

NEW ZEALAND (EXCEPT NORTHERN INDUSTRIAL DISTRICT) BAKING AND
PASTRYCOOKING INDUSTRY EMPLOYEES—AWARD

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

In the Court of Arbitration of New Zealand, 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 Baking Trades Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned association, persons, firms, and companies (hereinafter called “the employers”):

Adams Bruce Ltd., Majoribanks Street, Wellington.
Callaghan Bros., Palmerston Street, Westport.
Cleverley, F., 127 Thames Street, Oamaru.
Collins Quick Lunch Parlours Ltd., 84 Cashel Street, Christchurch.
Denhard Bakeries Ltd., Adelaide Road, Wellington.
Goodman, R. L., and Co., Bakers, Motueka.
Hendersons Bakery Ltd., Alexandra.
Hill Bros. Ltd., Lambton Quay, Wellington.
Jamieson and Sons, Grove Road, Blenheim.
Jay's Ltd., George Street, Dunedin.
Lange Bros. Ltd., 172 Tay Street, Invercargill.
Laurensons Ltd., 111 Highgate, Roslyn, Dunedin.
Magnet Bakeries Ltd., Paraparaumu.
Millars Ltd., 95 Tay Street, Invercargill.
Moore, H., Baker, Mackay Street, Greymouth.
New Zealand Master Bakers and Pastrycooks Industrial Association of Employers, 213
Manchester Street, Christchurch.
Robins, R., Baker, Queenstown.
Rood, H. M., “Dorothy Cake Shop”, Cuba Street, Wellington.
Rumble, R. F., “Quality Cake Shop”, Prince Albert Road, St. Kilda, Dunedin.
Savoy Bakery, Elliot Street, New Plymouth.
Stacey and Hawker Ltd., 58 Essex Street, Christchurch.
Tee's Bakery, Kaikoura.

THE Court of Arbitration of New Zealand (hereinafter called “the Court”), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of

the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, doth hereby order and award:

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the Schedule hereto and of this award shall be binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the Schedule hereto shall constitute a breach of this award, and that a penalty as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect on the day of the date hereof and shall continue in force until the 24th day of August 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 24th day of August 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the baking and pastrycooking industry and to any person employed as a baker, or pastrycook, or baker's or pastry-cook's labourer, or packer, or wrapper, or cake finisher or decorator, or as a home-made cake kitchen or home cookery employee, or a bread slicer or dispatcher in a home-made cake kitchen or a bakehouse, other than a shop assistant.

Hours of Work

2. (a) The ordinary hours of work shall not exceed 40 a week or eight a day, to be worked on five days of the week, Monday to Friday inclusive.

(b) The hour of starting work for bakehouse workers shall be not earlier than 4 a.m. except (i) that on a day prior to any one day on which no bread is baked for sale that day, the hour of starting work may be one hour earlier - viz., 3 a.m.; (ii) that on a day prior to two consecutive days on which no bread is baked for sale on those days, the hour of starting work may be two hours earlier - viz., 2 a.m.; (iii) that on a day prior to three consecutive days on which no bread is baked for sale on those days, the hour of starting work may be three hours earlier - viz., 1 a.m. For the purposes of this clause Saturday and Sunday are to be treated as days.

(c) If a journeyman or an adult worker is required to start earlier than the hours herein prescribed he shall be paid at the rate of 3s. 6d. per hour extra for every hour worked before the prescribed starting time. If a junior labourer is required to start earlier than the hours herein prescribed, he shall be paid at the rate of 2s. 3d. per hour extra for every hour worked before the prescribed starting hour.

(d) A worker who has completed his work for the day and is required to commence work again later in the same day to bake bread or small goods for the following day shall be paid at the rate of 3s. 6d. per hour extra for all time worked between the time of starting and midnight. This subclause shall not apply to doughing or sponging.

(e) Any journeyman or his assistant employed to make dough by machinery or hand, or to cut over or knock down dough, shall if required by his employer start earlier than the hours hereinbefore prescribed without extra payment except that any journeyman or his assistant so required to start work earlier than the prescribed hour shall be paid 25s. per week in addition to the minimum wage fixed by this award.

(f) The extra rates prescribed in subclause (c) and (d) of this clause shall not be payable for time which is paid for at double time rates under clause 5 or clause 6 hereof or for time worked on Sundays or holidays and paid for under clause 8 hereof.

(g) When a holiday occurs in any week, a worker shall be deemed to have worked eight hours on that day for the purpose of computing the weekly hours.

Wages

3. (a) The minimum rates of wages shall be as follows:	Per Week
	£ s. d.
Foreman baker or pastrycook	14 17 0
Journeyman baker or pastrycook	14 0 0
All other adult male workers	11 17 6

(b) A foreman baker or pastrycook is a journeyman who has charge of other workers and is responsible for the production and quality of goods produced.

(c) When an employer is himself substantially engaged in his own bakehouse he shall not be classed as foreman or first hand unless he actually does the work of the foreman or first hand. He shall either take an equal share of doughing or sponging with the men or he shall pay the worker who does it for his time. All foremen shall take their turn at doughing or sponging.

(d) A bakehouse labourer shall not be employed in the actual manufacture of bread or small goods, but may perform any kind of unskilled work, including in assisting in working machines.

(e) Employers bound by this award shall be permitted to employ bakehouse labourers in the proportion of not more than one labourer to each two journeymen bakers or pastrycooks. For the purpose of this clause foremen and doughmen shall count as journeymen.

(f) A worker engaged for relieving work necessitating his living away from home shall be paid his fare both ways by his employer.

Jobbers

4. (a) A journeyman jobber shall be paid not less than £2 17s. 3d. per day or a labourer jobber £2 8s. per day of eight hours. He shall be paid not less than six hours' wages in any event. If he is employed for less than eight hours he shall be paid not less than 7s. 2d. per hour for a journeyman jobber and not less than 6s. per hour for a labourer jobber.

(b) A jobber is a worker who is engaged by the day or by the hour.

(c) A jobber shall be paid by his employer the necessary expense in going to and coming from work.

Overtime

5. All time worked on any day from Monday to Friday inclusive in excess of the daily hours prescribed in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter, with a minimum rate of payment of 2s. 0 $\frac{3}{4}$ d. per hour. In calculating overtime payments no account shall be taken of penalty payments prescribed under clauses 2 (c) and 2 (d) of this award.

Saturday Work

6. All time worked before noon on Saturday shall be paid for at the rate of time and a half: Provided that time worked in excess of eight hours shall be paid for at the rate of double time. All time worked after noon on Saturday shall be paid for at the rate of double time.

Junior Labourers

7. (a) Subject to the provisions and restrictions contained in subclause (d) of clause 3, junior labourers may be employed at not less than the following rates:

Junior labourers commencing at under 19 years of age:	Per Week		
	£	s.	d.
For the first six months	5	12	0
For the second six months	6	2	6
For the third six months	6	13	6
For the fourth six months	7	6	3
For the fifth six months	7	19	3
Thereafter	9	2	6

Or, on attaining the age of 21 years, labourers' rates.

Junior labourers commencing between the ages of 19 and 20 years shall be paid not less than the following:

For the first six months	6	13	6
For the second six months	7	6	3
For the third six months	7	19	3
Thereafter	9	2	6

Or, on attaining the age of 21 years, labourers' rates.

Junior labourers commencing at the age of 20 years and up to 21 years shall be paid not less than:

For the first six months	8	11	0
Thereafter, until he reaches the age of 21 years ..	9	11	0

Or, on attaining the age of 21 years, labourers' rates.

(b) Junior labourers shall be employed as follows: One to the factory, and thereafter in the ratio of not more than one junior labourer to every two adult labourers, provided that this does not increase the proportion of labourers to journeymen specified in clause 3 (e) hereof.

Holidays

8. (a) The following shall be the recognised holidays: New Year's Day, the day immediately following New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, and Boxing Day.

Employers may, at their option, substitute some other day for Anniversary Day. In such case the employer shall notify the Inspector of Awards for the district one week before the substituted day or Anniversary Day, whichever is the earlier.

(b) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then for the purpose of this award such holiday shall be observed on the following Monday. In the event of Christmas Day and New Year's Day being observed on a Monday in pursuance of the foregoing, Boxing Day and 2 January shall be observed on the respective Tuesdays.

(c) No bread of any kind shall be made or baked for sale whether in the form of loaves, rolls, or any other form, between the hour of 6 p.m. on the day immediately preceding any holiday provided for in this clause and the hour of 6 o'clock in the evening of such holiday: Provided that nothing in this clause shall affect the making of dough and the manufacturing of bread for the day immediately following the holiday, provided such day following is not itself a holiday.

(d) Time occupied on Sundays in sponging and doughing shall be paid for at double rates in addition to the week's wages. Not less than one hour shall be allowed for sponging and doughing.

(e) Except in the case of work performed under subclause (d) of this clause on Sundays, other work performed on Sundays or any work performed on any of the holidays listed in subclause (a) of this clause shall be paid for at double rates in addition to the weekly wages.

(f) Annual holidays shall be granted in accordance with the provisions of the Annual Holidays Act 1944, except that one additional day shall be added in lieu of picnic day, as provided for in the 1938 award: Provided, however, that upon the completion of the tenth and subsequent years of continuous service with the same employer a worker shall be granted an annual holiday of three weeks instead of two weeks as prescribed by the Annual Holidays Act.

Drivers

9. No driver shall be employed in any bakehouse in connection with the manufacture of any goods in the baking trade, but a baker may deliver bread or small goods so long as he does not work more than the prescribed hours.

Board and Lodging

10. Employers shall not provide any of the workers with board and lodging on their own premises: Provided that in any case where a worker can satisfy the nearest Inspector of Awards that it is not practicable for such worker to obtain at a reasonable rate suitable board and lodging elsewhere than on the employer's premises, such Inspector of Awards may issue to such worker a permit authorising him to agree with his employer to board and lodge on his employer's premises at a rate not exceeding £1 15s. per week.

Meal-time and Rest Periods

11. (a) No worker shall be required to work for more than four and one-quarter hours continuously without an interval of at least half an hour for a meal: Provided that a meal break need not be allowed to a male jobber whose engagement is for not more than five continuous hours.

(b) A rest period of 10 minutes shall be allowed within each period of four hours required to be worked.

Meal Allowance

12. Unless notice is given on the previous day that overtime will be worked, a worker required to work in excess of nine hours shall be supplied by the employer with a hot meal, or alternatively a meal allowance of 5s. shall be paid to the worker.

Females

13. (a) Subject to the provisions of the Factories Act, no women shall be employed in or about a factory;

(i) At any time between the hours of six o'clock in the evening of any day and eight o'clock in the morning of the following day; or

(ii) On any Sunday; or

(iii) On any holiday or half holiday.

(b) The minimum rate of wages for journeywomen shall be three-quarters of the minimum rate of wages for journeymen, and the minimum rate of wages for journeywomen jobbers shall be three-quarters of the minimum rate of wages for journeymen jobbers.

(c) Females, other than journeywomen and apprentices, shall not be employed to manufacture any goods in the bakehouse or to do any hot-plate work.

(d) Females may be employed in breaking eggs, cleaning fruit, papering tins and cake-hoops, cleaning and greasing tins and utensils, finishing (including icing and piping, except as provided in subclause (e)), and packing small goods, and generally to do all kinds of unskilled work at the following minimum rates of wages:

				Per Week		
				£	s.	d.
First six months	..	..	..	3	11	0
Second six months	..	..	..	4	0	3
Third six months	..	..	..	4	16	6
Fourth six months	..	..	..	5	15	9
Thereafter	..	..	..	6	12	6
Or, on attaining the age of 21 years	..	..	..	8	3	6

(e) Females, other than journeywomen, may be employed in decorating, icing, and piping Christmas, christening, birthday, and wedding cakes, and shall be paid not less than three-quarters of the rate of wages prescribed for journeymen or journeymen jobbers for the time they are so employed.

Terms of Employment

14. (a) Except where otherwise provided herein, the employment shall be a weekly employment. Wages shall be paid in cash weekly in the employer's time not later than Thursday. Details shall be shown on the pay envelope or wages slip as to how wages are made up. At the termination of service, wages due shall be paid without delay.

(b) One week's notice of termination of service shall be given by the employer or the employee; but this shall not affect the employer's right to dismiss any employee without notice for misconduct or other good cause.

(c) If an employer dismisses an employee without notice and without good cause, he or she shall pay the employee one week's wages on full pay.

(d) No deduction shall be made from the weekly wages prescribed herein except for the time lost through the worker's own default or sickness or for accident not arising out of or in the course of his employment.

Access to Employer's Premises

15. (a) The secretary or organiser of the union shall have the right to interview workers during the course of their employment, but on union business only.

(b) The secretary or organiser of the union shall have the right to inspect the time and wages book provided for in clause 24 of this award.

Automatic Bakeries

16. The following special provisions shall apply to automatic bakeries:

(a) "Automatic bakery", for the purposes of this portion of this award, shall be deemed to mean an establishment in which at least three-fourths of the work is done by machinery.

(b) (i) *Baker*—The work of a baker shall include the preparation of flour and dough for the breadmaking machinery, attendance to the machine while in motion, and the cleaning and lubricating of such machinery. Should the ordinary work of the establishment be insufficient to keep a worker fully employed, the employer may, at his discretion, employ such worker at other suitable work in the establishment.

(ii) *Bakers' Labourers*—The work of labourers shall include assisting bakers in charge of breadmaking machinery, assisting in loading and unloading ovens, trucking and packing away bread, cleaning bread-tins, packing and wrapping bread, keeping factory and loading department clean, assisting in cleaning and lubricating the machinery, and generally doing all kinds of unskilled work in or about the factory.

(iii) Clauses 3 (e) and 7 (b) of this award shall not apply to automatic bakeries, but in lieu thereof the following shall apply: Junior bakers' labourers may be employed in the proportion of one junior labourer to each two adult bakers' labourers employed, and the total number of bakers' labourers (adult and/or junior) employed shall not exceed one for each journeyman baker employed. For the purpose of this clause, foremen and doughmen shall count as journeymen.

(c) (i) *Hours of Work*—The provisions of this award as to hours of work and overtime shall apply to workers in automatic bakeries, save as hereinafter modified.

(ii) Workers in automatic bakeries may be employed in shifts of not more than eight hours and between the hours of 4 a.m. and 10 p.m.

(iii) Workers shall be employed on morning and afternoon shifts alternatively, unless otherwise arranged by mutual consent of the worker and the employer affected.

(iv) Workers employed on afternoon shifts shall be allowed at least half an hour for an evening meal.

(d) *Labourers*—Subclause (d) of clause 3 of this award shall not apply to labourers employed in automatic bakeries.

(e) *General Conditions*—Save as modified by these special conditions, the provisions of this award shall apply to automatic bakeries and workers therein.

General Conditions

17. (a) At the request of the secretary of the union, but not more often than once in each six monthly period, employers shall supply a list of all workers employed subject to this award.

(b) Adequate lighting and ventilation shall be provided in each factory.

Disputes Committee

18. 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 specifically dealt with in this award, every such dispute or difference shall be referred to the Conciliation Commissioner for the district who shall either decide the question or refer the matter to the Court. Either side shall have the right to appeal to the Court against any decision of the Commissioner.

Unskilled Work

19. No journeyman or journeywoman provided for in this award shall be required to do any whitewashing or cleansing down the walls of any bakehouse. No journeyman or journeywoman shall take delivery of any stores when labourers are available.

Workers to be Members of Union

20. (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.

(d) Where the worker and the employer agree, the employer may deduct union contributions and forward same to the secretary of the local branch of the union.

(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

21. (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.

Accommodation

22. Accommodation and facilities for washing shall be provided by the employer in accordance with sections 59, 62, 63, 66, and 69 of the Factories Act 1946.

Existing Conditions

23. Notwithstanding the rate of wages fixed by the Schedule to this award, the wages of a worker at present in receipt of a higher rate than that provided in the said Schedule shall not be reduced so long as he or she continues in his or her present position.

Wages and Time Record

24. Every employer bound by this award shall keep a time and wages book in which shall be correctly recorded by each employer (a) the name of every worker employed, (b) the kind of work on which he or she is employed, (c) the daily hours of his or her employment, (d) the wages paid each week, and (e) the starting and finishing times of all workers. Each employee shall sign for his or her wages.

Application of Award

25. 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

26. This award shall operate throughout the Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

27. This award shall come into force on the day of the date hereof and shall continue in force until the 24th day of August 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 24th day of August 1961.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters referred to and settled by the Court were as follows: Industry to which award applies (clause 1), hours of work (clause 2), claims for composite clause for classifications and proportion, wages (clause 3), jobbers (clause 4), claims seeking the prohibition of weekend baking of bread, junior labourers (clause 7), females (clause 13), terms of employment (clause 14 (b) and (c)), automatic bakeries (clause 16), workers to be members of union (clause 20), and term of award.

A. TYNDALL, Judge.
