

TARANAKI RACECOURSE EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Taranaki Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Taranaki Labourers and Related Trades Industrial Union of Workers (hereinafter called “the union”) and the undermentioned clubs (hereinafter called “the employers”):

Taranaki Jockey Club, Brougham Street, New Plymouth.

Stratford Racing Club, Broadway, Stratford.

Egmont Racing Club, Hawera.

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 28th day of May 1958 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 26th day of June 1956.

[L.S.]

W. F. STILWELL, Judge.

SCHEDULE

Industry to Which Award Applies and Definitions

1.(a) This award shall cover all outside workers employed by racing, trotting, and hunt clubs, except totalisator employees, men in charge of number boards, employees working in ticket-boxes, gatekeepers and turnstile attendants handling money, tradesmen, or employees substantially employed as drivers or carters, or workers covered by another award.

(b) A “groundsmen” employed under this award is a worker who is substantially employed to keep in necessary order the grass spaces, shrubs, trees, and paths.

(c) A “trackman” is a worker who is substantially employed in preparing and attending to the training tracks.

(d) A "male worker not otherwise specified" is a worker employed in doing all kinds of unskilled work and assisting the gardener, and/or the trackman, and/or the groundsman in the general maintenance of the racecourse and its surroundings.

(e) A "weekly employee" is a worker who is employed for more than five consecutive days.

(f) A "qualified gardener" is a worker who is employed as such and may be required to assist in other duties.

(g) A "track controller" is a worker responsible for directing the work of the horses on the tracks during training operations, in so far as the tracks are concerned, and for supervising the work of other workers employed in preparing and maintaining the tracks.

Wages

2. (a) The minimum rates of wages shall be:—	Per Week
	£ s. d.
Track controller or track manager	10 4 10
Trackman	9 13 4
Groundsman	9 5 6
Male workers not otherwise specified in this award	
£2 1s. 4d. per day or £9 0s 8d. per week.	

(b) Casual workers working on race days shall receive a minimum payment of £1 3s. 6d. for any part of a day's work up to three hours: Provided that where the work extends beyond 1 p.m. such worker shall be paid not less than £2 per day.

(c) The wages for casuals employed by the day on race-days shall be a minimum of £2 per day.

(d) Casuals may be employed on Sunday following a race-day held on a Saturday at not less than double ordinary rates, with a minimum payment of three hours at double ordinary rates of pay.

(e) When a weekly worker is employed on a race-day held on a public or a statutory holiday and/or on a Saturday, he shall be paid, in addition to his ordinary weekly wages, only the daily rate provided for a casual worker on race-days.

(f) After each four hours of continuous work all workers shall be provided with a meal on race-days, or in lieu thereof a meal allowance of 3s. 9d. shall be paid on each occasion.

(g) The employer may make a rateable deduction from the weekly wages prescribed for any time lost by the worker through sickness, accident, or default.

(h) Wages shall be paid weekly or fortnightly as arranged between the employer and the worker; but casual workers shall be paid immediately before the termination of the meeting.

(i) Watchmen: The provisions relating to the hours of work, wages, and holidays shall, in lieu of anything elsewhere contained in this award, be as agreed upon between the club, the worker, and the union.

(j) No worker covered by this award now in receipt of a higher rate of wages shall have his wages reduced by virtue of the coming into force of this award.

Increase in Rates of Remuneration

3. 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 Stabilisation 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 21 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.)

Hours of Work

4. (a) Except as provided in subclause (b) hereof, and except on race-days (when the hours of work shall not exceed nine per day without restriction as to clock hours), the usual hours of work shall not exceed eight per day, to be worked between 7.30 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

(b) Trackmen provided for in subclause (a) of clause 2 shall work forty hours per week from Monday to 12 noon on Saturday inclusive, and such workers shall commence work at any hour deemed necessary by the employer, but not more than seven hours—to be worked consecutively (excluding a break for a meal)—shall be worked in any one day without payment of overtime.

(c) Nothing in subclauses (a) and (b) hereof shall prevent a caretaker from performing essential duties on Sunday without payment of overtime.

Holidays

5. (a) Holidays up to ten in number in each year shall be allowed to weekly workers without deduction from wages, but should a race-day fall on a public or statutory holiday another day may be substituted without deduction from wages by arrangement between the employer and the worker. When a statutory holiday falls within the period of employment of a weekly worker, the provisions of this subclause shall apply.

(b) In addition to the above-described holidays and to compensate for the elasticity of the general conditions respecting statutory holidays, workers covered by this award shall be granted fifteen working days' annual leave on full pay after each full year of service. In other respects the provisions of the Annual Holidays Act 1944 shall apply.

Overtime

6. (a) Except where otherwise provided, all work performed outside or in excess of the hours provided in clause 4 shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours in any one day and double time thereafter.

(b) All work performed on Sundays by "weekly workers" shall be paid for at double ordinary rates, with a minimum payment of three hours at double ordinary rates of pay.

(c) All work performed on a statutory holiday other than race-days provided for in clause 5 (a) shall be paid for at double time rates, in addition to ordinary rates.

Termination of Employment

7. In the case of weekly workers, one week's notice on either side shall terminate the employment, and in the case of other workers, except those employed by the day, two hours' notice on either side shall terminate the employment.

General Provisions

8. (a) Safety Devices: Where men are called on to work at a height above the ground, adequate provision shall be made for their safety.

(b) Workers, other than casuals, required to work in the rain shall be provided with oilskins, sou'westers, and gumboots.

(c) A first-aid outfit, suitably equipped, shall be provided and maintained by the employer in a place accessible to workers employed under this award.

(d) On the request of the union secretary the employer shall furnish a list of employees: Provided that such lists shall not be required at shorter intervals than six months.

(e) Suitable accommodation shall be provided for workers to change and dry their clothes, also provision shall be made for a suitable place in which to take their meals.

Disputes Committee

9. The essence of this award being that the work of the employer 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 herein, every such dispute or difference shall be referred to a committee to be composed of one representative 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. If such committee cannot agree, it shall refer the matter to the Court. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Conditions for Trotting Clubs Which Race on Clay Tracks

10. To provide for the special circumstances pertaining to clay tracks it is provided that, notwithstanding anything contained elsewhere in this award, the hours for permanent trackmen employed by trotting clubs which race on clay tracks shall be eighty per fortnight. The provisions of this clause shall apply from two weeks prior to the commencement of any race meeting held on such tracks until the conclusion of such meeting and including the day or days on which the meeting was held.

Right of Entry Upon Premises

11. The secretary or other authorised 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.

Under-rate Workers

12. 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 between the worker, the union, and the employer.

Workers to be Members of Union

13. (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.)

Application of Award

14. 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 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

15. This award shall operate throughout the Taranaki Industrial District.

Term of Award

16. This award, in so far as it relates to wages, shall be deemed to have come into force on the 28th day of May 1956, 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 28th day of May 1958.

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 26th day of June 1956.

[L.S.]

W. F. STILWELL, Judge.

MEMORANDUM

The award, including the operative date of provisions relating to wages, embodies the terms of settlement arrived at by the assessors in Conciliation Council.

W. F. STILWELL, Judge.