

FEILDING ABATTOIR WORKERS—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 Wellington (except Wanganui, Whakatu and Tomoana) Freezing Works and Related Trades Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned company (hereinafter called “the employers”):

Feilding Bacon Co. Ltd., Feilding.

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 31st day of July 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 2nd day of August 1962.

[L.S.]

K. G. ARCHER, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to workers engaged in the work carried out in the Feilding Borough Abattoir, but it shall not apply to any working foreman employed for the purpose of seeing that the work is done in a proper manner, nor shall it apply to clerical workers.

Hours of Work

2. (a) The ordinary hours of work shall not exceed 40 hours per week, nor eight hours per day, to be worked on five days of the week Monday to Friday between 7 a.m. and 4 p.m.

(b) One hour shall be allowed for all meals except where otherwise mutually arranged when a minimum of half an hour may be taken.

Smoko

3. An interval of 15 minutes for all workers shall be allowed without stoppage of pay for smoko each morning and afternoon. When men are required to work overtime a smoko or similar time shall be allowed every two hours. No smoko is allowable upon cessation of work either in ordinary time or overtime.

Overtime

4. (a) Except when otherwise provided all time worked outside of or in excess of the hours mentioned in subclause (a) of clause 2 in any one day shall be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) Overtime shall be calculated on a daily basis.

(c) Work done on or before noon on Saturdays shall be paid for at rate and a half for the first three hours and double time thereafter.

(d) All work done on Sundays shall be at double time.

(e) When a worker has been notified on or before the previous day of intention to work overtime after the ordinary ceasing time as specified in subclause (a) of clause 2, such worker shall receive a minimum of one hour's pay at overtime rates.

(f) When workers are required to work more than one hour's overtime after the ordinary ceasing time as specified in subclause (a) of clause 2 hereof, and have not been notified on or before the night previously, a suitable hot meal shall be provided by the employer or the employer shall pay each worker the sum of 5s.

(g) When a worker is called out to work on a Saturday, a Sunday, or a holiday, as specified in subclause (a) of clause 9 hereof, he shall receive a minimum of four hours' pay at the appropriate overtime rates.

Wages

5. (a) (i) Subject to paragraph (ii) of this subclause workers shall be paid not less than the following rates of wages:

	Per Week		
	£	s.	d.
Slaughtermen	16	10	0
All other workers	14	5	0

(ii) Workers normally employed in the factory of the Feilding Bacon Co. Ltd. when required to work in the Feilding Abattoir shall be paid one fortieth of the appropriate rate of wages for each hour so worked.

(b) Casual labour—

(i) Slaughtermen shall be paid not less than 8s. 3d. per hour.

(ii) All other workers shall be paid not less than 7s. 1½d. per hour.

(iii) A "casual worker" is a worker whose employment does not extend over more than one week.

(c) Two shillings per head for cattle and 9d. per head for sheep, lambs, and pigs shall be paid for the handling of all such stock which at the discretion of the abattoir manager is deemed to be diseased and obnoxious.

Increase in Rates of Remuneration

6. The rates of remuneration determined by this award shall be increased to the extent and in the manner prescribed by the general order of the Court made under the Economic Stabilisation Regulations 1953 and dated the 4th day of July 1962.

(EXPLANATORY NOTE—The general order of 4 July 1962, which took effect on 26 July 1962, increased rates of remuneration determined by awards and industrial agreements by an amount equal to 2½ per cent thereof, but excluded from the scope of the increase all allowances in respect of tools, bicycles, motor vehicles, protective or special clothing, or special footwear.)

For the purposes of the general order the term "remuneration" in relation to rates determined by awards and industrial agreements is defined by the regulations as meaning salary or wages; and includes time and piece wages and overtime and bonus and other special payments; and also includes allowances, fees, commission, and any other emolument, whether in one sum or several sums; and also includes travelling expenses.)

Payment of Wages

7. (a) Wages shall be paid weekly, where possible not later than Thursday in the employer's time. Two days lie-time shall be allowed. Any error or omission in the pay sheet shall be adjusted within 48 hours.

(b) No deduction shall be made from the weekly rates prescribed herein excepting in respect of the time lost through sickness, accident, or default, or time off allowed a worker at his own request.

(c) One week's notice of termination of employment shall be given by either side provided, however, that in default of such notice of termination, one week's wages shall be paid or forfeited as the case may be.

Slaughtermen

8. A worker capable of killing and dressing two heads of cattle or eight sheep or lambs per hour for shop trade to the satisfaction of the foreman, shall be classified as a slaughterman irrespective of his age.

Holidays

9. (a) The following holidays shall be observed in accordance with the provisions of the Factories Act 1946, and its amendments: New Year's Day, Anniversary Day or a day in lieu thereof, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) All work done on any of the foregoing holidays shall be paid for at double time in addition to the ordinary time rate of pay provided for herein.

(c) In the event of any of the above-mentioned holidays other than Anzac Day or Anniversary Day falling on a Saturday or a 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. Anzac Day shall be observed on the day on which it falls, and Anniversary Day shall be observed in accordance with the provisions of the Public Holidays Act 1955, and its amendments, which provides that it is always observed on a Monday.

Annual Holidays

10. Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944: Provided that upon completion of 10 years' continuous employment with the same employer, a worker shall be granted in respect of each further year of employment with that employer, an annual holiday of three weeks instead of two weeks.

Dressing, Dining and Drying Rooms

11. (a) A room sufficiently large for dining shall be provided and shall in addition to tables and chairs or forms, be provided with a sink with hot and cold water, a means of boiling water, and a warming oven. Any doors and windows shall be equipped with fly screens.

(b) A dressing room shall be provided equipped with sufficient clothes lockers for one to be allocated to each employee. Seating must also be provided in the dressing rooms.

(c) A means of heating shall be provided for the dining room.

(d) A drying room shall be provided which shall be used for no other purpose than the drying of employees' clothing and gear.

(e) The dining room shall be cleaned after each meal.

(f) Adequate lavatory accommodation shall be provided.

(g) Such facilities shall be maintained and kept clean by the employers, but employees must co-operate to maintain clean and sanitary conditions.

(h) A shower with hot and cold water shall be provided.

General Conditions

12. (a) All daggy sheep and lambs shall be dagged before being penned in the slaughtering pens.

(b) All sheep and lambs shall be at least three weeks clear of the shears unless shorn specially for killing.

(c) All saws shall be properly sharpened when required by the workers. Any worker required to sharpen saws in his own time shall be paid not less than 10s. per week extra.

(d) A suitable grindstone shall be provided and kept in good condition.

(e) Every outside holding-pen for sheep for immediate killing shall be either metalled, paved, concreted or roofed.

(f) The employer shall provide a first aid outfit which shall be kept adjacent to the slaughtering floor.

(g) Where workers are required to provide their own knives and other tools of trade and working gear, an allowance of 1s. 6d. per working day shall be paid.

(h) The union secretary shall be allowed to visit the works to deal with any matter arising out of this award, or with any matter affecting the welfare of the workers but not so as to interfere unreasonably with the employer's business.

(i) A worker subject to the provisions of this award employed in taking delivery of stock, penning, drafting or otherwise handling in or about the abattoir, and required to provide and work one or more dogs, shall be paid an allowance of 6d. per hour for one or all of such dogs for all hours during which he is engaged in the operations specified above.

Unqualified Preference

13. (a) Any adult person engaged or employed in any position 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 any officer or authorised 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.

(e) For the purpose 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

14. (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.

Disputes

15. In the event of any dispute between the parties such dispute shall be referred to a committee comprising three representatives of the employers and three representatives of the employees 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 party shall have the right to appeal to the Arbitration Court against a decision of any such committee upon giving to the other parties written notice of such appeal within 14 days after such decision has been made known formally to the party desirous of appealing. Otherwise the decision of such committee shall be binding on both parties.

Application of Award

16. This award shall apply to the Feilding Borough Abattoir, Feilding.

Term of Award

17. 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 29th day of July 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 31st day of July 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 2nd day of August 1962.

[L.S.]

K. G. ARCHER, 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 13 has therefore been incorporated in the award in the form in which it was agreed upon in the Council of Conciliation.

K. G. ARCHER, Judge.