

NORTHERN INDUSTRIAL DISTRICT DRUG WORKERS—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 Drug Factories Employees' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms and companies (hereinafter called "the employers"):

Aerosal Products Ltd., 21 France Street, Auckland.
 Armstrong, R. H., and Co., 925 Dominion Road, Auckland.
 Auckland Gas Co. Ltd., Wyndham Street, Auckland.
 Barnard, Chas., and Son, Manufacturing Chemists, 422 New North Road, Auckland.
 Biological Laboratories Ltd., 453 New North Road, Auckland.
 Bristol-Meyers Ltd., 234 Khyber Pass Road, Auckland.
 Bush, W. J., and Co., 38 Wakefield Street, Auckland.
 Carlyle Maison (N.Z.) Ltd., Manufacturing Chemists, 86 Lorne Street, Auckland.
 Cooper, McDougall, and Robertson Ltd., Great South Road, Otahuhu.
 Danish Mineral Research Ltd., 31 Eden Crescent, Auckland.
 Elco Ltd., Elliot's Rural Products, 9-13 Edinburgh Street, Auckland.
 Flexipac Ltd., corner Victoria and Hobson Streets, Auckland.
 Fraser Products Ltd., 85 Jervois Road, Herne Bay, Auckland.
 Free Flo Products Ltd., 105 Nelson Street, Auckland.
 Gilseal Ltd., 69 Carlton Gore Road, Auckland.
 Greenwell, R., Ltd., Beaumont Street, Auckland.
 Hekter (N.Z.) Ltd., 126 Symonds Street, Auckland.
 Industrial Chemicals Ltd., Eden Crescent, Auckland.
 Janola Products Ltd., Favona Road, Auckland.
 Kiwi Products Ltd., Durham Lane, Auckland.
 Kolynos (N.Z.) Ltd., Kitchener Street, Auckland.
 K.L. Packing Co. Ltd., Carr Road, Mount Roskill.
 Lawrence, Alfred, and Co. (N.Z.) Ltd., 85 Anzac Avenue, Auckland.
 Manning Ltd., Victoria Street, East Hamilton.
 Morro, N., Ltd., 35 George Street, Newmarket, Auckland.
 Peterson, S. W., and Co. Ltd., Manufacturing Chemists, 200 Victoria Street, Auckland.
 Potter and Birks Ltd., 710 Great South Road, Auckland.
 Proprietary Packers Ltd., 9A George Street, Auckland.
 Q-tol Fluenzol Laboratories, Kent Street, Newmarket, Auckland.
 Rubenstein, Helena, Ltd., Princes Street, Onehunga.
 Scientific Pest Control Ltd., 176 Marua Road, Auckland.
 Sharland and Co. Ltd., Manufacturing Chemists, Taylors Road, Morningside, Auckland.
 Sonata Laboratories, Ltd., Great North Road, Auckland.
 Sparks, David, Ltd., 33 Great South Road, Otahuhu, Auckland.
 Stearns, Frederick, and Co., Manufacturing Chemists, Taylors Road, Morningside, Auckland.
 Stewart Foot and Co. Ltd., Gavin Street, Penrose, Auckland.
 Sutton Mason and Co. Ltd., 188 Stoddard Road, Mount Roskill, Auckland.
 Trimol Laboratories Ltd., 71 Melrose Road, Auckland.
 Unity Products Ltd. (Farmers Trading Co. Ltd.), Hobson Street, Auckland.
 Vanbro Ltd., 2 King Edward Avenue, Auckland.
 Warner, W. R., Ltd., Manufacturing Chemists, 21 Federal Street, Auckland.
 Wiles, H. O., Ltd., 11 Wakefield Street, Auckland.
 Winstone, Frank, Ltd., O'Rorke Street, Penrose, Auckland.
 Wrigley, Douglas, Ltd., Galway Street, Onehunga.

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 1962 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 25th day of July 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Definitions

1. (a) This award shall apply to workers substantially employed in the manufacture, bottling, packing, packaging, labelling, wrapping, mixing, grinding of:

(i) Chemical and related products including:

Cleansing preparations
 Disinfectants.
 Emulsions.
 Ink (other than printers' ink).
 Insecticides.
 Malt extracts.
 Polishes.
 Proprietary and/or patent medicines.
 Stock meals and licks.
 Toilet preparations.
 Tablets (medicinal).
 Vitamins preparations.

(ii) Chemical products for veterinary, household, medicinal, manufacturing, processing, preserving, or garden use or for food.

(b) Other workers (excepting engineers, engine drivers and firemen) employed at work ancillary to the industry, including the making from any class of material of containers for use in the factory, but shall not apply to workers who are substantially employed at work coming within the scope of any award in force made by the Court of Arbitration, or of any industrial agreement in force made in accordance with the rules of any other industrial union.

Workers employed at work ancillary to the industry shall be paid not less than the rates provided in the appropriate award or industrial agreement while so employed.

Hours of Work

2. (a) The ordinary hours of work for workers employed under the award shall not exceed 40 per week or eight hours per day, to be worked between the hours of 8 a.m. and 5 p.m. on Mondays to Fridays, both days inclusive.

(b) Notwithstanding anything contained in this award, section 19 (3) of the Factories Act 1946, relating to the employment of workers for the purpose of raising steam and in making preparations for the work of the factory, shall be deemed to be incorporated herein.

Overtime

3. (a) All time worked outside of and in excess of the hours provided in clause 2 hereof, shall be paid for at the rate of time and a half for the first three hours and thereafter double time, except in the case of overtime on Saturday when the first four hours shall be paid for at the rate of time and a half. Overtime shall be computed on a daily basis.

(b) For the purpose of computing overtime, work done up to and including half an hour shall be deemed half an hour, and work done for any period exceeding half an hour and up to an hour, shall count as one hour.

(c) The minimum overtime rate of payment per hour shall not be less than 2s. 6d.

Wages

4. The minimum rates of pay for male workers over the age of 21 years shall be:

	Per Week
	£ s. d.
Working foreman in charge of a department in which three or more adult workers are employed	12 11 8
Working foreman, qualified chemist	13 13 3
Qualified chemist	13 7 1
Unqualified chemist	12 12 2
Drug manufacturer	11 18 10
Tablet maker—	
For the first six months	11 18 10
Thereafter	12 6 0
All other workers	11 12 0

Wages: Youths

5. (a) Youths under 21 years of age may be employed at not less than the following weekly rates:

	Per Week
	£ s. d.
Under 17 years of age	3 10 9
17 to 18 years of age	4 12 6
18 to 19 years of age	5 17 3
19 to 20 years of age	7 2 0
20 to 21 years of age	8 10 0

And thereafter the rate for adult general hands.

(b) The proportion of youths shall not exceed one youth to every two or fraction of two adult workers employed.

Wages: Female Workers

6. Female workers may be employed at not less than the following weekly rates:

	Per Week
	£ s. d.
Under 17 years of age	3 4 6
17 to 18 years of age	4 3 3
18 to 19 years of age	5 1 9
19 to 20 years of age	6 0 6
20 to 21 years of age	6 19 0
Thereafter	£8 per week.

Forewoman—There may be one working forewoman in each establishment, who shall be in charge of three or more adult workers and who shall be paid not less than 14s. 6d. per week extra.

Leading Hand—A leading hand shall mean any female under the supervision of a forewoman and in charge of other workers during the temporary absence from time to time of the forewoman. Leading hands shall be paid not less than 7s. 6d. per week extra

Casual Workers

7. Workers employed for less than one week shall be deemed to be casuals and shall be paid on an hourly basis 10 per cent above the minimum rate prescribed for the appropriate weekly worker.

Female Part-time Workers

8. Female workers whose engagement is for less than 40 hours per week shall be paid the *pro rata* rate calculated on the ordinary weekly wage. No such part-time worker shall be engaged without the written consent of the union.

Holidays

9. (a) The following holidays shall be allowed without deduction from wages: a whole holiday on every Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign.

(b) Should any of the above-mentioned holidays, other than Anzac Day, fall on a Saturday or Sunday, then for the purposes of this award such holiday shall be observed on the next succeeding working day.

(c) Time worked on Sunday shall be paid for at double time rates.

(d) Time worked on any of the above mentioned holidays shall be paid for at double time rates plus the ordinary holiday pay for that day.

(e) Annual holidays shall be granted in accordance with the provisions of the Annual Holidays Act 1944.

Where it is customary for any employer to allow annual holidays to his workers or to any class of his workers during a period in each year when his premises are closed or the work of those workers is for any reason discontinued, and at the date of the commencement of any such period any such worker has not become entitled to an annual holiday, then subject to any agreement under the proviso to subsection (2) of section 3 of the Annual Holidays Act 1944, that worker, notwithstanding the provisions of subclause (a) of clause 9 hereof, shall not be entitled to any wages for the two weeks following that date but the employer shall before that date pay to him in addition to all other amounts due to him at that date, including amounts to which he is entitled in respect of special holidays, an amount equal to one twenty-fifth of his ordinary pay for the period of his employment up to that date, and for the purposes of the Annual Holidays Act the next year of his employment shall be deemed to commence on that date.

Terms of Employment

10. (a) Except in the case of casual workers, the employment shall be deemed to be a weekly one and no deduction shall be made from the weekly wages payable herein except for time lost through default or sickness of the worker or by reason of accident not arising out of and in the course of employment.

(b) Except in the case of casual workers, not less than one week's notice shall be given by either party of the termination of the employment. Where the required notice is not given by either party one week's wages shall be paid or forfeited as the case may be. Provided that nothing in this clause shall prevent an employer from dismissing any worker for misconduct. Providing further that all wages due to the worker shall be paid forthwith.

Payment of Wages

11. Wages shall be paid weekly and in the employer's time and not later than Thursday of each week.

Meal-money

12. A worker required to work overtime after 6 p.m. shall be paid 5s. tea-money.

Requirements of Economic Stabilisation Regulations

13. 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 Conditions

14. (a) Smocks and overalls shall be supplied weekly and laundered by the employer.

(b) The employer shall, in the case of workers engaged in working of any chemical process which is dangerous to the health of the workers, provide respirators, gloves, and such other equipment as will be deemed satisfactory to the Health Department.

(c) Boiling water shall be supplied for meals.

(d) Workers employed in damp or wet places shall be supplied with gumboots.

(e) Female workers shall not handle more than 28 lb single handed.

(f) Boys under 17 years of age shall not handle more than 56 lb single handed.

(g) This award shall not operate so as to reduce the wages of any worker during his or her present employment.

(h) A 10-minute rest period shall be allowed in the morning and afternoon to all workers without deduction of pay.

(i) Showers shall be provided for employees working in powder rooms.

(j) Milk shall be supplied to workers engaged in handling of powders on their request.

(k) The employer shall retain for purchase, on request, sanitary pads and sanitary towels. A suitable arrangement for disposal of such sanitary pads or towels shall be made.

First-aid Outfits

15. First-aid outfits shall be provided in all factories and shall be accessible to employees at all times. The employer shall be responsible for keeping supplies in clean containers and in charge of a responsible person.

Accommodation

16. The employer shall supply suitable dining and lavatory accommodation, towels and soap as required by the Factories Act 1946, together with facilities for changing clothes, also hot water for washing purposes.

Right of Entry, etc.

17. (a) The secretary or other authorised officer of the union of workers 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 employers business.

(b) Employers bound by this award shall, upon written request by the union, which request shall not be made more often than once in every three months, supply to the union a list of their employees.

Disputes and Matters Not Provided For

18. If any dispute shall arise in connection with any matter pertaining to or arising out of this award and not specifically dealt with therein, it shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner who may either decide the issue or refer same to the Court. Either side, if dissatisfied with the decision of the commissioner may appeal to the Court upon giving written notice of such appeal to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Workers to be Members of Union

19. (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

20. (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

21. 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 the 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

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

Term of Award

23. 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 26th day of May 1960, 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 1962.

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 25th 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.
