

OTAGO BUTCHERS—AWARD

In the Court of Arbitration of New Zealand, Otago and Southland 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 Dunedin and Suburban Operative Butchers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Dunedin

Anderson's Butchery, 151 King Edward Street, Dunedin.
 Bachop, Thos., 66 St. Andrew Street, Dunedin.
 Bartlett, J. E., 13 Tomahawk Road, Dunedin.
 Barton, Douglas, 31 The Octagon, Dunedin.
 Barton's Butchery, Manse Street, Dunedin.
 Bennett and Houston, 35 Main North Road, Dunedin.
 Bewley, S. E. F., 201 Main North Road, Dunedin.
 Bolwell, A., 430 George Street, Dunedin.
 Botting Bros., 101 King Edward Street, Dunedin.
 Brown, Sam, 68 Musselburgh Rise, Dunedin.
 Central Meat Depot, 177 Cargill Road, Dunedin.
 C.M.S. Butchery, 329 King Street, Dunedin.
 Duke, W., and Sons, 185 George Street, Dunedin.
 Fallowfield Bros., 211 King Edward Street, Dunedin.
 Fort, Roche, and Co. (pork-butchers), 177 Rattray Street, Dunedin.
 Henderson's Butchery, Mailer Street, Mornington, Dunedin.
 Jeffs, H. D., 378 Main South Road, Dunedin.
 Jensen, E., Ltd., 21 Frederick Street, Dunedin.
 Kilgour's Butchery, enr. Union and Forth Streets, Dunedin.
 Leckie, A., Forbury and Allandale Roads, Dunedin.
 Roberts, E. W., 637 Highgate, Roslyn, Dunedin.
 Robertson and Sons, 15 Kaikorai Valley Road, Dunedin.
 Robertson's Cash Butchery, 332 Main South Road, Dunedin.
 Smith, Geo. J., 112 Main South Road, Dunedin.
 Strand Delicatessen, 15 Princes Street, Dunedin.
 Wiley, S. J., 11 Tomahawk Road, Anderson's Bay, Dunedin.

Alexandra

Cameron, D., Tarbert Street, Alexandra.

Arrowtown

Nairn, W. H. A., Buckingham Street, Arrowtown.

Balclutha

Botting, L. T., Clyde Street, Balclutha.

Clinton

Ritchie, A. B., Clinton.

Cromwell

Free Trade Butchery (R. C. Sanders), Cromwell.

Duntroun

Peterson, F. A., Duntroun.

Green Island

Green Island Butchery (Bezett & Sons), Green Island.

Hampden

Nixon, G., Hampden.

Heriot

Mee, W., Heriot.

Kaitangata

Jarvie, R. J., Eddystone Street, Kaitangata.

Kurow

Robinson, K. W., Kurow.

Lawrence

Robertson and Weatherall, Ross Place, Lawrence.

Maheno

Wilson, H., Maheno.

Middlemarch

Whiston and North, Middlemarch.

Miller's Flat

Robinson, Gloag, and Gloag, Miller's Flat.

Milton

Byar's Butchery, Union Street, Milton.
Gordon's Butchery, Union Street, Milton.

Mosgiel

McCunn, A. W., 104 Gordon Road, Mosgiel.
Milburn, D., 6 Factory Road, Mosgiel.

Naseby

O'Neill and Son, Naseby.

Oamaru

Dominion Butchery, 160 Thames Street, Oamaru.
Easton, S., and Co., 183 Thames Street, Oamaru.
Godsall, L. K., 268 Thames Street, Oamaru.
Meikle, Jas., 40 Thames Street, Oamaru.
Taverner, F. G., 125 and 207 Thames Street, Oamaru.

Outram

Henderson, W. S., Outram.

Owaka

Turnbull, S. V., Owaka.

Port Chalmers

Robertson, J. E., and Sons, 2 George Street, Port Chalmers.

Queenstown

Lakeside Butchery, Ballarat Street, Queenstown.

Ranfurly

Pringle, F., Charlemont Street, Ranfurly.

Ravensbourne

Bain and Sons, Main Road, Ravensbourne.

Roxburgh

Robinson, Gloag, and Gloag, Scotland Street, Roxburgh.

Waikouaiti

Alcock, T. W., Waikouaiti.

Waipahi

Moyle, E. S., Waipahi.

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 16th day of December, 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 16th day of December, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Relates

1. 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 to their small-goods manufacture for local sale and in respect of their shops where the public are supplied.

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 day inclusive.

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

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

(b) Workers shall not be employed for more than five hours without an interval for a 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. Workers shall be paid not less than the wages prescribed in the following scale:—

		Per Week.		
		£	s.	d.
First shopman or worker in charge ..		8	18	4
Second shopman		8	5	2
First small-goods-man		8	18	4
Second small-goods-man		8	5	2
Slaughterman		8	3	6
Worker in charge of hawking-cart ..		8	3	6
All other workers		7	15	8

Classification and Rotation

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

(b) 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.

(c) An employer, manager, or branch manager who actually performs the work of a shopman or small-goods-man 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.

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

Boys and Youths

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

	Per Week.		
	£	s.	d.
Under 15½ years of age	2	2	6
Between 15½ and 16 years of age ..	2	8	0
Between 16 and 16½ years of age ..	2	13	6
Between 16½ and 17 years of age ..	3	1	0
Between 17 and 18 years of age ..	3	10	0
Between 18 and 19 years of age ..	4	0	0
Between 19 and 20 years of age ..	4	15	6
Between 20 and 21 years of age ..	5	8	6

Thereafter as per clause 3 hereof.

Proportion

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

Casual Workers

7. (a) All casual workers shall be paid 4s. 2d. per hour with a minimum of six hours on any one day on which such workers shall be employed. "Casual" shall mean any person whose engagement is for a period of five consecutive days or less.

(b) If employed five days continuously each week, all workers shall be deemed to be permanent hands and paid not less than the weekly rate prescribed in clause 3 hereof.

Overtime

8. (a) All time worked after the ordinary time for ceasing work as prescribed in subclause (a) of clause 2 shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) All time worked before the ordinary starting-time, as prescribed in subclause (a) of clause 2, 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 and under an hour shall count as one hour.

(d) Employees required to work overtime after 6 p.m. shall be paid 2s. 6d. meal-money.

Weekly Employment

9. (a) The wages hereinbefore prescribed are weekly wages and are not subject to any deduction except for time lost through default or illness of the worker.

(b) Except in the case of casual labour, 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 Thursday in each week. Should a holiday fall on the regular pay-day, wages shall be paid for that week on the working-day preceding the holiday.

Holidays

11. (a) The following shall be observed as holidays: New Year's Day and the day following, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

A half-day's holiday shall be observed from the hour of 11.30 a.m. on the occasion of the Dunedin Summer Show.

Any day agreed upon by the Master Butchers' Association and the union as a day to be observed as a holiday shall be deemed to be a holiday as if it were incorporated in this subclause.

(b) The annual picnic day shall be held on a Saturday to be agreed upon between the workers' union and the employers' union. For any work performed on that day double time rates shall be paid.

(c) 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 holidays 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.

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

(e) An annual holiday shall be allowed in accordance with the Annual Holidays Act, 1944.

(f) No employer or worker in charge of a cart or other vehicle shall sell or deliver in any combined district, separate district, Town Board district, country district while the shops in such district are closed in compliance with the terms of this award, or on a day observed in lieu thereof.

(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 the award after the hour of 7.30 a.m.

General

12. (a) In the case of weekly employment, where a worker is employed for more than half of his time in any capacity he shall be paid the rate of weekly wage laid down in clause 3 herein for that class of work performed.

(b) A copy of this award shall at all times be 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 persons employed therein.

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

(d) No worker who has charge of or drives any motor-vehicle for his employer and stables or accommodates such vehicle on his own premises shall be permitted to 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 this award or on any holidays, or a Sunday, unless payment at overtime rates is made for such work.

(e) 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.

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

(g) 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.

(h) Employees required to load or unload meat shall be provided with suitable overalls and head covers.

(i) Where white coats are worn by the workers the employer shall launder same, or at the option of the employer, pay for the same to be laundered.

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

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

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

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

(n) Workers required to deliver orders in all weathers shall be provided with protective clothing.

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

Time and Wages 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 of Awards, 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, showing the starting and finishing time each day;
- (iv) The wages paid on each pay-day, and the date thereof; and
- (v) Such other particulars as are prescribed by regulations.

(b) The entries 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 the Inspector of Awards.

(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 £5.

(e) An Inspector of Awards 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 authorized representative 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, 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 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, at the hour of 5 p.m. 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, at the hour of 5.30 p.m. on four days of the week, Monday to Thursday, both days inclusive, at the hour of 9 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.

Workers to be Members of Union

16. (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

17. (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

18. 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 that portion of the industrial district to which this award relates.

Scope of Award

19. This award shall operate throughout the Otago and Southland Industrial District, excluding that portion formerly known as the Province of Southland.

Term of Award

20. 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 1st day of June, 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 16th day of December, 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 16th day of December, 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.