

HAWKE'S BAY FOOD PRESERVING WORKERS—AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954: And in the matter of an industrial dispute between the

Birds Eye Foods N.Z. Ltd., Hastings
Fropax (N.Z.) Ltd., Hastings
Thompson and Hills Ltd., Wellesley Road, Napier
Wattie, J., Canneries Ltd., Hastings

(hereinafter called “the employers”) and the

New Zealand (Except Northern, Westland and Otago and Southland) Food Preserving, Chemical and Related Products Factory Employees Industrial Union of Workers, Room 21, Trades Hall, Wellington

(hereinafter called “the union”).

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 22nd day of February 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 22nd day of August 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to manual workers and uncertificated laboratory workers engaged in the manufacture, canning, quick-freezing, cool storing, bottling, and packaging of fruit, vegetables, meat, fish, juice extracts and all foodstuffs, including synthetic products.

Hours of Work

2. (a) The ordinary hours of work shall be 40 a week and eight a day, and subject to the provisions of clause 3 hereof, shall be worked between 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive: Provided that when the industry is working seven days a week, in lieu of any one day from Monday to Friday inclusive, female workers may be employed on Saturday and shall be paid, in addition to ordinary wages, half time rates for the first four hours and ordinary time rates thereafter.

This proviso shall only apply when female workers are required to work on six days of the week.

(b) With the exception of a meal period and authorised rest periods the day's work shall be continuous.

(c) A rest period of 10 minutes shall be allowed within each four hours working period and after two hours' continuous overtime if such overtime is to be continued for at least one further hour: Provided that no worker shall be required to work more than two and a half hours without a ten minute rest period.

Shift Work

3. (a) Notwithstanding the provisions of clause 2 hereof, shifts may be worked at any time as required by the employer.

(b) Shift workers shall be paid an allowance of 4s. a shift.

(c) A shift worker is a worker whose ordinary working hours fall wholly or partly outside the hours prescribed in subclause (a) of clause 2.

(d) In the case of shift workers all time worked in excess of eight hours per day or 40 hours per week shall count as overtime and shall be paid for at time and a half rates for the first three hours and double time thereafter: Provided that overtime worked on Saturday shall be paid for at the rate of time and a half for the first four hours and double time thereafter. Overtime shall be calculated on a daily basis.

(e) When the industry is working seven days a week, in lieu of any one day from Monday to Friday inclusive, female workers may be employed on Saturday and shall be paid, in addition to ordinary wages, half time rates for the first four hours and ordinary time rates thereafter. This subclause shall only apply when female workers are required to work on six days of the week.

(f) In the case of shift workers, overtime shall only be payable after eight hours and shall then be paid for at the rate of time and a half for the first three hours and double time thereafter.

Overtime

4. (a) All time worked in excess of the hours prescribed in clause 2 hereof 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 four hours may be worked up to 12 noon on Saturdays at time and a half rate. 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 one hour shall count as one hour. Overtime shall be calculated on a daily basis.

(b) Any time worked between 12 noon on Saturday and midnight on the following Sunday shall be paid for at double time rate.

(c) Regular workers unexpectedly called back to work outside normal working hours shall be paid for a minimum of two hours at the appropriate overtime rate.

(d) Regular workers shall be given preference over part-time and casual workers in the allocation of overtime.

Meal Period

5. (a) One hour shall be allowed for meals provided that if the majority of workers agree the meal period may be less than one hour.

(b) Any worker required to work during any portion of his meal period shall be paid at time and one half rate in respect of the time so worked during such meal period.

(c) A worker shall not be employed for more than four hours continuously without an interval of not less than half an hour for refreshments.

(d) Shift workers shall be allowed half an hour crib time included in their eight hour shift and this half hour shall be paid for by the employer.

Wages

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

	Per Week
	£ s. d.
(i) Adult male workers—	
To commence	12 0 0
After 12 months' continuous service	12 5 0
Males under 18 years of age	7 3 4
Males 18 years to 20 years	9 18 4
Thereafter adult rate.	
(ii) Adult females—	
To commence	8 1 8
After six months	8 10 0
Females under 18 years of age	6 2 6
Females 18 years to 20 years	7 6 8
Thereafter female adult scale.	

(b) Workers employed for less than one week shall be deemed to be casuals and shall be paid not less than the following rates:

	Per Hour
Adult males	One fortieth of the appropriate weekly rate prescribed in paragraph (i) of subclause (a) of this clause.
Adult females	4s. 0½d.

(c) Workers who by agreement are employed weekly for a lesser number of hours than those specified in clauses 2 and 3 hereof shall be paid on a *pro rata* basis, calculated on a 40-hour week. The union shall be notified of any such agreement.

(d) A worker placed in charge of three or more other workers shall be paid 15s. per week additional to the above rates.

(e) This award shall not operate so as to reduce wages paid nor so as to affect adversely in any way the conditions of employment of any worker employed on the date of this award.

(f) Piecework shall be by arrangement between the branch secretary of the union and the employer.

(g) Special classes of workers not referred to in subclause (a) of this clause shall be paid a rate to be mutually agreed between the union and the employer.

Allowances

7. (a) A worker required to work in a refrigerated store or chamber in a temperature of 32 degrees Fahrenheit or less shall be paid an allowance of 6d. per hour while so employed.

(b) Workers employed on the work of lye peeling shall be paid 7d. an hour extra while so employed.

(c) When workers are required to work overtime on any day, the employer shall provide a meal or pay each of such workers 5s. to enable him or her to obtain a meal, unless such worker has been notified before noon on the day on which overtime is to be worked that he or she shall be required to work overtime: Provided that when such notice has been given and the worker's services are not required, he or she shall receive the meal allowance and a minimum of two hours' pay at the appropriate rate.

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.

Terms of Employment

9. (a) In the case of workers with less than six months' service (other than casuals) two days' notice shall be given by either party of the termination of employment. In the case of workers with more than six months' service one week's notice shall be given by either party of the termination of employment. Nothing in this clause shall prevent an employer from summarily dismissing a worker for wilful misconduct.

(b) Should the notice required to be given in subclause (a) of this clause not be given by either party, then two days' pay, in the case of workers with less than six months' service, shall be paid or forfeited, as the case may be; and one week's pay, in the case of all other workers, shall be paid or forfeited, as the case may be.

(c) No deduction shall be made from the weekly wages provided herein for any cause except for time lost through the worker's own default, union subscriptions, sickness or accident not arising out of and in the course of his employment.

Payment of Wages

10. Workers shall be paid weekly in cash not later than Thursday and in the employer's time. Workers shall be paid immediately upon discharge.

Holidays

11. (a) The following shall be recognised as holidays: New Year's Day, 2 January, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign.

(b) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then for the purpose of this award it shall be observed on the following Monday or Tuesday.

(c) Any work done on Sunday or any of the above-mentioned holidays, or holidays observed in lieu thereof, shall be paid for at double time rates. The said payment shall be in addition to the ordinary weekly wage.

(d) Should any of the above holidays not be generally observed in any locality, another day may be observed in lieu thereof.

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

General Conditions

12. (a) Boiling water shall be supplied for meals.

(b) Workers employed in damp or wet places shall be supplied with gum-boots and rubber aprons or overalls. Protective clothing shall be supplied in accordance with section 29 of the Food Hygiene Regulations 1952, and as required by the aforesaid regulations, the laundering of such clothing shall be the responsibility of the employer: Provided, however, that the union and any employer may agree on an alternative proposal in order to comply with the aforesaid regulations.

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

(d) Boys under 16 years of age shall not handle more than 56 lb single-handed.

(e) Where gloves and aprons are essential, these shall be supplied by the employer.

(f) The employer shall supply suitable dining and lavatory accommodation together with facilities for changing clothes, also hot water for washing as prescribed by the Factories Act 1946, and its amendments. Where the employer considers it practicable, he shall permit workers to leave their bicycles or cars within the factory precincts within working hours.

(g) Each worker on leaving or being discharged from his or her employment shall, on request, within 24 hours thereafter, receive a certificate of service in writing stating the position held and length of service. Original references shall be the property of the worker and shall be returned within 48 hours after engagement.

(h) First-aid kits shall be provided in all factories and shall be in charge of a responsible person.

Disputes

13. The essence of this award being that on no account whatsoever shall the work be impeded, any dispute in connection with any matter not provided for in this award 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 Conciliation Commissioner or other person mutually agreed upon who may either decide the same or refer the matter to the Court. Either party if dissatisfied with the decision of the Commissioner or such other person, 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.

Right of Entry Upon Premises

14. 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 employer's business.

Workers to be Members of Union

15. (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.

(d) Subject to the worker's consent, the employer may agree with the union to deduct and pay to the union the union dues of workers bound by this award.

(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

16. (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

17. 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

18. This award shall operate throughout that part of the Wellington Industrial District known as the former Province of Hawke's Bay.

Term of Award

19. 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 20th day of June 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 22nd day of February 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 22nd day of August 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.

HAWKE'S BAY FOOD PRESERVING WORKERS—AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954: And in the matter of the Hawke's Bay Food Preserving Workers Award, dated the 22nd day of August 1960, and recorded in 60 Book of Awards.

TUESDAY, THE 6TH DAY OF SEPTEMBER 1960

IN pursuance and exercise of the powers conferred on it by section 162 (1) (a) of the Industrial Conciliation and Arbitration Act 1954, and for the purpose of remedying a defect in the Hawke's Bay Food Preserving Workers Award, dated the 22nd day of August 1960, the Court doth hereby order that the said award shall be and it is hereby amended in the manner following:

1. By deleting subclause (f) of clause 3 (Shift Work) and substituting the following subclause:

“(f) Shift workers shall be allowed half an hour crib time included in their eight hour shift and this half hour shall be paid for by the employer.”

2. By deleting subclause (d) of clause 5.

[L.S.]

A. TYNDALL, Judge.
