

NEW ZEALAND (EXCEPT NORTHERN INDUSTRIAL DISTRICT, OTHER THAN GISBORNE JUDICIAL DISTRICT) COAL, COKE, FIREWOOD, ETC., WORKERS—AWARD

*[Filed in the Office of the Clerk of Awards, Wellington]*

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the New Zealand Federated Labourers and Related Trades Industrial Association of Workers (hereinafter called “the union”) and the under-mentioned union, persons, firms and companies (hereinafter called “the employers”):

GISBORNE JUDICIAL DISTRICT

Clare and Clare, Read Quay, Gisborne.

TARANAKI INDUSTRIAL DISTRICT

Brodjen, R. C., 9 Tawhiti Road, Hawera.

Curtis, Roy, Ltd., 101 Broadway, Stratford.

Hawera Gas Co., Regent Street, Hawera.

Sole, I., Union Street, Hawera.

Thompson, W. W., and Sons, Queen Street, New Plymouth.

WELLINGTON INDUSTRIAL DISTRICT

Barry Bros., Waghorn Street, Napier.

Dunlop, J., Somme Parade, Aramoho, Wanganui.

Wellington Coal Merchants and Dealers Industrial Union of Employers, 1st Floor, 8 The Terrace, Wellington.

MARLBOROUGH INDUSTRIAL DISTRICT

Gosling and Son, Main Street, Blenheim.

Register and Lane, Auckland Street, Blenheim.

NELSON INDUSTRIAL DISTRICT

Baird, J., Trafalgar Street, Nelson.

Neale and Haddow Ltd., Trafalgar Street, Nelson.

Yorke, H. K., and Co., High Street, Motueka.

WESTLAND INDUSTRIAL DISTRICT

Corcoran and Morris, Buck Street, Greymouth.

Kennedy Bros., 67 Guinness Street, Greymouth.

Perkins, P., Queen Street, Westport.

CANTERBURY INDUSTRIAL DISTRICT

Canterbury Farmers' Co-op., Timaru.

McClatchie and Co. Ltd., 160 Hereford Street, Christchurch.

Wood, Geo. H., Ltd., Box 613, Christchurch.

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Allan, A. J., Ltd., Birch Street, Wharf, Dunedin.

Broad, David, Roxburgh.

Bruce Coal Co. Ltd., 26 Princes Street, Dunedin.

City Coal Co. Ltd., Liddel Street, Invercargill.

Curtis, J. A., Ravensbourne.

Ellis Coal Cartage Co., Kaikorai Valley Road, Dunedin.

Graham Coal Co. Ltd., 147 Rattray Street, Dunedin.

Kai Point Coal Co. Ltd., Balclutha.

Star Coal Agency, North Road, Waikiwi, Invercargill.

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 7th day of December 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 7th day of December 1960.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Workers to Whom Award Applicable*

1. This award shall apply to workers employed by persons, firms, and companies engaged wholly or partially in the wholesale or retail business of coal, coke, firewood, shingle, gravel, sand, lime, and cement, etc., sold either by wholesale or retail, but shall not apply to workers covered by another award.

##### *Hours of Work*

2. The ordinary hours of work shall not exceed 40 per week nor eight per day, to be worked between 7.45 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

##### *Overtime*

3. (a) Time worked outside or in excess of the hours prescribed in clause 2 shall be paid for at the rate of time and a half for the first three hours on any day (except as elsewhere provided) and double time thereafter.

(b) All work done after noon on Saturdays shall be paid for at double rates.

(c) All time worked after five hours without an interval of half an hour for a meal shall be paid for at double time rates until such time as the break occurs.

##### *Meal-money*

4. (a) Not more than five hours shall be worked without a break of at least 45 minutes for a meal.

(b) Workers called upon to work overtime on any day shall be paid a meal allowance of 5s. where they have not been notified on the previous day of being required to work.

### Holidays

5. (a) The following shall be the recognised holidays, which shall be paid for at ordinary rates except when the holiday falls on a day other than an ordinary working-day: New Year's Day, 2 January, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and Anniversary Day or a day in lieu thereof.

(b) The employer shall pay wages for the above holidays to all workers performing work coming within the scope of this award who have been employed by him at any time during the fortnight ending on the day on which the holiday occurs.

(c) Where any worker has been employed upon work coming within the scope of this award by more than one employer during the fortnight ending on the day on which any of the above holidays occurs, he shall be entitled to receive payment for the holiday from such one or more of those employers and, if more than one, in such proportions as the Inspector of Awards determines.

(d) In the event of a holiday, other than Anzac Day, falling on a Saturday or a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(e) Work performed on Sundays shall be paid for at double time rates. Work performed on any of the above holidays, or any day substituted therefor shall be paid for at double ordinary rates in addition to the ordinary wages.

(f) Annual holidays shall be allowed in accordance with the Annual Holidays Act 1944.

### Wages

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

	Per Week		
	£	s.	d.
Sawyers employed on a weekly basis .....	12	5	0
Other workers employed on a weekly basis .....	11	18	4
Casual workers—			
	Per Hour		
	s.	d.	
Sawyers .....	6	1½	
Other workers .....	5	11½	

Foremen or leading hands in charge of four or more workers shall receive 2s. 6d. per day additional to the rates prescribed in this clause.

(b) A "casual worker" means a worker whose employment is for less than one week.

### Youths

7. Each establishment, employer, or firm shall be entitled to employ one youth. Additional youths may be employed in the proportion of one youth to each three adult employees at the following rates of wages:

	Per Week		
	£	s.	d.
From 18 to 18½ years of age .....	5	15	4
From 18½ to 19 years of age .....	6	6	6
From 19 to 20 years of age .....	7	8	10
From 20 to 21 years of age .....	9	1	1
And thereafter adult rates.			

No youth under the age of 18 shall be employed.

*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.

*Lime or Cement*

9. Workers handling lime or cement shall be paid 3d. per hour extra for the time so employed.

*Payment of Wages*

10. (a) All wages, including overtime, shall be paid weekly not later than Thursday in each week, and in the case of workers not employed for a full week they shall be paid immediately on completion of their work.

(b) When a worker is not notified on the previous day that his services are not required on the following working-day and he reports for work at the usual hour for commencing work and is not engaged, he shall be paid a minimum of three hours' wages at ordinary rates.

(c) Subject to subclause (b) hereof, workers shall be paid for time they remain on the job after actually reporting and until they are notified by the employer or person in charge that their services are no longer required.

*Termination of Employment*

11. (a) One week's notice of the termination of the employment shall be given by either party in the case of weekly workers, and two hours' notice shall be given in the case of casual workers.

(b) Any employer failing to give the requisite notice of termination of employment shall make a rateable payment in lieu thereof, but nothing in this award shall prevent an employer from dismissing a worker without notice for good cause. Where a worker does not give the requisite notice of termination of employment, he shall forfeit one week's wages.

*General*

12. (a) 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.

(b) On request by the union secretary the employer shall furnish a list of employees, provided that such list may not be required at shorter periods than three months.

(c) Each employer shall provide accommodation and conveniences to the satisfaction of the Inspector of Awards to enable a worker to change his clothes and have his meals and to wash himself.

(d) Workers shall be allowed an interval of not more than 10 minutes each morning and afternoon for refreshments, provided there is no full cessation of work.

(e) Piecework is prohibited, and it shall be a breach of this award for an employer to pay workers on a commission basis.

(f) Boiling water shall be made available to workers by employers for preparation of hot drinks.

(g) After employment for one month as a weekly worker, an oilskin and clothing allowance of 2s. 9d. per week shall be paid.

(h) Workers shall not be required to fill or carry sacks which, immediately prior to such use, contained manure, superphosphate, or lime, unless they have been cleaned.

#### *Time Sheets*

13. The employer shall provide each worker with a book in which the worker shall enter daily his ordinary hours and any overtime worked, such entries to be initialled daily by the employer. Books shall remain the property of the employer.

#### *Accidents*

14. A modern first-aid emergency case, fully equipped, shall be kept by the employer in a convenient and accessible place in the yard or shed. Minor accidents shall be reported on the time sheet.

#### *Disputes*

15. 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 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 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 the decision of 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.

#### *Workers to be Members of Union*

16. (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*

17. (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*

18. 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 the industrial districts to which this award relates.

#### *Scope of Award*

19. This award shall operate throughout the Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts, and that portion of the Northern Industrial District comprised in the Gisborne Judicial District.

#### *Term of Award*

20. 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 24th day of October 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 7th day of December 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 7th day of December 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.