

TARANAKI HOSPITAL GARDENERS—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 boards (hereinafter called “the employers”):

Hawera Hospital Board, Hawera.

Patea Hospital Board, Patea.

Stratford Hospital Board, Stratford.

Taranaki Hospital Board, New Plymouth.

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 2nd day of February 1961 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 11th day of March 1959.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to hospital boards' employees who are covered by the provisions of this award.

Hours of Work

2. The ordinary hours of work shall not exceed 40 per week or eight per day, to be worked between 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday, both days inclusive.

Wages

3. (a) The following shall be the minimum rates of wages:	Per Week
	£ s. d.
Head gardeners	11 11 2
Gardeners	10 4 7
All other workers	9 18 9

(b) A "gardener" is a worker not being a head gardener, but who is substantially employed in the planting and cultivation of plants, shrubs, or vegetables, or who is classified as such by the employer.

(c) A "head gardener" is a worker engaged or appointed to control the work of other gardeners.

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 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 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.)

Overtime

5. (a) All work done outside or in excess of the hours prescribed in clause 2 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) Where workers are called upon to work overtime on any day after 6 p.m. and have not been notified by the employer on the previous day that they are required to do so, 4s. shall be allowed to such workers for meal-money.

(c) The employer may, in lieu of the 4s. provided for herein, supply the workers with a hot meal.

(d) Overtime shall be calculated on a daily basis.

Statutory Holidays

6. (a) Workers shall receive and be paid for the following holidays: New Year's Day, 2 January, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day or the day usually observed.

(b) All work done on Sunday and Anzac Day shall be paid for at double time rates.

Any work done on any of the above holidays shall be paid for at double time rates in addition to the ordinary rate.

(c) The employer shall pay wages for the named 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.

(d) The provisions of the Public Holidays Act 1955 shall be deemed to be incorporated in this award.

Payment of Wages

7. Wages shall be paid weekly or fortnightly not later than Thursday in each case.

Annual Leave

8. (a) The provisions of the Annual Holidays Act 1944 shall apply to workers covered by this award.

(b) After five years' service with the same employer a worker shall be allowed 12 working days' annual leave.

Sick Leave

9. Sick leave shall be granted at the discretion of the employer.

General Provisions

10. (a) This award shall not operate so as to reduce the wages of any worker at present employed by the board or to restrict the privileges granted by the board and enjoyed by any employee at the time of the coming into force of this award.

(b) Workers who are required to work at a place other than their usual place of employment shall travel to and fro in the employer's time, or shall be paid at ordinary rates for time occupied in travelling where such is done in their own time. Such workers shall also be reimbursed all moneys actually expended in fares travelling to and from such place of work.

(c) Workers shall be paid 4d. per hour extra whilst working with a scythe.

(d) An interval of 10 minutes shall be allowed morning and afternoon without deduction of pay.

(e) Where workers are required to work in the rain such workers shall be provided with gumboots and waterproof overcoats which shall remain the property of the employer.

Workers required to operate a sprayer or to spread or handle manure shall be supplied with overalls which shall remain the property of the employer.

Variation of Duties

11. Nothing in this award shall prevent any worker covered hereby from doing work covered by another award or agreement: Provided that whilst so engaged he shall be paid at least the rate which is fixed in such other award or agreement where such rate is higher.

List of Workers

12. Each hospital board shall, on request, supply to the secretary of the union a list of the workers employed under this award.

Accommodation

13. The employer shall provide suitable accommodation for workers to take meals, and, where practicable, to change and dry clothing. The employer shall arrange for the accommodation to be kept clean and in a hygienic condition.

The employer shall make arrangements for boiling water to be available for meals.

Termination of Employment

14. One week's notice of termination of employment shall be given on either side.

Deductions

15. No deductions shall be made from the wages of a worker except for lost time through the worker's sickness, accident, or default.

Disputes Committee

16. 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 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 of appeal to the Court against a decision of any such committee or, in the event of no decision being made, either side shall have the right to appeal to the Court upon giving to the other side written notice of such appeal within 14 days after such decision has been made known to the party desirous of appealing.

Workers to be Members of Union

17. (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 18 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 21 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

18. 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

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

Term of Award

20. 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 2nd day of February 1959, 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 2nd day of February 1961.

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 11th day of March 1959.

[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.