

**POVERTY BAY BUTCHERS—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 Gisborne Butchers' Employees Industrial Union of Workers (hereinafter called "the union") and the under-mentioned union, firms, and companies (hereinafter called "the employers"):

Poverty Bay Master Butchers Industrial Union of Employers, 601 Gladstone Road, Gisborne.

Economic Butchery Co., 203 Gladstone Road, Gisborne.

Manutahi Butchery Ltd., Ruatoria.

Te Karaka Butchery Ltd., Te Karaka.

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 12th 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 4th day of July 1961.

[L.S.]

A. TYNDALL, Judge.

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SCHEDULE

*Application of Award*

1. (a) This award shall apply to the butchery industry both in its wholesale and in its retail branches. For the purposes of this award the butchery industry shall include the business of preparing and supplying for public consumption meat cooked or uncooked, the manufacture and sale of small-goods, the businesses carried on by pork butchers and small-goods and delicatessen factories and shops. It shall apply to freezing companies only in respect of the manufacture of small-goods and the supply of meat to the general public at their retail shops including those shops forming part of the same premises as freezing works. It shall also apply to all shops of any description in respect to the sale in them of fresh, frozen, or chilled meat.

(b) 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 Gisborne Judicial District.

#### *Hours of Work*

2. The ordinary hours of work shall not exceed 40 hours per week and shall be worked as follows:

- (a) For butchers' and combined butchers' and pork-butchers' assistants - Mondays to Fridays inclusive, from 7.30 a.m. to 4.30 p.m.
- (b) For workers employed exclusively as pork-butchers' assistants, small-goods assistants, and delicatessen-shop assistants - Mondays to Fridays inclusive, from 8 a.m. to 5 p.m.
- (c) For small-goods factory workers - Mondays to Fridays inclusive, 7.30 a.m. to 4.30 p.m.
- (d) One hour shall be allowed each day for the mid-day meal.

#### *Smoko*

3. All workers shall be allowed 10 minutes both in the morning and afternoon for refreshments, such time to be counted as time worked.

#### *Overtime*

4. (a) All work done on any one day, of whatever nature or kind, in excess of the hours specified, or before the time specified for commencing work, or after the time specified for ceasing work, shall be deemed to be overtime and shall be paid for at time and a half rates for three hours and double time thereafter: Provided that any time worked prior to one hour before the prescribed starting hour shall be paid for at double time rates.

(b) All workers required to work overtime for more than one hour after the normal time for ceasing work shall be paid 5s. tea money.

(c) For the purpose of calculating overtime any overtime under half an hour shall count as half an hour and any overtime over half an hour but under one hour as one hour worked.

(d) Any worker required to commence work before 6 a.m. shall be provided by the employer with a hot breakfast.

#### *Wages*

5. Workers shall be paid not less than the wages prescribed in the following scale:

	Per Week		
	£	s.	d.
(a) First shopman or man in charge .. .. .	14	16	8
Second shopman .. .. .	13	15	8
First small-goods man .. .. .	14	16	8
Second small-goods man .. .. .	13	15	8
Slaughterman .. .. .	13	13	4
Worker in charge of hawking cart .. .. .	13	13	4
Other butchers .. .. .	13	10	0
Butchers' assistants .. .. .	13	0	0

A "butcher" is a worker who breaks down, bones and rolls beef.

## (b) In the case of pork-butchers' assistants and small-goods shop assistants:

	Per Week
	£ s. d.
First assistant or person in charge (male) .. .. .	14 16 8
Second male assistant .. .. .	13 15 8
Other butchers .. .. .	13 10 0
Butchers' assistants .. .. .	13 0 0
Female assistants (if in charge) .. .. .	11 0 9
All other female assistants:	
First year .. .. .	6 9 2
Thereafter .. .. .	8 10 10

In shops where both male (other than boys) and female assistants are employed, the female assistant, if in charge, shall be paid not less than £14.

## (c) In the case of workers engaged in small-goods factories and bacon factories:

	Per Week
	£ s. d.
First small-goods man .. .. .	14 16 8
First bacon curer .. .. .	14 16 8
Second bacon curer .. .. .	13 15 8
All other workers employed in or about bacon or small-goods factories .. .. .	13 0 0

## (d) Nothing in this award shall operate to reduce the wages of any worker now employed while he remains in his present position of employment.

*Casual Labour*

6. (a) Male workers employed on casual work shall be paid not less than 7s. 6½d per hour.

(b) Female workers employed on casual work shall be paid not less than 6s. 1d per hour.

(c) No casual worker under the age of 21 years shall be employed.

(d) No casual worker shall be employed for less than six hours on any day.

*Youths*

## 7. (a) Employers may employ boys and youths at not less than the following rates

	Per Week
	£ s. d.
Under 16 years of age .. .. .	4 10 0
16 to 16½ years of age .. .. .	5 0 0
16½ to 17 years of age .. .. .	5 12 6
17 to 18 years of age .. .. .	6 10 10
18 to 19 years of age .. .. .	7 13 4
19 to 20 years of age .. .. .	9 2 6
20 to 21 years of age .. .. .	10 8 4

Thereafter in accordance with clause 5.

(b) The proportion of youths employed shall not exceed one youth to every three or fraction of three journeymen employed.

(c) Where bicycles are used by youths to deliver meat, the combined weight of the bicycle and meat shall at no time exceed 125 lb.

(d) No youth under 18 years of age shall lift or carry without assistance more than 70 lb in weight.

*Deduction from Wages*

8. No deduction from wages shall be made from the weekly wages prescribed by this award save for time lost through sickness, accident, or default of the worker.

*Payment of Wages*

9. All wages shall be paid not later than Thursday of each week and shall be paid up to and including the day of payment.

*Closing of Shops*

10. In exercise of the powers vested in the Court by the Shops and Offices Act 1955, and subject to section 5 of that Act, it is ordered that any shop in which is substantially carried on (within the meaning of section 2 (5) of the same Act) the business of a butcher and/or pork-butcher, shall be closed in accordance with the following provisions:

- (a) The hours of closing for all butchers' shops and combined butchers' and pork-butchers' shops shall be 4.15 p.m., Monday, Tuesday, Wednesday, Thursday, and Friday.
- (b) The hours of closing for all pork-butchers' shops, small-goods shops, and delicatessen shops shall be 4.45 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday.
- (c) All shops covered by this award shall be closed all day on Saturday in each week, and from the hour of 7.30 a.m. on each of the days prescribed in this award as holidays, including days lawfully observed as holidays in lieu of any prescribed.

*Holidays*

11. (a) The following shall be observed as holidays: New Year's Day, 2 January, Anniversary Day, Good Friday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, Anzac Day, and People's Show Day.

(b) All time worked on any Sunday or a Saturday or on any of the holidays mentioned in subclause (a) of this clause shall be paid at the rate of double time, and such payment shall be in addition to the weekly wage.

(c) In the event of a holiday, other than Anzac Day, falling on 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.

*Annual Holidays*

12. The provisions of the Annual Holidays Act 1944 and its amendments, shall apply to all workers under this award: Provided, however, that for the tenth and subsequent years of continuous service with the same employer, each worker shall be entitled to an annual holiday of three weeks on full pay. The qualifying period for the commencement of this provision shall be the date of the commencement of the employment.

*Clothing and Equipment*

13. (a) The employer shall provide for use in retail shops either suitable coats, smocks, and/or aprons or suitable overalls which shall be laundered by him or at his own expense.

(b) All workers employed on corned-beef work or in small-goods department, small-goods factories, or slaughter-house shall be provided with suitable overalls, suitable footwear, waterproof aprons, and/or leggings, such articles to remain the property of the employer. The overalls shall be laundered by or at the expense of the employer.

(c) All workers when loading or unloading meat shall be provided with carrying covers.

(d) Workers required to deliver orders shall be provided with waterproof coats, leggings, and goloshes for use in wet weather.

(e) Knives, steels, stones, and pouches, where required by the work being performed, shall be supplied by the employer.

(f) All females employed in delicatessen or small-goods shops shall be supplied with at least two clean smocks each week which smocks shall be laundered by the employer or at his expense.

(g) (i) In lieu of providing the clothing and equipment and laundering same as prescribed by subclauses (a) and (e) of this clause, the employer may pay to the worker a sum of not less than 15s. 6d. weekly. Every worker receiving such weekly payment shall provide for himself and maintain such of the tools and equipment including coats and aprons or overalls, as may be necessary for him in his work.

(ii) In lieu of the laundering of smocks, overalls, aprons, and coats prescribed by subclauses (a), (b), and (f) of this clause the employer may pay each or any worker a weekly sum of not less than 6s. 3d.

(iii) In lieu of providing footwear as prescribed by subclause (b) of this clause the employer may pay each or any worker a sum of not less than 3s. weekly.

#### *General Conditions*

14. (a) Where workers are required to stand and work in wet places wooden gratings shall be provided for the workers to stand upon.

(b) Suitable accommodation for hanging up and changing clothes, ablution basins, hot and cold water, soap and towels for the workers shall be provided. In all establishments where four or more are employed suitable dressing and dining rooms shall be provided.

(c) First-aid appliances for use in case of accidents shall be provided at each shop or factory.

(d) Chamber hands who are in a heated condition through working outside shall be allowed spells of a reasonable time to enable them to cool before entering the freezing chamber.

(e) When an employer is substantially performing the duties of a shopman in his own shop he may be classed as a first shopman.

(f) No youth under the age of 17 years shall be employed to have charge of a car or motor vehicle in which meat is sold.

(g) No female shall be employed as a butcher's assistant or in doing in or about a butcher's shop or the butcher's department of a combined butchers' and pork-butchers' shop, work usually done by a butcher's assistant, or in handling, other than in the form of small-goods, any beef, veal, mutton, lamb, or uncooked pork, except small parcels of meat which have been repackaged in sealed bags for the retail trade.

(h) Where a bicycle is used to deliver orders, the employer shall provide and maintain such bicycle or alternatively the employer shall pay to the worker a bicycle allowance of not less than 5s. per week.

#### *Termination of Employment*

15. Except in the case of casual employment one week's notice shall be given by either party of the termination of employment. The period of notice in either case shall be exclusive of whole or any part of the annual holidays required to be given in pursuance of this award: Provided that nothing in this clause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

*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.

*Right of Entry*

18. Every employer bound by this award shall permit the secretary or other authorised representatives of the union of workers 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.

*Settlement of Disputes*

19. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the president or secretary of the union, 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 Commissioner may appeal to the Court upon giving written notice of such appeal to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

*Scope of Award*

20. This award shall operate throughout that part of the Northern Industrial District which is included in the Gisborne Judicial District.

*Term of Award*

21. 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 12th day of June 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 12th 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 4th day of July 1961.

[L.S.]

A. TYNDALL, Judge.

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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.

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