

**WELLINGTON AND MARLBOROUGH LOCAL BODIES'
OFFICERS—AWARD**

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

In the Court of Arbitration of New Zealand, Wellington and Marlborough 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 Wellington and Marlborough Local Bodies' Officers Industrial Union of Workers (hereinafter called "the union") and the undermentioned Councils and Boards (hereinafter called "the employers") :—

City Council
Wanganui.

Borough Councils

| | |
|---------------|-------------|
| Blenheim. | Napier. |
| Carterton. | Ohakune. |
| Dannevirke. | Otaki. |
| Eastbourne | Pahiatua. |
| (Wellington). | Petone. |
| Eketahuna. | Picton. |
| Featherston. | Raetihi. |
| Feilding. | Shannon. |
| Foxton. | Taihape. |
| Greytown. | Upper Hutt. |
| Hastings. | Woodville. |

Borough Councils—continued

| | |
|----------------|-------------|
| Levin. | Waipawa. |
| Martinborough. | Waipukurau. |
| Marton. | Wairoa. |
| Masterton. | |

Town Boards

| | |
|-----------------|------------|
| Bulls. | Mangaweka. |
| Havelock North. | Taradale. |
| Hunterville. | Waverley. |
| Johnsonville. | |

Gas Board

Petone and Lower Hutt Gas Board.

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 1st day of June, 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 18th day of November, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. (a) This award shall apply to clerical employees and officers of Municipalities, Town Boards, Gas Boards, and to the clerical employees and officers of any other duly constituted local authority or local body not covered by any other award or industrial agreement.

(b) Such officers shall not include :—

- (i) Full-time chief, or sole executive officer.
- (ii) Male officers in receipt of a salary of more than £650 per annum (apart from overtime).
- (iii) Female officers in receipt of a salary of more than £400 per annum (apart from overtime).

Definitions

2. (a) "Officer" means a salaried employee of the local body or any employee appointed by resolution of the local body.

(b) "Casual employee" means a person employed for less than one month continuously.

(c) "Substantially" means engaged at a particular job for more than 50 per cent. of the time during any pay period.

Hours of Work

3. (a) The normal hours of work shall not exceed forty per week, eight of which shall be worked on each of five days of the week between the hours of 8 a.m. and 5 p.m., Monday to Friday inclusive.

(b) Where, prior to the date of this award, any employer has been customarily observing shorter daily or weekly hours than those hereinbefore specified, that employer may continue to observe such shorter hours, but in such circumstances shall have the right to call upon its staff whenever necessary to cope with the work on hand, to work up to forty hours per week without payment of overtime.

(c) The hours of library staff may be arranged to provide that the normal hours may extend beyond 5 p.m. on any day Monday to Friday inclusive, and between 9 a.m. and 12 noon on Saturdays: Provided that forty hours or the existing customary hours where less shall not be extended without the payment of overtime: Provided, also, that not more than eight hours shall be worked on any day without payment of overtime.

These hours shall also apply to Traffic Officers, Health and Sanitary Inspectors, and Bus Inspectors, provided in their case not more than ten hours shall be worked in any day without payment of overtime.

(d) Where special circumstances dictate, the hours of work may be extended or varied by mutual agreement between the officer concerned, the employer, and the local branch of the union, provided the officer is adequately compensated by the provisions of free quarters, extended annual leave, payment in lieu of overtime, or in some other manner acceptable to all of the aforesaid parties. In the event of failure to agree, the matter may be referred to a disputes committee as provided in clause 13.

Overtime

4. (a) Any time worked in any one day outside of or in excess of the hours specified in clause 3 shall be considered as overtime and shall be paid for at the rate of time and a half for the first three hours and thereafter at double time. Double time rates shall be paid for all work performed on Sundays.

A minimum of two hours at overtime rates shall be paid for each call-back on any non-working day.

(b) No overtime for which overtime rates are payable shall be worked by any officer without prior approval of the head of the department.

(c) Any officer called upon to work later than 6 p.m. on any day of the week shall be paid 2s. 6d. meal money if that officer cannot reasonably journey to and from his home for a meal.

(d) An officer shall not be required to work for more than five hours continuously without a reasonable interval for a meal.

(e) Where the usual duty of an officer requires attendance at Council or Committee meetings, it shall not count as overtime except in the case of stenographers.

Rates and Conditions of Pay

5. (a) All male officers shall be paid in accordance with the following scale :—

| | Per Annum. | | |
|-------------------------|------------|----|----|
| | £ | s. | d. |
| First year | 172 | 0 | 0 |
| Second year | 197 | 0 | 0 |
| Third year | 227 | 0 | 0 |
| Fourth year | 266 | 0 | 0 |
| Fifth year | 311 | 0 | 0 |
| Sixth year | 341 | 0 | 0 |
| Seventh year | 366 | 0 | 0 |
| Eighth year | 386 | 0 | 0 |
| Ninth year | 410 | 0 | 0 |
| Tenth year | 435 | 0 | 0 |
| Eleventh year | 460 | 0 | 0 |
| Twelfth year | 485 | 0 | 0 |
| Thirteenth year | 500 | 0 | 0 |
| Fourteenth year | 515 | 0 | 0 |

Males with School Certificate commence at second year of scale.

Males with University Entrance commence at third year of scale.

Notwithstanding anything contained elsewhere in this award, and subject to the approval of a Wages Commissioner, all adult male officers who, as at 31st March, 1949, were in receipt of a lawful annual salary exceeding £450 but not exceeding £650 per annum shall receive an increase of £35 per annum from the 1st June, 1949.

(b) All female officers shall be paid in accordance with the following scale :—

| | Per Annum. | | |
|----------------------|------------|----|----|
| | £ | s. | d. |
| First year | 163 | 0 | 0 |
| Second year | 179 | 0 | 0 |
| Third year | 203 | 0 | 0 |
| Fourth year | 234 | 0 | 0 |
| Fifth year | 260 | 0 | 0 |
| Sixth year | 283 | 0 | 0 |
| Seventh year | 305 | 0 | 0 |
| Eighth year | 327 | 0 | 0 |
| Ninth year | 340 | 0 | 0 |

Females with School Certificate or with junior typing examination commence at second year of scale.

Females with University Entrance commence at third year of scale.

Notwithstanding anything contained elsewhere in this award, and subject to the approval of a Wages Commissioner, all adult female officers who as at 31st March, 1949, were in receipt of a lawful annual salary exceeding £305 but not exceeding £400 per annum shall receive an increase of £26 per annum from the 1st June, 1949.

(c) The rates of pay and conditions of employment for the under-mentioned workers shall be, if necessary, subject to mutual arrangement between the employer and the local branch of the union, subject to approval by the Economic Stabilization Commission:—

Rangers.

Dog-tax Collectors.

Pound-keepers.

Reserve Inspectors.

(d) For the purpose of qualifications under the foregoing scales, experience in any employment of a similar character to that covered by this award shall be counted as if it were experience in employment covered by this award.

(e) Meter-readers:—

General scale up to and including eleventh year, with a minimum commencing salary of £325 if twenty-one years of age or over.

Readers who collect cash shall be paid a cashier's risk allowance of 5s. per week in respect of each week during which cash is collected.

(f) An officer who substantially acts as a cashier shall be paid 5s. per week as a cashier's risk allowance.

(g) A female employed on ledger-posting machines or book-keeping machines or analysis machines (other than adding-machines) shall be paid 5s. per week in addition to the rate to which she is receiving under subclause (b) hereof.

(h) No deduction (other than superannuation or such other contribution as may be agreed upon between the employer and the officer) shall be made from the wages of any officer except for time lost by the officer through sickness, accident, or default.

(i) No officer covered by this award now in receipt of a higher salary shall have his or her salary reduced by virtue of the coming into force of this award.

(j) Except by mutual agreement, salaries, including overtime, shall be paid at not longer than fortnightly intervals and during working hours.

(k) Every temporary or casual officer shall be paid twenty per cent. *pro rata* above the usual rate.

(l) An officer who obtains a full pass in one of the examinations mentioned hereunder shall, on completion of the salary year in which he obtains the pass, be credited with one year's extra service. Where employment of a similar character extends beyond fourteen years, he shall thereafter be paid £25 per annum above the rate prescribed for the fourteenth year of service.

An officer who obtains a full pass in one of those examinations in the fourteenth or subsequent year of service shall be entitled at the end of the salary year in which he passes the examination and thereafter to payment of £25 per annum above the rate prescribed for the fourteenth year of service.

An officer who at the date of this award has already obtained a full pass in one of the undermentioned examinations and has not received extra payment shall become entitled to the benefit of this clause as from the date upon which the award is made, excepting that when the officer has obtained his full pass during his current year of service this provision shall apply as from the beginning of his next year of service after the date of making of the award.

The credit or payment referred to in this clause shall apply or continue only while the officer concerned is engaged in duties to which the examination is appropriate, *e.g.*, the holder of a full pass in the examination for membership of the New Zealand Institute of Surveyors must be employed in surveying or valuing duties; the holder of a full pass for Library Certificates transferred from Library to general office duties would cease to qualify for the benefits of this clause until again employed in library duties.

In crediting a female officer with a bonus for a qualification, the reference to "fourteen years" or "the fourteenth year of service" shall be read as "nine years" or "ninth year of service."

The examinations to which this subclause shall apply are:—

The New Zealand Institute of Surveyors.

The New Zealand Library Association's General and Children's Librarian's Certificate.

| | | |
|------------|------------|--------|
| A.A.S.E. | A.R.S.I. | B.E. |
| A.O.S.M. | A.N.Z.I.A. | B.A. |
| A.C.S.E. | A.R.I.B.A. | B.Com. |
| A.M.I.C.E. | B.Sc. | LL.B. |
| M.R.S.I. | | |

Public Service Senior Shorthand-Typists Examination.

Public Service Shorthand-Typists Examination (Special).

Public Service Senior Shorthand-Typists Reporters Examination.

The New Zealand Institute of Local Body Administrative Officers.

Accountancy Professional.

Chartered Institute of Secretaries (England).

Conditions of Employment

6. (a) All other things being equal, it is desirable that in making appointments to staff positions preference shall be given to officers already on the staff.

(b) Applicants before joining the staff shall pass a medical examination by a selected doctor if required to do so.

(c) In offices in which three or more females are employed, reasonable accommodation shall be provided for their exclusive use. Where satisfactory arrangements do not already exist, there shall also be provided, where practicable, a room with suitable couch accommodation to be used in cases of temporary indisposition, but where it is impracticable to set a room apart for that purpose it will be sufficient for a couch or couches to be provided in a portion of the cloak-room screened off for privacy.

(d) Adequate lighting, heating, and ventilation shall be provided in all offices.

Rest Period

7. An interval not exceeding ten minutes shall be allowed each morning and afternoon.

Holidays

8. (a) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act, 1944, but in the case of officers with ten years' continuous service, part of which may have been served with any other local authority, or, at the discretion of the local authority, similar local body experience, three weeks' holiday shall be allowed.

(b) The undermentioned shall be paid holidays and shall not be considered as part of the annual holidays: New Year's Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and two other days to be arranged between the employer and his employees. The employer shall notify the union of the two days agreed upon.

(c) The provisions of the Public Holidays Amendment Act, 1948, shall be deemed to be incorporated in this award.

(d) Where practicable, the annual holiday shall be given in proximity to the Christmas or Easter holidays, and the employer shall give officers as much notice as is practicable of the date of the annual holiday.

(e) This award shall not operate so as to reduce the aggregate number of days' holiday previously enjoyed by any officer under the award during his present employment.

(f) Except as may be provided in accordance with the provisions of clause 3 (d), time on duty on any holiday mentioned in clause 8 (b) shall be paid for at double time rates in addition to the usual rates.

Sick-leave

Notwithstanding the provisions of clause 5 (h), sick-leave on pay shall be at the discretion of the employer.

Expenses

10. (a) All authorized out-of-pocket expenses incurred by any officer in the execution of his duties shall be paid by the employer.

(b) Officers who provide their own cars approved by and at the request of the employer for carrying out their official duties shall be paid a reasonable sum for that service.

(c) Officers shall be paid an allowance of 2s. 6d. for each week during which they are required to use their own bicycle in the performance of their duties.

(d) Meter-readers who are required to use their own bicycles in the performance of their duties shall be paid a weekly allowance of 3s. 6d.

Uniforms

11. Existing conditions as to uniforms shall continue. Officers required to work in all weathers shall be supplied with suitable waterproof clothing.

Officers Performing Higher-grade Duties

12. Any officer who is instructed to perform the duties of a higher-grade officer under this award shall, if he occupies the higher-grade position for more than four weeks continuously, be paid from the date upon which he commenced the higher-grade duty, and whilst engaged in performing such higher-grade duty, at a rate not less than the minimum salary paid for the higher position. This clause shall not apply to an officer relieving another officer on paid sick-leave.

Matters Not Provided For

13. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is hereby 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 comprised of two persons representing the employers and two persons representing the officers, together with (if required by either party) an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district: Provided that all disputes shall be considered by the Committee within one month of the date of notification to the union concerned of such 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 the decision has been made known to the parties desirous of appealing.

Termination of Employment

14. Except in the case of casuals, in the absence of special written agreement between the officer and the employer, one month's notice of resignation or dismissal shall be given by the officer or the employer except in cases of misconduct, where an officer shall be subject to instant dismissal, but this shall not be deemed to restrict or in any way impair the statutory powers as to appointment or dismissal of officers vested in local authorities.

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.

Effective Operation of Award

17. (a) The secretary or other authorized officer of the union of workers shall, with the consent of the employer (such consent not to be unreasonably withheld), be entitled to enter at all reasonable times the office or works and there interview any workers, but not so as to impede the work.

(b) In every establishment the occupier shall at all times keep a time and wages book showing in the case of each employee:—

- (i) The name of the officer, 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 worked on each day;
- (iv) The wages paid on each pay-day and the date thereof; and
- (v) Such other particulars as are prescribed by regulations.

(c) Employers bound by this award shall, upon request by the union, supply a list of their officers eighteen years of age and over, or who are in receipt of adult salary, covered by this award, and the date of commencement of new employees: Provided, however, that this request shall not be made more often than once every three months.

(d) The employer shall allow any officer or executive member of the union leave of absence on pay to attend union executive business provided such leave does not exceed twelve hours in any period of three calendar months.

Scope of Award

18. (a) This award shall operate throughout the Wellington and Marlborough Industrial Districts.

(b) 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.

Term of Award

19. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of June, 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 remain in force until the 1st day of June, 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 18th day of November, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

Apart from certain adjustments to the final paragraphs of sub-clauses (a) and (b) of clause 5, 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.
