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**OTAGO FRONT-OF-HOUSE EMPLOYEES—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 Dunedin Theatrical and Shows' Employees (Other than Stage Hands) Industrial Union of Workers (hereinafter called "the union") and the under-mentioned union, council, persons, firms, and companies (hereinafter called "the employers"):

New Zealand Motion Picture Theatre and General Theatrical Industrial Union of Employers, 49-51 Courtenay Place, Wellington.

Amalgamated Theatres Ltd., Octagon Theatre, Dunedin.

Dunedin Competitions Society, Dowling Street, Dunedin.

Fuller Theatre Corporation Ltd., St James Theatre, Dunedin.

Green Island Borough Council, Green Island.

Kerridge Odeon Theatres Ltd., Dunedin.

Proprietor, Picture Theatre, Queenstown.

Roxburgh Borough Council, Roxburgh.

Strain, E.N., Anzac Square, Dunedin.

THE COURT of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the abovementioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, 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 April 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 6th day of October 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

*Industry to Which Award Applies*

1. This award shall apply to all front of house workers (including caretakers and cleaners) employed in connection with the exhibition of motion pictures or the performing of stage entertainments.

PART I—PICTURE THEATRES

*Application*

2. This Part of the award shall apply to theatre attendants (other than cleaners and caretakers, except where specifically provided for) employed in picture theatres.

A "picture theatre" shall be deemed to be a theatre in which the screening of motion pictures forms the main part of the performance.

*Hours of Work*

3. (a) Employers shall be at liberty to fix the weekly hours of work for their respective workers according to the exigencies of the particular theatre, which shall not exceed 36 hours in the case of ticket-takers, doorkeepers, ushers, and other theatre attendants, and in the case of ticket-sellers 32 hours per week, to be worked on five days per week, Mondays to Saturdays inclusive. In no case shall more than seven and a half hours be worked on any one day without payment of overtime.

(b) A worker shall not be called upon to work for a lesser period than two hours on any one occasion.

*Wages*

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

	Payable from 1 August 1960 to 5 October 1960.			Payable On and after 6 October 1960.		
	Per Week			Per Week		
	£	s.	d.	£	s.	d.
Adults (males) .....	9	4	7	11	8	11
Ticket-sellers (female) .....	6	11	5	8	2	11
Other female attendants and youths .....	6	6	4	7	16	8

(b) Except as otherwise provided in subclause (c) of this clause, period ticket-sellers and male period workers shall receive not less than 4s. 8½d. per hour from 1 August 1960 to 5 October 1960, and 5s. 10d. per hour on and after 6 October 1960, and all other period workers shall receive not less than 4s. 6½d. per hour from 1 August 1960 to 5 October 1960 and 5s. 7½d. per hour on and after 6 October 1960, with a minimum of three hours and a maximum of four hours in any one period: Provided that under special circumstances the rate may be increased and the minimum working period reduced by agreement with the union.

(c) In theatres situated outside a radius of two miles from the Dunedin Chief Post Office and outside the Oamaru Borough, the minimum rates shall be:

Attendants (other than caretakers) – night shows, two hours; or matinees, one hour and a half: 11s. 5d. per performance from 1 August 1960 to 5 October 1960, and 14s. 2d. per performance on and after 6 October 1960.  
 Caretakers: 18s. per performance from 1 August 1960 to 5 October 1960 and £1 2s. 4d. per performance on and after 6 October 1960.  
 Caretakers, if required to take tickets, 5s. per performance extra.

(d) Attendants who act as firemen shall be paid 3s. per performance extra.

(e) For the purpose of this award a youth shall be a male person under the age of 20 years.

## PART II—STAGE ENTERTAINMENTS

### *Application*

5. This Part of the award shall apply to workers (other than caretakers and cleaners) employed in connection with vaudeville, concert, dramatic, operatic, and other stage entertainments.

### *Hours of Work*

6. Unless otherwise provided, the ordinary hours of work of theatre attendants shall not exceed the following:

Ticket-sellers: Two and a half hours nightly and two hours matinees.

Spruikers: Three hours per performance.

Other theatre attendants: From 6.45 p.m. until clearing of house and covering of seats: Provided that 6.45 p.m. shall read as 6.30 p.m. in the case of theatres where the performance commences earlier than 8 p.m.: Provided, also, that the hours of work shall not exceed four per performance. All matinees: From three-quarters of an hour prior to the commencement of the performance until the clearing of the house.

### *Wages*

7. (a) The minimum rates of wages for all theatre attendants coming within this Part of the award shall be 18s. 1d. per performance from 1 August 1960 to 5 October 1960 and £1 2s. 5d. per performance on and after 6 October 1960.

(b) Attendants who act as firemen shall be paid 3s. per performance extra.

## PART III—CARETAKERS AND CLEANERS

### *Application*

8. (a) This Part of the award shall apply to caretakers and cleaners.

(b) The work of a caretaker shall include the cleaning of the theatre and the proper care of and responsibility for the employer's property in and about the theatre.

(c) A "cleaner" is a person employed for the purpose of the cleaning of the theatre and its furnishings.

*Hours of Work*

9. (a) Save as hereinafter provided, the ordinary hours of work of caretakers and/or cleaners shall be 40 per week, to be worked to suit the exigencies of the particular establishment: Provided that the minimum period shall not be less than two hours on any one occasion.

(b) Caretakers and/or cleaners directed by the employer to work on Sundays shall be paid not less than double ordinary rates.

(c) Where the daily working hours of cleaners are not continuous the worker shall be paid 2s. 6d. per day extra. Where the daily hours of caretakers other than caretakers resident on the theatre premises are not continuous, such caretakers shall be paid 2s. 6d. per day extra.

*Wages*

10. (a) Except as hereinafter provided, the minimum rate of wages for caretakers and cleaners shall be as follows:

	Payable from 1 August 1960 to 5 October 1960			Payable on and after 6 October 1960		
	Per Week			Per Week		
	£	s.	d.	£	s.	d.
Caretakers .....	9	19	0	12	6	9
Male cleaners .....	9	4	7	11	8	11
Female cleaners .....	6	11	5	8	2	11
	Per Hour			Per Hour		
	s.	d.		s.	d.	
Casual male cleaners .....	4	8½		5	10	
Casual female cleaners .....	3	11		4	10	

(b) Mayfair Theatre (South Dunedin): Male caretakers employed at the Mayfair Theatre, showing not more than seven performances per week, for a week not exceeding 30 hours, shall be paid £8 7s. 6d. per week from 1 August 1960 to 5 October 1960, and £10 7s. 8d. per week on and after 6 October 1960.

## PART IV—GENERAL PROVISIONS

11. The provisions of this Part of the award shall apply to all workers covered by the award.

*Overtime, Saturday Work, and Midnight Matinees*

12. (a) All time worked in excess of the hours mentioned in the relevant clauses shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Each day shall stand by itself, except in the case of caretakers and cleaners.

(b) Weekly workers required to work on Saturdays as part of their ordinary weekly hours shall be paid for the time so worked at one quarter of their equivalent hourly rate extra, in addition to their ordinary wages.

(c) A midnight matinee shall be a performance commencing at any time after 10 p.m. or terminating after midnight. Workers employed in connection with midnight matinees shall be paid at double ordinary rates. Time worked by weekly workers in connection with midnight matinees shall not be counted in the ordinary weekly hours but shall be paid for at double ordinary rates.

(d) All work performed after midnight and before 6 a.m. shall be paid for at double ordinary rates.

### *Annual Holidays*

13. Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944.

#### *Holidays*

14. (a) (i) Weekly wage workers who work on Christmas Day, on Good Friday, or on Anzac Day shall be paid double time for any such time so worked, in addition to their ordinary weekly wage.

(ii) Period and performance workers who work on any of the three days mentioned above shall be paid double the ordinary hourly or performance rate as the case may be, in addition to any payment to which, if permanent period or performance workers, they may be entitled under subclause (d) of this clause.

(iii) Caretakers and/or cleaners who are required to work on any of the said three days shall be paid double time for the time worked, in addition to their ordinary weekly wage. Hourly workers shall be paid double ordinary rates for time worked on any of the said three days, in addition to any payment to which, if regular hourly workers, they may be entitled under subclause (d) of this clause.

(b) For all work done on New Year's Day, Anniversary Day, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Boxing Day, and Sundays, double the ordinary rates shall be paid. Double time rates shall mean in the case of weekly workers an extra day's pay, in the case of hourly workers an extra hour's pay per hour, and in the case of period or performance workers one extra payment per period or performance as the case may be. The provisions of this subclause relating to payment for work done on Sundays shall not apply to caretakers and/or cleaners. If any of the holidays, other than Anzac Day, mentioned in this subclause or in the preceding subclause shall fall on a Sunday, then in such case the following Monday shall be regarded as a holiday.

(c) Each holiday mentioned in the foregoing subclauses shall be deemed to be a day on which the hours usually worked by the worker on that day of the week have been worked, although no work shall have actually been done. Wages for each such holiday shall be paid on the first regular pay-day thereafter.

(d) No deduction shall be made from the wages of any worker in respect of any of the holidays mentioned in this clause when any of the aforementioned holidays falls on a day of the week which in normal circumstances would have been an ordinary working-day for the worker concerned.

(e) An employer shall not be required to pay a worker for any of the holidays set out in this award when such worker is away from work through default, sickness, or accident during the whole of the week in which the holiday falls.

(f) It shall be a breach of the award for any worker to work on Sunday or a holiday mentioned in this clause unless directed by or agreed to with the employer.

### *Termination of Employment*

15. (a) Except as otherwise provided, one week's notice of the termination of employment shall be given by either side.

(b) Twenty-four hours' notice shall be given by either side in the case of casual, period, and performance workers.

### *Increase in Rates of Remuneration*

16. For the period commencing on the 1st day of August 1960 and expiring on the 5th day of October 1960, 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 18th day of September 1959.

*Requirements of Economic Stabilisation Regulations*

17. No workers 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. This provision shall have application to the rates of remuneration payable from the date of making of this award.

*General Conditions*

18. (a) No worker shall be required to work more than four hours continuously without an interval of at least three quarters of an hour for a meal. Workers required to work between the hours of 12 noon and 1.30 p.m. and/or 4.45 p.m. and 7 p.m. shall be provided with facilities for taking a hot drink and refreshments.

(b) No female shall be required to clean any men's lavatory during any time when it is accessible to the public.

(c) Caretakers and cleaners shall be supplied with all brooms, brushes, cloths, and cleaning materials, and if required to perform unusually dirty work, they shall on such occasions be provided with overalls.

(d) In the case of workers employed at midnight matinees until it is too late to travel by the last train, bus, or other regular public conveyance to the worker's home, the employer shall provide proper conveyance for the worker if a female, to her home, or if a male, to his home if more than a mile from his place of employment.

(e) There shall be provided and maintained for the use of the staff adequate and suitable accommodation for clothing not worn during working hours.

(f) Facilities for the heating of water and making of tea shall be provided for the staff.

*Uniforms and Dress Suits*

19. Where an employer requires a worker to wear a uniform, such shall be supplied by the employer, who shall also arrange for its washing, laundering, and repair. A uniform is a special dress, other than a worker's suitable ordinary clothing, and the colour and/or the style of which is dictated by the employer. Where an employer requires an attendant to wear dress shirts, they shall be deemed to be part of a uniform.

*Commencement of Engagement*

20. All workers directed by the employer to report for work shall be paid from the time he or she was directed to attend and did attend, whether work is ready to be commenced or not, and shall be paid for not less than two hours.

*Payment of Wages*

21. Wherever possible, employers shall make payment of wages not later than Thursday of each week. Should any worker be discharged or compelled to leave his or her employment before the end of the week, he or she shall, on request, be paid all moneys due up to the time of leaving the employment prior to departure from the theatre.

*Deductions*

22. Deductions may be made from the wages of workers for time lost through sickness, accident, or default or by reason of the theatre being closed through circumstances over which the employer has no control.

*Casual Workers*

23. (a) The rate for casual workers employed on less than five showing-days in one week shall be 7d. per hour additional to the rate fixed herein in respect of regular workers. Workers regularly employed on one or more nights shall not be deemed to be casuals.

(b) With the consent of his or her employer a worker may, during absence through illness, holiday, or other cause, provide a suitable person to temporarily undertake his or her duties. Such substitute shall be paid not less than the award rate of pay by the employer or his representative. No substitute shall be deemed to be a casual.

*Theatre Attendants' Work*

24. The work of theatre attendants shall be interchangeable. In the case of a worker performing the work of any other worker, such first-mentioned worker shall be entitled to his usual rate of pay or that of the other position, whichever is the higher.

*Matters Not Provided For*

25. 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 seven days after such decision shall have been communicated to the party desiring to appeal.

*Copy of Award*

26. Employers shall keep at all times a printed or typewritten copy of this award affixed in dressing-rooms of the staff.

*Right of Entry*

27. The secretary or other authorised representative of the union shall be permitted to interview employees at their place of employment on any one day in each week at a suitable time to be arranged between the employer and the secretary of the union.

*Workers to be Members of Union*

28. (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*

29. (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.

*Bill-posting*

30. (a) A worker who is required to do bill-posting within the ordinary weekly hours shall be paid not less than 2s. 2d. per hour while so employed additional to the ordinary wage.

Where bill-posting is done by a weekly worker outside of the ordinary weekly hours he shall be paid the overtime rate provided in the award as applying to the particular worker concerned.

(b) A period worker shall be paid not less than 2s. 2d. per hour extra if required to do bill-posting during the ordinary hours. If such work is done outside the ordinary hours, he shall be paid at the rate of 5s. 9d. per hour.

*Notification*

31. Each employer bound by this award shall, on request, at intervals of not less than six months, supply to the union a list of all employees coming within the scope of this award.

*Application of Award*

32. 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 portion of the industrial district to which this award relates.

*Scope of Award*

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



*Term of Award*

34. 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 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 April 1962.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court has hereunto set his hand, this 6th day of October 1960.

[L.S.]

A. TYNDALL, Judge.

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MEMORANDUM

The matters settled by the Court were, hours of work (clauses 3 (a), 6 and 9 (a)), wages (clauses 4, 7 and 10), employers' counter proposal to reimburse cost of fares in lieu of the payment prescribed in clause 9 (c), Saturday work (clause 12 (b)), annual holidays (clause 13), holidays (clause 14 (a) and (b)), general conditions (clause 18 (a), (c), (d), (e) and (f)), uniforms (clause 19), and term of award, including the operative date of wage provisions.

A. TYNDALL, Judge.

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