

WANGANUI CITY COUNCIL DRIVERS—INDUSTRIAL AGREEMENT

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

In the matter of the Industrial Conciliation and Arbitration Act 1954, and its amendments; and in the matter of an industrial agreement between the Mayor, Councillors, and Citizens of the City of Wanganui and the Wanganui Road Transport, Motor and Horse Drivers and Their Assistants Industrial Union of Workers.

THIS industrial agreement, made in pursuance of the Industrial Conciliation and Arbitration Act 1954, and its amendments, this 7th day of December 1961, between the Mayor Councillors and Citizens of the City of Wanganui (hereinafter called "the Council"), of the one part, and the Wanganui Road Transport, Motor and Horse Drivers and Their Assistants Industrial Union of Workers (hereinafter called "the Union") of the other part whereby it is mutually agreed by and between the Council and the Union as follows:

SCHEDULE

Hours of Work

1. (a) Except where otherwise provided, the ordinary hours of work shall not exceed 40 per week, eight hours per day to be worked on five days in each week, Monday to Friday (both days inclusive), between 7 a.m. and 4.30 p.m. or 7.30 a.m. and 5 p.m.

(b) One hour shall be allowed for a meal, but this time may be curtailed by mutual agreement; except under special or exceptional circumstances the meal time shall not be less than half an hour.

(c) The local body shall provide a time-book or a time-sheet in which each driver shall enter daily the total hours for which he is entitled to be paid, and the overtime, if any. The local body shall have the time verified and the book or sheet initialled each pay period by a responsible officer. Such time-books or time-sheets shall be available for inspection by an accredited representative of the union by arrangement with the employer.

(d) A 10 minute interval shall be allowed in the morning and afternoon but at such a time as to suit the convenience of the work on which the driver is engaged.

(e) Notwithstanding the provisions of subclauses (a) and (b) the Council shall be at liberty to make special arrangements as to the hours of work with the union for drivers employed on street-flushing and/or street scavenging work.

(f) Shifts may be performed without regard to the hours mentioned in the previous subclauses hereto, in which case eight hours shall constitute an ordinary shift, including crib time, and all time worked in excess of eight hours on any shift shall be paid for at overtime rates hereinafter specified. Where practicable, all shifts shall be arranged so that they rotate. All shifts shall be paid for at the rate of 3s. 6d. per shift over and above the ordinary rate.

(g) No driver coming under the provisions of this agreement, except under exceptional circumstances, will be called upon to work more than four hours continuously without being given an opportunity to have a meal.

(h) All drivers paid on a weekly rate will, under adverse weather conditions be required to do any urgent or extraordinary work as may be instructed from time to time by the City Engineer.

2003

Wages

2. (a) Unless otherwise specified, the minimum rate for drivers coming within the scope of this agreement shall be as follows:

	Per Week £ s. d.
(i) For those driving and attending one horse a driver required to stand by his horse during lunch time shall be paid 1s. 6d. per day extra.	12 14 7
(ii) For those driving and attending to motor-vehicles with a combined weight of vehicle and maximum load not exceeding 2 tons	12 18 9
(iii) For those driving and attending to motor-vehicles with a combined weight of vehicle and maximum load exceeding 2 tons but not exceeding 4 tons	13 2 1
(iv) For those driving and attending to motor-vehicles with a combined weight of vehicle and maximum load exceeding 4 tons but not exceeding 5½ tons	13 6 3
(v) For those driving and attending to motor-vehicles with a combined weight of vehicle and maximum load exceeding 5½ tons but not exceeding 10 tons	13 12 1
(vi) For those driving and attending to motor-vehicles with a combined weight of vehicle and maximum load exceeding 10 tons	13 17 1
(vii) For those attending to and driving tractors, whether hauling trailers or used in conjunction with machine or implements, while engaged on roadmaking or general construction or formation work, and those attending to and driving tractors while hauling mowers, and drivers engaged in operating gang mower or motor mowers of 30 in. or more if registered for traversing public roads	13 16 10
(viii) For those driving and attending to tractors not otherwise specified	13 5 5
(ix) For those driving and attending to articulated vehicles, transporters, bulldozers, loaders, mechanical shovels, graders	14 1 3
(x) All drivers engaged in driving or operating paving machines	15 3 6
(xi) For those attending to and driving mobile crane	13 12 1
(xii) Drivers employed driving a motor truck which is pulling a trailer of 3 tons or over gross weight carrying a separate additional load shall be paid 3s. 6d. per day or part of day while so employed, the weight of the trailer not to be included in fixing the weight of the truck for the purposes of the wage classification	
(xiii) A driver of a motor vehicle is to be paid not less than a driver's rate while his vehicle is undergoing repairs for a period not exceeding two weeks.	
(xiv) Dust, tar, dirt and wet concessions to be allowed to drivers when entitled to them.	
(b) A service bonus shall be paid to drivers at the following rates: After one year's continuous service with the Council, 1½d. per hour. After five years' continuous service with the Council, 2½d. per hour. After 10 years' continuous service with the Council, 3d. per hour.	

Time served prior to the commencement of this award with the present employer to count for the purposes of this clause.

Casual Drivers

3. (a) To ascertain the ordinary hourly rate of wages for casual drivers, the weekly wage in respect of the class of vehicle concerned shall be divided by forty, and 15 per cent shall be added thereto; Provided that this clause shall not apply to regular

employees temporarily engaged in driving, and provided further, that if the rate of wages for drivers is higher than that fixed for such other employment, they shall be paid the difference between the rate for their ordinary employment and their rate of pay as drivers calculated on an hourly basis.

- (b) Casual drivers shall receive a minimum of four consecutive hours' pay.
- (c) A worker shall be deemed to be a casual driver who is not employed continuously for one week.
- (d) No casual driver shall be employed if a permanent driver is readily available, and willing to perform the duties. This shall also apply to other regular employees whose substantial employment is not that of driving.

Dirty Places

4. Men employed in cleaning blocked sewers, other than stormwater culverts and drains, and who are actually working on the sewer whilst it is unsealed and coming into contact with sewage shall be paid 1s. 6d. per hour in addition to their ordinary rates of pay for the time they are engaged, the minimum time of which must be one hour. Any drain carrying sewage to be classed as a sewer. Men employed on drawing sumps shall be paid 3½d. per hour in addition to their ordinary rates of pay while so engaged.

Wet Places

5. (a) The Council shall provide gum boots for all workers engaged in working in sewers or wet places. The City Engineer shall consider on its merits any claim made by a worker for an oilskin allowance.

(b) Workers being called on to work in wet places shall be paid 4½d. per hour in addition to their ordinary pay whilst so engaged. The City Engineer shall decide from time to time the merits of each particular place.

Drivers' Duties

6. It shall be part of the ordinary duty of a driver to assist when required in loading and unloading the employers' vehicle. An employer may employ a worker who is substantially engaged as a driver at work outside his ordinary duties for the purpose of filling in time but in such case he shall be paid not less than the award rate for such work and where there is no provision in this agreement for special payments, the special payments under the appropriate award for such work shall be paid.

Tar and Bitumen

7. (a) Drivers who in the course of their employment are required to come in contact with free tar or bitumen shall be supplied with boots and overalls and shall be paid 4½d. per hour extra while so employed.

(b) All drivers engaged in handling or carting cold tar or bitumen in drums shall be paid 4d. per hour in addition to their specified rate.

(c) All drivers engaged in loading or clearing away dust shall be paid 4½d. per hour in addition to their specified rate.

Refuse Collectors

8. Drivers of refuse vehicles and drivers working at the refuse tip shall be paid 5½d. per hour additional, and shall be supplied with overalls, waterproof coats, and leather gloves while so employed.

Overtime and Meal Allowances

9. (a) All time worked beyond the hours hereinbefore mentioned, except as otherwise provided for, shall be considered overtime, and shall be paid for at the rate of time and one-half for the first three hours and thereafter at the rate of double time.

(b) All work done by drivers on Sundays shall be paid for at the rate of double time.

(c) If at any time an employee is called out after finishing his shift or day's work, overtime shall be computed from the time of leaving his home to his returning home, with a minimum of three hours. When an employee is called out to work on Saturday, a Sunday, or a statutory holiday, he shall be paid a minimum of three hours at the appropriate overtime rate, except that in the case of a lamp lighter he shall be paid a minimum of two hours per day at the appropriate overtime rate.

(d) Workers shall be allowed a meal allowance of 5s. where they are called upon to work overtime on any day for more than one hour after the recognised time of ceasing work. Such allowance shall not be paid if the workers have been notified on the previous day of the necessity to work overtime or if workers can conveniently proceed to their own homes for a meal.

Holidays

10. (a) The following shall be the recognised holidays without deduction from wages: New Year's Day, 2nd January, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and one other day to be mutually agreed upon. The local bodies, on request shall notify the union concerned of the day agreed to.

(b) The provisions of the Public Holidays Act 1910, and its amendments, shall apply in respect of holidays which fall on Saturdays or Sundays.

(c) Any work done on any of the above holidays or on Sundays shall be paid for at double time rates in addition to ordinary wages. A driver required to work on any of the said holidays or on Sunday on overtime or Saturday, shall be entitled to a minimum payment as for three hours worked.

(d) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944, and where practicable, such holidays shall be given in proximity to the Christmas or Easter holidays, and at least twenty-eight days notice shall be given.

Payment of Wages

11. (a) Workers leaving the service of the Council or having their services dispensed with shall be paid within twenty-four hours.

(b) All workers shall be paid fortnightly in the Council's time.

(c) On country work wages may be paid as agreed upon by the Council and the workers concerned in such work.

(d) The Council may make a proportional deduction from the weekly wages prescribed for all time lost by an employee through accident, default, or sickness, except in the case of sick-pay provided for in clause 17 hereof.

(e) On payment of wages a driver shall receive a statement showing hours of work, overtime, nett amount, penal rates, service bonus, tax deductions.

Country Work

12. (a) "Country Work" means work at which a driver is required to sleep away from home.

(b) Any driver engaged on country work shall be conveyed by the Council to and from such place of work at reasonable intervals free of charge.

(c) Time occupied in travelling shall be paid for at ordinary rates, but no driver shall be paid more than an ordinary day's wage for any day occupied by him in travelling, although the hours exceed eight, unless on the same day he has been occupied in doing work for the Council.

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(d) A driver employed on country work shall be paid an additional sum of 8s. 6d. per day for each complete day that the driver is away from his usual place of residence; but the Council may in lieu thereof provide them at its own expense with suitable board and lodging.

(e) Notwithstanding anything herein contained, the Council may agree with the union that in respect of any specified country work the hours of work shall be other than those hereinbefore prescribed without payment of overtime, but so that not less than the rate of wages herein prescribed for country work shall be paid.

(f) Nothing in the above-mentioned provisions shall prevent the council from engaging labour on the city council waterworks without recourse to the conditions with respect to country work.

(g) Where the council agrees with the union in respect of hours on country work outside those specified in clause 1 without the payment of overtime, the rate for a worker so engaged shall be 6d. per hour in addition to the worker's specified rate.

Termination of Employment

13. Not less than one week's notice of termination of employment shall be given by the council and the employee; but this shall not prevent the council from dismissing an employee without notice for gross misconduct or neglect of duty, subject in all cases to an appeal to the council by the employee. It shall be allowable, however, to employ tradesmen for a limited period of time to perform special work. The employment of these men may be terminated by giving one hour's notice.

Accommodation

14. The council shall provide accommodation to the satisfaction of the Inspector of Awards to enable drivers to change their clothes and have their meals. The council shall also provide proper sanitary accommodation and, where practicable, hot water for ablution purposes.

Overalls

15. All drivers coming under the scope of this agreement with six months of service shall be provided with one set of suitable overalls each year and shall be responsible for same. Overalls to be laundered by the employer when required. Drivers with less than six months' service may apply for an issue of overalls provided they give an order on their wage for the value of same. Such order shall lapse after a period of six months' continuous employment or on the return of the overalls in reasonable condition. All such overalls when worn out as the result of fair wear and tear shall be replaced at the discretion of the City Engineer. Where second-hand overalls are to be re-issued they shall be laundered and fumigated to the satisfaction of the Health Officer.

Accidents

16. A modern first-aid emergency kit or case, fully equipped, shall be kept by the council in a convenient and accessible place in each yard.

Sick Pay

17. (a) Employees coming within the scope of this agreement and with not less than one year's service shall receive full pay for days lost through sickness, provided that the total days so paid shall not exceed 15 in any one year, and provided further that such payment in respect of any one period of sickness shall not exceed five consecutive days. In all cases satisfactory evidence of incapacity through sickness must be produced before payment is made.

(b) In cases of accident which entitle a driver with not less than one year's service to receive compensation payments as provided by the Workers' Compensation Act, the council shall make up the difference between the amounts drawn as compensation and the full wage; Provided that the total amount made up during any one period of incapacity shall not exceed the value of five days' pay and that the total amount made up in any one year shall not exceed the value of 15 days' pay. The total combined amount payable in any one year for making up accident compensation to full pay under this subclause and for payment of sick pay under subclause (a) hereof shall not exceed the value of 15 days' pay.

General

18. (a) This agreement shall also extend to bind all persons or parties who may at any time contract to carry out ordinary driving work on behalf of the city council, provided such work is being carried out on property under the jurisdiction of the said council.

(b) Every driver is required to conserve the employer's interest in every way possible, and shall report to the City Engineer or other responsible officer any matter which in his opinion is likely to result in damage to public property, loss to the council, or inconvenience or danger to the public.

(c) It shall be competent for the council, through the Engineer, to appoint any driver as a ganger or leading hand, and any driver so appointed shall accept the responsibility for directing and supervising the work of men under him, and shall receive 4s. per day when the employee is a ganger and 3s. per day when the employee is a leading hand.

A ganger shall be a driver appointed to be in charge of five or more men and a leading hand shall be a driver appointed to be in charge of two to five men.

(d) Notwithstanding any of the foregoing provisions contained in this agreement, nothing shall prevent the City Engineer acting on behalf of the council, and the president and secretary representing the union, from agreeing on any rates and conditions to operate in connection with any work that is not specifically covered or provided for in any of the clauses in this agreement.

(e) Piece work under this agreement is prohibited. It shall be a breach of the agreement for any worker or employer bound hereto to enter into any labour only contract in respect of any work covered by this agreement. Co-operative contracts may be undertaken in respect of any work providing the terms and conditions of such are mutually agreed upon between the union and the employer.

(f) Drivers engaged in spraying with weed killer or hormone sprays shall be paid 4d. per hour in addition to their specified rate, and shall be supplied with respirators, goggles and protective clothing.

Under-rate Workers

19. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this agreement 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 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 arguments 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.

Workers to be Members of the 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 the council to employ or to continue to employ in a position subject to this agreement, any adult person who is not, for the time being, a member of the union.

(b) For the purpose of subclause (a) of this clause a person of the age of eighteen 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 agreement, 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 the union fails to become a member of the union when requested to do so by his employer or representative of the union, commits a breach of this agreement and shall be liable accordingly.

(d) On the written request of the secretary of the union the council shall supply him with a list of the workers in the employ of the council but not more frequently than once in six months.

(NOTE—Attention is drawn to section 174 (3) of the Industrial Conciliation and Arbitration Act 1954, which gives workers the right to join the union.)

Interpretation

21. (a) For the purpose of this agreement, the "City Engineer" shall mean the engineer for the time being of the Wanganui City Council, and includes any deputy or assistant authorised to act in his place.

(b) The essence of this agreement being that the work of the employers shall not on any account whatever 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 agreement, or any of them as to the interpretation or meaning of any clause contained therein, or as to any matter whatsoever arising out of or connected therewith and not specifically dealt with in this agreement, 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.

2009

Requirements of Economic Stabilisation Regulations

22. No worker bound by this award shall in any week be paid a lesser amount by his employer than the worker would have been entitled to be paid under this award if it has specifically applied the general order of the court dated 18 September 1959, otherwise than by incorporation pursuant to the pronouncement of the Court dated 18 September 1959.

Term of Industrial Agreement

23. The agreement shall be deemed to have come into force on 13 October 1961 and shall continue in force until 20 September 1963.

The common seal of the Mayor, Councillors and Citizens of the City of Wanganui was hereto affixed by order of the Council by and in the presence of:

[L.S.]

E. A. MILLWARD, Mayor.
D. F. GLENNY, Town Clerk.

Signed and sealed on behalf of the Wanganui Road Transport, Motor and Horse Drivers and their Assistants Industrial Union of Workers:

[L.S.]

D. G. GREY, President.
J. S. LYNCH, Secretary.