

CANTERBURY SMOKELESS-FUEL WORKERS—AWARD

In the Court of Arbitration of New Zealand, Canterbury 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 Canterbury Builders' and General Labourers and Related Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned firm (hereinafter called "the employers") :—

Canterbury Smokeless-Fuel Ltd., Watts Road,
Christchurch.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the terms of settlement arrived at in the abovementioned 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 8th day of October, 1952, 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 October, 1950.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. *Conditions Applying to Shift-workers—*

(a) Shifts shall consist of eight hours, and during each shift thirty minutes shall be allowed for a meal without deduction from wages. Five shifts of eight hours per shift shall constitute a week's work.

(b) Any time worked in excess of eight hours in any one shift shall be paid for at the rate of time and a half for the first three hours and double time thereafter, computed on the rates specified in clause 2 hereof.

(c) Any time worked after noon on Saturday shall be paid for at the rate of time and a half, computed on the rates mentioned in clause 2 hereof.

(d) Time worked on Sundays shall be paid for at double ordinary rates.

Conditions Applying to Workers Other Than Shift-workers—

(e) The ordinary hours of work for workers other than shift-workers shall not exceed eight per day, to be worked between the hours of 8 a.m. and 5 p.m. on five days of the week, Monday to Friday, both days inclusive.

(f) Time worked outside of or in excess of the hours specified in subclause (e) hereof shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter, computed on the rates prescribed in clause 2 hereof.

(g) Any time worked on Saturdays shall be paid for at the rate of time and a half for the first three hours and double time thereafter. All time worked on Sundays shall be paid for at double ordinary rates.

Wages

2. The following shall be the minimum rates of wages:—

		Per Week.		
		£	s.	d.
Head yardman	7	17	5
Other yardmen	7	7	5
Shift workers	7	1	8

Youths may be employed upon terms and conditions to be arranged between the union and the employer.

Shift Allowance

3. Shift-workers on afternoon or night shift shall receive 3s. per shift in addition to their ordinary rates of pay.

Special Payments

4. (a) Each worker exposed to wet weather shall receive £2 per annum, payable quarterly, for the provision of his own weatherproof garments.

(b) Each shift-worker, whether engaged on the day, afternoon, or night shift, shall be paid 1s. per week torch-money for the purpose of providing and maintaining his own torch.

(c) All workers shall be paid 1d. per hour additional for a clothing and boot allowance.

Increase in Rates of Remuneration

5. The general order, dated the 10th day of June, 1950, and made under the Economic Stabilization Regulations 1950, shall be deemed to be incorporated in this award and shall have effect according to its tenor.

Holidays

6. (a) The following holidays shall be allowed and paid for when they fall on a day on which a worker is rostered to work: New Year's Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Show Day, Christmas Day, and Boxing Day.

(b) Workers required to work on any of these holidays shall, in addition to the payment to which they are entitled under the preceding subclause (a) hereof, be paid therefor at not less than double the ordinary rate.

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

(d) In the event of a holiday, other than Anzac Day, falling on a Saturday or Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

Annual Holidays

7. Shift workers shall be allowed an annual holiday of three weeks.

All other workers shall be allowed an annual holiday in accordance with the provisions of the Annual Holidays Act, 1944.

Meal Money

8. The employer shall allow meal money at the rate of 3s. per meal to workers called upon to work more than one hour after their usual daily or shift time of knocking off, provided such workers cannot reasonably get home for their meals, and provided, further, they have not been notified of such overtime on the day or shift preceding the day or shift on which they are required to work overtime.

Termination of Employment and Payment of Wages

9. (a) One week's notice of the termination of employment shall be given by either party.

(b) Wages shall be paid weekly, not later than Thursday, in the employer's time.

General Provisions

10. (a) The provisions of the Factories Act, 1946, with respect to Safety, Health and Welfare shall apply where applicable to all workers coming within the scope of this award.

(b) A waterproof bicycle stand shall be provided for the use of bicycles only.

(c) No deduction shall be made from the weekly wage except for time lost through the worker's sickness, accident or default.

Rest Period

11. A morning and afternoon break of ten minutes shall be allowed to workers without deduction from wages. The same conditions shall apply to shift workers.

Workers to be Members of Union

12. (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

13. (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.

Right of Entry

14. The secretary or other authorized representative of the union shall be entitled to enter at all reasonable times upon the premises of the employer for the purpose of interviewing any worker (with the consent of the employer or his representative, such consent not to be unreasonably withheld) but not so as to interfere unreasonably with the employer's business.

Disputes

15. 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.

Scope of Award

16. This award shall operate throughout the Canterbury Industrial District.

Term of Award

17. This award, in so far as it relates to rates of wages, shall be deemed to have come into force on the 8th day of October, 1950, 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 8th day of October, 1952.

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 October, 1950.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

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

A. TYNDALL, Judge.
