
OTAGO AND SOUTHLAND FELLMONGERS—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 companies (hereinafter called “the employers”):

D.B.M.A. Co. Ltd., Box 614, Dunedin.

Southland Butchers' By-products Ltd., P.O. Box 100, Invercargill.

Wallis, R. and F., Ltd., Gore.

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 March 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 25th day of September 1962.

[L.S.]

K. G. ARCHER, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the fellmongering industry, other than freezing-works covered by the New Zealand (except Westland) Freezing Workers' Award.

Hours of Work

2. (a) A week's work shall not exceed 40 hours, to be regulated by the employer according to the special requirements and circumstances of his business, but so that the ordinary hours of work shall be eight per day on five days of the week (Monday to Friday inclusive), between 7.30 a.m. and 5 p.m. Not less than three-quarters of an hour shall be allowed for a meal unless otherwise agreed upon. No worker shall be employed for more than four and a quarter hours without an interval of not less than three-quarters of an hour for a meal, unless otherwise mutually arranged between the employer and the workers.

(b) (i) Shifts of eight hours may be worked if necessary on five days of the week (Monday to Friday inclusive). Workers employed on shift work shall not work more than 40 hours in any one week without payment of overtime, and shall during each shift be allowed 30 minutes for a meal without deduction from wages.

(ii) Except with the consent of the union, no worker under the age of 18 years shall be employed on the morning or evening shifts.

(iii) Where it is practicable, shifts shall be worked on a regular rotation.

(iv) A worker employed on shift work between the hours of 5 p.m. and 7.30 a.m. shall be paid 5s. in addition to the wage specified in clause 3 hereof.

Wages of Adults

3. (a) The following shall be the minimum rates of wages for workers 21 years of age or over:

	Per Hour	
	s.	d.
Pullers	6	9 $\frac{3}{4}$
Pelt classers and curers	6	8 $\frac{3}{4}$
Machine pelt fleshers	6	4 $\frac{3}{4}$
Machine and hand scudders on pelts (including cobbing and piecing)	6	4 $\frac{3}{4}$
Painters	6	4 $\frac{3}{4}$
Piece or pie-pulling men	6	4
Men operating slipmaster	6	4
Pressers (hand)	6	3 $\frac{3}{4}$
Pressers (power)	6	2 $\frac{3}{4}$
Lime dolleymen	6	2 $\frac{3}{4}$
Workers principally employed in handling wet wool or wet pelts	6	2 $\frac{3}{4}$
All other workers	6	0 $\frac{1}{2}$

(b) When workers are required to enter flues or back-end smoke-boxes for the purpose of cleaning them or to chip or clean the interior of boilers while such boilers are laid off for inspection or overhaul, they shall be paid at the rate of time and a half while so employed.

(c) No worker shall have his wages reduced by reason of being temporarily transferred to another job.

Employment of Youths

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

	Per Week		
	£	s.	d.
Under 16 years of age	4	14	3
16 to 16 $\frac{1}{2}$ years of age	5	3	0
16 $\frac{1}{2}$ to 17 years of age	5	14	0
17 to 17 $\frac{1}{2}$ years of age	6	9	9
17 $\frac{1}{2}$ to 18 years of age	7	6	6
18 to 19 years of age	8	2	3
19 to 20 years of age	8	18	9
20 to 21 years of age	10	2	3

(b) The number of youths employed shall not exceed one youth to every three or fraction of three workers over 21 years of age so employed.

(c) No deduction shall be made from the weekly wages mentioned in this clause except for time lost by the worker through his own default, sickness, or accident.

Overtime

5. (a) Work done outside or in excess of the daily hours specified 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, provided that four hours may be worked up to 12 noon on Saturday mornings at time and a half rates of pay.

(b) In the case of shift workers, overtime at the above-mentioned rates shall be paid in excess of the specified shift hours.

Holidays

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

(b) Each of the holidays mentioned in subclause (a) of this clause shall be subject to the provision of the Factories Act 1946, and shall be paid for in accordance therewith as an ordinary working day.

(c) All work done on any of the holidays mentioned in subclause (a) of this clause shall be paid for at double rates, in addition to the ordinary rates payable under subclause (b) of this clause. All time worked on Sundays shall be paid for at double rates.

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

(e) In addition to the holidays specified in subclause (a) of this clause, holidays shall be allowed as provided in the Annual Holidays Act 1944.

Payment of Wages

7. Wages shall be paid weekly or fortnightly on any day other than Friday.

Termination of Employment

8. Where the employment extends beyond one month, three days' notice of the termination of the employment shall be given by the employer or worker, as the case may be; but this shall not prevent the employer from summarily dismissing a worker for misconduct.

Tools and Equipment

9. (a) The employer shall provide all tools and the equipment reasonably necessary to carry on the work.

(b) Where necessary, workers shall be supplied with waterproof aprons, overalls, leggings, vamps, and gloves, and either clogs, gumboots, or watertight boots at the employer's option. Where considered necessary, denim coats shall be supplied.

General Provisions

10. (a) Proper provisions shall be made for dining and dressing accommodation and for drying wet clothes. Workers shall leave the dining and dressing rooms in a clean and tidy condition after use, but the normal sweeping and cleaning shall be the responsibility of the employers.

(b) Suitable accommodation shall be provided for employees' bicycles.

(c) Suitable washing accommodation with both hot and cold water shall be provided.

(d) A first aid outfit shall be kept in a convenient place accessible to workers.

(e) Any worker, not having been informed before leaving work that there will be no work on the following day, who presents himself at the works, shall, in the event of there being no work, receive not less than two hours' pay.

(f) An interval of 10 minutes for smoko shall be allowed each morning and afternoon. When work is continued for an hour or more after the ordinary time of ceasing work, a smoko shall be allowed on the expiration of two hours from the last smoko in ordinary time without the loss of payment.

(g) A supply of boiling water and facilities for heating food shall be provided by the employer.

(h) Meal money at the rate of 5s. 2d. per meal shall be paid to any worker who is required to work more than one hour beyond the usual time for ceasing work or after 1 p.m. on Saturday, provided that the worker has not been notified on the previous day that he is required to work the overtime or that he cannot reasonably get home for a meal.

Matters Not Provided For

11. Any dispute in connection with any matter not provided for in this award shall be settled between the employer and the secretary or president of the union, and in default of agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Right of Entry Upon Premises

12. The secretary or other authorised officer of the union of workers 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.

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 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 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 force 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 March 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 25th 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 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 by this award are *not* to be increased by the provisions of the Court's general order of 4 July 1962.

K. G. ARCHER, Judge.
