

WELLINGTON INDUSTRIAL DISTRICT **FILM-EXAMINERS**—AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District.—
In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the New Zealand (except Northern, Nelson, and Westland) Theatrical and Places of Amusement and Related Employees Industrial Union of Workers (hereinafter called “the union”) and the undermentioned association and companies (hereinafter called “the employers”):

Apex Films (New Zealand) Limited, 92A Miramar Avenue, Wellington.

Columbia Pictures Proprietary Ltd., Ford Building, Courtenay Place, Wellington.

Metro-Goldwyn-Mayer (New Zealand) Limited, Hope Gibbons Building, Dixon Street, Wellington.

Motion Picture Distributors Association of New Zealand Incorporated, Crown Buildings, Cuba Street, Wellington.

Pacific Films Limited, 55 Courtenay Place, Wellington.

Paramount Films Limited, Cuba Street, Wellington.

R.K.O. Radio Pictures Proprietary Limited, Embassy Theatre Building, Majoribanks Street, Wellington.

Twentieth Century Fox Film Corporation (New Zealand) Limited, Kent House, Kent Terrace, Wellington.

United Artists (Australasia) Proprietary Limited, 55 Courtenay Place, Wellington.

Universal Pictures Proprietary Limited, Nimmos Building, Willis Street, Wellington.

Warner Brothers Pictures Limited, 122 Wakefield Street, 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 130 of the Industrial Conciliation and Arbitration Act 1954, 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 December 1956, and thereafter as provided by section 152 of the Industrial Conciliation and Arbitration Act 1954.

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 27th day of July 1955.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Workers to Whom Award Applies

1. This award shall apply to all workers, male and female, employed as film-examiners and/or film-repairers, except that the provisions of this award shall not apply to workers covered by another award who may occasionally assist in the work covered by the provisions of this award.

Hours of Work

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

Wages

3. The following shall be the minimum rates of wages:

	Females			Males		
	Per Week			Per Week		
	£	s.	d.	£	s.	d.
Under 16 years of age	2	11	0	3	0	2
16 to 16½ years of age	2	17	0	3	6	1
16½ to 17 years of age	3	5	6	3	13	11
17 to 17½ years of age	3	10	10	4	2	1
17½ to 18 years of age	4	0	6	4	10	6
18 to 19 years of age	4	10	9	5	7	3
19 to 20 years of age	5	1	0	6	3	5
20 to 21 years of age	5	13	1	7	5	1
Thereafter	6	10	6	8	17	0

Any worker who, on the coming into force of this award, is in receipt of higher rates of wages than set out herein shall not have his or her wages reduced whilst in the present employment.

Increase in Rates of Remuneration

4. The rates of remuneration determined by this award shall be increased to the extent and in the manner prescribed by the general order of the Court made under the Economic Stabilization Regulations 1953, and dated the 28th day of October 1954.

(EXPLANATORY NOTE.—The general order of the 28th October 1954 increased rates of remuneration determined by awards and industrial agreements by an amount equal to 13 per cent thereof, but excluded from the scope of the increase—

- (1) Such portion of the remuneration of each worker in each week as exceeded the amount of £12 in the case of adult male workers, the amount of £9 in the case of adult female workers, and the amount of £7 in the case of male and female workers under the age of twenty-one years; and
- (2) All allowances in respect of tools, bicycles, motor vehicles, protective or special clothing, or special footwear.

The term "remuneration" means salary or wages; and includes time and piece wages and overtime and bonus and other special payments; and also includes allowances, fees, commission, and any other emolument, whether in one sum or several sums; and also includes travelling expenses.)

Overtime

5. (a) Any time worked outside the hours of work (clause 2 hereof) or in excess of eight hours in any one day shall be deemed to be overtime and shall be paid for at the rate of time and a half.

(b) Workers employed on overtime after 6 p.m. or required to continue working after 1 p.m. on Saturday or Sunday shall be allowed 3s. 9d. meal money.

Holidays

6. (a) For all work done on New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day double the ordinary rates shall be paid.

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

(c) For all work done on a Sunday, double the ordinary rates shall be paid.

Annual Holidays

7. (a) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944: Provided, however, that after ten years' continuous service with the same employer each worker shall for the eleventh and subsequent years be given an annual holiday of three weeks on full pay; the qualifying period for the commencement of this provision shall be the date of the commencement of the employment.

(b) At least one month's notice shall be given each worker before the commencement of his annual holidays. The annual holidays shall be given within six months from the time they become due.

(c) Workers entitled to receive holidays provided in this clause shall be paid all wages due, including the holiday period, prior to the commencement of the holidays.

Payment of Wages

8. Wages shall be paid weekly or fortnightly during working hours.

Term of Engagement

9. (a) All workers shall be engaged by the week, unless longer periods are agreed upon. One week's notice of termination of engagement shall be given by either side.

(b) An employer shall be entitled to make a rateable deduction from the wages of workers for time lost through sickness or default.

Meals

10. (a) An interval of not less than three-quarters of an hour shall be allowed each worker for a meal. No worker shall be called upon to work more than four and a quarter hours without an interval being allowed.

(b) An interval of ten minutes shall be allowed each morning and afternoon to each worker.

Overalls

11. Suitable overalls shall be supplied by the employers.

Disputes

12. 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 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 to be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court within fourteen days after such decision has been made known to the party desirous of appealing.

Right of Entry on Premises

13. The secretary or other authorized officer of the union of workers 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.

Part-time Workers

14. Part-time workers may be employed. A "part-time worker" is a worker who is employed by the hour and shall be paid not less than 4s. 6d. per hour in the case of males and 3s. 9d. per hour in the case of females.

Workers to be Members of Union

15. (a) Subject to the provisions of sections 174 (5) and 175 of the Industrial Conciliation and Arbitration Act 1954, 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 section 174 (3) of the Industrial Conciliation and Arbitration Act 1954, 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.

Application of Award

17. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every industrial union, industrial association, or employer who, not being an original party hereto, is, when the 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

18. This award shall operate throughout the Wellington Industrial District.

Term of Award

19. This award, in so far as it relates to rates of wages, shall be deemed to have come into force on the 25th day of July 1955, and so far as all other conditions 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 31st day of December 1956.

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 27th day of July 1955.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

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

A. TYNDALL, Judge.