

WELLINGTON INDUSTRIAL DISTRICT FLAXMILL EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Manawatu Flaxmill and Flax Textile Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned company (hereinafter called “the employers”):

N.Z. Woolpack and Textiles Ltd., P.O. Box 44, Foxton.

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 10th day of January 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 9th day of February 1962.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the flax milling industry (other than the harvesting and processing of linen flax).

Hours of Work

2. (a) Except where otherwise provided, the week's work shall not exceed 40 hours.

(b) Except as otherwise provided the ordinary hours of work shall not exceed eight hours per day from Monday to Friday, both days inclusive, to be worked between the hours of 7.40 a.m. and 5 p.m., but these hours may be varied by mutual arrangement between the employer and the union.

(c) An interval of at least three-quarters of an hour shall be allowed for the midday meal.

Wages and Rates of Pay

3. The following shall be the minimum rates of wages for the classes of workers specified:

| | | | | | | Per Hour | |
|--------------------------------|-------|-------|-------|-------|-------|------------------|-----------------|
| | | | | | | s. | d. |
| (a) General hands | ..... | ..... | ..... | ..... | ..... | 6 | 0 |
| Paddockers | ..... | ..... | ..... | ..... | ..... | 6 | 0 |
| Head paddockers | ..... | ..... | ..... | ..... | ..... | 6 | 3 $\frac{1}{4}$ |
| Stripper feeders | ..... | ..... | ..... | ..... | ..... | 6 | 3 $\frac{1}{2}$ |
| Feeder stripper keepers | ..... | ..... | ..... | ..... | ..... | 6 | 6 $\frac{1}{4}$ |
| Stripper keepers | ..... | ..... | ..... | ..... | ..... | 6 | 6 $\frac{1}{4}$ |
| (b) Piecework and contractors— | | | | | | Per Ton | |
| Scutchers— | | | | | | Without Pressing | |
| | | | | | | £ | s. d. |
| Automatic | ..... | ..... | ..... | ..... | ..... | 1 | 17 4 |
| Hand | ..... | ..... | ..... | ..... | ..... | 3 | 4 8 |
| | | | | | | Per Ton | |
| | | | | | | With Pressing | |
| | | | | | | £ | s. d. |
| | | | | | | 2 | 4 1 |
| | | | | | | 3 | 18 10 |

Where tail cutters are used in scutchers, not less than 10 per cent extra per ton shall be paid.

| | | | | | | Per Ton | |
|-----------|--|--|--|--|--|---------|------------------|
| | | | | | | s. | d. |
| Pressers— | | | | | | | |
| Power | | | | | | 13 | 11 $\frac{1}{2}$ |
| Hand | | | | | | 18 | 6 |

(c) Flaxcutters: By arrangement between the employer and the union and the workers concerned, flaxcutters shall be paid a basic rate of 35s. per ton.

(d) Scales shall be provided by the employer.

(e) "Cutting flax" shall mean and include cutting, tying, carrying and stacking at a convenient place for loading in trucks or drays.

(f) Trammings: By arrangement between the employer and the union and the workers concerned.

(g) Paddockers: Where payment is made on basis of weight of straw fibre dried to an average agreed on moisture content, the rate shall be:

| | | Per Ton |
|---|-------|---------|
| | | £ s. d. |
| Throughout the year or by special arrangement a minimum of | | 3 6 10 |
| When payment is made on basis of weight of bales of dressed fibre produced the rate shall be— | | |
| Winter (May to October inclusive) ..... | ..... | 3 11 1 |
| Summer (November to April) ..... | ..... | 3 3 6 |

Where the contract included carting of green fibre from the mill to the paddock and return cartage of dried fibre to the mill, then add £1 1s. 6d. per ton to the above rates.

(h) Where stacking is necessary, paddockers shall be paid 5s. 7d. per ton.

(i) "Paddocking" shall mean the unloading, spreading, turning and wiring of the fibre, hanking and delivering on to transport to be provided.

(j) Leading paddockers have the right to engage and discharge their own workers.

(k) Where employers have foremen in charge of paddocks such paddockers are to be regarded as piece workers.

Overtime

4. (a) All time worked on any day in excess of the hours mentioned in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) All time worked on Saturday morning shall be paid for at the rate of time and a half for the first three hours and thereafter double time. All time worked before 7 a.m., and after 12 noon on Saturday shall be paid for at double time rates.

(c) No time shall be worked in excess of four and a quarter hours without time being allowed for a meal except by arrangement between the management and the union.

(d) Any worker being required to work during his regular meal times shall be paid time and a half rates for time so worked subject to an agreement between the management and the union. Where a variation of the hours is necessary owing to power restrictions, the provisions of this clause shall not apply.

Conditions

5. (a) Workers shall be provided with materials reasonably necessary to carry out their work.

(b) If required by the workers employers shall supply feeders with cotton gloves and aprons.

(c) Waterproof aprons, three-quarter oilskin coats and leggings and gumboots and woollen gloves shall be supplied to paddockers.

(d) Where workers are employed on the wash they shall be paid 3d. per hour extra.

(e) Yardmen shall be supplied with capes of woolpack cloth and oilskin coats as required.

(f) Flax bins shall be scraped and the floor dusted with sawdust after being emptied of flax.

(g) Flaxcutters shall be supplied with gloves, to be replaced not more frequently than once a fortnight.

Holidays

6. (a) All workers covered by this award who have been employed at any time during the fortnight ending on the day on which the holiday occurs shall be entitled to the following holidays at ordinary rates of pay: Christmas Day,

Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and the Provincial Anniversary day or a day in lieu thereof.

(b) The provisions of the Public Holidays Act 1955 shall be deemed to be incorporated in this award.

(c) Time worked on any of the holidays mentioned in subclause (a) hereof shall be paid for at double time rates in addition to any payment to which the worker may be entitled under subclause (a) hereof.

(d) (i) The provisions of the Annual Holidays Act 1944 shall apply to all workers covered by this award.

(ii) Where a worker becomes entitled to the annual holiday and the holiday is not taken at the end of the year, workers shall receive at least two weeks' notice before leave has to be taken.

(iii) Holiday pay shall be paid to employees prior to commencing their holiday period.

General

7. (a) When trams are laid, all flax must be weighed at the tramhead. Where flax is carted by drays only, or where a river is crossed, the mill shall be considered the tramhead and all weights and weighings shall be available to cutters or their representatives.

(b) Flaxcutting, tramming, milling, paddocking and scutching may be worked on piecework but employers may have all or part of their work done by contract and the employer shall stipulate that contractors who employ any workers shall observe the provisions of this award so far as the same shall be applicable to such workers.

(c) When trams have been laid the cutter shall not be employed to load his own flax only, but where he is employed to load flax in a general way he shall be paid 8d. per ton for such work. Should unweighed flax lie cut in the swamp longer than two clear days an average per bundle of cutters' previous weights or the actual weight, whichever is the greater, shall be taken and payment shall be made accordingly. This provision should also apply if it is found impossible to get unweighed flax out of the swamp.

(d) In the event of flax being cut more than $1\frac{1}{2}$ chains from the tram, the cutter shall carry it to the $1\frac{1}{2}$ -chain mark and there stack it. The employer shall provide labour for carrying the additional distance, or may call on cutters to carry the extra distance on an agreed tonnage basis.

(e) When flax is carted, the millers shall provide the necessary labour for roads. In the event of flax drays being stuck, causing extra carrying or reloading, then the cutter shall be paid for time so lost.

(f) Scutchers working on contract or piece rates if not provided with bands shall be paid 3s. 5 $\frac{1}{2}$ d. per ton extra for them.

(g) Scutchers working on contract or piece rates shall not be required to keep the "tow-hole" clear of tow.

(h) If workers have attended at the mill when it is not intended to work the mill they shall be entitled to receive two hours' pay, unless the stoppage of the mill shall be due to causes beyond the control of the employer, or unless such workers shall, before attending the mill, have received notice that work will not commence. If workers are not informed that they are not required, and they remain at the mill pending any repairs to the mill being effected, they shall be paid for all time during which they so remain.

(i) No worker shall be compelled to board at the cookhouse. In cases where men board at the cookhouse, a proportionate allowance shall be made for every day they are absent, provided 24 hours' notice is given of intention to be absent.

(j) Cutters shall bundle cut flax so as to be not less than 26 bundles per ton; each bundle to be of approximately the same weight.

Meal Money

8. Workers who cannot reasonably journey to and from their homes for meals within an hour, being called back to work after 6 p.m., on ordinary days, on the afternoon of Saturday or Sunday, or on any holiday having worked on the morning of such days shall be provided with a meal by the employer or alternatively each such worker shall receive 5s. meal money.

Right of Entry Upon Premises

9. 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 worker but not so as to interfere unreasonably with the employer's business. Where the secretary or any authorised officer of the union are also employees of N.Z. Woolpack and Textiles Ltd., the consent of the company shall be obtained (which consent shall not be unreasonably withheld) before they interview a worker or carry out union duties on any of the company's premises.

Time and Wages Book

10. Each employer shall keep and enter or cause to be kept and entered up a time and wages book, in accordance with the requirements of the Shops and Offices Act.

Payment of Wages and Termination of Employment

11. (a) All wages and other payments shall be paid in cash weekly not later than Tuesday, within working hours, either on the works or at the employer's workshop. Any waiting time outside of working hours shall be paid for at over-time rates. No more than two days' pay shall be kept in hand by the employer.

(b) In the event of the pay day being a holiday, wages and other payments shall be paid under the same conditions as set out in subclause (a) hereof on the day preceding the holiday.

(c) When a worker is discharged or leaves at any time other than the ordinary pay time for the week, he shall be paid without delay all wages and other payments due to him at the time of dismissal or time of leaving as the case may be.

(d) In the case of workers employed at a weekly rate, seven days' notice of termination of employment shall be given by either side. Workers employed on a daily basis shall give or be given at least one day's notice of termination. Other workers shall give or receive at least four hours' notice of termination. Should the required notice not be given by either party then either one week's pay, one day's pay, or four hours' pay shall be paid or forfeited as the case may be.

(e) Each worker when payment is made shall be supplied with a statement showing details of his or her wages and any special payments for the pay period, details of any deductions made from his or her earnings and the net amount being paid to him or her.

Matters Not Provided For

12. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and two duly appointed representatives of the union and in default of any agreement being reached, then such dispute shall be referred to a committee comprising two representatives of the employers, two duly appointed representatives of the union with the Conciliation Commissioner for the district as chairman or, if the Commissioner is unable to so act, a chairman appointed by him. Failing the committee coming to a decision, the decision of the chairman shall be the decision of the committee. Either party, if dissatisfied with the decision of the committee, may appeal to the Court on giving written notice to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Workers to be Members of Union

13. (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.

(d) Working foremen are to be members of the union.

(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.)

Preference

14. (a) This clause shall come into force immediately the foregoing clause ceases to continue in force in accordance with the provisions of section 174A of the Industrial Conciliation and Arbitration Act 1954.

(b) If any adult person (other than a person who holds a current certificate of exemption from union membership issued under the Industrial Conciliation and Arbitration Act 1954) who is not a member of a union of workers bound by this award is engaged or employed by any employer bound by this award in any position or employment which is subject to this award, the person shall become a member of such a union within 14 days after his engagement or, as the case may require, after this clause comes into force, and shall remain a member of the union so long as he continues in the position or employment.

(c) For the purposes of subclause (b) of this clause an "adult person" means a person of the age of 18 years or upwards, and 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.

Under-rate Workers

15. (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.

Provisions as to Smoking and Rest Period

16. (a) Workers shall not smoke in the swamp, and shall not smoke at all when handling or in the proximity to dry fibre, or in any other place prohibited by the employer.

(b) The employer shall permit all workers a 10 minute rest period during both the morning and afternoon. The rest periods can be arranged by the employer in consultation with the union so as to avoid a cessation of production as far as possible.

(c) The employer shall have the right to fix the places for smoking and when fixed workers shall not smoke in any other places and they shall use pipe caps if directed by the employer. Workers shall not carry wax matches.

(d) Workers may partake of morning and afternoon tea only during rest intervals.

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 district to which this award relates.

Scope of Award

18. This award shall operate throughout the Wellington Industrial District.

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 10th day of January 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 10th day of January 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 9th day of February 1962.

[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 14 (Preference) has been inserted in the form in which it was agreed upon, no doubt in all good faith, by the parties in Conciliation Council. This is not to be taken as an indication that the Court is satisfied as to the validity of the clause. It is pointed out that the Industrial Conciliation and Arbitration Amendment Act 1961 (No. 125) does not come into force until 2 March 1962, and the object of the clause appears in effect to be to circumvent the requirements of section 174C of the Statute.

A. TYNDALL, Judge.