

OTAGO AND SOUTHLAND MANUFACTURING CHEMISTS, PRESERVED FOODS AND
JAM FACTORIES' EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District—
In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the
matter of an industrial dispute between the Otago and Southland Manufacturing
Chemists, Preserved Foods, Jam, and Starch Factories Employees Industrial
Union of Workers (hereinafter called "the union") and the under-mentioned firms
and companies (hereinafter called "the employers"):

The Bell Tea Co. Ltd., Hope Street, Dunedin.
Central Otago Fruit Co. Ltd., P.O. Box 59, Roxburgh.
Columbia Products Ltd., 170 Dee Street, Invercargill.
Dixon Bros. Ltd., Bluff.
Dunedin Canning Co. Ltd., MacLaggan Street, Dunedin.
Gregg, W., and Co. Ltd., Forth Street, Dunedin.
Irvine and Stevenson's St. George Co. Ltd., Filleul Street, Dunedin.
Kempthorne Prosser and Co.'s N.Z. Drug Co. Ltd., Stafford Street, Dunedin.
Lane Latimer Ltd., 445 Andersons Bay Road, Dunedin.
Lane Medicine Co. Ltd., Harbour Street, Oamaru.
Murdoch and Co. Ltd., 205 St. Andrew Street, Dunedin.
National Mortgage and Agency Co. Ltd., 49 Water Street, Dunedin.
Otakou Cool Stores Ltd., Cresswell Street, Dunedin.
Otakou Fisheries Ltd., 192 Castle Street, Dunedin.
Rattray and Sons Ltd., 17 Crawford Street, Dunedin.
Reckitt and Colman Ltd., Forth Street, Dunedin.
Reeves, A. E., Ltd., Jutland Street, Dunedin.
Skeggs Fisheries Ltd., 40 Harrow Street, Dunedin.
Southland Canning Co. Ltd., Bluff.
Stephens Inks N.Z. Ltd., Moray Place, Dunedin.
Strang, David, Ltd., Esk Street, Invercargill.
Ultra Products Ltd., 321 King Street, Dunedin.
Vauxhall Fish Supply, 1 Ward Street, Dunedin.
Wilson Malt Extract Co. Ltd., Willowbank, Dunedin.
Wardells Ltd., George Street, Dunedin.

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 in-
corporated 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, con-
ditions, 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 26th day of March 1963 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 26th day of September 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. (a) This award shall apply to the manufacture, bottling, canning, preparation and/or packaging of condiments; essences; jelly crystals; coffee; spices; malt-extracts; inks; adhesives; disinfectants; toilet preparations; cleansing preparations (other than soap); detergents; polishes; jam; preserved fruit; vegetables; fish; meat; food pastes; oyster grit; chemical products and foodstuffs for veterinary, household, medicinal, manufacturing, processing, preserving, or garden use, and by-products in connection therewith.

(b) This award shall apply to females wholly or substantially employed in connection with the packing of tea.

(c) This award shall apply to fish trade employees (other than fishermen and workers employed in retail shops and workers covered by the Southland Oyster Openers Award) and to workers employed in the manufacture of fish by-products.

Hours of Work

2. The ordinary hours of work shall not exceed 40 per week nor eight per day and shall be worked between the hours of 7.30 a.m. and 5 p.m. on the five days of the week, Monday to Friday inclusive.

Shift-work

3. (a) Shifts may be worked as required by the employer, provided that where shifts are worked eight hours (inclusive of meal time) shall constitute an ordinary shift, and five shifts shall be an ordinary week's work.

(b) Workers working shifts shall be paid $7\frac{1}{2}$ d. per hour in addition to the ordinary rates of pay prescribed in clause 4 hereof for each shift worked wholly or in part outside the ordinary working-hours prescribed in clause 2 hereof. Shift-workers shall be allowed an interval of half an hour for a meal without deduction from pay and the hours of work shall be continuous. A worker required to work less than three consecutive shifts shall not be deemed to be a shift-worker but shall be paid for such work at overtime rates.

(c) Every worker required to work on any Saturday shall be paid for such work.

(i) For all time worked between midnight Friday and noon on Saturday at not less than one half as much again as the ordinary rate; and

(ii) For all time worked between noon and midnight on Saturday at not less than double the ordinary rate of pay.

(d) Every worker who is employed on any Sunday shall be paid at not less than double the ordinary rate of pay.

Wages

4. (a) *Male Workers*—The following shall be the minimum rates of wages for adult male workers:

	Per Week		
	£	s.	d.
Laboratory assistants and man in charge of pill-room ..	15	1	0
Man in charge of pill and tablet coating	13	15	6
Compounders, pill and tablet machinists and man in charge of tincture room	12	17	6
Panman in malt extract factory	12	13	3
Fish trade workers	12	15	8
All other workers	12	2	0

A worker employed at manual work and appointed a working foreman by the employer, and whose duty is to take charge of and supervise the work of the other workers in a permanent department of the business shall be paid not less than 18s. per week additional.

(b) *Boys and Youths*—Boys and youths under 21 years of age may be employed in the proportion of one boy or youth to every three or fraction of three fully paid adult male workers at not less than the following minimum weekly rates:

	Per Week		
	£	s.	d.
16 to 16½ years of age	3	10	0
16½ to 17 years of age	4	2	6
17 to 17½ years of age	4	12	0
17½ to 18 years of age	5	5	6
18 to 19 years of age	6	5	9
19 to 20 years of age	7	0	6
20 to 21 years of age	8	0	0

Thereafter, or on attaining the age of 21 years, not less than the minimum rate payable to adult workers.

(c) *Female Workers*—The minimum weekly rates of wages payable to female workers shall be as follows:

	Per Week		
	£	s.	d.
16 to 16½ years of age	3	4	0
16½ to 17 years of age	3	12	0
17 to 17½ years of age	4	0	6
17½ to 18 years of age	4	8	3
18 to 18½ years of age	4	18	6
18½ to 19 years of age	5	10	6
19 to 20 years of age	6	1	9
20 to 21 years of age	6	14	6

Thereafter, or on attaining the age of 21 years, not less than £8 4s. per week.

A female worker employed at manual work and appointed a working forewoman by the employer, and whose duty is to take charge of and supervise the work of the other female workers in a permanent department of the business, shall be paid not less than 18s. per week extra.

Special Provisions Applying to Otakau Fisheries Ltd.—Females may be employed at Otakau Fisheries Ltd. in packing fish and picking livers at the rate of £8 13s. per week. If casual female workers are employed, they shall be paid 5s. 2½d. per hour.

(d) Female workers engaged in the canning of meat, tongues, or rabbits shall be paid the rates prescribed in the freezing-workers' award applying for the time being to the canning of meat in the Otago and Southland Industrial District.

(e) Females employed canning fish or lacquering tins shall be paid 2s. 3d. per day or part of a day, in addition to the rates prescribed in subclause (c) of this clause, whilst so employed.

Casual Workers and Part-time Workers

5. (a) Workers employed for less than one week shall be deemed to be casuals and shall be paid at not less than the following rates:

							Per Hour
							s. d.
Adult male workers	..	..	..	..	..	..	6 3
Females	..	..	..	..	..	..	4 3

(b) (i) 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 worker *pro rata* the appropriate wage rate plus 10 per cent.

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

Overtime

6. All time worked in any one day outside or in excess of the hours prescribed in clauses 2 and 3 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and at double time rates thereafter. If a worker is required to come back after the completion of the ordinary day's work, the worker shall be paid 5s. tea money.

Holidays

7. (a) The following holidays shall be allowed without deduction of pay: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day or a day in lieu thereof.

(b) For any work done on any of the above-mentioned days, double time rates shall be paid.

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

(d) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944: Provided that a worker on the completion of the eleventh and each subsequent year of continuous service with the same employer shall be given three weeks' holiday. The additional week is to be taken at a time to be mutually agreed upon between the worker and the employer.

(e) Where it is customary for any employer to allow annual holidays to his workers or to any class of his workers during a period in each year when his premises are closed or the work of those workers is for any reason discontinued, and at the date of the commencement of any such period any such worker has not become entitled to an annual holiday, then that worker shall not be entitled to any wages for two weeks following that date but the employer shall before that date pay to him, in addition to all other amounts due to him at that date including amounts to which he is entitled in respect of any special holidays, an amount equal to one twenty-fifth of his ordinary pay for the period of his employment up to that date, and for the purposes of the Annual Holidays Act the next year of his employment shall be deemed to commence on that date.

Weekly Employment

8. (a) Except in the case of casuals, the employment shall be deemed to be a weekly employment, and no deductions shall be made from the weekly wages except for time lost through the worker's sickness, default, or accident.

(b) Not less than one week's notice of the termination of employment shall be given by either party; but nothing in this award shall prevent the employer from summarily dismissing any worker for wilful misconduct.

General Conditions

9. (a) First-aid outfits, fully equipped, shall be provided in each factory and shall be accessible at all times.

(b) Workers employed in wet places shall be supplied with gumboots and/or clogs. Aprons or other suitable protective clothing shall be supplied where necessary. Smocks shall be provided for the use of each female worker by the employer. Where necessary, one pair of overalls shall be supplied, after each six months' continuous service with the same employer, to adult male employees, and such overalls shall remain the property of the employer. Overalls shall be maintained in a clean and repaired state by the worker. Caps shall be supplied to workers for dusty work.

(c) Female workers shall not handle more than 28 lb single-handed.

(d) Boys under 17 years of age shall not handle more than 56 lb single-handed.

(e) Reasonable facilities for providing warmth in cold weather and efficient ventilation shall be provided in each factory.

(f) The employer shall supply suitable dining and lavatory accommodation, together with facilities for changing clothes, and, where practicable, hot water for washing hands. A suitably furnished rest room shall be provided for females.

(g) Ten minutes' rest period shall be allowed morning and afternoon.

(h) Workers employed in grinding chillies, capsicums or cinnamon or filling containers with cayenne pepper or cinnamon shall be paid 2s. 6d. per day extra.

(i) Workers engaged in the grinding of oyster-shells, in manure works, in the preparation of crayfish-manure, or in the cleaning of save-alls, shall be paid 3s. 3d. extra per day or part of a day whilst so employed.

(j) Suitable gloves and suitable clothing other than that mentioned in subclause (b) of this clause shall be supplied to fish trade workers when required to work in a refrigerated store or chamber, and such clothing shall be kept clean at the employer's expense.

(k) Fish trade workers may be employed at any work within or about the factory in general work in painting, scrubbing, and general labouring work on trawlers, when not engaged at their usual employment.

(l) Each permanent fish trade worker shall be paid 4s. per week as a gumboot, apron, and overall allowance. Such allowance shall be paid at half-yearly intervals or upon termination of employment. Subclause (b) of this clause shall not apply to these workers.

Payment of Wages

10. Wages shall be paid weekly, in cash, in the employer's time, not later than Thursday in each week. Details of wage make-up and deductions shall be supplied to workers.

Right of Entry

11. The secretary or other authorised officer of the union of workers 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 worker, but not so as to interfere unreasonably with the employer's business.

Matters Not Provided For

12. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be

referred to the Inspector of Awards, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the inspector, may appeal to the Court upon giving written notice to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Workers to be Members of Union

13. (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

14. (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

15. 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 district to which this award relates.

Scope of Award

16. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

17. This award, in so far as the provisions relating to rates of wages to be paid are concerned, shall be deemed to have come into force on the 14th day of September 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 26th day of March 1963.

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 26th day of September 1961.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters referred to and settled by the Court related to shift allowance (clause 3 (b)), wages (clause 4), casual workers (clause 5 (a)), overtime (clause 6), general conditions (clause 9 (h), (i), (j), and (l)), and term of award, including operative date of wage provisions.

A. TYNDALL, Judge.
