

AUCKLAND AND CHRISTCHURCH LAMINATE FACTORY EMPLOYEES—AWARD

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

In the Court of Arbitration of New Zealand, Northern and Canterbury 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”):

Formica (N.Z.) Ltd., P.O. Box 108, Papakura, Auckland.
Laminex Pty. Ltd., Shands Road, Christchurch.

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 16th day of September 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 11th day of October 1962.

[L.S.]

K. G. ARCHER, Judge.

SCHEDULE

Industry to Which Award Applies

1. The industry to which this award applies is the manufacture of:
 - (a) Decorative laminate.
 - (b) Decorative wallboard.
 - (c) Industrial laminates.

Day Workers - Hours of Work

2. The hours of work shall be 40 per week, and shall not exceed eight in any one day, to be worked between the hours of 7.30 a.m. and 5 p.m. Monday to Friday inclusive. The hours of work for these workers shall not be broken other than for a normal meal break of half an hour in each day.

Overtime

3. (a) All work done in excess or outside of the hours mentioned in clause 2 hereof or outside of the ordinary hours of ceasing work shall count as overtime and shall be paid for at the rate of time and a half for the first three hours in any one day and double time thereafter. Any worker (other than a shift worker) who is called back after 10 p.m. or before 6 a.m. or after 12 noon on Saturday shall be paid double rates. Overtime shall be calculated on a daily basis.

(b) Any worker having worked for 24 hours, inclusive of intervals for meals, shall not be required to continue working without his consent. If he does continue working he shall be paid double rates for all time worked on the second day until an eight-hour break is allowed.

(c) Any worker having worked his normal eight hours and being required to continue working on into the next day shall be paid double rates for all such continuous time worked on the second day.

(d) Any worker having worked his normal eight hours and having continued to work until midnight shall be given eight hours off or be paid double time for all time worked on the second day.

(e) Where a worker is required to work overtime in the terms of subclause (a) of this clause after the ordinary hour of ceasing work for the day, and where such period is broken, except for meal intervals, after at least four hours' overtime has been worked, no worker shall be called to resume work until a period of eight hours has elapsed unless double rates are paid for all time worked following such resumption of work.

(f) Any worker required to commence work after the cessation of public wheeled traffic, or before the ordinary time of starting such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic, shall be paid for time occupied in travelling to or from his home, computed on 3 miles per hour, at ordinary rates of pay. If a conveyance is provided for the worker by his employer he shall not be entitled to payment for travelling time. For the purpose of this award "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by the worker travelling to or from his work: Provided that in the case of a worker who normally starts or finishes work when public wheeled traffic is not available, the amount to be paid to the worker to cover travelling time may be agreed upon between the employer and the secretary of the union, but if an agreement is not reached the question shall be decided by a committee consisting of the employer, the secretary of the union, and the Conciliation Commissioner, who shall be chairman, and the decision of such committee shall be final.

(g) No worker shall work overtime on Friday night or on the night of the union's regular monthly meeting except on urgent or break down work.

(h) The employer shall either provide a suitable meal or allow meal money at the rate of 5s. 2d. per meal when workers are called upon to work overtime after 6 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, or Friday or after 1 p.m. on Saturday or Sunday, unless such workers can reasonably get home for a meal and return to their work in one hour, in which case the meal allowance need not be paid. This payment shall not be subject to the provisions of clause 13.

When working protracted overtime, either a suitable meal shall be provided, or meal money paid every four and a half hours that overtime continues provided workers are required to continue working after the meal interval; and provided, further, that the period of four and a half hours may be varied by agreement. In such cases reasonable meal intervals shall be paid for.

(i) When working overtime under conditions where a worker cannot obtain a meal without incurring extra travelling expense, the employer shall reimburse such extra expense.

(j) When a worker is called back after having completed his day's work and left the place of employment or on a Saturday or is called out to work overtime before his usual time of commencing work, and does not continue working until such time, he shall be paid for a minimum of two hours.

Shifts

4. (a) This clause shall have no application to a worker required to work shifts outside of the hours prescribed in clause 2 on less than five consecutive working days.

(b) Shifts may be worked as required by the employer. The ordinary hours of work of a shift worker shall not exceed five consecutive eight hour shifts, to be worked between the hours of midnight Sunday-Monday and 7 a.m. Saturday. Each worker shall have ample opportunity as near to the middle of the shift as possible to partake of a meal without cessation of work.

(c) The commencing hour for day shifts shall be not earlier than 7 a.m. instead of the commencing hour of 7.30 a.m. mentioned in clause 2, or such other hour as may be agreed upon by the employer and the local union secretary.

(d) A worker employed on an afternoon or night shift shall, while so employed, be paid 5s. 2d. per shift in addition to ordinary rates.

An afternoon shift means any shift commencing after 12 noon and finishing at or before midnight and a night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

(e) In the case of shift workers, overtime shall only be payable after eight hours, and shall then be paid for at the rate of time and a half for the first three hours, and double time thereafter: Provided that overtime rates shall not be payable where the overtime arises from arrangements made between the employees themselves.

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

Holidays

5. (a) The following are the recognised holidays under this award: New Year's Day, 2 January, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) The attention of the parties is drawn to the provisions of the Public Holidays Act and amendments, which provides for the transference of certain holidays which fall on Saturdays or Sundays.

(c) Payment of wages for the said holidays shall be made to all persons who perform work under this award, or at any time during the fortnight ending on the day on which the holidays occur.

(d) Where any worker has been employed by more than one employer during the fortnight ending on the day on which any of the above holidays occurs he shall be entitled to receive payment for the holiday from one or more employers, and if more than one, in such proportions as the Inspector of Awards determines.

(e) For work done on Sundays or any of the holidays specified in subclause (a) of this clause double rates shall be paid in addition to any payment to which the worker is entitled under subclause (c) of this clause.

(f) For the purpose of this award a holiday shall be deemed to commence at 12 midnight.

Wages

6. The following shall be the minimum rates of wages:

Adult males, 6s. 7d. per hour.

Adult females, £8 17s. 6d. per week.

Youths—

	Per Week		
	£	s.	d.
Under 16 years of age	4	5	3
16 to 16½ years of age	6	14	0
16½ to 17 years of age	7	5	2
17 to 17½ years of age	7	15	1
17½ to 18 years of age	8	9	2
18 to 19 years of age	8	17	10
19 to 20 years of age	9	9	10
20 to 21 years of age	10	2	8
Thereafter the adult male rate.			

Females—

16 to 17 years of age	4	6	1
17 to 18 years of age	4	18	6
18 to 19 years of age	6	3	3
19 to 20 years of age	7	1	10
20 to 21 years of age	7	14	4
Thereafter the adult female rate.			

Annual Holidays

7. (a) Annual holidays shall be granted in accordance with provisions of the Annual Holidays Act 1944.

(b) (i) In addition to the holidays to which he is entitled under subclause (a) of this clause, a worker who has worked on shift work for a complete year shall be allowed an additional week's holiday on the same terms of payment as are provided for in the Annual Holidays Act 1944.

(ii) In addition to the holiday to which he is entitled under subclause (a) of this clause, a worker who has not worked on shift work during the whole year but for a portion of the year only shall be allowed such proportionate part of such additional week's holiday as is commensurate with the time he has worked as shift worker.

General Conditions

8. (a) Any worker who works overtime or a double shift shall be allowed eight hours off from the time he finishes such overtime or double shift, as the case may be, or he shall be paid double ordinary time rates as provided under clause 6 hereof for all the time worked thereafter until he has an interval of eight hours off work.

(b) If a worker is required to work in any other department than his usual department, he shall be paid for the time so employed at the rate prevailing in such department if the rate is higher than his usual pay.

(c) Workers who report for work but are sent home before starting to come back on another shift shall be paid a minimum of two hours.

Workers who commence work and are later sent home to come back on another shift shall be paid overtime rates for the time so served.

(d) Female workers shall not be required to lift any package exceeding 40 lb in weight.

Youths under the age of 18 years shall not be required to lift any weight exceeding 70 lb.

(e) An interval of 10 minutes shall be allowed for morning and afternoon tea without loss of pay.

(f) Adequate washing facilities shall be provided.

(g) Boiling water for meals shall be provided.

(h) A modern first aid kit, fully equipped, shall be maintained.

(i) Lockers shall be provided for all workers.

(j) Workers, the nature of whose work necessitates the regular wearing of overalls shall be supplied by the employer with two suits of overalls at the commencement of each year of service with the employer: Provided, however, that in the case of each new engagement the employer may pay to the worker an overall allowance of 2s. per week for a maximum period of three months.

(k) A 10 minute rest period shall be allowed to all workers in the middle of each four hour's working period.

(l) All lifting gear such as chains, hooks, etc., shall be examined annually.

(m) Where a worker has been specially directed to take charge of four or more workers, he shall be paid 3s. 1d. per day extra.

(n) The employer shall supply suitable footwear or pay an allowance of 2s. per week to workers in the resin house. Workers in the treating bay shall be supplied with overshoes or be paid 1s. per week.

Terms of Employment

9. (a) No deduction shall be made from the weekly wages mentioned in this award except for time lost by the worker through sickness, accident, or default.

(b) The working week shall end at 11 p.m. Sunday and wages shall be paid on the Wednesday following.

(c) One week's notice of termination of engagement shall be given on either side for all workers of more than two consecutive weeks' employment, provided that in the event of accident to plant no notice of the termination of engagement shall be necessary. Nothing in this subclause shall prevent the employer from dismissing a worker without notice for wilful misconduct.

(d) Workers shall record the time of their arrival at and departure from work on the apparatus provided for such purpose. The time occupied by the workers in filling in any books or cards, or in making any record shall be treated as time on duty, except that occupied in checking in or out at the beginning or end of duty which checking shall be done in worker's own time.

Unqualified Preference

10. (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 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.)

Access to Workshops

11. The president or any authorised salaried representative of the local union of workers concerned 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. The employer shall give recognition to any worker who is appointed shop steward in the establishment in which he is employed.

Disputes Committee

12. The essence of this award being that the work of the employers 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 specifically 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, if required by either party, 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 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.

Part-time Female Workers

13. (a) Where the employer does not regularly require the services of a female worker for the full period of 40 hours per week or such other number of ordinary hours as is normally worked he shall pay such worker *pro rata* the appropriate scale of wages plus 10 per cent.

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

(c) These provisions shall not be used for the purposes of reducing the hours of work or the earnings of any worker.

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, and such inspector in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such inspector 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 shall determine, and after the expiration of such period shall continue to be 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 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 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 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.

Scope of Award

15. This award shall apply to Formica (N.Z.) Ltd., Papakura, Auckland, and Laminex Pty. Ltd., Christchurch.

Term of Award

16. This award, in so far as the rates of wages to be paid are concerned shall be deemed to have come into force on the 17th day of September 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 16th day of September 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 11th day of October 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 10 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 application of the provisions of the Court's general order of 4 July 1962.

K. G. ARCHER, Judge.
