

LAMINEX PROPRIETARY LTD.—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 New Zealand Engineering,
Coachbuilding, Aircraft and Related Trades Industrial Union of Workers
(hereinafter called “the union”) and the under-mentioned proprietary (herein-
after called “the employers”):

Laminex Proprietary Ltd., 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 5th 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. The industry to which this award applies is the manufacture of:

- (a) "Laminex" Decorative Laminate;
- (b) "Lami-wall" Decorative Wallboard;
- (c) "Laminex Industrial Lamirates".

Day Workers—Hours of Work

2. The hours of work shall be 40 per week, and shall not exceed eight in any one day, to be worked between the hours of 7.30 a.m. and 5 p.m. Monday to Friday inclusive. The hours of work for these workers shall not be broken other than for a normal meal break of half an hour in each day.

Overtime

3. (a) All work done in excess or outside of the hours mentioned in clause 2 hereof or outside of the ordinary hours of ceasing work shall count as overtime and shall be paid for at the rate of time and a half for the first three hours in any one day and double time thereafter. Any worker (other than a shift worker) who is called back after 10 p.m. or before 6 a.m. or after 12 noon on Saturday shall be paid double rates. Overtime shall be calculated on a daily basis.

(b) Any worker having worked for 24 hours, inclusive of intervals for meals, shall not be required to continue working without his consent. If he does continue working he shall be paid double rates for all the time worked on the second day until an eight-hour break is allowed.

(c) Any worker having worked his normal eight hours and being required to continue working on into the next day shall be paid double rates for all such continuous time worked on the second day.

(d) Any worker having worked his normal eight hours and having continued to work until midnight shall be given eight hours off or be paid double time for all time worked on the second day.

(e) Where a worker is required to work overtime in the terms of subclause (a) of this clause after the ordinary hour of ceasing work for the day, and where such period is broken, except for meal intervals, after at least four hours' overtime has been worked, no worker shall be called to resume work until a period of eight hours has elapsed unless double rates are paid for all time worked following such resumption of work.

(f) Any worker required to commence work after the cessation of public wheeled traffic or before the ordinary time of starting such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic, shall be paid for time occupied in travelling to or from his home, computed on 3 miles per hour, at ordinary rates of pay. If a conveyance is provided for the worker by his employer he shall not be entitled to payment for travelling time. For the purpose of this award "public wheeled

traffic" shall mean, trams, buses, trains, or ferries ordinarily used by the worker travelling to or from his work: Provided that in the case of a worker who normally starts or finishes work when public wheeled traffic is not available, the amount to be paid to the worker to cover travelling time may be agreed upon between the employer and the secretary of the union, but if an agreement is not reached the question shall be decided by a committee consisting of the employer, the secretary of the union, and the Conciliation Commissioner, who shall be chairman, and the decision of such committee shall be final.

(g) No worker shall work overtime on Friday night or on the night of the union's regular monthly meeting except on urgent or breakdown work.

(h) The employer shall either provide a suitable meal or allow meal-money at the rate of 5s. per meal when workers are called upon to work overtime after 6 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, or Friday, or after 1 p.m. on Saturday or Sunday, unless such workers can reasonably get home for a meal and return to their work in one hour, in which case the meal allowance need not be paid.

When working protracted overtime, either a suitable meal shall be provided, or meal-money paid every four and a half hours that overtime continues provided workers are required to continue working after the meal interval; and provided, further, that the period of four and a half hours may be varied by agreement. In such cases reasonable meal intervals shall be paid for.

(i) When working overtime under conditions where a worker cannot obtain a meal without incurring extra travelling-expense, the employer shall reimburse such extra expense.

(j) When a worker is called back after having completed his day's work and left the place of employment or on a Saturday or is called out to work overtime before his usual time of commencing work and does not continue working until such time he shall be paid for a minimum of two hours.

Shifts

4. (a) This clause shall have no application to a worker required to work shifts outside of the hours prescribed in clause 2 on less than five consecutive working days.

(b) Shifts may be worked as required by the employer. The ordinary hours or work of a shift worker shall not exceed five consecutive eight-hour shifts, to be worked between the hours of midnight Sunday-Monday and 7 a.m. Saturday. Each worker shall have ample opportunity as near to the middle of the shift as possible to partake of a meal without cessation of work.

(c) The commencing-hour for day shifts shall be not earlier than 7 a.m. instead of the commencing hour of 7.30 a.m. mentioned in clause 2, or such other hour as may be agreed upon by the employer and the local union secretary.

(d) A worker employed on an afternoon or night shift shall, while so employed, be paid 5s. per shift in addition to ordinary rates.

An afternoon shift means any shift commencing after 12 noon and finishing at or before midnight, and a night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

(e) 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: Provided that overtime rates shall not be payable where the overtime arises from arrangements made between the employees themselves.

(f) Where it is practicable, shifts shall be worked on a regular rotation.

Holidays

5. (a) The following are the recognised holidays under this award: New Year's Day, 2 January, Show Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day and Boxing Day.

(b) The attention of the parties is drawn to the provision of the Public Holidays Act and amendments, which provides for the transference of certain holidays which fall on Saturdays or Sundays.

(c) Payment of wages for the said holidays shall be made to all persons who perform work under this award at any time during the fortnight ending on the day on which the holidays occur.

(d) Where any worker has been employed by more than one employer during the fortnight ending on the day on which any of the above holidays occur he shall be entitled to receive payment for the holiday from one or more employers, and if more than one, in such proportions as the Inspector of Awards determines.

(e) For work done on Sundays or any of the holidays specified in subclause (a) hereof double rates shall be paid in addition to any payment to which the worker is entitled under subclause (c) hereof.

(f) For the purpose of this award a holiday shall be deemed to commence at 12 midnight.

Wages

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

Adult males, 6s. 4d. per hour.

Adult females, £8 10s. per week.

Youths—

	Per Week
	£ s. d.
Under 16 years of age	3 15 3
16 to 17 years of age—	
First six months	6 4 0
Second six months	6 15 2
17 to 18 years of age—	
First six months	7 5 1
Second six months	7 19 2
18 to 19 years of age	8 7 10
19 to 20 years of age	8 19 10
20 to 21 years of age	9 12 8
Thereafter the adult male rate.	

Females—

16 to 17 years of age	3 18 7
17 to 18 years of age	4 11 0
18 to 19 years of age	5 15 9
19 to 20 years of age	6 14 4
20 to 21 years of age	7 6 10
Thereafter the adult female rate.	

Part-time Female Workers

7. (a) Where the employer does not regularly require the services of a female worker for the full period of 40 hours per week he shall pay such worker *pro rata* the appropriate scale of wages plus 10 per cent.

(b) Where a female worker is unable to accept full time employment the employer shall pay *pro rata* the appropriate scale of wages.

(c) These provisions shall not be used for the purposes of reducing the hours of work or the earnings of any worker.

Annual Holidays

8. Annual holidays shall be granted in accordance with provisions of the Annual Holidays Act 1944.

General Conditions

9. (a) Any worker who works overtime or a double shift shall be allowed eight hours off from the time he finishes such overtime or double shift, as the case may be, or he shall be paid double ordinary time rates as provided under clause 6 hereof for all the time worked thereafter until he has an interval of eight hours off work.

(b) If a worker is required to work in any other department than his usual department, he shall be paid for the time so employed at the rate prevailing in such department if the rate is higher than his usual pay.

(c) Workers who report for work but are sent home before starting to come back on another shift shall be paid a minimum of two hours.

Workers who commence work and are later sent home, to come back on another shift shall be paid overtime rates for the time so served.

(d) Female workers shall not be required to lift any package exceeding 40 lb in weight.

Youths under the age of 18 years shall not be required to lift any weight exceeding 70 lb.

(e) An interval of 10 minutes shall be allowed for morning and afternoon tea without loss of pay.

(f) Adequate washing facilities shall be provided.

(g) Boiling water for meals shall be provided.

(h) A modern first aid kit, fully equipped shall be maintained.

(i) Lockers shall be provided for all workers.

(j) Workers the nature of whose work necessitates the regular wearing of overalls shall be supplied by the employer with two suits of overalls at the commencement of each year of service with the employer: Provided, however, that in the case of each new engagement the employer may pay to the worker an overall allowance of 2s. per week for a maximum period of three months.

(k) A 10-minute rest period shall be allowed to all workers in the middle of each four hours' working period.

(l) All lifting gear such as chains, hooks, etc., shall be examined annually.

(m) Where a worker has been specially directed to take charge of four or more workers, he shall be paid 3s. per day extra.

Terms of Employment

10. (a) No deduction shall be made from the weekly wages mentioned in this award except for time lost by the worker through sickness, accident or default.

(b) The working week shall end at 11 p.m. Sunday and wages shall be paid on the Wednesday following.

(c) One week's notice of termination of engagement shall be given on either side for all workers of more than two consecutive weeks' employment, provided that in the event of accident to plant no notice of the termination of engagement shall be necessary. Nothing in this subclause shall prevent the employer from dismissing a worker without notice for wilful misconduct.

(d) Workers shall record the time of their arrival at and departure from work on the apparatus provided for such purpose. The time occupied by the workers in filling in any books or cards, or in making any record shall be treated as time of duty, except that occupied in checking in or out at the beginning or end of duty which checking shall be done in the worker's own time.

Workers to be Members of Union

11. (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.)

Access to Workshops

12. The president or any authorised salaried representative of the local union of workers concerned 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. The employer shall give recognition to any worker who is appointed shop steward in the establishment in which he is employed.

Disputes Committee

13. The essence of this award being that the work of the employers 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, if required, by either party 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.

Under-rate Workers

14. (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, and such inspector in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such inspector 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 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 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 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.

Operation of Award

15. This award shall apply only to the Laminex Proprietary Ltd., Christchurch.

Term of Award

16. 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 6th 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 5th 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.
