
**OTAGO AND SOUTHLAND BACON FACTORIES AND SMALLGOODS FACTORIES'
EMPLOYEES—AWARD**

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Otago and Southland Freezing Works and Related Trades Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned persons, firms, and companies (hereinafter called “the employers”):

Dominion Packing Co. Ltd., Hanover Street, Dunedin.

Fraser Bacon Co., Wear Street, Oamaru.

Johnston, D. W., and Sons Ltd., 689–695 Great King Street, Dunedin.

Kiwi Bacon Co. Ltd., Milton.

Lindsay and Co. Ltd., Tay Street, Invercargill.

McKenzie, D. J., Gore.

McKercher, D. C., Lochiel.

Quinn, T. and Co. Ltd., Conon Street, Invercargill.

Salisbury Smallgoods Ltd., Stuart Street, Dunedin.

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 December 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 26th day of September 1962.

[L.S.]

K. G. ARCHER, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the bacon-curing industry and to smallgoods factories, and to the packaging departments thereof. For the purposes of this clause, the expression "smallgoods factory" shall mean and include any factory in which meat (including pork) of any kind is processed for sale, disposal, or distribution to, by or through any retail shop, except a factory which is operated independently of any other employer in the industry, by a meat retailer who is the occupier of a shop or shops, under such circumstances that more than 50 per cent of the total output of such factory is produced for sale in the retail business carried on by him in such shop or shops.

Hours of Work

2. (a) The ordinary hours of work shall consist of 40 hours, eight hours to be worked on five days of the week, Monday to Friday inclusive, between 7.30 a.m. and 5 p.m.

(b) One hour shall be allowed for all meals, except where otherwise mutually arranged to the satisfaction of a majority of the workers in any department of the works.

(c) Notwithstanding the provisions of subclause (a) of this clause, the management may by agreement with the union vary the daily hours of commencing and ceasing work.

Wages

3. The following shall be the minimum rates of wages for adult male workers:

	Per Week
	£ s. d.
(a) Head curer and first smallgoods man	15 0 3
(b) Cutters-up, boners, rollers, curers, cellarmen, packers and despatchers, leading lard hand, ham-cooker, workers washing hams, workers marking and chopping and smallgoods men, poultry hands, and storemen	13 5 2
(c) Workers not otherwise specified	12 14 5
(d) Payment in excess of the rates specified in (a), (b), and (c) of this clause shall be made to workers after continuous service with the same employer, as follows:	
One year	0 6 5
Two years	0 12 10
Five years	0 19 2
(e) (i) A "smallgoods man" is a worker employed in cutting, preparation, and manufacture of smallgoods.	
(ii) Any person actually performing the work of a smallgoods man in a factory may be classified as a first smallgoods man. Where three or more adult persons are employed in a smallgoods factory, one shall be paid as first smallgoods man.	

Employment of Youths

4. (a) Boys and youths may be employed at the following minimum rates of pay:

	Per Week
	£ s. d.
From 16 to 16½ years of age	5 5 5
From 16½ to 17 years of age	5 17 10
From 17 to 18 years of age	6 15 8
From 18 to 19 years of age	7 17 2
From 19 to 20 years of age	9 10 8
From 20 to 21 years of age	10 13 7

Thereafter, the minimum rates of wages for adults.

(b) The proportion of boys or youths shall not be more than one to three or fraction of three adult workers.

Employment of Females

5. (a) Female workers may be employed at suitable work in smallgoods factories, bacon factories, and in the packaging rooms thereof at the following rates of wages:

	Per Week
	£ s. d.
During the first six months	5 12 1
During the second six months	6 14 5
Thereafter	9 17 3

"Suitable work" shall be such work as is at present performed by females and such other work as may be agreed upon by the employer and the district union.

(NOTE—Attention is drawn to the provisions of the Minimum Wage Act 1945.)

(b) No female worker shall be required to handle raw meats other than small-goods or to handle any weight in excess of 20 lb.

(c) No female under the age of 16 years shall be employed.

(d) The employer shall supply smocks and suitable footwear, also wooden gratings where circumstances demand.

(e) Suitable heated dressing rooms shall be provided.

(f) The ordinary hours of work shall not exceed 40 per week. Not more than eight hours shall be worked on five days of the week, Monday to Friday, both days inclusive, between the hours of 8 a.m. and 5 p.m. The hours of work shall be continuous save for an interval of one hour for lunch.

(g) Time worked on any day outside or in excess of the hours mentioned in the preceding subclause shall be deemed to be overtime and shall be paid for at the rate of time and a half.

Part-time Female Workers

6. (a) Where the employer does not regularly require the services of a worker for the full period of 40 hours per week he shall pay such workers *pro rata* the appropriate rate of wages plus 10 per cent.

(b) Where a worker is unable to accept full-time employment the employer shall pay *pro rata* the appropriate rate of wages.

Overtime

7. All time worked outside or in excess of the hours mentioned in clause 2 hereof in any one day shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

Holidays

8. (a) All workers shall receive the following holidays in each year: New Year's Day, 2 January, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Show Day or Anniversary Day or another day in lieu thereof, Christmas Day, and Boxing Day.

(b) When a holiday other than Anzac Day falls on a Sunday such holiday shall be observed on the Monday following. When Christmas Day falls on a Sunday, Boxing Day shall be observed on the Tuesday following.

(c) All work performed on holidays mentioned in subclause (a) of this clause shall be paid for at double rates in addition to the ordinary rates prescribed in clause 3 hereof. All work done on Easter Saturday shall be paid for at ordinary time or rate in addition to the ordinary rate prescribed in clause 3 hereof.

(d) All work performed on Sundays shall be paid for at double rates.

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

Payment of Wages

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

(b) If a worker leaves his employment with the employer's consent or is dismissed by his employer, his wages shall be paid in cash immediately following such leaving or dismissal.

(c) Where wages are weekly, no deduction shall be made therefrom save for time lost through the worker's sickness, accident, or default.

Termination of Employment

10. Except in the case of casual workers, one week's notice of the termination of the employment shall be given by the employer or the worker, as the case may be, but this shall not prevent the employer from summarily dismissing a worker for serious misconduct. If appropriate notice is not given, one week's wages shall be paid or forfeited as the case may require.

General Conditions

11. (a) Ten minutes' spell without stoppage of pay shall be allowed all hands for smoko every morning and afternoon.

(b) Disinfectant shall be supplied in any department where necessary.

(c) A St. John Ambulance or similar first aid outfit shall be provided in each factory.

(d) (i) Workers shall be provided with all necessary knives, steels, and pouches.

(ii) Gloves and jerseys shall be available to workers when required to work in freezing chambers.

(iii) Workers shall also be supplied with gumboots, clogs, leggings, waterproof aprons and bib overalls. This equipment shall be replaced at the discretion of the factory manager,

(iv) Where a worker is unable to wear clogs, boots will be supplied on production of a doctor's certificate.

(v) All such gear and clothing as is mentioned in paragraphs (i), (ii), (iii), and (iv) above shall remain the property of the employer, and such clothing shall be worn on the employer's premises only. Workers shall be responsible for the proper care of clothing and equipment supplied to them.

(e) A sufficient supply of good boiling water shall be provided convenient to the dining room.

(f) Sufficient drinking water of good quality shall be available.

(g) Full and proper provision shall be made for lavatory accommodation, which shall be kept clean and tidy to the satisfaction of the local Inspector of Awards.

(h) Boys and youths under 18 years of age shall not be allowed to work under water sprays.

(i) Suitable dining accommodation and suitable facilities for washing and dressing and for changing clothes shall be provided with provisions for drying wet clothes.

(j) When workers are required to work overtime without having been notified the previous day, a suitable meal consisting of at least bread, butter, and meat, with tea, coffee, or cocoa, shall be provided by the employer for workers who cannot reasonably return to their homes for a meal, or the sum of 5s. 2d. per meal shall be paid.

(k) No reduction shall be made in the wages of any worker at present employed by virtue of the coming into force of this award.

Disputes Committee

12. Anything not provided for in this award, or any dispute that may arise over anything that is provided for in this award, shall be mutually arranged between two representatives of the union and the work's manager. In the event of their being unable to agree, the matter shall be referred to the Conciliation Commissioner for settlement. Either side, if dissatisfied with the decision of the Conciliation Commissioner, shall have the right to appeal to the Court.

Unqualified Preference

13. (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 fourteen 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 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.

Application of Award

15. 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

16. This award shall operate throughout the Otago and Southland Industrial District.

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 operation on the first day of the pay period in each establishment commencing on or after the 27th day of August 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 December 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 26th day of September 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.

The rates of remuneration prescribed in the award are *not* to be increased by the application of the provisions of the Court's general order of 4 July 1962.

K. G. ARCHER, Judge.

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**OTAGO AND SOUTHLAND BACON FACTORIES AND SMALLGOODS FACTORIES'
EMPLOYEES—AMENDMENT OF AWARD**

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District
—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in
the matter of the Otago and Southland Bacon Factories and Smallgoods Factories'
Employees Award, dated the 26th day of September 1962, and recorded in 62
Book of Awards.

THURSDAY, THE 1ST DAY OF NOVEMBER 1962

IN pursuance and exercise of the powers conferred on it by section 162 (1) (a)
of the Industrial Conciliation and Arbitration Act 1954, and for the purpose of
remedying a defect in the Otago and Southland Bacon Factories and Smallgoods
Factories' Employees Award, dated the 26th day of September 1962, the Court
doth hereby order that the said award shall be and it is hereby amended in the
manner following:

By deleting the word and figures "Thereafter £9 17s. 3d." in sub-
clause (a) of clause 5 (Employment of Females) and substituting therefor the
word and figures "Thereafter £8 17s. 3d."

[L.S.]

K. G. ARCHER, Judge.