

—

**TIMARU CITY COUNCIL LIBRARY ASSISTANTS—AWARD**

In the Court of Arbitration of New Zealand, Canterbury Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Canterbury Local Bodies' Officers (Other than Clerical) Industrial Union of Workers (hereinafter called "the union") and the under-mentioned council (hereinafter called "the employers"):

Timaru City Council, Timaru.

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 30th day of June 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 1st day of November 1962.

[L.S.]

K. G. ARCHER, Judge.

## SCHEDULE

*Application of Award*

1. (a) This award shall apply to workers employed in the Timaru Public Library controlled by the Timaru City Council; such workers shall be classified as library assistants.

(b) This award shall not apply to the Chief Librarian.

*Conditions of Service*

2. (a) Employees receiving salaries in excess of those provided by this award shall not have their salaries reduced by reason of the coming into operation of this award.

(b) No employee shall be discharged as a consequence of this award in order that the work may be done at less than the prescribed rates.

(c) The employment of workers covered by this award shall be monthly, and one month's notice of termination shall be given by either party, except in the case of dereliction of duty, insubordination, or misbehaviour, and in such cases the employees shall be liable to instant dismissal.

(d) All salaries shall be paid within working hours, fortnightly, not later than Thursday, or such other time as may be arranged between the council and the union.

*Hours of Work*

3. (a) The hours of work shall not exceed 40 per week, such hours to be rostered in accordance with the present system.

(b) Changes in rostered hours shall be agreed between the council and the union.

*Overtime*

4. (a) When overtime is required to be worked, reasonable notice shall be given to the employees, and whenever possible the period of notice of overtime shall not be less than five hours.

(b) No overtime for which overtime rates are payable shall be worked by any employees without the approval of the Chief Librarian.

(c) All time worked in excess of the hours specified in subclause (a) of clause 3 shall be considered overtime, and shall be paid for at the rate of time and a half for the first two hours and thereafter double time.

(d) All time worked on the holidays set out in subclause (a) of clause 6 hereof, and on Sundays, shall be paid for at double rates in addition to the ordinary salary.

*Salaries*

5. Subject to the provisions of the Minimum Wage Act, the following shall be the minimum rates of wages for library assistants:

	Per Annum £
First year .....	385
Second year .....	440
Third year .....	505
Fourth year .....	570
Fifth year .....	600
Sixth year .....	635
Seventh year .....	670
Eighth year .....	710
Ninth year .....	765

Female employees with School Certificate or Junior Government Shorthand-typing Examination shall be advanced one year above the scale rate appropriate to her length of service, and a female employee with University Entrance or Senior Government Shorthand-typing Examination shall be advanced two years.

In the general scale, the holder of the New Zealand Library Association (Inc.) Certificate shall be advanced one year above the scale rate appropriate to her length of service and the holder of the New Zealand Library School Certificate or of an M.A. or B.A. degree shall be advanced two years. This provision shall also apply to any assistant on the general scale obtaining these qualifications, the increment to be payable with the next ordinary increment.

Children's librarian:				Per Annum
				£
First year	.....	.....	.....	840
Second year	.....	.....	.....	875
Third year	.....	.....	.....	900
Deputy chief librarian:				
First year	.....	.....	.....	920
Second year	.....	.....	.....	950
Third year	.....	.....	.....	980

#### *Holidays and Annual Leave*

6. (a) The following days shall be observed as holidays and shall not count as part of the annual leave: New Year's Day and the day following, Good Friday to Easter Monday (both days inclusive), Anzac Day, the birthday of the reigning Sovereign, Labour Day, Show Day (or some other day to be observed in lieu thereof), Christmas Day, Boxing Day, and any other day or days usually observed or granted by the council.

(b) Should any of the above holidays (other than Anzac Day or Easter Saturday) fall on a Saturday or a Sunday, the said holiday shall be observed on the next immediate working day or days.

(c) Annual leave shall be granted in accordance with the provisions of the Annual Holidays Act 1944; provided, however, that after 10 years' service with the employer the period of annual leave shall be three weeks.

(d) At least two weeks' notice of the commencement of annual leave shall be given by the council to the employee concerned.

(e) Annual leave shall be taken at a time to be mutually agreed upon.

#### *Casual Workers*

7. (a) A worker engaged for less than two weeks in any one engagement shall be termed a casual, and such workers shall be paid *pro rata* for time worked at a rate of 20 per cent more than the appropriate rate set out in clause 5. The *pro rata* rate payable shall be calculated on an hourly basis computed from the number of hours fixed in clause 3 as the maximum weekly number of hours which may be worked by clerical workers in the council's employ.

(b) Workers who enter into contracts of service to work regularly on a part-time basis shall be deemed to be casual workers unless they work in excess of 30 hours per week, when they shall be deemed to be full-time workers; except that if the council offers full-time employment but the employee for personal reasons does not accept such full-time employment then such employee shall not be considered a casual employee but shall be paid *pro rata* to the time worked the wage rate in clause 5.

*Right of Entry Upon Premises*

8. (a) The secretary or other authorised officer of the union shall be entitled to enter at all reasonable times upon the premises of the council for the purpose of interviewing any employees in connection with the operation of this award, but not so as to interfere unreasonably with the council's business.

(b) The council shall, upon request by the union, supply a list of employees.

*Disputes*

9. The essence of this award being that the work of the employers shall not on any account be impeded but shall always proceed as if no difference 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 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 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 of appeal to the Court against the decision of such committee upon giving to the other side written notice of such appeal within 14 days after such decision shall have been made known to the party desirous of appealing.

*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.)

*Under-rate Workers*

11. (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.

#### *Term of Award*

12. 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 1st 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 30th day of June 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 1st day of November 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.