

NORTHERN INDUSTRIAL DISTRICT BILLIARD-PARLOURS EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Northern 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 Auckland Theatrical and Places of Amusement Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Ascot Billiard Parlours, Lewis Eady Building, Queen Street, Auckland.

Dominion Billiards Academy, 221 Symonds Street, Auckland.

Hotel Auckland Billiard Saloon, 18 Customs Street, Auckland.

Majestic Billiard Parlour, 12 Derby Street, Auckland.

Post Office Billiard Saloon, 19 Queen Street, Auckland.

THE duly appointed delegate of the Court of Arbitration of New Zealand (hereinafter called "the Court"), 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 the said delegate 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 said delegate doth further order that this award shall take effect as hereinafter provided, and shall continue in force until the 15th day of June, 1952, and thereafter as provided by subsection (1) (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925.

In witness whereof the duly appointed delegate of the Court hath hereunto set his hand, this 19th day of December, 1951.

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed delegate of the
Court of Arbitration.

Pursuant to subsection (4A) of section 4 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, as enacted by section 19 of the Industrial Conciliation and Arbitration Amendment Act, 1951, the seal of the Court of Arbitration hath hereto been affixed (no appeal having been lodged within the time prescribed), and this award shall be deemed to have been made by the Court on the 3rd day of January 1952.

[L.S.]

R. D. LUMSDEN, Registrar.

SCHEDULE

Industry to which Award Applies

1. This award applies to billiards-parlours.

Hours of Work

2. The ordinary hours of work shall be worked on not more than five days per week as follows:—

- (i) *Full-time Workers*.—Not more than forty hours per week, nor more than eight hours per day. The daily hours shall be worked with not more than one break in a span of twelve hours, unless otherwise agreed between the union and the employer concerned.
- (ii) *Night Workers*.—Not more than thirty hours per week, nor more than five hours per day, except on Saturdays, when seven hours thirty minutes may be worked between 1 p.m. and 11 p.m., with not more than one break.

Meals

3. An interval of not less than half an hour shall be allowed each worker for meals. No worker shall be called upon to work for more than five hours without such an interval being allowed.

Wages

4. (a) The following shall be the minimum rates of wages:—

	Per Week.		
	£	s.	d.
Full-time workers	7	2	6
Night workers	5	5	6

- (b) The rate of pay for casuals shall be not less than 15 per cent. in addition to the computed hourly wage. Any worker who is employed for less than one week shall be deemed to be a casual worker.

- (c) Nothing in this award, other than clauses 2, 5, and 8, shall apply to managers in receipt of not less than £500 per annum exclusive of overtime.

Overtime

5. All time worked outside or in excess of the hours prescribed in clause 2 hereof shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

Holidays

6. (a) The following holidays shall be observed and paid for: New Year's Day and the day following, Anniversary Day or a day in lieu thereof, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) For time worked on any of the above days or on Sunday, double ordinary time rate shall be paid in addition to the ordinary wage payable under subclause (a) hereof.

(c) Should any of the aforementioned holidays fall on a Sunday, the following Monday shall be observed as an award holiday.

Deductions

7. No deductions shall be made from the weekly wages of any workers except for time lost through sickness, accident, or default, or any other cause over which the employer has no control.

Annual Holiday

8. Annual leave shall be granted to all workers in accordance with the provisions of the Annual Holidays Act, 1944, and its amendments.

Payment of Wages

9. Wages shall be paid weekly not later than Friday of each week.

Right of Entry Upon Premises

10. Every employer bound by this award shall permit the secretary or other authorized 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 and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Increase in Rates of Remuneration

11. All rates of remuneration provided for in this award, including time and piece wages and overtime and other special payments but excluding all allowances in respect of tools, bicycles, motor-vehicles, clothing, or footwear, shall be subject to the provisions of the general order, dated the 30th day of January 1951, under the Economic Stabilization Regulations 1950 increasing rates of remuneration by an amount equal to 15 per cent. thereof.

Matters Not Provided For

12. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned 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 local Conciliation Commissioner, who may either decide the same or refer it 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

13. (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

14. (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.

Application of Award

15. 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

16. This award shall operate throughout the Northern 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 1st day of December, 1950, 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 15th day of June 1952.

In witness whereof the duly appointed delegate of the Court hath hereunto set his hand, this 19th day of December, 1951.

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed delegate of the
Court of Arbitration.

Pursuant to subsection (4A) of section 4 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, as enacted by section 19 of the Industrial Conciliation and Arbitration Amendment Act, 1951, the seal of the Court of Arbitration hath hereto been affixed (no appeal having been lodged within the time prescribed), and this award shall be deemed to have been made by the Court on the 3rd day of January 1952.

[L.S.]

R. D. LUMSDEN, Registrar.

MEMORANDUM

The matters in dispute were hours of work and wages.

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed delegate of the
Court of Arbitration.