

FLETCHER INDUSTRIES LTD. (**DUROID DIVISION**)—AWARD

In the Court of Arbitration of New Zealand, Northern Industrial District—
In the matter of the Industrial Conciliation and Arbitration Act 1954; and
in the matter of an industrial dispute between the Auckland Ceramic, Concrete,
Builders and General Labourers and Related Trades Industrial Union of
Workers (hereinafter called “the union”) and the undermentioned company
(hereinafter called “the employers”):

Fletcher Industries Ltd. (Duroid Division), Onehunga, Auckland.

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 30th day of June 1959 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 30th day of April 1958.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. This award shall apply to workers employed in the manufacturing of bituminous roofing and allied products.

Hours of Work

2. Except where otherwise provided, the week's work shall not exceed forty hours, eight per day to be worked between the hours of 8 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

Wages

3. The following shall be the minimum rates of wages:				Per Hour	
				s.	d.
Boilermen	.....	.....	.....	5	0½
Other workers	.....	.....	.....	4	10½

Shifts

4. (a) Notwithstanding the provisions of clauses 2 and 5 of this award, two or more shifts covering a period of twenty-four hours may be worked from Monday to Friday inclusive.

(b) Each shift shall not exceed eight hours, including half an hour crib-time, and five shifts shall constitute a week's work.

(c) Workers employed on shifts shall be paid 3s. 3d. per shift in addition to their ordinary rate of pay, if the shift finishes at or before midnight, and 3s. 9d. if the shift finishes after midnight but at or before 8 a.m.

(d) Any time worked in excess of the usual shift hours worked by workers employed under this clause 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.

(e) This clause shall apply only where shifts are worked on five or more consecutive working-days.

Overtime

5. (a) Except as provided for in subclause (b) hereof, all time worked in excess of the daily hours fixed in clause 2 of this award shall count as overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) All time worked before 12 noon on Saturdays shall be paid for at the rate of time and a half for the first four hours and double time thereafter. All time worked after 12 noon on Saturdays shall be paid for at double time rates.

Increase in Rates of Remuneration

6. 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 26th day of October 1956.

(EXPLANATORY NOTE—The general order of 26 October 1956 increased rates of remuneration determined by awards and industrial agreements by an amount equal to 18 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 £13 in the case of adult male workers, the amount of £9 15s. in the case of adult female workers, and the amount of £7 10s. 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.)

Payment of Wages

7. (a) Wages shall be paid weekly during working hours not later than Thursday.

(b) When a worker is discharged he shall be paid without delay, and when a worker leaves a job he shall, on demand, be paid within twenty-four hours of leaving. All waiting time beyond the prescribed time shall be paid for at ordinary rates.

Holidays

8. (a) The following shall be the recognised holidays which shall be paid for at ordinary rates: New Year's Day, 2 January, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, and Boxing Day.

(b) The employer shall pay wages for the above 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.

(c) The attention of the parties is drawn to the provisions of the Public Holidays Act 1955 and its amendments, which deal with the transference of holidays which fall on a Saturday or a Sunday. This provision shall apply to workers covered by this award.

(d) Except as otherwise provided, any work done on any of the above holidays or on Sundays shall be paid for at double time rates in addition to any payment to which the worker is entitled under subclause (b) hereof.

Annual Holidays

9. Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944.

In the case of regular shift workers the annual holiday period shall be three weeks.

Protective Clothing

10. Protective clothing shall be supplied to the worker when necessary.

Accommodation

11. The employer shall provide and maintain in a clean and sanitary condition mess-room, lavatory, showers with warm water, and, where necessary, protection for bicycles for use of workers. Boiling water for meals shall be provided.

Meal-money

12. The employer shall allow meal-money at the rate of 4s. 3d. per meal when workers are called upon to work one hour or later after their usual daily 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 preceding the day on which they are required to work overtime.

The provisions of clause 6 shall not apply to the payment provided for by this clause.

Disputes

13. 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 disputes 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 a Conciliation Commissioner.

Should either party fail to appoint representatives to the disputes committee, either party may refer the matter in dispute to a Conciliation Commissioner who may either decide the matter or refer the matter to the Court.

In the event of the disputes committee failing to agree, the matter shall be referred to the Court. In the event of the disputes committee or the Commissioner coming to a decision, either side shall have the right of appeal to the Court against the decision of the committee or the decision of the Commissioner, and written notice of such appeal shall be given to the other side within fourteen days after such decision has been made known to the party desirous of appealing.

Refreshments

14. Time shall be allowed (not more than ten minutes) for refreshment during morning and afternoon, and where shifts are worked, at convenient times during such shifts.

Right of Entry

15. The secretary or other authorised officer of the union shall be entitled to enter at all reasonable times upon the premises or job of any employer bound by this award for the purpose of interviewing workers (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.

Workers to be Members of Union

16. (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.)

Scope of Award

17. This award shall operate throughout the Northern Industrial District.

Term of Award

18. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 10th day of March, 1958, and so far as all other provisions 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 30th day of June 1959.

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 30th day of April 1958.

[L.S.]

A. TYNDALL, 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.

A TYNDALL, Judge.