finishing work as set out in the award or on any holiday or Sunday.

(f) Workers required to deliver orders shall be provided with waterproof coats and leggings for use in wet weather.

(g) Where a bicycle is used to deliver orders, the employer shall provide and maintain such bicycle.

(h) The employment of female labour shall not be permitted under any consideration and no employer shall be permitted to have the assistance of female labour at any time ; but nothing herein contained shall relate to the employment of clerks or other persons engaged exclusively in the office work or at the cash registers of the employer.

(i) No boy or youth under the age of sixteen years shall be employed to have charge of any cart or motor-vehicle in which meat is delivered or sold.

(j) The employment of casual boy labour by either employer or employee is not allowed and employees are not permitted to have the assistance of casual boy labour at any time.

(k) All workers engaged in carting, loading, unloading, or handling bulk meat shall be provided with overalls or carrying covers.

(l) Where white coats are worn by the workers, the employer shall pay for the laundering of up to two coats each week.

(m) An approved first-aid kit for use in case of accidents shall be provided at each shop or factory.

(n) In all shops suitable provision shall be made for the sharpening of tools.

(o) All workers employed on corned-beef work or in small-goods department or slaughterhouse shall be provided with clogs or gum boots and waterproof aprons, such articles to remain the property of the employer.

Wages and Time Book

13. (a) The occupier of a shop in which one or more shop assistants are employed shall at all times keep, in the prescribed form, or in such other form as may be approved by the Inspector, a record in English (called the wages and time book) showing, in the case of each assistant—

(i) The name of the assistant, together with his age if under twenty-one years of age ;

(ii) The kind of work on which he is usually employed ;

(iii) The hours during which he has actually been employed on each day ;

(iv) The wages paid on each pay-day and the date thereof ;

(v) Such other particulars as are prescribed by regulations.

(b) The entry of the particulars hereinbefore referred to, or a memorandum in writing containing such particulars, shall be signed by the assistant at the time of the payment of his wages, and such signature shall operate as a receipt for such payment.

(c) The wages and time book in use for the time being, and any such book used within the preceding two years, shall at all times be open to the inspection of an Inspector.

(d) Every assistant who fails to sign the record as provided in this clause or who wilfully signs an incorrect record, is liable to a fine not exceeding five pounds.

(e) An Inspector may at any time require the occupier to verify the entries in the wages and time book, in such form as may be prescribed.

Right of Entry

14. Every employer bound by this award shall permit the secretary or other authorised officer of the union of workers to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers or collect contributions, but not so as to interfere unreasonably with the employer's business.

Opening and Closing of Shops

15. (a) In exercise of the powers vested in the Court by section 69 of the Shops and Offices Act, 1921-22, as amended by section 3 of the Shops and Offices Amendment Act, 1945, it is ordered that all shops in the Marlborough Industrial District occupied by any party to this award shall be closed as follows—

(i) As to all butchers' shops and the shops of every other person, firm, or company in which fresh meat, excluding pork, is sold, from the hour of 5 p.m. on five days per week, Monday to Friday, both days inclusive, and all day on Saturday.

(ii) As to all other shops covered by this award, from the hour of 5.30 p.m. on four days of the week Monday to Thursday both days inclusive, from the hour of 8.30 p.m. on Friday of each week, and all day on Saturday: Provided that fresh pork shall not be sold after 5 p.m. on any day.

(b) In exercise of the powers vested in the Court, as referred to in subclause (a) hereof, it is ordered that all shops covered by this award shall not be open for business before the hour of 7 a.m. on any day of the week.

(c) All shops mentioned in subclause (a) of this clause shall be closed from the hour of 7 a.m. on the day of any holiday prescribed in this award: Provided that workers may be employed in the delivery of meat to institutions, hotels, boardinghouses and restaurants up to 8 a.m. but this shall not permit the sale of meat over the counter.

References

16. (a) Each worker on leaving or being discharged from his employment shall, on request, be given, within forty-eight hours thereafter, a reference in writing stating the position held and the length of service.

(b) Original references shall be the property of the applicant and shall be returned within forty-eight hours after engagement or rejection of the application.

Disputes

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 or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner, 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.

Workers to be Members of Union

18. (a) 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

19. (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 wages, to examine the permit or agreement by which such wage is fixed.

Application of Award

20. 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 district to which this award relates.

Scope of Award

21. This award shall operate throughout the Marlborough Industrial District.

Term of Award

22. This award, in so far as it relates to wages, shall be deemed to have come into force on the 4th day of May, 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 14th day of October, 1950.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the undermentioned Deputy Judge of the Court of Arbitration hath hereunto set his hand, this 14th day of October, 1949.

[L.S.]

D. J. DALGLISH,
Deputy Judge of the Court of Arbitration
acting in pursuance of an order of delegation of the
Court of Arbitration.

MEMORANDUM

A complete settlement was reached in Conciliation except as to the effect to be given to the Court's pronouncement of 12th April, 1949. Representations having been made on this point, this award provides for two sets of rates of wages, the first (being that agreed upon by the parties) to operate from 4th May, 1949, to 31st May, 1949 (both days inclusive), and the second (settled by me) to operate on and from 1st June, 1949.

After considering all the circumstances I am of opinion that the rates of wages should be the same as those fixed by the Court in respect of the Canterbury and Westland Industrial Districts.

D. J. DALGLISH, Deputy Judge.
