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OTAGO AND SOUTHLAND AERATED-WATER 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 Brewery, Bottling Houses and Aerated Waters Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned firms and companies (hereinafter called “the employers”):

Buckhams Wakatipu Cordial Co. Ltd., Queenstown.

Lanes Ltd., King Street, Dunedin.

Thomsons Ltd., 23 Police Street, Dunedin.

Thomsons Ltd., Leet Street, Invercargill.

West and Co., 135 Bay View Road, St. Kilda.

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 May 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 14th day of December 1962.

[L.S.]

K. G. ARCHER, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the cordial and aerated-water manufacturing industry.

Hours of Work

2. The ordinary hours of work shall not exceed 40 per week nor eight per day and shall be worked between 8 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

Overtime

3. (a) All time worked in any one day outside or in excess of the hours prescribed in clause 2 hereof 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, excepting that on Saturday morning four hours may be worked at time and a half rates.

(b) Where a worker has been notified that he is required to work overtime and notice has been subsequently withdrawn on the day overtime was to be worked, he shall receive payment for one hour.

Wages

4. (a) The wages of adult male workers shall be not less than £14 per week.

(b) Casual workers employed for less than one week shall be paid not less than 7s. per hour.

Employment of Youths

5. (a) The following shall be the minimum rates of wages payable to youths:

	Per Week		
	£	s.	d.
Up to 19 years of age	9	0	0
19 to 20 years of age	11	0	0

Thereafter the rate provided for adult workers.

(b) The proportion of juniors to adults shall not exceed one junior to every three adult workers or fraction of three.

Holidays

6. (a) The following shall be the recognised holidays which shall be paid for: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, the birthday of the reigning Sovereign, and Anniversary Day or a day in lieu thereof.

(b) If any of the foregoing holidays, except Anzac Day, falls on a Saturday or on a Sunday, the holiday shall be observed on the following day or days.

(c) All work performed on any of the above-mentioned days shall be paid for at double ordinary rates in addition to the payment for the holiday.

(d) Holidays shall be allowed in accordance with the Annual Holidays Act 1944.

(e) Workers who have been employed continuously by the same employer for nine years or more shall receive three weeks' annual holiday, such additional week to be taken at a time convenient to the employer.

Payment of Wages

7. (a) Wages shall be paid in cash weekly in the employer's time not later than Thursday, unless Thursday is a bank holiday.

(b) The employment shall be deemed to be a weekly employment and no deduction shall be made from the weekly wages except for time lost through the worker's sickness or default or through accident not arising out of or in the course of his employment.

Termination of Employment

8. One week's notice of the termination of engagement of any worker, except casuals, shall be given by the employer or the worker, as the case may be, but this shall not affect the right of any employer to discharge a worker for good cause.

General Conditions

9. (a) If required, suitable mitts and masks shall be supplied to workers engaged in bottling and labelling aerated waters, and oilskin aprons to workers engaged in bottle-washing and bottling non-aerated liquids. Clogs or other suitable footwear shall be supplied to workers in wet places. If required, accommodation shall be provided for workers' clothes.

(b) Aprons or overalls shall be supplied as required.

(c) Ten minutes' break shall be allowed each morning and afternoon.

(d) A fully equipped first aid outfit shall be kept in each factory in an accessible place.

Meal Money

10. Meal money at the rate of 5s. 2d. shall be allowed in all cases where notice of overtime is not given to the worker on the day previous. This provision shall not apply in the case of a break-down of machinery.

Matters Not Provided For

11. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local 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.

Unqualified Preference

12. (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

13. (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

14. 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

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

Term of Award

16. 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 22nd day of November 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 May 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 14th day of December 1962.

[L.S.]

K. G. ARCHER, Judge.

MEMORANDUM

The award, including the operative date of provisions relating to wages, incorporates the terms of settlement arrived at by the parties in the course of an inquiry held before a Council of Conciliation.

Upon being satisfied by supporting documentary evidence that an unqualified preference provision has been agreed to by all the assessors in accordance with section 174B of the Industrial Conciliation and Arbitration Act 1954 (as enacted by the Industrial Conciliation and Arbitration Amendment Act 1961), the Court has inserted clause 12 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.
