

THE CANTERBURY AND WESTLAND GASWORKS' EMPLOYEES—AWARD

[Filed in the Office of the Clerk of Awards, Christchurch]

In the Court of Arbitration of New Zealand, Canterbury and Westland Industrial Districts—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Canterbury and Westland Gasworks and Related Trades Employees' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned board, councils, and companies (hereinafter called "the employers"):

New Zealand Gasworks Industrial Union of Employers, 64 Courtenay Place, Wellington.
Ashburton Electric Power Board, P.O. Box 40, Ashburton.

Christchurch City Council, Manchester Street, Christchurch.

Christchurch Gas, Coal and Coke Co., 77 Worcester Street, Christchurch.

Hokitika Gas Co. Ltd., P.O. Box 62, Hokitika.

Lyttelton Borough Council, Lyttelton.

Rangiora Borough Council, Box 102, Rangiora.

Timaru City Council, King George Place, Timaru.

Waimate Gas and Coal Co. Ltd., Waimate.

Westport Borough Council, P.O. Box 21, Westport.

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 13th day of October 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applicable

1. The industry to which this award applies is the manufacture and distribution of gas and by-products.

Hours of Work

2. (a) *Yardmen*—The hours of work for yardmen shall not exceed 40 per week, exclusive of overtime: Provided that any of such workers may be employed on Saturdays in bunkering and/or trimming coal or in handling coal, coke, or ashes for any four-hour period between 6 a.m. and noon at time and a half rates for the first three hours and double time thereafter. Such men shall be paid at least four hours at ordinary rates if called out on Saturday mornings.

(b) *All Other Workers*—The hours of work for all other workers, including maintenance-men and shiftmen, shall be 40 per week, exclusive of overtime.

(c) For 40-hour workers, other than shift-workers, the daily hours shall be between 7.30 a.m. and 5 p.m. on each of the days of the week from Monday to Friday, both days inclusive.

(d) *Shift-work*—The ordinary hours for shift-workers shall be as follows: a week's work shall consist of five shifts not exceeding eight hours each. Workers shall change shifts, as may be mutually arranged, so that no worker shall average more than 20 shifts in the period of 28 days.

(e) When a worker other than a shift-worker is required to work during his normal meal period he shall be paid at the rate of time and a half for any time so worked.

(f) Any shift-worker required to work on his day off shall be paid overtime rates for the specific day so worked.

Classification and Rates of Wages

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

(1) (a) *Horizontal retorts: Power stoking-machines and hand-stoking plants*—

Charging and pushing machine operators, stokers, retort patcher and scurfer, pipe-jumpers, vertical retort stokers, coke transporter men, water gas operators, and valvesmen	Per Shift £ s. d. 2 12 6
--	--------------------------------

Leading stoker or working shift foreman where not more than three stokers are employed on the shift shall be paid 9½d. per shift extra, and, where more than three stokers are employed on the shift, 2s. 6d. per shift extra. Men in sole charge shall be paid 2s. 6d. extra on the foregoing rate.

(b) *Fire-cleaners regularly employed on shift-work or day work* 2 12 6

(c) *Engine-drivers shall be paid the rates provided in any award covering stationary and traction-engine drivers for the time being in force in the district concerned.*

(d) *Ammonia-plant and tar-plant operators* 2 11 2

(2) *Day-workers*—The following classes of workers shall be paid the rates prescribed in any award or industrial agreement for the time being in force covering such workers, but if not covered they shall be paid the rates hereinafter mentioned:

(a) (i) *Tinsmiths, sheet-metal workers, dry-meter repairers, where soldering has to be done to meters, main-laying gangers (in charge of not less than six men), electricians: 6s. 8d. per hour.*

(ii) *Provided that any of such workers at present receiving a higher rate of pay shall not have their wages reduced.*

(b) Cast-iron dry-meter repairers, where no soldering is required to meters, wet-meter repairers, service layers, main layers and joiners, head storemen, men employed chipping, cleaning, painting, and/or spraying steel and iron structures: 6s. 1d. per hour.

(c) Blacksmiths' strikers, stove-meter and other shopmen reconditioning stoves, maintenance-men, complaints-men: 6s. per hour: Provided that any work defined as "plumbing work" in the New Zealand Plumbers and Gasfitters' award shall be paid for at the rate provided in the said award.

(d) Showroom attendants, salesmen, and meter-readers: 6s. per hour.

(e) Coal-workers: 5s. 11½d. per hour.

(f) (i) By product operators: 5s. 11½d. per hour.

(ii) Operator tar-distilling plant on day work: 5s. 11½d. per hour.

(iii) Other workers: 5s. 9½d. per hour.

(g) Worker who is employed welding, 1s. 8½d. per day of part of a day extra.

(h) All other workers: 5s. 9½d. per hour.

(i) Motor-drivers not covered by another award, and motor-drivers who are employed in connection with maintenance and servicing work, shall be paid the rates provided in the Motor and Horse Drivers' Award for the time being in force.

(j) (i) Working foremen shall be paid not less than the rate specified in paragraph (a) of subsection (2) hereof.

(ii) Foremen in charge of depots may be paid a flat rate, to be mutually arranged between the foreman, the secretary of the union, and the manager of the works, and shall not otherwise be subject to the provisions of this award except as to the provisions of clauses 13 to 21.

(k) In works where fire-cleaners are not regularly employed to clean fires each day or shift and yard hands or other workers are employed to perform this work, they shall be paid while fire-cleaning at the fire-cleaners' rate: Provided that a minimum of five hours shall be paid for on each day when casual fire-cleaners are called upon to perform this work.

(l) Workers other than tradesmen employed on tradesmen's work shall be paid the tradesmen's rates specified in clause 3 (2) (a) hereof.

(m) Workers required to fill an emergency vacancy in the retort-house shall be paid 2s. 11d. extra for the first shift, but this shall not apply to regular relieving workers.

Employment of Youths and Females

4. (a) Youths may be employed in meter-repairing shops, stove-shops, maintenance department, stores, and show-rooms in the proportion of one youth to every four or fraction of the first four adults permanently employed: Provided that youths under 19 years of age shall not be employed in the maintenance or complaints departments and shall be employed as assistants to adults at servicing work for the first year of their employment.

(b) Subject to the provisions of the Factories Act 1946, the following shall be the minimum rates of wages payable to youths:

	Per Week		
	£	s.	d.
Sixteen to seventeen years of age	4	0	0
Seventeen to eighteen years of age	5	10	0
Eighteen to nineteen years of age	7	0	0
Nineteen to twenty years of age	8	10	0
Twenty to twenty-one years of age	10	0	0
Thereafter adult wages			

(c) Where females are employed, the wages and conditions as at present may be continued in operation during the currency of this award.

Requirements of Economic Stabilisation Regulations

5. 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.

Overtime

6. (a) All time worked outside or in excess of the hours mentioned in clause 2 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates. All overtime shall be calculated on a daily basis.

(b) Workers, other than shift-workers, who are called upon to work on Sunday shall be paid a minimum of four hours at double time rates. For complaints-men the minimum shall be one hour. When required to work in an emergency through the night and into the following day the worker shall continue to receive overtime rates until he has had at least an eight hour break: Providing that all time worked after 10 p.m. and before 6 a.m. be paid at double time rates.

(c) *Shift-workers: Saturday, Sunday, and Holiday Pay*—Each shift-worker working on Sunday or on holidays mentioned in clause 12 hereof, or between noon and midnight on Saturday, shall be paid double time rates for all time so worked. Each shift-worker working between midnight Friday and noon on Saturday shall be paid at the rate of time and a half for all time so worked.

(d) Except for the purpose of changing shifts, all time worked in excess of the hours prescribed in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates.

(e) There shall be an equal distribution of overtime among the employees as far as practicable.

(f) Any casual or part time shift-worker who has worked in excess of 40 hours in any one week shall be entitled to payment for overtime at the rate applicable to the class of work on which the overtime was worked.

(g) 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, commencing at 1 mile and with a maximum of 3 miles.

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 workers in travelling to and from their work.

Meal Money

7. The employers shall allow meal-money at the rate of 5s. per meal when workers are called upon to work overtime after 6 p.m., unless such workers are supplied with a meal by the employer or can reasonably get home for a meal and return to work in one hour or such time as may be agreed upon between the union and the employer. Where it is not possible for the worker to get a meal due to overtime brought about by an emergency, the employer shall provide a satisfactory meal.

Dirty Work

8. (a) Yard workers employed in emptying and refilling oxide in purifiers, shall receive 3s. 6d. per day, and workers employed in unloading and stacking bags of new oxide, or mixing new oxide, 4d. per hour in addition to their ordinary rates of pay.

(b) Yard workers while engaged in cleaning out tar or distillate tanks, cleaning tar mains, or in removing crude naphthalene from tanks or wells shall be paid 3s. 6d. per day or part of a day in addition to their ordinary wages.

(c) Yard workers while employed filling retorts with coke, patching retorts, cleaning retort bench flues, governor in retort houses, dismantling retorts, mouth-pieces, and ascension pipes, assisting to clean flues in emergencies, dismantling and cleaning (except steaming or washing out) washers and scrubbers, cleaning ammonia-stills shall receive 2s. 4d. per day or part of a day extra.

(d) Provided that not more than the highest rate payable under any one of the foregoing subclauses shall be payable on any one day.

(e) A yard hand employed in handling tar shall be paid 1s. 2d. per day above his ordinary rate of wages.

(f) Workers required to work over hot caustic tanks or baths shall be paid 3d. per hour additional to ordinary rate whilst so employed.

Wet Places, etc.

9. While a worker is required to work under conditions not normal to his usual employment in excessively dusty places or in mud and water to such extent that getting dusty, muddy, or wet becomes unavoidable, he shall be paid 3½d. per hour above his ordinary rates of pay: Provided that this shall not apply to workers who, under any other provision of this award, are being paid an allowance for similar conditions.

A "wet place" in this clause shall mean a place where a worker has to stand in not less than 1½ in. of water, or where water, other than rain, is dripping on him.

Hot Places

10. Workers while employed in any place where the temperature is 110 degrees or over shall be paid 2s. 3½d. per day above their ordinary rate of pay.

Height Money

11. (a) Workers required to work from a bosun's chair or a swinging stage shall be paid 3s. 5½d. per day or part of a day in addition to their ordinary rates of wages.

(b) Where a worker is required to work at a height from the ground which is unusual to his employment and which is deemed to be dangerous, the question of additional payment, if any, shall be dealt with in accordance with the provisions of clause 19 hereof, except in the case of tradesmen, who shall receive such payment for height-money, if any, as may be prescribed by the relevant tradesmen's award.

Holidays

12. (a) Workers shall be allowed the following holidays without deduction from pay: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day or another day in lieu thereof to be mutually agreed upon.

(b) Workers who are required to work on any of the days mentioned in the preceding subclause shall be paid double time rates in addition to ordinary rates.

(c) (i) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, such holiday shall be observed on the next working day.

(ii) Shift workers whose ordinary day off falls on one of the specified holidays shall be paid at ordinary rates for the day.

Annual Holidays

13. (a) Workers, other than shift-workers, shall be granted annual holidays in accordance with the provisions of the Annual Holidays Act 1944.

(b) Any worker, other than a regular shift worker, who works part time as a shift-worker shall be granted annual leave on ordinary pay proportionate to the time he has worked on shift-work in each year: Provided that in no case shall his total leave in any year exceed three full weeks.

(c) In addition to the holidays specified in clause 12 hereof, shift-workers, after each complete 12 months of service, shall be allowed a holiday of three clear weeks (15 working-days) at their ordinary rate of pay. The holiday shall be given at a time mutually agreed between the worker and the management.

(d) Any shift-worker who has been employed for less than 12 months, but not less than three months, upon his discharge or on leaving of his own accord or being transferred to other work than shift-work shall be entitled to holiday pay *pro rata* at his ordinary rate of pay.

(e) All workers going on holiday shall receive their holiday pay in advance up to the end of the current holiday period.

General Conditions

14. (a) Workers employed working continuously for eight hours on a dayshift but who are not rotating shift-workers shall be paid at the same rate of wages as the shift-workers with whom they are working, and shall be entitled to the same privileges.

(b) Any worker, other than a shift-worker, employed in filling a casual vacancy caused through sickness or default of the above-mentioned workers shall receive 2s. 10½d. for the first shift in addition to the wages prescribed in clause 3 hereof for shift-workers.

(c) *Payment of Wages*—Except where mutually arranged, all wages shall be paid not later than Thursday of each week, during working hours.

(d) *Pram-working*—In the event of the coke-conveyor breaking down or being put out of action for repairs, workers shall be paid double rates for such time as they are pram-working. Whilst pram-working every endeavour shall be made by the workers to keep up the manufacture of gas, but they shall not be required to work continuously more than 40 minutes to the hour.

(e) Workers, employed in tunnels or in any places where they are in contact with gas, smoke, fumes, or dust shall be supplied with efficient respirators.

(f) Men engaged in laying, cutting, drilling and connecting live mains and services shall have available efficient respirators which shall form part of the equipment, including respirators and first-aid outfits, to be kept in a convenient and accessible place.

(g) Men engaged in laying, cutting, drilling and connecting live mains and services shall have available efficient respirators which shall form part of the equipment.

(h) All buildings of gas undertakings where men are required to perform work shall be adequately ventilated so as to protect the health and ensure the safety of the workers.

(i) A suitable heating appliance shall be provided at the gas undertakings for workers requiring to heat their food.

(j) Where coke from the retorts is required to be wheeled or trucked out, the floor of the retort-house shall be level and clear of obstruction and the barrows or trucks in good working-order.

(k) During the time that any portion of the plant may be closed down temporarily, workers usually employed on that portion of the plant shall be found employment in other departments. This clause shall not apply in the case of a general cessation of the production of gas.

(l) At all works each shift shall be a continuous eight hours.

(m) The leading stoker or shift superintendent shall have charge of an emergency kit.

(n) Each regular fire-cleaner shall if necessary be provided with a pair of gumboots.

(o) Suitable gloves shall be supplied to retort-house workers and boiler-men. Rubber gloves shall be supplied to workers handling caustic.

(p) Where the wearing of overalls by workers is necessary, such overalls shall be supplied by the employer, or as an alternative in the case of retort-house producer fire cleaners, two flannel singlets and two pair of denim trousers per annum may be supplied.

(q) Oilskin coats and leggings shall be provided for the use of workers when required to work under wet conditions.

(r) Workers working regularly on the coke bagging stage shall be provided by the employer with leather aprons.

(s) Workers using pneumatic drills on concrete shall be paid 2½d. extra while so employed.

(t) Workers who are required to work for a minimum period of one hour in any one day under the floor of a building not in course of erection, where such floor is less than 2 ft 3 in. from the ground, shall be paid an extra 2s. 4d. for that day.

(u) An interval of 10 minutes shall be allowed each morning for morning tea and a rest interval of 10 minutes shall be allowed each afternoon, but no coke or tar customer shall be kept waiting or any urgent repair job held up through the operation of this clause.

Accommodation

15. (a) The employers bound by this award shall provide and maintain at their works to the satisfaction of the Inspector of Factories, sanitary arrangements and accommodation to enable workers to take their meals and change their clothing, and also provide lockers for the safe keeping of the workers' clothing, and make provision for hot and cold shower-baths. The present practice as to keeping accommodation clean shall continue.

(b) Where reasonably necessary, the employers shall provide sanitary conveniences for the accommodation and for the reasonable comfort of outside workers.

Tools

16. The employer shall provide each worker with such tools as he may require over and above his ordinary trade equipment. Torches and matches shall be issued to complaints-men. Tools lost through the worker's neglect shall be replaced at the worker's expense.

Travelling Allowance

17. (a) Workers shall be at the place where the work is to be performed at the time appointed for commencing work. When the place where the work is to be performed is over $1\frac{1}{2}$ miles from the place of engagement, all fares shall be paid by the employer, and the time reasonably occupied in travelling to and from work shall be allowed by the employer at ordinary time rates.

No worker residing less than $1\frac{1}{2}$ miles from the place where the work is to be performed, by the nearest convenient mode of access for foot passengers, shall be entitled to the allowance mentioned in this subclause.

(b) Workers who use their own bicycles in the service of the employer shall be paid not less than the rate of 5s. per week for pedal-cycle and 15s. for motor-cycle. Any worker required to carry equipment weighing in excess of 30 lb on his bicycle in any day shall be paid 1s. 6d. per day or part thereof for such work.

Termination of Employment

18. (a) Except in the case of workers employed for one week or less, not less than one week's notice shall be given on either side of the intention to terminate the employment of any worker; but this shall not prevent an employer from dismissing a worker summarily for misconduct, and such worker shall be paid only the wages due to the time of his dismissal.

(b) On the termination of his employment every worker, provided he shall have delivered to the employer all property in his possession belonging to the employer, shall be paid the sum due to him for wages.

Disputes Committee

19. Any dispute or difference that may arise between the parties bound hereby, or by any of them, as to any matter whatever arising out of or connected therewith and not specifically dealt with in this award shall be referred to a committee to be composed of three representatives of the union and three representatives of the employers for their decision. The decision of the majority of the committee shall be binding, and if no decision is arrived at either party may appeal to the Court of Arbitration upon giving written notice of such appeal to the other party within 14 days after the failure of the disputes committee to arrive at a decision, or the disputes committee itself may refer the matter to the Court of Arbitration for decision.

Right of Entry

20. The secretary or other authorised officer of the union 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

21. (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

22. (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.

Workers Other Than Adults

23. If and so long as the rules of the union permit any worker employed in any position or employment subject to this award who is under the age of 18 years to become a member of the union without ballot or other election and upon payment of not more than half the payments provided by the rules of the union for adult workers, such worker shall become a member of the union, and if such worker neglects to become a member of the union within two weeks from the date of employment the employer shall, if requested so to do by the union, dismiss such worker, provided there is then a member of the union equally qualified and of similar status and ready and willing to perform the particular work required to be done.

Scope and Application of Award

24. (a) This award shall apply only to the parties named herein and shall operate throughout the Canterbury and Westland Industrial Districts, (excepting in the borough of Greymouth).

(b) This award shall apply to workers employed in the gas manufacturing and distributing industry by the employers party hereto, but shall not apply to any such worker who is employed substantially at work covered by any other existing award or industrial agreement and who is bound by such award or industrial agreement.

Term of Award

25. 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 first day of the pay period in each establishment commencing on or after the 22nd day of September 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 13th day of October 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.
