

OTAGO LIME-WORKERS—AWARD

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Otago and Southland Lime and Cement Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned companies (hereinafter called “the employers”):

McDonald’s Oamaru Lime Co. Ltd., 154 Thames Street, Oamaru.

Milburn Lime and Cement Co. Ltd., Crawford Street, Dunedin.

Taylor’s Lime Co. Ltd., Weston, North Otago.

Totara Lime Works Ltd., 101 Thames Street, Oamaru.

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 19th day of November 1960 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 8th day of February 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the production and/or manufacture of lime.

Hours of Work

2. (a) The ordinary hours of work shall not exceed 40 per week nor eight per day, and shall be worked on the five days of the week, Monday to Friday inclusive, between the hours of 7.30 a.m. and 5 p.m.

(b) Not less than three quarters of an hour shall be allowed for the midday meal; but this may be varied by mutual agreement of the parties.

(c) (i) Shifts may be worked where necessary. Except in the case of Monday mornings, when four-hour shifts may be worked, shifts shall consist of eight hours, including half an hour crib-time. Neither the eight-hour shifts nor the four-hour shifts shall be broken.

(ii) For the purposes of this clause "shift-work" shall mean work which is carried out by two or more successive relays or spells of workmen, each relay performing substantially the same duties as the outgoing shifts. Work shall not be deemed to be shift-work unless shifts are worked on four or more consecutive working days.

(iii) Men on afternoon or night shift shall be paid 3s. 6d. per shift extra. This allowance shall be payable in respect of any shift the whole period of which does not fall between the hours of 7.30 a.m. and 5 p.m. In the case of kilns in which a nightshift only is worked, an extra 7d. per shift in addition to the 3s. 6d. prescribed above shall be paid.

Sunday Work

3. Sunday work shall be optional. Any work done on Sundays shall be paid for at double ordinary rates.

Overtime

4. (a) 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: Provided that time worked before noon on Saturday shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Overtime shall be calculated daily.

(c) No worker shall be required to work more than five hours continuously without being allowed time for a meal or a meal allowance of 5s.: Provided that if the men are required to work overtime continuously for more than two hours at other than shift-work they shall be allowed half an hour for a meal and a meal allowance of 5s.

Holidays

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

(b) In the event of a holiday, other than Anzac Day, falling on a Saturday, or a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(c) When any of the holidays mentioned in subclause (a) of this clause falls on a working-day, payment shall be made for same, as if worked at ordinary rates of wages. Any worker employed within 14 days prior to the said holiday shall be entitled to such payment for the said holiday.

(d) For work done on any of the holidays mentioned in subclause (a) of this clause, payment shall be made at the rate of double time in addition to any payment the worker may be entitled to under subclause (c) of this clause.

(e) (i) Workers other than shift workers shall, on completion of each year of service, be entitled to an annual holiday of two weeks on full pay. Workers with less than one year's service shall be entitled to a proportionate allowance in lieu of holiday on completion of service.

(ii) Shift-workers, after each complete 12 months of service, shall be allowed a holiday of three clear weeks (15 working days) at their ordinary rate of pay.

(iii) Any shift-worker who has been employed for less than 12 months but not less than three months upon the termination of his employment or upon his transfer to work other than shift-work shall be entitled to receive proportionate holiday pay computed at his ordinary rate of pay.

(iv) Shift-workers for the purpose of this clause are workers who are regularly employed on rotating shifts or are continuously employed on afternoon or night shifts.

(v) The additional week's annual holiday provided for shift-workers shall be allowed at a time suitable to the employer.

Wages

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

	Payable from 1 August 1959 to 11 October 1959		Payable on and after 12 October 1959	
	Per Hour		Per Hour	
	s.	d.	s.	d.
Drillman with explosive permit	5	2	6	4 $\frac{3}{4}$
Drill assistant with explosive permit	4	11	6	1 $\frac{1}{4}$
Drillmen	4	10 $\frac{3}{4}$	6	0 $\frac{3}{4}$
Petrol and diesel-loco drivers	4	11 $\frac{3}{4}$	6	2
Feeders to crushers and mills	4	9 $\frac{3}{4}$	5	11 $\frac{1}{2}$
Feeders to burnt-lime mill	4	9 $\frac{3}{4}$	5	11 $\frac{1}{2}$
Lime-drier firemen	4	9 $\frac{1}{2}$	5	11 $\frac{1}{4}$
Burners and drawers	4	10 $\frac{1}{4}$	6	0 $\frac{1}{4}$
Lime-classers	4	9 $\frac{1}{2}$	5	11 $\frac{1}{4}$
Baggers while so employed	4	9 $\frac{3}{4}$	5	11 $\frac{1}{2}$
Spallers	4	9 $\frac{1}{4}$	5	11
Mechanical digger-drivers	5	2 $\frac{1}{4}$	6	5 $\frac{1}{4}$
Men working hydrator	4	9 $\frac{3}{4}$	5	11 $\frac{1}{2}$
Platelayer	4	9 $\frac{3}{4}$	5	11 $\frac{1}{2}$
Dragline operator	4	9 $\frac{1}{2}$	5	11 $\frac{1}{4}$
All other workers	4	8 $\frac{1}{4}$	5	9 $\frac{3}{4}$

If an unspecified worker is employed for three or more hours on any day at any of the classified operations, he shall be paid for all time worked on such day at the rate prescribed for such classified operation.

(b) Men driving horses or vehicles in connection with the operation of the works shall be paid the rate of wages prescribed by the general Motor and Horse Drivers' Award in force from time to time for such work whilst so employed, provided that not less than the minimum wages payable under this award are paid to such workers.

Increase in Rates of Remuneration

7. For the period commencing on the 1st day of August 1959 and expiring on the 11th day of October 1959 the rates of wages 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.

Requirements of Economic Stabilisation Regulations

8. No worker bound by this award shall in any week be paid a lesser amount by his employer than the worker would have been entitled to be paid under this award if it had specifically applied the general order of the Court dated 18 September 1959 otherwise than by incorporation pursuant to the pronouncement of the Court dated 18 September 1959.

General Provisions

9. (a) When required, respirators, aprons, and goggles shall be supplied to men working on lime.

(b) Gumboots shall be supplied by the employer to workers when they are working in water or liquid slush or slurry over 1 in. in depth. A worker shall be paid an allowance of 3½d. per hour when required to wear gumboots for not less than two hours in any day.

(c) Ten minutes shall be allowed to workers for "smoke-oh" morning and afternoon.

(d) A modern first-aid outfit, fully equipped, shall be kept in a convenient and accessible place at the works.

(e) Except where otherwise mutually arranged wages shall be paid weekly not later than Thursday and within working hours: Provided that where a holiday falls and is observed on a Thursday or Friday, payday will be not later than Wednesday of that week. Full details of earnings and deductions shall be supplied to each employee.

(f) Proper sanitary conveniences, including an adequate supply of fresh water, and accommodation for men living on the works, shall be provided at all lime-workings throughout the Otago District, and it shall be the duty of the check inspector to assist the works-manager in seeing that employees using such sanitary conveniences do so in a proper and careful manner.

(g) Each employer shall provide accommodation to enable workers to change and dry their clothes and have their meals. Such accommodation shall be for the use of all workers on the job. No lime, cement, or tools shall be stored in the change-room. An adequate supply of water shall be available at all times. The employer shall make provision for the supply of boiling water at meal-times.

(h) Where workers are required by the employer to live on the job, the employer shall provide accommodation for such workers, in accordance with the terms of section 6 of the Shearers' Accommodation Act.

(i) Any worker reporting for work and finding work is not available due to wet weather shall be paid a minimum of four hours at ordinary rates.

(j) All workers covered by this award shall be paid a clothing allowance of 3s. 6d. per week.

(k) Workers required to work in rain shall be supplied with oilskin overgarments by the employer.

Contract Work

10. Where the operation of any works covered by this award is carried on by contract, the contractor or contractors shall pay the wages and observe all the conditions of this award.

Piecework

11. Any worker or number of workers may agree with an employer to perform work on a tonnage or piecework basis: Provided that the terms of such agreement shall be lodged with the secretary of the union and with the local Inspector of Awards within 14 days after such agreement is reached.

Check Inspectors and Committees

12. The union shall elect a check inspector and a committee of two at each limeworks in the industrial district; such check inspector and committee while so officiating must be in the employ of a party to this award. The duties of the committee shall be to assist the manager of the works to adjust any grievances or disputes that may arise. Any grievance or dispute that cannot be so settled shall be referred to a committee consisting of an executive officer of the union, the manager or officer of the company, and the Inspector of Awards at Dunedin or Oamaru. In the event of the committee being unable to settle the matter, it may be referred to the Court by either party.

Effective Operation of Award

13. (a) Every employer bound by this award shall permit the secretary of the union of workers to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

(b) The employer shall on written request supply the secretary of the union with a list of workers employed under this award. Such request shall be made not oftener than once in each three months.

Workers to be Members of Union

14. (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.)

Under-rate Workers

15. (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 14 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

16. 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 that part of the industrial district to which this award relates.

Scope of Award

17. This award shall operate throughout the Otago and Southland Industrial District excluding that portion formerly known as the Province of Southland.

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 1st day of August 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 19th day of November 1960.

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 8th day of February 1960.

[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.