

WELLINGTON CITY COUNCIL (MILK DEPARTMENT) EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Wellington 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 Wellington Dairy Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Council (hereinafter called "the employers") :—

Wellington City Council, Wellington.

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 31st day of March, 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 22nd day of March, 1951.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. (a) The maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by this award shall be forty hours.

(b) Depot hands, roundsmen, motor drivers, and cart shed attendants: The forty hours to be worked by these workers shall be worked on any five days of the seven days of the week and Saturday and Sunday work shall, as far as practicable, be equally divided amongst all hands as hitherto.

(c) No depot worker shall be required to work more than four hours and one-half continuously without an interval of at least half an hour for a meal.

(d) The present arrangement in relation to roundsmen driving horse-drawn vehicles for harnessing up and checking the load before signing on, and unharnessing and checking tokens, allowing forty-five minutes per day, shall continue during the currency of this award. Motor roundsmen shall be allowed thirty-five minutes for such duties.

(e) Depot hands and cart shed attendants shall be allowed an interval of ten minutes for smoke-oh during each half shift, such times to be arranged by the management so as not to create a complete cessation of work.

Wages

2. (a) Depot hands and cart shed attendant: £7 10s. per week.

(b) Roundsmen and motor drivers: £7 13s. 11d. per week.

(c) Depot workers employed on night shift shall be paid 2s. 6d. per day extra.

Roundsmen and motor drivers who start work before 6 a.m. shall be paid 1s. 9d. per day extra.

A "night-shift worker" shall mean any worker whose work requires him to perform duties before 6 a.m. or after 6 p.m.

(d) Relieving roundsmen and relieving motor drivers shall be paid 3s. per day extra.

(e) All workers shall receive one quart of milk per day free of charge.

(f) This award shall not apply to laboratory assistants and foremen.

(g) Any worker employed substantially in cooling chambers shall be paid 2d. per hour extra.

(h) The present practice in relation to extra payments to tippers, leading hands, and can-fillers shall continue during the currency of this award.

Learners

3. New hands may be employed as roundsmen at £1 7s. 6d. per day for not more than five days to enable them to learn the round; thereafter they shall be paid not less than the minimum wage prescribed by this award.

Increase in rates of Remuneration

4. The general order, dated the 30th day of January, 1951, 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.

Saturday and Sunday Work

5. (a) For all time worked on any Saturday, one half as much again as the ordinary rate shall be paid except when it is an overtime day.

(b) For all time worked on any Sunday a worker shall be paid at the rate of ordinary time in addition to his ordinary rate.

Holidays

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

(b) For time worked on any of the said holidays, double ordinary rate shall be paid in addition to the ordinary weekly wage.

(c) When a worker's weekly day off falls upon the same day as any one of the above holidays, he shall be paid an extra day's wages.

(d) For the purpose of calculating the ordinary weekly hours of work each of the said holidays allowed to any worker shall count as eight hours worked.

(e) Excepting in circumstances arising through sickness, accident, or default of a worker, forty-eight hours' notice shall be given to any worker required to work on a holiday.

(f) The provisions of the Annual Holidays Act, 1944, shall apply to workers covered by this award except that every worker shall be allowed two weeks' holiday each ten months on full pay.

(g) Where any special holiday for which the worker is entitled to payment under any Act, award, or agreement, or under his contract of service (or, as the case may be, for which he would have been so entitled to payment if his employment had not been terminated) occurs during the period of any annual holiday allowed or deemed to have been allowed to any worker under this section, the period of the annual holiday shall be deemed to be increased by one day in respect of that special holiday.

(h) Employers shall allow the holiday to the worker within six months after he has become entitled to it.

(i) All workers shall be given two weeks' notice when annual holidays are to be commenced.

Overtime

7. (a) All time worked outside of, or in excess of, the hours prescribed in clause 1 of this award shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Any worker called upon to work on his day off shall be paid time and a half for the first four hours worked and double time thereafter, with a minimum of eight hours' pay. If no work is available, the minimum payment shall be made.

Conditions of Employment

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

Should an employer dismiss a worker without a week's notice he shall pay such worker one week's wages in lieu of notice.

Should an employee leave the employment without giving and working out a week's notice, the employer shall be entitled to deduct therefor from any wage that may be due to the worker a sum equal to the payment due for the period of notice not worked.

The foregoing shall not prevent an employer from summarily dismissing a worker for serious misconduct.

(b) Deduction may be made from the wages fixed by the award for time lost by a worker through sickness, default, or accident.

(c) Unless otherwise agreed to in writing, wages, including overtime, shall be paid weekly.

(d) Subject to the provisions of the Factories Act, 1946, the employer shall allow meal money at the rate of 3s. per meal when workers are required, after having completed a normal day's work or shift, to continue to work overtime for a period of one hour or more thereafter, unless such workers can reasonably get home for the meal and return to work in one hour.

This provision shall apply to a roundsman, who, having completed his round, is required to take an extra complete round.

Equipment

9. (a) Gum boots shall be supplied to all depot hands when needing them. In the case of temporary or relieving hands, a supply of gum boots shall be available for their use, apart from those issued to workers permanently employed.

(b) Depot workers shall be required to perform their duties in uniforms, such uniforms to be a style, material, and colour approved by the employer. Uniforms shall be supplied, maintained, and laundered by the employer.

(c) Roundsmen and motor drivers shall be provided with a uniform each year and shall also be provided with an overcoat and oilskin leggings when and as required.

(d) Cart shed attendants shall be supplied with gum boots and oilskins where needed.

(e) A suitable first-aid outfit shall be supplied by the employer and kept in a place easily accessible to all workers.

(f) All equipment shall remain the property of the employer.

(g) Adequate washing facilities with hot and cold water shall be provided for the use of the workers at the depot of the employer.

(h) Suitable leather money-bags shall also be provided for persons who collect cash and/or tokens.

(i) Adequate and suitable accommodation for clothing not worn during working hours and facilities for changing clothing and drying wet clothing shall be provided to the satisfaction of the Inspector of Awards.

Disputes

10. Any dispute in connection with any matter not provided for in this award shall be settled between the general manager or other officer nominated by the Council and the president or secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner or such other person as may be mutually agreed upon, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision, 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.

Prohibition of Junior Labour

11. The employment of juniors under the age of eighteen years by either a worker or the employer shall not be allowed, and roundsmen shall not be permitted to have the assistance of juniors under eighteen years of age.

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 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 officer of the union 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.

Scope of Award

15. This award shall apply to the Wellington City Council Milk Department.

Term of Award

16. This award, in so far as it relates to rates of wages, including Saturday and Sunday rates of wages and also overtime, shall be deemed to have come into force on the 15th day of February, 1951, and so far as all 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 31st day of March, 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 22nd day of March, 1951.

[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.