

AUCKLAND (10-MILE RADIUS) LOCAL BODIES' LABOURERS—AWARD

In the Court of Arbitration of New Zealand, Northern Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Auckland and Suburban Local Bodies Labourers' and Related Trades Industrial Union of Workers (hereinafter called "the union") and the under-mentioned boards and councils (hereinafter called "the employers"):

Auckland Harbour Board, Quay Street, Auckland.
 Auckland Electric Power Board, Queen Street, Auckland.
 Auckland Harbour Bridge Authority, Administration Building, Northcote.
 Birkenhead Borough Council, Kauraki Street, Birkenhead.
 Cornwall Park Trust Board, 31 Strand Arcade, Queen Street, Auckland.
 Devonport Borough Council, Marine Square, Devonport.
 East Coast Bays Borough Council, East Coast Bays Road, Browns Bay.
 Ellerslie Borough Council, Main Highway, Ellerslie.
 Glen Eden Borough Council, Valley Road, Glen Eden.
 Henderson Borough Council, Thomas Street, Henderson.
 Howick Borough Council, Picton Street, Howick.
 Mount Albert Borough Council, 615 New North Road, Mount Albert.
 Mount Eden Borough Council, Valley Road, Mount Eden.
 Mount Roskill Borough Council, 550 Mount Albert Road, Mount Roskill.
 Mount Roskill Grammar School Board, Frost Road, Mount Roskill.
 Mount Wellington Borough Council, 78 Queens Road, Panmure.
 Newmarket Borough Council, Broadway, Newmarket.
 Northcote Borough Council, Queen Street, Northcote.
 One Tree Hill Borough Council, 272 Manukau Road, Epsom.
 Otahuhu Borough Council, Great South Road, Otahuhu.
 St. Johns College Trust Board (Purewa Cemetery), Shortland Street, Auckland.
 Takapuna Borough Council, Lake Road, Takapuna.

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 17th day of November 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 5th day of July 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Persons to Whom Award Applies

1. This award shall apply to all workers performing work covered by this award and employed by the local authorities parties hereto.

Definitions

2. (a) "Ganger" shall mean a worker who controls six or more workers and gives directions or instructions.

(b) "Leading hand" shall mean a worker who is placed in charge of a group of five workers and who gives directions or instructions.

(c) "Propagator" or "gardener" shall mean a worker who has served five years' apprenticeship as a propagator or gardener, or a worker who the employer may deem to be competent to be a propagator or gardener, or any man who is certified by any competent authority to be a propagator or gardener.

Hours of Work

3. (a) Except as otherwise provided, the ordinary hours of work shall not exceed 40 per week, of which not more than eight hours shall be worked on each of five days of the week, Monday to Friday inclusive, between the hours of 7.30 a.m. and 5 p.m.

(b) The interval for meals shall be a matter of mutual arrangement between the employers and the workers, provided that no worker works more than five hours without an interval for a meal. The meal interval shall not be less than 30 minutes.

(c) The ordinary hours of work of greenkeepers, glasshouse keepers, motor camp attendants, and caretakers of parks and reserves shall not exceed 40 per week or eight per day, to be worked on any five of the seven days of the week, between the hours of 7.30 a.m. and 5 p.m.: Provided that the days off duty each week shall be consecutive and so arranged that the workers shall have two weekends off in each four weeks. Workers under this subclause shall be entitled to payments prescribed by subclause (c) of clause 11 for work done on holidays and shall be entitled to time and a half for work performed on Saturdays and Sundays when it is part of the normal 40 hour week in accordance with this subclause.

(d) The ordinary hours of work for bath attendants, convenience attendants, drainage pumping station attendants, nightwatchmen, street sweepers, refuse destructor shiftmen, and workers engaged on tidal work shall not exceed 40 per week or eight per day: Provided that the employer shall so arrange the work that time off shall run consecutively and that convenience attendants shall have one weekend off in each three weeks, and other workers covered by this subclause two weekends off in each four weeks. Workers under this subclause shall be entitled to payment prescribed by subclause (c) of clause 11 for work done on holidays, and shall be entitled to time and a half for work performed on Saturdays and Sundays when it is part of the normal 40 hour week in accordance with this subclause.

(e) (i) The ordinary hours of work of grave-diggers shall not exceed 40 per week to be worked on five and a half days of the week, from Monday to Saturday, noon inclusive.

(ii) If a grave-digger is required to stand by on a Saturday morning, he shall report at the cemetery, and he shall be paid for the time so standing by, with a minimum payment of two hours.

(iii) Any time worked on Saturday morning in accordance with this subclause shall be paid for at half ordinary rates extra.

(f) Where it is necessary to work shifts, each shift shall not exceed eight hours in every 24 hours, inclusive of one half hour for meals, and all the time worked beyond eight hours shall be paid for at overtime rates: Provided that when shifts are not worked on three consecutive days, overtime shall be paid. Where shifts are worked, all shifts worked on afternoon or night shift shall be paid for at 3s. 6d. per shift extra.

Wages

4. The following minimum rates of wages shall be paid to workers employed in the following classifications of work:

	Per Hour		Per Week	
	s.	d.	£	s. d.
(a) Bath attendants (female)	4	10½	9	15 0
Convenience attendants (female)	5	1¼	10	4 2
Convenience attendants (male)	6	0¾	12	2 6
Bath attendants (male)	6	2½	12	8 4
Nightwatchmen	6	2½	12	8 4
Motor camp attendants	6	2½	12	8 4
Tipmen	6	2½	12	8 4
Motor parking area or building attendant	6	2½	12	8 4
Quarrymen	6	4	12	13 4
Scoria pit men	6	4	12	13 4
Gatekeepers	6	4	12	13 4
Sewerage pump station attendants	6	4	12	13 4
Sewer patrol men	6	5¼	12	17 6
Assistant turncock	6	5¼	12	17 6
Crematorium attendant (other than sole or first attendants)	6	5¼	12	17 6
Turncock	6	6¾	13	2 6
Caretakers of parks and reserves	6	6¾	13	2 6
Grave-digger	6	6¾	13	2 6
Water-servicemen	6	6¾	13	2 6
Greenkeepers	6	8¾	13	9 2
Glass-house attendants	6	8¾	13	9 2
Crematorium attendant (sole or first)	6	8¾	13	9 2
Quarrymen who are required to have a certificate under the Stone Quarries Act	6	8¾	13	9 2
Gardeners	6	11¾	13	19 2
Propagators	6	11¾	13	19 2
Destructor employees, etc.—				
Receivers	6	5¼	12	17 6
Firemen and chargers	6	8¾	13	9 2
Leading hands	6	10½	13	15 0
Refuse lifters	6	8¾	13	9 2
Household and similar refuse tipmen	6	6½	13	1 8
(b) All other male adult workers including the following:				
General labourers or general hands	} Per Hour	s. d.	} Per Week	£ s. d.
Pick and shovel workers				
General concrete workers				
Sewer workers				
Workers laying and clearing drains				
Workers sweeping and cleaning streets				
Workers cutting grass				
Gardening labourers				
Workers on road and path formation				

(c) Workers provided for in subclause (b) above, while engaged on work classified below will be paid the rates listed in addition to the rates provided in subclause (b):

(i) Premix, tar, tar oil, creosote and bitumen workers	..	..					
Hammer and drill workers	..	..	..	..	..	..	..	..
Scything grass	..	..	..	..	..	..	..	..
Blue metal and scoria-spreaders (2 in. or more)	..	..	..	..	..	..	..	..	Per Hour
Hydrant men	..	..	..	..	..	..	..	..	d.
Hand packers	..	..	..	..	..	..	..	..	1½
Flame throwers	..	..	..	..	..	..	..	..
Tidal workers	..	..	..	..	..	..	..	..
Steel fabricators	..	..	..	..	..	..	..	..
Men stone facing on sea walls	..	..	..	..	..	..	..	..
Men emptying cess pits	..	..	..	..	..	..	..	..
(ii) Concrete screeders and/or finishers	..	..	..	..	..	..	..	..
Men using vibrators when subject to vibration	..	..	..	..	..	..	..	..
Hand motor mowers	..	..	..	..	..	..	..	..
Men in charge of machine driven concrete mixer	..	..	..	..	..	..	..	..	2¾
Cement feeders to machines	..	..	..	..	..	..	..	..
Wall builders	..	..	..	..	..	..	..	..
Kerb setters	..	..	..	..	..	..	..	..
Tar and bitumen sprayers	..	..	..	..	..	..	..	..
Rock workers in trenches	..	..	..	..	..	..	..	..
(iii) Machine drill men (all classes)	..	..	..	..	..	..	..	..
Shot firers	..	..	..	..	..	..	..	..
Scaffold erectors	..	..	..	..	..	..	..	..
Riggers	..	..	..	..	..	..	..	..
Excavators in sumps, shafts or tunnels as defined in subclause (a) of clause 6	..	..	..	..	..	..	..	..	4¼
Winchmen	..	..	..	..	..	..	..	..
Waterworks pipe jointers	..	..	..	..	..	..	..	..
Caulkers	..	..	..	..	..	..	..	..
Crusher feeders	..	..	..	..	..	..	..	..
(iv) Workers employed clearing or repairing blocked or defective sewers or foul drains	..	..	..	..	..	..	..	..	6¼
Septic tank cleaners	..	..	..	..	..	..	..	..
Drain and water pipe layers (excepting field tiles)	..	..	..	..	..	..	..	..
Quarry poppermen	..	..	..	..	..	..	..	..

(d) Men employed as night-soil removers shall be paid, per night of eight hours, £2 13s. 4d.

(e) Bath attendants who take money shall receive 4¼d. per hour in addition to the rate provided in subclause (a) of this clause.

(f) The employer may make a rateable deduction from the weekly wages prescribed for any time lost by the workers through sickness, accident, or default.

(g) No worker in receipt of a higher rate of pay shall have his wages reduced because of the coming into force of this award.

(h) Workers employed for a period of more than four consecutive weeks shall for the purposes of this award be deemed to be weekly workers. This provision shall not apply to the Auckland Harbour Board.

(i) Any worker put to do work of a higher grade shall receive the wages of such higher grade while so employed, but the minimum payment at the higher rate shall be for two hours.

(j) (i) A worker employed as a leading hand shall, while so employed, receive 3d. per hour in addition to his normal rate.

(ii) A worker employed as a ganger shall, while so employed, receive 4½d. per hour in addition to his normal rate.

Overtime and Special Payments

5. (a) Except where otherwise provided, all time worked beyond the hours herein-before mentioned shall be considered overtime and shall be paid for at the following rates: time and a half for the first three hours, and thereafter double time.

(b) Except where otherwise provided, work performed on Sundays shall be paid for at double ordinary rates.

(c) Where a worker is employed in quarries or scoria-pits or elsewhere and is authorised to collect money in addition to performing his ordinary work he shall be paid 1s. 2d. per day extra, providing he collects £4 a week or over.

(d) Where any hourly worker turns out and reports on the job on a wet day and stands by for more than half an hour and does not subsequently work on that day, he shall receive two hours' pay.

(e) The unloading and stacking of alum at the filtration plants shall be paid for at the rate of 3½d. per hour extra.

(f) Any man called out for special work, such as wash-outs, urgent road repairs, blow-outs in the water services, and/or work of a similar nature, and who performs the work outside ordinary working hours, shall be paid at the rate of double time for the first hour and thereafter ordinary overtime rates.

(g) (i) Grave-diggers shall be paid 3½d. per hour extra when re-opening graves within 12 months of original burial.

(ii) Workers whilst engaged in disinterments or reinterments after one year and within 10 years of the original interments shall be paid £1 5s., in each case, but in cases where this work is performed within 12 months of the original interment, £2 10s. shall be paid.

(h) Gumboots shall, where necessary, be supplied by the employer when a worker is working in water, slush, or wet concrete over 2 in. in depth; and while working in such a place the worker shall be paid 1½d. per hour in addition to his ordinary rate.

(i) Where it is required by the employer that a worker stand by outside working hours, an allowance shall be made which shall be agreed upon between the employer and the union.

If no agreement is arrived at, the matter shall be settled under clause 27, "Matters Not Provided For".

(j) Where any worker is required to report on the job on a Saturday and stands by for more than half an hour and does not subsequently work on that day because of wet weather, he shall receive two hours' pay.

Tunnels, Shafts, Sumps, etc.

6. (a) Where men are employed in tunnels, shafts, or sumps the shift shall not exceed eight hours, and this period shall include half an hour crib-time: Provided that this shall not apply where a drive or tunnel is less than 20 ft in length, and in shafts or sumps less than 15 ft below the surface, measured bank to bank.

(b) The provisions of the Construction Act 1959 and its regulations shall apply to all scaffolding and excavation work carried out under this award.

(c) Where the conditions are wet and muddy and men are required to work, they shall be provided with gumboots and short waterproof coats if available.

(d) Men employed in sinking shafts, sumps, pier-holes, or working in trenches, watercourses, or creeks over 6 ft in depth shall be paid the following extra payments:

Over 6 ft and up to and inclusive of 12 ft, $2\frac{1}{2}$ d. per hour extra.

Over 12 ft and up to and inclusive of 20 ft, $3\frac{1}{2}$ d. per hour extra.

Over 20 ft, the last mentioned rate plus $1\frac{1}{4}$ d. per hour additional for every 7 ft over 20 ft.

Provisions for Grave-diggers

7. Where graves are being excavated in wet weather, suitable tent flies or coverings shall be provided, and gumboots when re-opening bad graves, and suitable waterproof coats when attending funerals in wet weather.

Suburban Work and Travelling Time

8. (a) Where work to be performed is situated at a greater distance than $1\frac{1}{2}$ miles by the nearest means of access for pedestrians from the employer's depot, or any other point upon which the parties may mutually agree, the workers shall proceed or be conveyed to and from such work at the expense of the employer (as the employer shall determine). Each depot or starting point shall be defined within one month from the date of the award.

(b) Time reasonably occupied by the workers in travelling or time occupied in conveying the workers to and from such work beyond the $1\frac{1}{2}$ miles from the point agreed upon or the worker's home, whichever is the less, shall be allowed and paid for by the employer.

(c) No worker residing less than $1\frac{1}{2}$ miles from the place where the work is to be performed shall be entitled to the allowance mentioned in this clause, nor any worker who is substantially employed in any one locality.

(d) Should any worker be engaged at one depot and then be transferred to another, the travelling-time and fares shall be paid for until he has been at the new depot for one month.

Country Work

9. If a local body finds that it is necessary to employ workers on country work, the conditions to apply shall be negotiated between the representatives of the union and the local body concerned, and, failing agreement, shall be referred to a disputes committee.

Contract Work

10. Where possible and by mutual agreement, it shall be lawful for the local body to employ men on a co-operative contract system, the general working conditions of such system to be agreed upon between the employer and the union.

Holidays

11. (a) The recognised holidays shall be New Year's Day, 2 January, 29 January, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day. The employer shall pay wages for the aforementioned holidays to all workers performing work coming within the scope of this award.

(b) When any of the above holidays except Anzac Day falls on a Saturday or a Sunday it shall be observed on the following Monday, and in the event of another falling on such Monday such other holiday shall be observed on the succeeding Tuesday.

(c) A worker who is required to and reports for work on any of the above holidays shall be paid for a minimum of 2 hours at the appropriate rate.

(d) Except as otherwise provided in this award, all workers who qualify for the abovementioned holidays and work on any of the days mentioned shall be paid double ordinary rates in addition to their holiday pay.

(e) A worker who has been certified by a medical practitioner as fit to resume work on any of the above holidays following sick leave or absence because of an accident and who reports for duty on the working day immediately following such holiday shall be paid for such holiday.

Annual Holidays

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

(b) At least 14 days' notice of the commencement of annual leave shall be given by the employer to each employee.

Tools and Accessories

13. (a) All tools shall be provided and kept in good order by the employer.

(b) Hydrant-men shall be supplied with gumboots, overalls, and hand-protectors; street washers with boots and rainproof oilskins; and drainers in wet places with gumboots and skin-backs.

(c) Jointers required to joint up pipes with cement or lime mortar or any other deleterious substance causing injury to the hands shall be supplied with suitable gloves.

(d) The present practice of each local body in respect of supplying workers with oilskins, gumboots, rubber gloves, etc., shall continue during the currency of this award.

Wet Places

14. (a) Six hours shall constitute a day's work in tunnelling-work where workers are working in wet places or foul air, and shall be paid for as if the workers had worked eight hours.

(b) A "wet place" shall be deemed to be a place where workers are required to work in water or slush over 3 in. in depth or in wet concrete or where water other than rain is dripping on them.

Ventilation

15. Ventilation in all drives and tunnels shall be in accordance with the Quarries Act.

Tar and Bitumen Workers

16. (a) When engaged on work with premix, bitumen, tar, creosote, or similar substances, a worker shall be supplied with gloves, boots, overalls, oil and goggles, and shall be paid while so employed 3d. per hour extra in addition to the tar and bitumen rate in clause 4 (c) (i) or his ordinary rate under clause 4, whichever is the greater.

(b) Where a worker commences using premix, bitumen, tar, creosote, and tar oil, and through some unavoidable circumstances such work is stopped during the day, he shall be paid at the rate fixed in accordance with subclause (a) of this clause for that day.

(c) Tar and bitumen sprayers shall receive 6d. per hour in addition to their usual rates with a minimum payment of 1s. 6d. per day: Provided that the allowance payable to the tar or bitumen sprayer while employed on maintenance patching where the tar or bitumen spraying is done intermittently throughout the day shall be as prescribed in subclause (a) hereof.

(d) Workers shall be allowed not less than 10 minutes for washing and changing each day.

Quarry Workers

17. (a) Water shall be laid on for the use of popper-drills, and fans or water-sprinklers shall be provided over the jaws of the crushing-machines if considered necessary by the Inspector of Quarries.

(b) Machine-drill men shall be allowed not less than 10 minutes for washing, cleaning, and changing their clothes each day, and shall be provided with leather aprons.

(c) No men shall be employed shovelling back in any hopper while the crushing-machine is in operation.

(d) Quarry popper-men working on face at height above 10 ft shall receive 1½d. per hour extra.

Sewer Workers

18. (a) Workers employed cleaning silt from sewers shall be supplied with gum-boots and overalls.

(b) Repairers of old sewers and branch connections shall, where necessary, be supplied with liquid disinfectant, gumboots, and overalls.

(c) Before work on an old sewer is commenced, it shall first receive adequate ventilation and disinfection where necessary.

(d) Seven hours shall constitute a day's work where workers are employed in cleaning the interiors of the main sewer, branch sewers, storage tanks, and silt-chambers, and shall be paid for as if the workers had worked eight hours.

Dirty Work

19. (a) Where the conditions of work are more injurious to health or clothing than those conditions in which the worker is usually engaged, then the worker so employed shall be paid 3½d. per hour extra for the time he is actually engaged at such work, with a minimum payment of 1s. 2d. per day.¹

(b) What is to be determined as dirty work shall be a matter of mutual agreement between the employer and the worker or a representative of the union, and should they be unable to agree the matter shall be referred to the local Inspector of Awards, whose decision shall be final; but such reference shall not involve the stoppage of work.

(c) This clause shall not apply where a special rate of wages has been provided for special classes of work.

Accommodation

20. Each employer shall provide accommodation to the satisfaction of the Inspector of Factories to enable workers to change and dry their clothes and have their meals. Such accommodation shall be for the use of all workers on the job. No lime, cement, or tools, shall be stored in the changing-house. The employer shall provide proper sanitary accommodation, which shall be placed at a reasonable distance from the change-house, and make provision for boiling water for meals. Change-houses shall be thoroughly cleaned and disinfected at least once a week. At the destructor or such other similar places where the work is of a permanent character, baths or shower baths, with hot and cold water and soap, shall be provided. In districts where there is no destructor, baths or shower baths shall be provided as above for refuse lifters and tip men, or such other arrangement that may be agreed upon between the employer and the union.

Accidents

21. (a) A fully equipped modern first-aid emergency kit or case, provided by the employing authority, shall, to the satisfaction of the Inspector of Awards, be kept in a convenient and accessible position on each job where men are employed, and instruments, appliances, and stocks of or for such kits or case shall be kept clean, efficient, and replenished to the like satisfaction.

(b) Whenever possible, a man with a knowledge of first-aid shall be included in each gang employed.

(c) Any worker injured whilst employed shall, as soon as possible after such injury, report the nature, cause, circumstances, and time of such injury to the person in charge of the job, who shall note the name of such employee, the nature, cause, circumstances, and time of the said injury, and the nature of first-aid rendered, if any, and shall duly report all the said matters to the employing authority.

(d) If in the opinion of the person in charge of a job or, failing such person, the workmate or workmates of any injured worker, such worker requires medical attention or, failing that, the attention of a chemist, or that conveyance of such worker for the purposes of such attention is necessary, the reasonable cost of such attendance and conveyance shall be borne by the employing authority.

Meal-money

22. (a) Where any worker is called upon to work in excess of one and a half hours after the ordinary times for ceasing work or after 1 p.m. on Saturdays and Sundays and award holidays, such worker shall receive 5s. meal-money unless he has been notified on the previous day that he would be required to work overtime.

(b) When workers are required to work under tidal conditions continuously without a meal, then such workers shall be paid double rates for the period usually observed as "dinner-time".

(c) When any shift-worker is employed at the request of the employer on an extra shift in any department within the scope of this award, 5s. tea-money shall be allowed.

Morning and Afternoon Tea Break

23. An interval of not more than 10 minutes shall be allowed for morning and afternoon tea. Boiling water shall be supplied at the depots, but where workers are employed away from the depots reasonable facilities, such as a thermette type of boiler, shall, where practicable, be provided to the gangs for use.

Payment of Wages

24. (a) Wages shall be paid weekly in cash during working-hours, except in cases approved of.

(b) In the case of dismissal, workers shall be paid within half an hour of the termination of employment, and if detained longer than the time mentioned they shall be paid such extra time as they are detained.

Workers' Representative

25. Every employer bound by this award shall permit the secretary or other authorised officer of the union of workers to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

General Provisions

26. (a) Workers in destructor departments shall be supplied with soap and sweat-rags. Refuse-lifters shall be supplied with oilskins, aprons, and gloves as required, and men using same shall be held responsible for loss or damage due to wilful destruction or neglect. Before a second or subsequent issue is made, the previous issue shall be produced. Sewer-patrol men shall be supplied with oilskins on the same conditions as above stated.

(b) Latrines where attendants are stationed, except as arranged between the engineer and the union, shall be supplied with an ante-room with a washbasin, electric light, and heater.

(c) Latrine attendants shall be supplied with a uniform and with rubber gloves and overalls for cleaning.

(d) Rubber gloves and disinfectant shall be available when handling dead animals.

(e) Refuse-containers shall not exceed the by-law requirements, and height of the loading sides of trucks shall not be more than 5 ft 9 in.

(f) Sweepers on the streets and day-men called out who are required to work on statutory holidays and Sundays shall receive a minimum of two hours' pay.

Matters Not Provided For

27. Any dispute in connection with any matter not provided for in this award shall be settled between the employer and the union or such other person as may be appointed to act, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner for the district, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Conciliation Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within seven days after the decision shall have been communicated to the party desiring to appeal.

Workers to be Members of Union

28. (a) Subject to the provisions of section 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.

Exemptions

30. This award shall apply to the Auckland Harbour Board only in respect of women employed as rest room attendants and hourly workers who come within the scope of this award and who are paid by the hour.

Workers Not Provided For

31. Any worker not enumerated in this award shall be paid such rate of wages as may be agreed upon between the employer and the representative of the union.

Part-time Workers

32. (a) Where the employer does not regularly require the services of a worker for the full period of 40 hours per week, he shall pay such workers *pro rata* the appropriate wage rate, plus ten per cent.

(b) Where a worker is unable to accept full time employment the employer shall pay *pro rata* the appropriate wage rate.

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

Termination of Employment

33. In the case of workers other than hourly workers, a week's notice of dismissal or resignation shall be given by the employer or the worker, but this shall not prevent an employer from dismissing any worker for misconduct or for any other good cause and such worker shall be paid only the wages due to the time of his dismissal.

Scope of Award

34. The operation of this award is limited to the area lying within the radius of 10 miles from the chief post-office in the city of Auckland, but shall include all works performed outside the 10-mile radius by any of the parties covered by this award.

Application of Award

35. 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.

Term of Award

36. 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 17th day of May 1961, 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 17th day of November 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 5th day of July 1961.

[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.
