

NORTHERN AND WELLINGTON ELECTRIC LAMP MANUFACTURERS'
EMPLOYEES—AWARD

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

In the Court of Arbitration of New Zealand, Northern and Wellington 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 Engineering, Coachbuilding, Aircraft and Related Trades Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned companies (hereinafter called “the employers”):

N.Z. Electric Lamp Manufacturers Ltd., Tauhinu Road, Miramar, Wellington.
Thorn Electrical Industries N.Z. Ltd., Ruru Street, Eden Terrace, 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 24th day of May 1964 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 14th day of June 1962.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the workers employed in the manufacture of electric lamps, but shall not include office workers, fitters and turners, electrical workers, drivers, storemen and packers, or any workers covered by any other award of the Court of Arbitration.

Hours of Work

2. (a) Forty hours shall constitute a week's work and eight hours shall constitute a day's work, to be worked between the hours of 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive, with a break of not more than one hour for lunch: Provided that, by agreement between the union and the employer, not less than half an hour may be allowed as a meal interval.

(b) A rest period of 10 minutes shall be allowed and paid for during every morning and afternoon and after two hours of continuous overtime, provided that three or more hours are worked.

Overtime

3. All work done on any day in excess or outside of the hours prescribed in clause 2 (a) 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.

Wages

4. (a) Male adult workers of the age of 21 years and over shall be paid not less than 6s. 2½d. per hour.

(b) The minimum rate for junior male workers shall be in accordance with the following scale:

	Per Week		
	£	s.	d.
Under 17½ years of age	5	7	6
17½ to 18 years of age	6	1	8
18 to 18½ years of age	6	15	10
18½ to 19 years of age	7	10	0
19 to 20 years of age	8	4	2
20 to 21 years of age	8	18	4

On attaining the age of 21 years workers shall be paid not less than the adult rate herein prescribed.

(c) Female workers may be employed at not less than the following rates of wages:

				Per Week		
				£	s.	d.
First six months	.....	.....	.....	5	14	2
Second six months	.....	.....	.....	6	12	6
Thereafter, or on attaining the age of 21						
years	.....	.....	.....	8	11	5

(d) Workers directed to take charge of three or more other workers shall be paid 3s. per day extra.

Meals

5. The employer shall either provide a suitable meal or allow meal money at the rate of 5s. per meal when workers are called upon to work overtime after 6 p.m. on Monday, Tuesday, Wednesday, Thursday, or Friday, or after 1 p.m. on Saturday or Sunday.

Overalls

6. The employer shall provide overalls or smocks.

Holidays

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

(b) All workers who have been employed in the factory any time during the fortnight ending on the day on which any of the abovenamed holidays occur shall be paid therefor.

(c) No payment over and above the ordinary week's wages shall be made to any worker for a holiday which falls on what is not ordinarily a working day except for work actually performed on such day.

(d) Any worker employed on any of the aforesaid holidays shall be paid double time rates therefor, such wage to be in addition to the ordinary weekly wage.

(e) Notice of closing down for Christmas holidays shall be posted in a conspicuous place for at least 60 days before the holidays.

(f) The provisions of the Public Holidays Act 1955, which deal with the transfer of holidays, shall apply to workers covered by this award.

Annual Holiday

8. The provisions of the Annual Holidays Act 1944, shall apply to all workers covered by this award.

General Conditions

9. (a) The employer shall provide suitable accommodation wherein employees may keep their clothes and a suitable dining-room wherein they may partake of their meals. A sufficient supply of hot water shall be available.

(b) Individual towels and adequate soap shall be provided.

(c) All wages shall be paid weekly not later than Thursday and within the employer's time. Each worker shall be supplied with a statement showing details of his earnings for each pay period and any deductions, including tax thereon.

First-aid Outfit

10. First-aid outfits, in accordance with the requirements of the Inspector of Factories, shall be kept in the factory and be accessible in case of accidents.

Deductions From Wages

11. The employer shall be entitled to make deductions from the weekly wages of workers for time lost through sickness, accident, or default.

Termination of Employment

12. (a) One week's notice shall be given on either side to terminate employment except that the employer shall have the right to summarily dismiss any worker for wilful misconduct.

(b) When a worker is dismissed, wages shall be paid before leaving the employment.

(c) When a worker leaves of his or her own accord, wages shall, on application, be paid immediately.

Access to Workshop

13. The secretary or other authorised representatives 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.

Disputes

14. 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 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 of Arbitration 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.

Unqualified Preference

15. (a) Any adult person engaged or employed in any position or employment subject to this award by any employer bound by this award shall, if he is not already a member of a union of workers bound by this award, become a member of such union within 14 days after his engagement, or after this clause comes into force, as the case may require.

(b) Subject to subclause (a) hereof, every adult person so engaged or employed shall remain a member of a union of workers bound by this award so long as he continues in any position or employment subject to this award.

(c) Every worker obliged under subclause (a) hereof to become a member of a union who fails to become a member, as required by that subclause, after being requested to do so by an officer or representative of the union, and every worker who fails to remain a member of a union in accordance with subclause (b) hereof commits a breach of this award.

(d) Every employer bound by this award commits a breach of this award if he continues to employ any worker to whom subclauses (a) and (b) apply, after having been notified by any officer or authorised representative of the union that the worker has been requested to become a member of the union and has failed to do so, or that the worker having become a member of the union has failed to remain a member.

(c) For the purposes of this clause "adult person" means a person of the age of 18 years or upwards, or a person who for the time being is in receipt of not less than the minimum rate of wages prescribed for adult workers by this award.

(NOTE—Attention is drawn to section 174H of the Industrial Conciliation and Arbitration Act 1954 which gives to workers 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.

Application of Award

17. 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 districts to which this award relates.

Scope of Award

18. This award shall operate throughout the Northern and Wellington Industrial Districts.

Term of Award

19. 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 first day of the pay period in each establishment commencing on or after the 14th day of May 1962, 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 24th day of May 1964.

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 14th day of June 1962.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award, which incorporates the terms of settlement arrived at by the parties, includes a clause designed to operate as an unqualified preference provision within the meaning of section 174 of the Industrial Conciliation and Arbitration Act 1954 (as amended by the Industrial Conciliation and Arbitration Amendment Act 1961). Section 174B directs that the Court in making any award shall insert therein an unqualified preference provision only if it is satisfied under the first alternative that such a provision has been agreed upon by all the assessors in the course of an inquiry into an industrial dispute by a Council of Conciliation. For the purposes of section 174B the Court is satisfied to accept the complete settlement arrived at by the parties and executed by or on behalf of all the assessors as proof that the unqualified preference provision has been agreed to by all the assessors, and clause 15 has therefore been incorporated in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.
