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NORTHERN INDUSTRIAL DISTRICT COOPERS—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 Coopers Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned firms and companies (hereinafter called “the employers”):

Auckland Farmers' Freezing Co. Ltd., Endeans Building, Queen Street, Auckland.

Dominion Yeast Co., 8 Williamson Avenue, Auckland.

Hellaby, R. and W., Ltd., Quay Street, Auckland.

Westfield Freezing Co. Ltd., Quay Street, Auckland.

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 9th day of April 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 29th day of November 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. (a) A week's work shall not exceed 40 hours, to be regulated by each employer according to the special requirements and circumstances of his business, but so that the ordinary hours of work shall be made to fall between the hours of 7.30 a.m. and 5 p.m. on five days of the week from Monday to Friday, both days inclusive.

(b) No worker shall be required to work more than four and a half hours continuously without an interval of at least three-quarters of an hour for a meal: Provided that this meal-time may be reduced to half an hour by mutual agreement, and provided, further, that the said period of four and a half hours may be extended to not more than five hours.

(c) A "smoko" of 10 minutes shall be allowed each morning and afternoon without deduction from pay: Provided that when employed by freezing companies this period shall be extended to 15 minutes.

Meal-hour

2. One hour shall be allowed for meals: Provided that less than one hour may be observed by mutual agreement; and provided, further, that the meal-time mutually agreed upon shall be not less than half an hour.

Wages

3. The minimum wage to be paid to coopers shall be £13 16s. 8d. per week. No deduction shall be made from the weekly wage of any worker employed under this award except for sickness, accident, or the default of the worker.

Casual Workers

4. Casual workers shall be paid a minimum of 7s. 1d. per hour. A worker shall be deemed to be a casual worker who is employed for a period of less duration than one week.

Overtime

5. (a) All time worked in any one day beyond the hours specified in clause 1 hereof shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) Any worker ordered back to work after 6 p.m. shall be provided with a hot meal or he shall be paid 5s. meal-money, unless such worker has been notified the previous day that he will be required to work overtime.

(c) When any worker is ordered back to work overtime after 6 p.m. a minimum of two hours shall be paid for. If ordered back to work on Saturday a minimum of four hours shall be paid for.

(d) A 10-minute rest period every two hours shall be allowed when workers are working overtime.

Holidays

6. (a) The following shall be the recognised holidays with no deduction from pay: 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.

(b) For all work done on any of the above-mentioned holidays double time shall be paid in addition to the ordinary wage. For all work done on Sundays double ordinary rates shall be paid.

(c) Should any of the above holidays, except Anzac Day, fall on a Saturday or Sunday, then for the purpose of this award such holiday shall be observed on the following Monday. In the event of Christmas Day being observed on a Monday in pursuance of the foregoing, Boxing Day shall be observed on the Tuesday following.

(d) Annual holidays shall be allowed as provided under the Annual Holidays Act 1944, and its amendments.

Suburban Work

7. (a) Work done at a distance of over 2 miles from the shop of the employer shall be considered suburban work and journeymen employed thereon shall be allowed and paid for the time reasonably occupied by them in walking to and from such work, or they shall be conveyed to and from such work at the cost of the employer; but no journeyman residing less than 2 miles by the nearest convenient mode of access for foot-passengers from the place where the work is to be done, if sent from his home to such work, shall be entitled to the allowance mentioned in this subclause.

(b) If any worker is required to use the ferry for the purpose of going to or returning from any place outside his employer's shop where the work is to be done, his fares shall be paid by his employer, the time to be counted from the usual time of starting work until the worker returns to the Auckland wharf.

Termination of Employment

8. One week's notice in the case of weekly workers and one hour's notice in the case of hourly workers shall be given on either side; but this shall not prevent an employer from summarily dismissing any worker for misconduct.

Payment of Wages

9. All wages shall be paid weekly not later than Thursday of each week at the place of employment during ordinary working hours.

Right of Entry Upon Premises

10. The secretary or other authorised officer of the union shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Overalls

11. When employed by freezing companies workers shall be supplied with boots, overalls, towels, and where required, jerseys, waterproof coats and leggings. Clothing shall be laundered weekly at the expense of the employer.

Wet Places

12. Employers shall provide all workers working in wet places with gumboots or leather boots as required.

Machine Work

13. Coopers engaged at machine work shall be subject to the provisions of this award, and any worker engaged at any portion of the coopering industry shall be subject to this award.

First-aid Chest

14. A fully equipped first-aid medical outfit shall be provided and maintained in all works and shall be at all times conveniently accessible to each worker employed.

Workers to be Members of the Union

15. (a) 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 the Auckland Coopers Industrial Union of Workers.

(b) For the purpose 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 shall be deemed to be an adult.

(c) Every person who, being obliged to become a member of the union by the operation of the foregoing provisions, fails to become a member of the union when requested to do so 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 the worker the right to join the union.)

Under-rate Workers

16. (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

17. The employer shall provide accommodation facilities in accordance with the provisions of the Factories Act 1946 and its amendments.

Application of Award

18. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every industrial union, industrial association, or employer who, not being an original party hereto, is, when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within the industrial district to which this award relates.

Scope of Award

19. This award shall operate throughout the Northern Industrial District.

Term of Award

20. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 9th day of October 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 9th day of April 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 29th day of November 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.

Clause 15 (Workers to be Members of Union) has been inserted in the form in which it was agreed upon in Conciliation Council. The attention of parties bound by the award is drawn to the opinions of the Court recorded in Volume 55 Book of Awards, page 1212, and in Volume 58 Book of Awards, page 2089.

A. TYNDALL, Judge.
