

TARANAKI, WELLINGTON, MARLBOROUGH, NELSON, AND WESTLAND COUNTY COUNCILS, CATCHMENT, DRAINAGE, AND RIVER BOARDS' OFFICERS—AWARD

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

In the Court of Arbitration of New Zealand, Taranaki, Wellington, Marlborough, Nelson, and Westland Industrial Districts—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Wellington, Marlborough, Westland, Nelson and Taranaki Local Bodies' Officers Industrial Union of Workers (hereinafter called "the union") and the under-mentioned unions (hereinafter called "the employers"):

New Zealand County Councils Industrial Union of Employers, 8-12 The Terrace, Wellington.

New Zealand Catchment Boards Industrial Union of Employers, 8 The Terrace, Wellington.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, 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 19th day of December 1962.

[L.S.]

K. G. ARCHER, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to officers and clerical workers employed by county councils, river boards, catchment boards, and drainage boards. Such officers shall not include:

- (a) Chief or sole executive officer (including one supervising officer where no engineer is employed).

- (b) Officers in receipt of a salary of more than £1,275 per annum in the case of males and £805 per annum in the case of females; exclusive of overtime.
- (c) Health inspectors, noxious weed inspectors, rangers, or dog-tax collectors.
- (d) Officers covered by other awards and industrial agreements.

Definitions

2. (a) "Officer" shall include all persons not already covered by any other award or industrial agreement, but shall not include officers mentioned in subclauses (a), (b), (c), and (d) of clause 1 hereof.

(b) "Casual officer": Any person employed for less than two weeks continuously shall be termed a casual officer.

(c) "Substantially" means engaged at a particular job for more than 50 per cent of the time during any pay period.

Hours of Work

3. (a) The normal hours of work shall not exceed 40 per week, eight of which shall be worked on each of five days of the week, between the hours of 8 a.m. and 5 p.m., Monday to Friday inclusive: Provided that field officers under this award employed by catchment boards shall be exempt from the daily clock hours.

(b) Where prior to the date of this award any local authority party to this award has been customarily observing shorter daily or weekly hours than those hereinbefore specified, the local authority shall continue to observe such shorter hours.

(c) Officers engaged at the times of yearly balance, annual estimates, rate penalty period, issue of rate demands, and reminders may be employed for a period not exceeding 80 hours per fortnight, Monday to Friday inclusive, without payment of overtime.

Emergency Work

4. (a) Emergency work shall mean work necessitated by wind, rain, fire, snow, storms, floods, tides, and earthquakes, and requiring immediate attention to keep open essential services and shall include opening lake outlets.

(b) In the case of such emergency work, and notwithstanding anything contained elsewhere in this award, the following provisions shall apply:

(i) Except on the holidays named in subclause (b) of clause 12 and on Saturdays and Sundays, up to eight hours may be worked on any one day without payment of overtime, and time and a half rates shall be paid beyond eight hours' work on such days.

(ii) On Saturdays time and a half rates shall be paid for all time worked.

(iii) On holidays provided in subclause (b) of clause 12 ordinary time shall be paid for the first eight hours in addition to the holiday pay provided for in subclause (b) of clause 12. Double time shall be paid for work done beyond the first eight hours and for all work done on Sundays.

(c) In the event of any difference of opinion arising as to what constitutes emergency work under this clause, the work shall proceed and a disputes committee as comprised in clause 15 shall be immediately set up to deal with the matter.

Overtime

5. (a) Time worked outside or in excess of the hours specified in subclause (a) of clause 3 shall be considered as overtime and shall be paid for at the rate of time and a half for the first three hours and thereafter at double time. A minimum of three hours at overtime rates shall be paid for each call-back on any non-working day. Each day shall stand by itself.

(b) No overtime for which overtime rates are payable shall be worked by any officer without prior approval of the head of the department.

(c) Any officer called upon to work later than 6 p.m. on any day of the week shall be paid 5s. meal money if that officer cannot reasonably journey to and from his home for a meal.

(d) An officer shall not be required to work for more than five hours continuously without a reasonable interval for a meal.

(e) 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 of such traffic shall be conveyed to or from his home at the expense of the employer or shall be paid for time reasonably occupied in travelling at ordinary rates of pay. For the purpose of this award "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by such workers travelling to or from their work.

Rates and Conditions of Pay

6. (a) All male officers shall be paid in accordance with the following scale:

	Per Annum £
First year	335
Second year	385
Third year	440
Fourth year	505
Fifth year	590
Sixth year	660
Seventh year	705
Eighth year	745
Ninth year	795
Tenth year	855
Eleventh year	900
Twelfth year	930
Thirteenth year	965
Fourteenth year	995

Males with School Certificate commence at third year of scale.

Males with University Entrance commence at fourth year of scale.

(b) All female officers shall be paid in accordance with the following scale:

	Per Annum £
First year	335
Second year	370
Third year	410
Fourth year	485
Fifth year	540
Sixth year	575
Seventh year	625
Eighth year	670
Ninth year	725

Females with School Certificate or Junior Government Shorthand Typing Examination commence at third year of scale.

Females with University Entrance or Senior Government Shorthand Typing Examination commence at fourth year of scale.

(c) For the purpose of qualification under the foregoing scales, experience in any employment of a similar character to that covered by this award shall be counted as if it were experience in employment covered by this award.

(d) The employer may engage an officer at any stated rate of salary in the scale, being not less than the amount to which the officer is entitled under the award; provided that such commencing rate shall be increased by the increments for subsequent service as set out therein.

(e) *Special Grade*—(i) An officer may be promoted to a special grade if, in the opinion of the employer, some advancement beyond the specified steps of the general scale is justified on the basis of merit, proficiency, service, or responsibility. On appointment to the special grade the officer's existing salary shall be increased by not less than £25 per annum. Each year the employer shall review the salaries of any such officers in the special grade and any increase in remuneration shall have effect from the 1st day of April in that year.

(ii) Officers who, on the coming into force of this award are already in a special grade as provided in this subclause, shall have their existing salaries increased by an amount being not less than the additional rate (if any) granted by virtue of this award to officers on the fourteenth year of scale rate: Provided that where any officer so graded has had an increase granted as from the 1st day of April, the amount so granted may be offset against any increase payable under this subclause.

(f) An officer who substantially acts as cashier shall be paid 11s. 6d. per week extra as a cash risk allowance.

A meter reader who collects cash shall be paid 6s. per week extra as a cash risk allowance.

(g) A female employed on ledger-posting machines or book-keeping machines or analysis machines (other than adding machines) shall be paid 9s. per week in addition to the rate which she is receiving under subclause (b) of this clause.

(h) No deduction, other than superannuation and other such contribution as may be agreed upon between the employer and the officer, shall be made from the wages of any officer except for time lost by the officer through default or sickness beyond the provisions of clause 13.

(i) No officer covered by this award now in receipt of a higher salary shall have his or her salary reduced by virtue of the coming into force of this award.

(j) Except by mutual agreement, salaries including overtime shall be paid at not longer than fortnightly intervals and during working hours.

(k) Every temporary or casual officer shall be paid 20 per cent *pro rata* above the weekly rate.

(l) The hours of library staff may be arranged to provide that the ordinary hours may extend beyond 5 p.m. on any day Monday to Friday inclusive, and between 9 a.m. and 12 noon on Saturdays: Provided that 40 hours or the existing customary hours where less shall not be extended without the payment of overtime: Provided, also, that not more than eight hours shall be worked on any day without payment of overtime.

To compensate for the elasticity of hours when worked, the employees concerned shall be paid 7s. 6d. per week additional on usual rates.

Bonuses and Qualifications

7. Where an officer employed by any local authority party to this award obtains a full pass (subject to the sectional examinations) in one of the examinations listed below, he shall, on completion of the salary year in which he obtains the pass and each year thereafter, have added to his appropriate scale rate an allowance as denoted below: Provided that an officer holding more than one qualification shall be paid for that carrying the higher allowance.

The allowance shall apply or continue only while the officer concerned is engaged on duties to which the qualification is appropriate:

- (i) B. Com. (Three subjects, £15 allowance.)
 B.E. (Three subjects, £15 allowance.)
 A.M.I.C.E. (Section A, £15 allowance.)
 A.M.I.E.E. (Section A, £15 allowance.)
 New Zealand Engineers Registration Board Examination (Civil Engineers Section). (Section A, £15 allowance.)
 New Zealand Engineers Registration Board Examination (Electrical Section). (Section A, £15 allowance.)
 Registered Surveyor. (Three subjects, £15 allowance.)

The total of all allowances payable for any of the above examinations shall not exceed £45.

- (ii) New Zealand Institute of Local Body Administrative Officers.
 Chartered Institute of Secretaries.
 Accountancy Professional.

An allowance of £15 on passing three sections with a maximum of £45 on completion.

	£	s.	d.
(iii) New Zealand Institute of Secretaries	30	0	0
A.C.I.S.	40	0	0
A.M.R.S.H.	30	0	0
M.R.S.H.	30	0	0
N.Z. Certificate of Engineering	30	0	0
(iv) Highways overseer and foreman's certificate	22	10	0

Conditions of Employment

8. (a) All other things being equal, it is desirable that in making appointments to staff positions preference shall be given to officers already on the staff.

(b) Applicants before joining the staff shall pass a medical examination by a selected doctor, if required to do so.

(c) In offices in which three or more females are employed reasonable accommodation shall be provided for their exclusive use. Where satisfactory arrangements do not already exist, there shall also be provided, if practicable, a room with suitable couch accommodation to be used in cases of temporary indisposition, but where it is impracticable to set a room apart for that purpose it will be sufficient for a couch or couches to be provided in a portion of the cloakroom screened off for privacy.

(d) Adequate lighting, heating, and ventilation shall be provided in all offices.

Rest Period

9. An interval not exceeding 10 minutes shall be allowed to the staff each morning and afternoon.

Uniforms

10. Every employee who is required by the employer to wear a uniform when on duty shall be provided with same at the expense of the employer.

Employees required to work outside in all weathers shall be supplied with suitable waterproof clothing or where an allowance is made existing conditions shall continue.

Officers Performing Higher-grade Duties

11. (a) Any officer who is instructed to perform the duties of a higher-grade officer under this award, shall if he occupies the higher position for more than three weeks continuously, be paid from the date upon which he commenced the higher-grade duty, and while engaged in performing such higher-grade duties

at a rate not less than the minimum salary paid for the higher position. This clause shall not apply to an officer relieving another officer on paid sick leave or on annual holiday.

(b) No officer in the employment of any of the local authorities party to this award, who at the date of this award has been carrying out any of the duties within the scope of this award, and who is in receipt of a higher lawful rate of remuneration than that provided by this award at the time of its coming into force shall have his or her rate of remuneration reduced, nor shall any worker suffer any reduction of status due to the operation of this award.

Holidays

12. (a) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944, but in the case of officers with 10 years' continuous service part of which may have been served with any other local authority in New Zealand or, at the discretion of the county council or board party to this award, similar local body experience in New Zealand, three weeks' holiday shall be allowed.

(b) The undermentioned shall be paid holidays and shall not be considered as part of the annual holidays: New Year's Day and the following day, Anniversary Day or a day in lieu thereof, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(c) In addition to any payment to which a worker is entitled under subclause (b) of this clause, time worked on any of the above-named holidays or on Sundays shall be paid for at twice the ordinary rate.

(d) When any holiday in subclause (b) of this clause, other than Anzac Day, falls on a Saturday or Sunday, the following Monday or Tuesday shall be observed.

Sick Leave

13. (a) Subject to the following provisions each employee shall be entitled to 10 working days' sick leave on full pay for each completed year of service with the parties to this award:

(i) A medical certificate signed by an approved medical officer shall, if required, be produced where sick leave is taken.

(ii) The employer shall have the right to deduct the number of days of sick leave already taken by the officer from the total number the officer is entitled to by calculation in order to determine the number of days due to him in the event of his falling sick.

(iii) In any case either party may refer a claim for sick leave to a disputes committee.

(b) The employer may grant leave of absence on full pay where, in its opinion, an employee is incapacitated by injury arising out of and in the course of his or her employment. Such leave shall be in addition to the sick leave mentioned in subclause (a) of this clause.

Expenses

14. (a) All authorised out-of-pocket expenses incurred by any officer in the execution of his duties shall be paid by the employer.

(b) Officers who provide their own cars approved by and at the request of the employer, for carrying out their official duties, shall be paid an allowance in accordance with the Public Service scale: Provided that no officer now in receipt of a higher allowance shall have his or her allowance reduced by virtue of the coming into force of this award.

(c) Officers shall be paid an allowance of 3s. for each week during which they are required to use their own bicycle in the performance of their duties.

Matters Not Provided For

15. 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 hereby 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 comprised of two persons representing the employing local authorities party to this award and two persons representing the officers of such local authorities, 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: Provided that all disputes shall be considered by the committee within one month of the date of notification to the union concerned of such dispute. Either side shall have the right to appeal to the Court of Arbitration against a decision of any such committee upon giving to the other side written notice of such appeal within 14 days after the decision has been made known to the parties desirous of appealing.

Termination of Employment

16. Except in the case of casuals, in the absence of special written agreement between the officer and the local authority one month's notice of resignation or dismissal shall be given by the officer or the local authority, except in the case of misconduct where an officer shall be subject to instant dismissal; but this shall not be deemed to restrict or in any way impair the statutory powers as to appointment or dismissal of officers vested in local authorities.

Effective Operation of Award

17. (a) The secretary or other authorised officer of the union of workers shall, with the consent of the employer (such consent not to be unreasonably withheld), be entitled to enter at all reasonable times the office or works and there interview any workers, but not so as to impede the work.

(b) In every establishment the employer shall at all times keep a time and wages book showing in the case of each employee:

- (i) The name of the officer, together with his age if under 21 years;
- (ii) The kind of work on which he is usually employed;
- (iii) The hours worked on each day;
- (iv) The wages paid on each pay day and the date thereof; and
- (v) Such other particulars as are prescribed by regulations.

(c) Employers bound by this award shall, upon request by the union, supply a list of their officers 18 years of age and over or who are in receipt of adult salary, covered by this award, and the date of commencement of new employees: Provided, however, that this request shall not be made more often than once every three months.

(d) The employer shall allow any officer or executive member of the union leave of absence on pay to attend union executive business, provided such leave does not exceed 12 hours in any period of three calendar months.

Unqualified Preference

18. (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

19. (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

20. 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 local authority 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 districts to which this award relates.

Scope of Award

21. This award shall operate throughout the Taranaki, Wellington, Marlborough, Nelson, and Westland Industrial Districts.

Term of Award

22. 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 October 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 19th day of December 1962.

[L.S.]

K. G. ARCHER, Judge.

MEMORANDUM

The matters which the Court was required to settle related to the industry to which award applies (clause 1), rates and conditions of pay (subclauses (a) and (l) of clause 6), and term of award, including the operative date of provisions relating to wages.

For the purposes of section 174B of the Industrial Conciliation and Arbitration Act 1954 (as enacted by the Industrial Conciliation and Arbitration Amendment Act 1961), the union of workers has produced to the Court a certificate from the Registrar of Industrial Unions in accordance with section 174E, showing that not less than 50 per cent of the valid votes recorded in a ballot conducted by the Registrar were in favour of the workers becoming or remaining members of the union. Accordingly the Court in making the award has inserted an unqualified preference provision (clause 18) in the form in which it has usually been agreed upon by assessors for other awards since the legislation took effect.

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.

COMMENT BY MR GRANT

I am firmly of the opinion that the salary limits which exclude employees from the coverage of the award and from the authority of the union should be deleted from the award. The ostensible reason for these salary limits is to ensure that administrative officers are excluded from the operations of the union and the award. In so far as these officers are concerned one can agree with the intention of the salary limits, but when the salary limits are so low that junior officers, and even typists, are removed from the coverage of the award, sometimes to the financial detriment of these junior officers, then such a spurious bar should be removed. Already certain officers are specifically mentioned as being excluded from the coverage of the award and surely it would not be too difficult to extend such a list.