

NEW ZEALAND OIL STORES EMPLOYEES—AWARD

[Filed in the Office of the Clerk of Awards, Wellington.]

In the Court of Arbitration of New Zealand, Northern, 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 Oil Industry Industrial Union of Employers, 8 The Terrace, Wellington (hereinafter called “the employers”) and the

New Zealand Federated Storemen and Packers (Other Than in Retail Shops) and Warehouse Employees (Other Than Drivers and Clerks) Industrial Association of Workers, Room 3, Trades Hall, Christchurch;

Auckland United Storemen and Packers (Other Than in Retail Shops) and Warehouse Employees (Other Than Drivers and Clerks) Industrial Union of Workers, 305 Pacific Buildings, Wellesley Street, Auckland;

Canterbury General and Builders’ Labourers and Related Workers Industrial Union of Workers, Room 4, Trades Hall, Christchurch;

(hereinafter called “the union”).

THE COURT of Arbitration of New Zealand (hereinafter called “the Court”), having taken into consideration the terms of settlement arrived at in the abovementioned 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 30th 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 19th day of December 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the industry carried on by oil merchants covering the importation, storage, blending, refining, distribution, or handling in any way whatsoever of oil fuels, lubricants, or other petroleum products and merchandise incidental to the business of oil merchants in or in connection with an oil or grease store.

(b) (i) Workers may be employed in the loading and dispatch of vehicles outside the normal hours provided in clause 3 hereof: Provided the hours of work do not exceed 40 per week or eight per day to be worked Monday to Friday both days inclusive; and provided that the workers employed on the date of the making of this award may elect to continue to work between the hours prescribed in clause 3 of this award. Each worker under this subclause shall have a regular starting time for each period of 40 hours and the daily hours shall be continuous except for the meal break. Overtime shall be paid to such workers for any time worked in excess of the daily hours herein specified, at the rate of time and one half for the first three hours and double time thereafter.

(ii) When workers are required to commence their day's work regularly before 6 a.m. or after 1 p.m. they shall be paid 25s. in addition to their weekly wage provided for in clause 4 of this award.

(iii) Any worker operating under this subclause required to commence work after the cessation of public wheeled traffic or before the ordinary time of starting of such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting of such traffic shall be paid for time occupied in travelling to or from his home at ordinary rates of pay, reckoning the time occupied as being at the rate of 3 miles per hour (fractions of a mile shall be computed as a complete mile): Provided, however, that if a conveyance free of charge is provided for the worker by his employer he shall not be entitled to payment for travelling-time under this subclause.

For the purpose of this subclause "public wheeled traffic" shall mean trams, buses, trains or ferries ordinarily used by the worker in travelling to or from his work. An employer may agree with the local branch of the union upon a maximum travelling-time payment in particular cases.

Employment of Youths

6. (a) Youths may be employed at not less than the following rates:

						Per Week		
						£	s.	d.
Under 17 years of age	..	..	..	..	..	5	0	0
17 to 17½ years of age	..	..	..	..	..	5	12	6
17½ to 18 years of age	..	..	..	..	..	6	5	6
18 to 19 years of age	..	..	..	..	..	7	5	0
19 to 20 years of age	..	..	..	..	..	8	5	0
20 to 21 years of age	..	..	..	..	..	9	13	4

And thereafter adult rates.

(b) The proportion of youths shall be not more than one to every three adult workers or fraction of three.

(c) Youths who are called upon to do stacking of case oils or any other article of a weight exceeding 75 lb shall be paid casual workers' rates whilst so employed.

(d) Youths at present employed at a higher wage than that prescribed herein shall not have their wages reduced.

Employment of Females

7. Female workers may be employed in the industry on light duties including the preparation for sale, bottling, packaging, labelling, wrapping, filling into containers not exceeding a capacity of four gallons and handling of oil fuels, lubricants or other petroleum products and merchandise incidental to the business of oil merchants, provided they shall not lift more than 28 lb single handed.

The minimum rate of wages payable to female workers shall be £8 18s. 4d. per week.

Overtime

8. (a) Except as otherwise provided in clauses 5 and 19 of this award, overtime shall be paid for in accordance with the following provisions:

All time worked between 6 p.m. and 10 p.m. and between 6.30 a.m. and 7.30 a.m. shall be paid for at time and a half rates. All time worked between 10 p.m. and 6.30 a.m. on the following day shall be paid for at double time rates. Workers required to work between 5 p.m. and 6 p.m. shall be entitled to time and a half rates: Provided that workers on completing three hours' continuous overtime work shall be entitled to double time rates.

Notwithstanding the foregoing any worker who commences work at midnight and is required to continue working, except for meal intervals, up to the ordinary time for starting work that day, shall be given a break of eight hours or be paid double time for all work done on that day.

For work performed between 7.30 a.m. and 12 noon on Saturday time and a half rates shall be paid for the first three hours and double time thereafter: Provided that all work performed after 12 noon on Saturday shall be paid for at double time rates.

(b) Any worker having worked all day and night until the ordinary time for starting work next day and being required to continue working on into the next day shall be paid double time for all time so worked.

(c) Any worker having worked all day and having continued to work until midnight shall be given eight hours off or be paid double rates for all time worked on the second day.

(d) Time worked during the usual meal period shall be paid for at time and a half rates.

(e) When a worker is required to work overtime after 6 p.m. a minimum of two hours shall be paid for. If required to work on Saturday or Sunday or on any award holiday a minimum of four hours shall be paid for.

(f) The employer shall provide free transport or pay the worker's reasonable fare to or from the worker's home, as the case may be, when a worker (other than a shift worker) is required to commence or cease working overtime at a time when the public transport ordinarily used by him in travelling to or from his work with that employer is not available.

Meal-money

9. (a) When workers are ordered back to work after 6 p.m. on any day or after noon on Saturday, the employer shall provide meals or pay each worker 5s. to enable him to obtain a meal, unless such worker has been notified on the previous day that he will be required to work overtime: Provided that where such notice has been given and the worker's services are not required, he shall still be paid the meal allowance.

(b) When overtime is being worked the employer shall provide a meal or pay meal allowance of 5s. per meal on completion of each four hours, provided the worker is required to continue working after the meal interval. The period of four hours may be varied by agreement but a meal interval not exceeding half an hour shall be paid for when taken.

General Conditions

10. (a) A "casual worker" is an employee who is engaged by the hour and is employed for less than four consecutive weeks at any one engagement.

(b) Any casual worker employed up to 5 p.m. on any day, unless notified of the termination of his employment shall, upon attending next day, be entitled to at least two hours' work or pay in lieu thereof.

(c) Any casual worker shall be entitled to two hours' notice of termination of employment.

(d) A permanent hand is a weekly employee and not less than one week's written notice shall be given by either party of the termination of the employment.

(e) The normal method of stacking cases in tiers four high shall be observed, unless special circumstances justify the adoption of other methods.

(f) Rateable deductions from the wages of a worker may be made in the case of sickness, accident, or default of the worker.

(g) Where any of the holidays specified in clause 13 hereof fall on a Friday, wages shall be paid on the preceding Wednesday.

Payment of Wages

11. Wages shall be paid weekly not later than Thursday and during ordinary working-hours, except in the case of the termination of the employment, when all wages due shall be paid immediately upon discharge. If any worker leaves of his own accord, an order upon the city office shall be deemed to be sufficient.

Workers shall be supplied, in writing, with details of the manner in which their wages have been calculated.

Dirty Work

12. (a) Workers working in such close association with the following materials that they become damaging to the clothes or objectionable or injurious to the person shall be paid 5½d. per hour extra whilst so employed: Hot bitumen, emulsified bitumen, naked liquid bitumen, naked bituminous based greases, naked whale oil, loose sulphuric acid, loose caustic, and melted tar. Workers employed in preparing bituminous paints, or cleaning tanks or required to work in contact with powdered spirit dyes other than dustless or liquid dyes shall be paid 5½d. per hour extra whilst so employed.

(b) Workers engaged in skipping or blending greases in open kettles, or in cleaning drums which have been used to hold grease, fuel oil, diesel oil and similar black oils, shall be paid 2¾d. per hour extra whilst so employed.

This subclause shall not apply to workers classified and paid as greasemakers under clause 4.

(c) When workers are required to enter a tank that has contained high octane aviation spirit, they shall be paid 1s. 2d. per hour extra whilst so employed.

(d) Workers engaged in cleaning inside of tanks of bulk tanks, rail cars, and tank wagons until they are free from gas shall be paid half ordinary rates extra whilst so employed, any payment prescribed under subclause (a) of this clause shall not be payable to workers in receipt of a payment under this subclause.

Holidays

13. (a) The following shall be the recognised holidays for all workers under this award: New Year's Day and the day following, Anniversary Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day. In Canterbury, Southland, and Hawke's Bay, Show Day may be substituted for Anniversary Day.

(b) Any work done on Sunday or Anzac Day or on any of the specified holidays or on any day observed in lieu thereof shall be paid for at double time rates with a minimum payment of four hours.

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

(d) The provisions of the Factories Act 1946, in so far as it relates to payment for holidays and for work on holidays shall apply to all workers covered by this award.

Annual Holidays

14. (a) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944: Provided, however, that after 10 years' continuous service with the same employer each worker shall, on the completion of the tenth year of service and for each subsequent year of service, be given 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.

(b) At least two months' notice shall be given each worker before the commencement of his annual holidays. The annual holidays shall be given within three months from the time they become due.

(c) Workers entitled to receive holidays provided in this clause shall be paid all wages due, including the holiday period, prior to the commencement of the holidays.

Overalls, etc.

15. Employers shall provide all workers with canvas aprons or overalls of the boiler suit type. Workers in bituminous-emulsion plants and workers engaged in cleaning drums shall be supplied with clogs when necessary. Gumboots shall be supplied to workers when cleaning tanks. Workers handling drums shall be provided with suitable gloves. All equipment supplied under this clause shall remain the property of the employer, and on the completion of the work the equipment shall be returned to the foreman in charge. Protective clothing supplied under this clause shall be laundered by the employer concerned.

Rest Periods

16. (a) A rest period of 10 minutes shall be allowed each morning and afternoon.

(b) Workers employed on overtime for a period of more than three hours shall be allowed a rest period of 10 minutes after having completed the first two hours; one rest period only shall be given in every continuous four hours' work.

(c) Shift workers shall be allowed two rest periods of 10 minutes in each shift.

Accommodation

17. The employer shall provide adequate and satisfactory dining room accommodation, lavatory accommodation and a separate room in which to change clothes. He shall also provide sufficient wash-hand basins with hot and cold water, and facilities for boiling water at meal times. He shall also supply sufficient soap and towels and adequate lockers for workers employed under this award.

First-aid

18. A first-aid medical outfit to the satisfaction of the Inspector of Awards shall be provided and maintained in all stores and shall be at all times accessible to each worker.

Watchmen

19. (a) Watchmen may be employed at a wage of £12 16s. 8d. per week.

(b) The ordinary hours of work of watchmen shall be 40 per week.

(c) Time worked by watchmen in excess of 40 hours in any week shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(d) The following shall form part of the duties of a watchman:

- (i) Cleaning offices and mess-room;
- (ii) Weeding garden plots;
- (iii) Cutting lawns or grass.

(e) Watchmen when called upon to perform any duties other than watching or those duties set out in paragraphs (i), (ii), and (iii) of subclause (d) of this clause during their ordinary period of watching shall receive 1s. 1d. per hour extra whilst so employed.

(f) The rate of wages for casual watchmen employed for less than six consecutive shifts shall be not less than 6s. 5d. per hour. For all work done in excess of eight hours per shift or 40 hours per week casual watchmen shall be paid at the rate of time and a half for the first three hours and double time thereafter.

Disputes

20. The essence of this award being that the work of the employer 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 a committee to be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within 14 days after such decision has been made known to the party desirous of appealing.

Right of Entry Upon Premises

21. 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 workers, but not so as to interfere unreasonably with the employer's business.

Workers to be Members of Union

22. (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

23. (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.

Notification

24. The employer shall, on written request, supply to the secretary of the union the names of all workers employed by him under this award; but not more often than six times each year.

Copy of Award

25. The employer shall exhibit at all times a printed or typewritten copy of the award in such a position that it may be easily read by the workers in each establishment.

Application of Award

26. 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 the 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

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

Term of Award

28. 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 6th day of November 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 30th 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 19th day of December 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.