

CHRISTCHURCH DRAINAGE BOARD EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Canterbury Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Canterbury General and Builders' Labourers and Related Workers Industrial Union of Workers (hereinafter called "the union") and the under-mentioned board (hereinafter called "the employers"):

Christchurch Drainage Board, Christchurch.

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 March 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 7th day of July 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to labourers employed by the Christchurch Drainage Board on any of the following work:

1. Cleaning and maintaining rivers and open drains.
2. Repairing and maintaining sewers.
3. Maintaining sewage farm.
4. Flushing sewers and pumping stations.
5. Manufacturing concrete slabs.
6. Cleaning buildings and yards.

Hours of Work

2. (a) The ordinary hours of work shall not exceed 40 per week to be worked (except in the case of watermen, relieving watermen and workers under clause 6 hereof) between the hours of 8 a.m. and 5 p.m. Monday to Friday inclusive.

(b) The meal interval shall be one hour, but by mutual agreement between the employer and the worker this period may be varied, provided that such variation does not reduce the interval to less than 30 minutes.

(c) No worker shall work more than four hours and a half continuously without an interval for a meal.

Wages

3. (a) Unless otherwise specified, workers shall be paid a minimum rate of £10 5s. 9d. per week. Time lost through sickness or for any reason within the control of the worker shall not be paid for.

(b) Men (except special flushers) employed on cleaning manholes and vents, clearing covered drains, clearing or repairing sewers and stormwater sewers, farm hands working on septic tanks and any other workers employed on septic tanks shall be paid 9d. per hour extra whilst so employed: Provided that in the case of the trucker on the tanks or farm hands employed on the lift the extra payment shall be 1s. per hour whilst so employed.

This extra rate shall not apply to sewer repairs until sewage polluted ground is reached.

(c) Men required to crawl through covered stormwater drains shall be paid 3s. per hour in addition to the ordinary rate.

(d) The special flushers cleaning pumping-station tanks shall be paid a minimum rate of £11 13s. 7d. per week.

(e) Men employed cleaning out rivers and open drains shall be paid a minimum rate of £10 18s. 7d. per week. This rate shall apply to men employed on weed-cutters and the river-sweeper, but shall not apply to farm hands.

(f) Men employed on general sewer maintenance and construction work shall be paid a minimum of £10 13s. 7d. per week.

(g) A worker required to act as a pipe layer and/or caulker shall be paid 6d. per hour extra whilst so employed.

(h) Regular watermen shall be paid £11 18s. 7d. per week inclusive of all Saturdays and Sundays on which they work.

The day watermen and workers acting as relief watermen shall be paid £10 5s. 9d. per week and in accordance with the provisions of clause 5 hereof for work performed on Saturdays and Sundays. In the case of work performed on any of the holidays specified in clause 7 (a) hereof, watermen, the day watermen and workers acting as relief watermen shall be paid at the rate of double time.

(i) Leading hands shall receive 3s. 6d. per day additional.

(j) Workers using pneumatic tools such as drills, hammer picks, vibrators, rammer, borers or breakers shall be paid 6d. per hour extra, with a minimum payment of 2s. per day.

(k) Workers required to fell timber or to top and trim trees shall be paid 2s. 6d. per day extra on the recommendation of the engineer.

(l) *Service Bonus*—5s. per week in addition to the foregoing weekly rates of wages shall be paid to workers who at the date of the making of this award have been employed continuously with the board for one year or more or who subsequently complete one year's continuous service with the board.

Payment of Wages

4. Wages shall be paid weekly and in money, and paid in the employer's time, which shall be not later than Thursday in each week.

Overtime

5. (a) All work 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 two hours and double time thereafter.

(b) For work done on Sundays or on any of the holidays provided for in clause 7 (a) of this award workers shall be paid at the rate of double time with a minimum payment as for three hours' work. For work done on Saturday they shall be paid at the rate of time and a half for the first two hours and double time thereafter with a minimum payment as for three hours' work. All time worked after 12 noon on Saturday shall be paid for at double time rates. Provided that the foregoing minimum shall not apply to workers rostered on standby duties.

(c) When a worker is called upon to work overtime later than one hour after his ordinary knocking-off time for the day, and has not been notified on the previous day that he is required to do so, he shall be paid a meal allowance of 5s. The board may, in lieu of the 5s. allowance, supply the worker with a hot meal. The allowance shall not be subject to the increase provided in clause 20.

Shift Work

6. Where it is necessary to do so for the purpose of carrying out urgent works, shifts may be worked at ordinary rates without regard to the hours hereinbefore prescribed, but subject to the condition that overtime shall be paid for all time worked in excess of eight hours in any one day by the worker. Shifts worked before 8 a.m. and after 5 p.m. shall be eight hours including the meal hour which shall be paid for. Workers employed in the afternoon or night shift shall be paid 3s. extra per shift, but this provision shall not apply to the day shift.

Holidays

7. (a) The following shall be recognised holidays: Anzac Day, New Year's Day, 2 January, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Show Day, Christmas Day and Boxing Day. No deduction

in wages shall be made in respect of such holidays. Should any of these holidays (other than Anzac Day) fall on a Saturday or Sunday, the holiday shall be observed on the following Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(b) Annual holidays shall be allowed in accordance with the Annual Holidays Act 1944 and its amendments.

Watermen shall receive an annual holiday of three weeks on ordinary pay. All employees covered by this award shall receive five extra working days' annual holiday on completion of the tenth and each subsequent year of service, provided that men continuously employed on maintenance of rivers and open drains and special river maintenance gang shall receive these five extra working days' annual holiday irrespective of length of service, always provided that not more than 10 working days' holiday shall be taken at one time, unless otherwise approved.

Accommodation and Sanitation

8. The employer shall provide adequate dining and lavatory accommodation at the farm, together with facilities for changing clothes. Washing facilities, including soap and disinfectant, shall also be provided for all workers covered by this award. Separate accommodation shall be provided for men on the tanks, and they shall also be provided with hot water for washing. Shelters shall be erected by the board for the use of men for lunch during wet weather when they are working at a distance from the central dining room. Shelters shall also be provided on major repair and construction works. These shall be kept free from tools, equipment, etc.

Special Conditions

9. (a) Adequate gumboots and oilskins and sou'westers shall be provided by the board for all employees. When working with barbed wire, mixing or handling poisons, or required to handle wire ropes or chains associated with power driven machinery, employees shall be provided with gloves. For workers using pneumatic tools and servicing compressors and pneumatic equipment, leather aprons and gloves shall be provided. Gloves and leather aprons shall be supplied when required to workers making and handling concrete slabs. All equipment shall be and remain the property of the board.

(b) Watermen and flushers when crawling through sewers and stormwater drains shall be provided with adequate light.

(c) Flushers and men clearing out rivers and open drains shall receive a bicycle allowance of £9 per year, payable half-yearly.

(d) All flushers shall be supplied with two suits of overalls and maintenance gang workers shall be provided with two pairs of gumboots on request.

(e) In circumstances not otherwise specially provided for in this award, where in the opinion of the engineer or his representative, overalls or protective clothing are warranted, such shall be provided by, but shall remain the property of the board.

(f) When men are working in rain, a waterproof shelter shall be provided for the purpose of taking meals.

(g) When men are working on one job for the duration of more than three hours, an adequate supply of pure drinking water shall be provided.

(h) The safety rules, equipment, and other provisions of the Christchurch Drainage Board shall apply and be complied with by all employees covered by this award.

Crib-time

10. A crib-time of 10 minutes in the morning and 10 minutes in the afternoon shall be allowed.

Termination of Engagement

11. The board shall give its workers one week's notice or one week's pay in lieu thereof prior to dismissal. Each worker shall give his employer one week's notice that he is about to leave his employment or shall forfeit in lieu thereof one week's pay to be deducted from the wages due to him. This shall not apply when the worker is guilty of wilful misconduct. In the event of a worker with over three months' continuous service being suspended from duty for any cause, he shall have the right of appeal first to the departmental head and failing satisfactory settlement, to the committee concerned before being dismissed from the board's service.

Travelling Time

12. Employees employed distant more than $1\frac{1}{2}$ miles from the board's offices, their depot, or their homes (whichever is the nearer) shall be paid the ordinary rates of wages for the time occupied in proceeding thereto and therefrom.

Tools

13. All tools shall be provided by the employer.

Accidents

14. A modern first-aid emergency case, fully equipped, shall be kept in a convenient and accessible place. Small kits shall be provided on all jobs.

Right of Entry

15. The secretary or authorised officer of the union shall be entitled to enter at all reasonable times the premises of the employer bound by the 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.

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 specifically 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 against a decision of any such committee 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) 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) It shall be a breach of this award for any worker to accept employment and work under this award without becoming and remaining a financial member of the union.

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

18. (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.

Scope of Award

19. This award shall apply to the parties named herein.

Increase in Rates of Remuneration

20. 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 18th day of September 1959.

(EXPLANATORY NOTE—The general order of 18 September 1959 increased rate of remuneration determined by awards and industrial agreements by an amount equal to 24 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.)

Special Increase in Rates of Remuneration

21. The rates of remuneration determined by this award, including clause 20, shall be further increased by 2½ per cent except that the following items shall be exempt from this special increase:

Allowances in respect of tools, bicycles, motor vehicles, protective or special clothing or footwear.

Term of Award

22. 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 7th day of December 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 31st day of March 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 7th day of July 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.

CHRISTCHURCH DRAINAGE BOARD EMPLOYEES—AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand, Canterbury Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of the Christchurch Drainage Board Employees Award, dated the 7th day of July 1960, and recorded in 60 Book of Awards 1270.

UPON reading the joint application made by the parties to the Christchurch Drainage Board Employees Award, dated the 7th day of July 1960, and upon being satisfied that the original parties are desirous that the award should be reviewed by it, the Court, in pursuance and exercise of the powers vested in it by section 162 (1) (b) of the Industrial Conciliation and Arbitration Act 1954, and with the consent of the parties, doth hereby order as follows:

1. That the said award shall be amended in the manner following:

(1) By deleting clause 3 and substituting the following clause:

“Wages

3. (a) Unless otherwise specified, workers shall be paid a minimum rate of £12 15s. 2d. per week. Time lost through sickness or for any reason within the control of the worker shall not be paid for.

(b) Men (except special flushers) employed on cleaning manholes and vents, clearing covered drains, clearing or repairing sewers and stormwater sewers, farm hands working on septic tanks and any other workers employed on septic tanks shall be paid 11d. per hour extra whilst so employed: Provided that in the case of the trucker on the tanks or farm hands employed on the lift the extra payment shall be 1s. 3d. per hour whilst so employed.

This extra rate shall not apply to sewer repairs until sewage polluted ground is reached.

(c) Men required to crawl through covered stormwater drains shall be paid 3s. 9d. per hour in addition to the ordinary rate.

(d) The special flushers cleaning pumping-station tanks shall be paid a minimum rate of £14 9s. 8d. per week.

(e) Men employed cleaning out rivers and open drains shall be paid a minimum rate of £13 11s. 1d. per week. This rate shall apply to men employed on weed-cutters and the river-sweeper, but shall not apply to farm hands.

(f) Men employed on general sewer maintenance and construction work shall be paid a minimum of £13 4s. 10d. per week.

(g) A worker required to act as a pipe layer and/or caulker shall be paid 8d. per hour extra whilst so employed.

(h) Regular watermen shall be paid £14 15s. 10d. per week inclusive of all Saturdays and Sundays on which they work.

The day watermen and workers acting as relief watermen shall be paid £12 15s. 2d. per week and in accordance with the provisions of clause 5 hereof for work performed on Saturdays and Sundays. In the case of work performed on any of the holidays specified in clause 7 (a) hereof, watermen, the day watermen and workers acting as relief watermen shall be paid at the rate of double time.

(i) Leading hands shall receive 4s. 4d. per day additional.

(j) Workers using pneumatic tools such as drills, hammer picks, vibrators, rammer, borers or breakers shall be paid 8d. per hour extra, with a minimum payment of 2s. 8d. per day.

(k) Workers required to fell timber or to top and trim trees shall be paid 3s. 1d. per day extra on the recommendation of the engineer.

(1) *Service Bonus*—5s. per week in addition to the foregoing weekly rates of wages shall be paid to workers who at the date of the making of this award have been employed continuously with the board for one year or more or who subsequently complete one year's continuous service with the board."

(2) By deleting the figure and symbol "3s." in clause 6 (Shift Work) and substituting the figures and symbols "3s. 9d."

(3) By deleting clause 20 (Increase in Rates of Remuneration).

(4) By deleting clause 21 and substituting the following clause:

"Special Increase in Rates of Remuneration

21. The rates of remuneration determined by this award shall be increased by $2\frac{1}{2}$ per cent, except that the following items shall be exempt from this special increase: allowances in respect of tools, bicycles, motor vehicles, protective or special clothing or footwear."

2. That this order shall come into force on the day of the date hereof, except that in so far as the provisions relating to the rates of wages to be paid are concerned it shall be deemed to have come into force on the 1st day of April 1960.

Dated this 7th day of February 1961.

[L.S.]

A. TYNDALL, Judge.