

TARANAKI LOCAL BODIES' LABOURERS—AWARD

In the Court of Arbitration of New Zealand, Taranaki Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Taranaki Labourers and Related Trades Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned councils (hereinafter called “the employers”):

Eltham Borough Council, Eltham.

Hawera Borough Council, Hawera.

Manaiia Borough Council, Manaiia.

New Plymouth City Council, New Plymouth.

Stratford Borough Council, Stratford.

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 22nd day of February 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 17th day of March 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE
PART I

Interpretation

1. This part of the award shall apply to the classes of workers referred to in clauses 2 and 3 hereof employed by the parties hereto.

Hours of Work

2. (a) An ordinary week's work shall consist of 40 hours, not exceeding eight hours each day, to be worked from Monday to Friday, both days inclusive. The ordinary working-hours shall be between 7.30 a.m. and 5 p.m. The special time for starting or leaving off work shall be fixed by each employer.

Where any special emergency arises, any employer may vary the starting-time of his workers, in which case such starting-time need not be between the hours hereinbefore mentioned.

(b) Where it is necessary to prepare material or work before the ordinary hours of commencing work, the employer may employ two workers to each gang employed to do such necessary work for not more than half an hour before the time of commencing work, and in such case only the ordinary rate of pay shall be paid for the time so worked.

(c) In tunnel-work the time shall not exceed eight hours per shift with half an hour for crib-time. In connection with tunnel-work, six hours shall constitute a day's work when workers are working in "wet places" or foul air. "Tunnel-work" means any underground excavation that is over 15 ft in length or that requires timbering overhead. A "wet place" shall mean a place where workers have to work in water 2 in. or more in depth or where water, other than rainwater, is dripping on them. A wet place shall not be deemed a wet place where workers are supplied by the employers with gumboots and oilskins.

(d) Workers employed in wet swamp areas shall be paid 1½d. per hour extra and shall be provided with gumboots and overalls. An open drain shall not be deemed to be a swamp area.

(e) In an open drain over 5 ft in depth where water drips or splashes back on to the worker, the worker shall be paid 3½d. per hour extra while so employed.

(f) Workers employed in water, slush or mud 1 in. or more in depth shall be provided with gumboots suitable for the work and shall be paid 2d. per hour extra. (This subclause shall not apply to subclauses (c), (d) and (e) of this clause).

(g) *Refuse-loaders and Tipmen.*—The work of these employees shall conform to the 40-hour week on five days from Monday to Friday inclusive, but where two consecutive days of non-collection of refuse occur, due to a statutory holiday falling on a Monday, or due to a group of holidays, then a full day shall be worked on the Saturday following such two days of non-collection at overtime rates as provided for in the award.

(h) The hours of work of scavengers, street sweepers and cleaners, grave-diggers, sextons, and men engaged in removing nightsoil shall not exceed 40 per week, to be worked on such days and for such hours as shall be fixed by mutual agreement in writing between the employer concerned and the union.

(i) Any of the foregoing provisions as to hours of work may be varied in respect of any particular class of work by mutual arrangement between the employer and the union.

(j) The interval for meals shall be a matter of mutual arrangement between the employer and the worker.

(k) No worker shall work more than five hours continuously without an interval for a meal.

Wages

3. (a) Workers covered by this part of the award shall be paid not less than 6s. 5d. per hour or £12 12s. 8d. per week.

(b) Workers engaged in the actual construction of scaffolds or who are employed at tunnelling-work, sinking shafts over 10 ft deep, or pier-holes over 7 ft in depth, shall be paid not less than 3½d. per hour extra. An excavation shall be considered a shaft when it is over 6 ft in length and 10 ft in depth and where the worker is employed in a limited space where a long handled shovel cannot reasonably be used. Popper-drill men and shotfirers shall be paid 2¼d. per hour extra.

(c) Workers, other than sprayers and nozzle-men, who in the course of their employment come in contact with free tar, bitumen, and weed killer, or who are employed in carrying, spreading, boiling, and/or mixing free tar or bitumen shall be supplied with boots, overalls, cotton waste and oil, and shall be paid 2s. per day extra while so employed. Tar, bitumen, and weed killer sprayers or nozzle-men shall be paid 3s. per day extra.

“Free tar or bitumen” shall mean tar or bitumen which is not enclosed in barrels or drums.

(d) Workers (excluding kerbers and channellers) engaged in feeding concrete-mixers or handling, mixing or spreading wet concrete shall be paid 2¼d. per hour extra while so employed.

(e) Hand-scythe men shall be paid 4d. per hour extra while so employed.

(f) Workers engaged in spreading broken metal 1½ in. gauge or over shall be paid 1¼d. per hour extra while so engaged.

(g) Workers engaged in foul drains or in cleaning blocked sewers shall be paid 4½d. per hour extra during the time that they are in actual contact with sewage or faecal matter and shall be provided with overalls.

(h) “Working foreman” or “ganger” in control of at least three other men working as a gang shall be paid a minimum of 3s. per day extra while so employed.

(i) The employer shall determine at the time of engagement whether the workers, or any of them, shall be employed at hourly or weekly rates.

(j) Should a worker be dismissed, except for misconduct, within one month after having been engaged at a weekly rate, he shall in lieu of such weekly rate be paid at the prescribed hourly rate for the time he has worked.

(k) The employer may make a rateable deduction from the weekly wages prescribed for any time lost by the worker through sickness, accident, or default.

(l) Grave-diggers required to dig a grave in wet weather or dig a grave on top of a previous burial, shall be paid 4½d. per hour extra while so employed.

(m) Workers substantially employed in any of the capacities set out below shall be paid the hourly or weekly rates shown hereunder:

				Per Hour	
				s.	d.
Sanitary-drain layer	.....	.....	.....	6	9
				Per Week	
				£	s. d.
Turncocks	.....	.....	.....	13	9 8
Assistant turncocks	.....	.....	.....	13	1 2
Pump attendants	.....	.....	.....	13	1 2
Sextons	.....	.....	.....	13	1 2
Kerber and channeller	.....	.....	.....	13	7 2
Assistant kerber and channeller	.....	.....	.....	12	18 2

(n) Workers (other than the turncock, assistant turncock) engaged in laying and jointing water-mains 4 in. or over in diameter, shall be paid 2½d. per hour extra while so employed.

(o) In the case of workers who are at present employed by the parties hereto and who are receiving more than the minimum rate provided herein, their wages shall not be reduced by virtue of this award.

(p) Workers employed in sewer outfall tanks or engaged in lifting sludge from sewerage stations shall be paid 5s. 9d. per day or part of a day extra while so employed.

(q) Workers cleaning inside kettles at asphalt or bituminous mixing plants shall be paid 4d. per hour extra while so employed.

(r) Workers whilst engaged in disinterment or reinterment shall be paid 23s. extra for each disinterment or reinterment.

(s) Where no regular grave-digger or grave-digging sexton is employed, workers required to dig graves or conduct interments shall be paid 5s. 9d. per grave in addition to their usual rates.

(t) Workers employed on refuse vehicles or in refuse dumps shall be paid 1s. 2d. per day or part thereof, and shall be provided with overalls, waterproof raincoats and leather gloves which shall remain the property of the employer.

(u) Workers employed on annual clean up days shall be paid an additional 10s. per day or part of day and shall be provided with gloves.

(v) Workers employed in forests shall be supplied with and shall wear protective helmets.

Men Handling Stone Under Water

4. Where workers are removing boulders, metal, or stone by hand from under water on beaches or in river or creek beds, they shall be paid 2½d. per hour extra while so employed and shall be provided with water-tight gumboots.

Overtime

5. (a) All time worked outside or in excess of the hours mentioned in clause 2 hereof shall count as overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Each day shall stand by itself, and payment shall be made accordingly.

(b) A workman required to commence work between the hours of 6 a.m. and the ordinary time for commencing work shall be paid at the rate of time and a half for such work.

(c) When a worker is called back after 6 p.m. he shall be paid for not less than two hours at overtime rates.

(d) Overtime rates, except when the ordinary number of hours fixed for each day has been exceeded, shall not be payable in the case of emergency referred to in subclause (a) of clause 2 hereof.

(e) Cemetery workers required to work on Sundays, Saturday afternoons, and holidays shall be paid a minimum rate of two hours' pay. If the worker is called out twice in any of these days he shall be paid four hours' pay.

(f) A meal allowance of 5s. shall be granted when the workers are called upon to work overtime after 6 p.m. on any day, provided that such workers cannot reasonably get home for their meals.

(g) All work done on Sunday shall be paid for at double time rates.

Accommodation

6. The employer shall provide suitable accommodation at the employer's main yard to enable the men to change and dry their clothes and have their meals. Sanitary accommodation, and, where possible, shower with hot and cold water laid on shall also be provided at the employer's main yard. Where six or more men are working continuously in one locality for one week or longer, sanitary arrangements, if practicable, shall be provided by the employer.

Where any job away from the employer's main yard is of such a nature as to warrant the use of a meal-shed, such shed shall be provided on the job by the employer.

Holidays

7. (a) The following shall be the recognised holidays: Christmas Day, Boxing Day, New Year's Day, 2 January, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day or the day usually observed.

(b) If a weekly worker is called upon to work on any of the above days, he shall be paid at double rates of pay, in addition to the rates provided for in subclause (a) of clause 3 with a minimum payment of four hours.

(c) In the event of a holiday, other than Anzac Day, falling on a Saturday or Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

Suburban Work

8. Workers employed shall be at the place where the work is to be performed at the time appointed for the commencement of the work, and any workers engaged to perform work more than 2 miles from the employer's depot shall be paid for the time reasonably occupied by them in walking to and from such work beyond 2 miles, or they may be conveyed to and from such work at the cost of the employer, but no worker residing less than 2 miles by a convenient mode of access for foot-passengers from the place where the work is to be performed shall be entitled to the allowance mentioned in this clause. All time walked shall be allowed for at the rate of 3 miles per hour.

Timbering

9. All timbering shall be done in accordance with the provisions of the Scaffolding and Excavation Act 1922.

Ventilation

10. In all drives and tunnels where the air is bad, adequate provision shall be made whereby workers at the face shall be supplied with fresh air equivalent to 30 cubic feet per man per minute.

Tools

11. (a) All tools shall be supplied by the employers.

(b) Protective gloves and overalls shall be provided to workers engaged in removing or disposing of refuse and to men engaged in clearing blocked sewers, night-soil removal, or who come in contact with faecal matter. Employers shall keep in each convenience or rest-room in which attendants are employed a pair of suitable waterproof rubber gloves.

(c) Surfacemen, waterworks hands, and seweragemen when required to work in the rain shall be provided with waterproof coats and gumboots, when procurable. Such coats and boots shall remain the property of the employer, and men using same shall be held responsible for any loss or damage due to neglect.

PART II

12. This part of the award shall apply only to the undermentioned classes of workers:

- (a) Caretakers of municipal baths, and/or motor camps, and/or public reserves, and/or domains, and/or airport groundsmen.
- (b) Workers (other than those referred to in subclause (a) of this clause) employed at motor camps, municipal baths, and public reserves and domains.

Hours of Work

13. The normal hours of work for workers covered by this part of the award shall be as follows:

- (a) *Caretakers of and Other Workers in Municipal Baths, and/or Motor Camps, and/or Public Reserves, and/or Domains, and/or Airport Groundsmen:* The hours of work per week for these workers and for any other workers who may from time to time be engaged for seasonal periods for work or attendance at baths, and/or motor camps, and/or public reserves, and/or domains, and/or airports, and the number of days in each week over which such hours of work may be spread shall be fixed by mutual agreement in writing between the employer concerned and the union: Provided, however, that:
 - (i) In regard to workers in the employment of an employer at the time this award comes into operation, the mutual agreement referred to shall be made within one calendar month from the time when this award comes into operation.
 - (ii) In regard to workers engaged after the coming into operation of this award, the mutual agreement referred to shall be made prior to such engagement.
 - (iii) Any such agreement may be varied from time to time by a further mutual agreement in writing.

- (b) *Workers (Other than Caretakers) in Public and Street Reserves and Domains:* The normal hours of work for such workers shall be 40 per week, not exceeding eight hours per day on five days of the week, Monday to Friday inclusive.

Wages

14. (a) The minimum wages for workers covered by this part of the award shall be as follows:

- (i) Caretakers of municipal baths, Fitzroy Seaside Park, and Ngamotu Beach Reserve: £13 1s. 6d.
- (ii) All other caretakers: £12 18s. 8d.
- (iii) Leading hands at Pukekura Park: £14 12s. 11d.
- (iv) All other workers (except casuals): £12 12s. 8d.
- (v) Casual workers: 6s. 5d. per hour.
A casual worker is a worker who is paid on an hourly or daily basis.
- (vi) Head gardeners: £14 12s. 11d. per week.
- (vii) Gardeners: £12 19s. 11d.
- (viii) All other workers: £12 12s. 8d. per week.

(b) A "gardener" is a worker not being a head gardener, but who is substantially employed in the planting and cultivation of plants, shrubs, or vegetables, or who is classified as such by the employer.

(c) A "head gardener" is a worker engaged or appointed to control the work of other gardeners.

(d) A worker who at the date of the coming into operation of this award is in receipt of a rate of wages higher than that provided herein shall not have his wages reduced merely by operation of the award.

Perquisites

15. If the employer provides a house, electric light, or other perquisites for any worker, the value of such perquisites shall be assessed by mutual arrangement between the employer and the secretary of the union and the worker concerned, and such value shall be deemed to form part of the wages to which such worker is entitled.

Overtime

16. Subject to the exceptions provided for in clause 13 hereof, when a worker is required by the employer to work overtime, all time so worked in excess of the hours mentioned in the said clause 13 shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Each day shall stand by itself, and payment shall be made accordingly.

Holidays

17. (a) Except as hereinafter provided, the following shall be the recognised holidays: Christmas Day, Boxing Day, New Year's Day and the following day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and the day usually observed as Anniversary Day.

(b) If a weekly worker is called upon to work on any of the above days, he shall be paid at double rates of pay, in addition to the rates provided for in subclause (a) of clause 3 with a minimum payment of four hours.

(c) In the event of a holiday, other than Anzac Day, falling on a Saturday or Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

PART III—GENERAL

Deductions

18. The employer may make a rateable deduction from the weekly wage mentioned herein for any time lost by the worker for sickness, accident, or default.

List of Workers

19. Each local body shall, on request, supply to the secretary of the union a list of the workers employed under this award.

Termination of Workers' Employment

20. (a) The employment of any worker may be terminated by the employer at any time upon giving to such worker notice of such determination as hereinafter mentioned:

(i) In the case of a worker engaged or paid on an hourly basis, two hours' notice.

(ii) In the case of a worker engaged or paid at a weekly rate, one week's notice.

(b) When a worker desires to terminate his employment for any reason other than illness he shall give to his employer or the foreman in charge of the work notice of his intention to leave similar to that set out in the preceding subclause.

(c) Nothing herein shall prevent the employer from dismissing any worker without notice for misconduct or for any good and substantial cause whatsoever.

Smoko

21. Workers shall be allowed 10 minutes each morning and afternoon for smoko.

Sick Leave

22. On production of a medical certificate, weekly workers who have been in the employ of the same employer continuously for not less than one year shall be entitled to be paid for five days' sick leave during any year of service.

Payment of Wages

23. (a) All wages shall be paid weekly or fortnightly, and not more than two days' wages shall be kept in hand by the employer; and, where convenient to the employer, wages shall be paid not later than Thursday.

(b) Except as provided in subclause (c) of this clause, if men are called upon to come to the office to receive their wages they shall do so in the employer's time or be paid for such time taken in going to the employer's office.

(c) When the pay-day is wet, payment of wages shall be made at the employer's office not later than 3 p.m., in which case the workers shall not be paid for the time taken in going to such office.

(d) Details of wages shall be supplied to each worker.

Allowance for Bicycles

24. Workers who are required by the employer to use their own bicycles for the purposes of their employment shall receive an allowance of 1s. per day.

Annual Holiday

25. Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944, except that a worker, on the completion of the eleventh and each subsequent year of service with the same employer, shall be given three weeks' holiday.

No Reduction in Wages

26. In the case of workers who are at present employed by the parties hereto and who are receiving more than the minimum rate provided herein, their wages shall not be reduced by virtue of this award.

Accidents

27. A modern first-aid emergency case shall be kept by the employer in a convenient and accessible place in every place where the Inspector of Awards shall deem necessary.

Workers' Representative

28. Where he can lawfully do so, an employer bound by this award shall permit the secretary or other authorised officer of the union of workers to enter at reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business. Each employer shall on request supply to the secretary a list of all workers employed under the terms of the award.

Matters Not Provided For

29. 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 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.

Exemptions

30. Nothing in this award shall apply to caretakers of waterworks or waterworks intakes.

Female Workers

31. None of the provisions of this award relating to wages shall apply to female workers employed at Pukekura Park, whose wages shall be determined by agreement between the employers and the union.

Workers to be Members of Union

32. (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

33. (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.

Requirements of Economic Stabilisation Regulations

34. 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 had 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.

Application of Award

35. 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

36. This award shall operate throughout the Taranaki Industrial District.

Term of Award

37. 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 22nd day of February 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 22nd day of February 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 17th day of March 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.
