

TARANAKI, WELLINGTON, MARLBOROUGH, NELSON, AND WESTLAND LOCAL BODIES' 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 councils (hereinafter called "the employers"):

CITY COUNCILS

Hastings	Nelson	Wanganui
Napier	New Plymouth	

BOROUGH COUNCILS

Blenheim	Hokitika	Richmond
Carterton	Levin	Shannon
Dannevirke	Martinborough	Stratford
Eastbourne	Marton	Taihape
Eketahuna	Masterton	Taradale
Featherston	Motueka	Tawa
Feilding	Ohakune	Upper Hutt
Foxton	Otaki	Waipawa
Greymouth	Pahiatua	Waipukurau
Greytown	Petone	Wairoa
Havelock North	Picton	Westport
Hawera	Raetihi	Woodville

TOWN COUNCILS

Hunterville	Mangaweka	Waverley
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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 on the day of the date hereof and shall continue in force until the 31st day of May 1963 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 22nd day of February 1962.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. (a) This award shall apply to clerical employees and officers of municipalities, town councils, and to clerical employees and officers of any other duly constituted local authority or local body not covered by any other award or industrial agreement.

(b) Such officers shall not include:

- (i) Full-time chief, or sole executive officer;
- (ii) Male officers in receipt of a salary of more than £1,120 per annum (apart from overtime);
- (iii) Female officers in receipt of a salary of more than £750 per annum (apart from overtime).

Definitions

2. (a) "Officer" means a salaried employee of a local body or any employee appointed by resolution of the local body.

(b) "Casual employee" means a person employed for less than one month continuously.

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

(d) A "part-time" worker means a person employed for longer than one month continuously but who by arrangement is not employed for more than 25 hours weekly, within the limits prescribed in subclauses (a), (b), and (c) of clause 3.

Hours of Work

3. (a) The ordinary 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.

(b) Where, prior to the date of this award, any employer has been customarily observing shorter daily or weekly hours than those hereinbefore specified, that employer may continue to observe such shorter hours, but in such circumstances shall have the right to call upon its staff wherever necessary to cope with the work on hand, to work up to 40 hours per week without payment of overtime within the hours specified in subclause (a) of this clause.

(c) 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.

These hours shall also apply to traffic officers, health and sanitary inspectors, and bus inspectors, provided in their case not more than 10 hours including a meal break where it does not exceed 30 minutes, shall be worked in any one 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.

(d) Where special circumstances dictate, the hours of work may be extended or varied by mutual agreement between the officer concerned, the employer, and the local branch of the union, provided the officer is adequately compensated by the provision of free quarters, extended annual leave, payment in lieu of overtime, or in some other manner acceptable to all the aforesaid parties. In the event of failure to agree, the matter may be referred to a disputes committee as provided in clause 13.

Overtime

4. (a) Any time worked in any one day outside or in excess of the hours specified in 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. Double time rates shall be paid for all work performed on Sundays or after noon on Saturdays.

A minimum of two hours at overtime rates shall be paid for overtime worked on any non-working day.

(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) Where the usual duty of an officer requires attendance at council or committee meetings, it shall not count as overtime except in the case of stenographers, but shall count as part of the usual working week.

(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 conveyed to and 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 worker travelling to and from his work.

Rates and Conditions of Pay

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

	Per Annum £
First year	325
Second year	370
Third year	420
Fourth year	500
Fifth year	575
Sixth year	635
Seventh year	670
Eighth year	710
Ninth year	750
Tenth year	800
Eleventh year	850
Twelfth year	890
Thirteenth year	915
Fourteenth year	960

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	310
Second year	345
Third year	385
Fourth year	455
Fifth year	500
Sixth year	530
Seventh year	580
Eighth year	625
Ninth year	670

Females with School Certificate or with junior typing examination commence at third year of scale.

Females with University Entrance commence at fourth year of scale.

(c) The rates of pay and conditions of employment for the undermentioned workers shall be, if necessary, subject to mutual arrangement between the employer and the local branch of the union:

Rangers.	Pound-keepers.
Dog-tax collectors.	Reserve inspectors.

(d) For the purpose of qualifications 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.

(e) Meter-readers:

General scale up to and including eleventh year, with a minimum commencing salary of £675 if 21 years of age or over.

Readers who collect cash shall be paid a cashier's risk allowance of 7s. 6d. per week in respect of each week during which cash is collected.

Having regard to local circumstances, the rate to be paid to a clerk-meter-reader shall be arranged between the employer and the local branch of the officer's union.

In the event of failure to reach agreement, the matter shall be dealt with as provided in clause 13 of this award.

(f) The commencing rate for traffic inspectors shall be the rate as for the seventh year of service, thereafter with annual increments according to scale.

(g) An officer who acts as a cashier shall be paid 7s. 6d. per week as a cashier's risk allowance. Officers relieving during meal intervals shall not qualify for this allowance, but officers appointed as relieving cashiers shall receive this allowance.

(h) Any person substantially employed on ledger-posting machines or book-keeping machines or analysis machines (other than adding-machines) shall be paid 7s. 6d. per week in addition to the rate which that person is receiving under subclauses (a) or (b) of this clause.

(i) No deduction (other than superannuation or such other contribution as may be agreed 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 9.

(j) 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.

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

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

(m) An officer who obtains a full pass in one of the examinations mentioned hereunder shall, as from the first of the month subsequent to the date on which he successfully sat the final examination, be credited with one year's extra service. Where employment of a similar character extends beyond 14 years, he shall thereafter be paid £35 per annum above the rate prescribed for the fourteenth year of service.

An officer who obtains a full pass in one of those examinations in the fourteenth or subsequent year of service shall be entitled as from the first of the month subsequent to the date on which he successfully sat the final examination and thereafter to payment of £35 per annum above the rate prescribed for the fourteenth year of service.

An officer who at the date of this award has already obtained a full pass in one of the undermentioned examinations and has not received extra payment shall become entitled to the benefit of this clause as from the date upon which the award is made.

The credit or payment referred to in this clause shall apply or continue only while the officer concerned is engaged in duties to which the examination is appropriate, e.g., the holder of a full pass in the examination for membership of the New Zealand Institute of Surveyors must be employed in surveying or valuing duties; the holder of a full pass for Library Certificates transferred from library to general office duties would cease to qualify for the benefits of this clause until again employed in library duties.

In crediting a female officer with a bonus for a qualification, the reference to "14 years" or "the fourteenth year of service" shall be read as "nine years" or the "ninth year of service".

The examinations to which this subclause shall apply are:

The New Zealand Library Association's General and Children's Librarian's Certificate.

A.A.S.E.

A.O.S.M.

A.C.S.E.

M.R.S.H.

A.R.S.H.

Public Service Senior Shorthand-typists' Examination.

Public Service Shorthand-typists' Examination (Special).

Public Service Senior Shorthand-typists' Reporters' Examination.

In lieu of the foregoing payment of £35 per annum, in respect of the following examinations the payment shall be £45 per annum:

The New Zealand Institute of Surveyors.

A.M.I.C.E. B.Sc.

A.M.I.E.E. B.E.

A.M.I.M.E. B.A.

A.N.Z.I.A. B.Com.

A.R.I.B.A. LL.B.

The New Zealand Institute of Local Body Administrative Officers.

Accountancy Professional.

Chartered Institute of Secretaries.

(n) *Part-time Workers*—(i) Where the employer does not regularly require the services of the worker for the full period of 40 hours per week, he shall pay such worker *pro rata* the appropriate scale salary plus 10 per cent.

(ii) Where a worker is unable to accept full-time employment the employer shall pay *pro rata* the appropriate scale salary.

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

(o) (i) *Grade II*—Officers may be promoted to Grade II if, in the opinion of the employer, some advancement beyond the highest step of the general scale is justified on the basis of merit, proficiency, service, or responsibility. On appointment to Grade II the officer's existing salary shall be increased by not less than £15. Each year the employer shall review the salaries of officers in this grade and in the event of the employer granting an additional increment, such increment shall have effect from 1 April in that year.

(ii) Officers who on the coming into force of this award are graded Grade II, shall be paid an additional sum being not less than £20 per annum on the rates being paid to them immediately prior to that date.

Provided that in respect to any officers who may have been granted an increase in terms of paragraph (i) hereof as from 1 April 1961, the additional sum of not less than £20 shall be reduced by the amount of the increase granted from 1 April 1961.

(p) The employer may engage an officer at any stated rate of salary in the scales 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 herein.

(q) For the purpose of qualifications 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.

Conditions of Employment

6. (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, where 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 cloak-room screened off for privacy.

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

Rest Period

7. An interval not exceeding 10 minutes shall be allowed each morning and afternoon.

Holidays

8. (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 or, at the discretion of the local authority, similar local body or governmental experience, 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, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and two other days to be arranged between the employer and his employees. The employer shall notify the union of the two days agreed upon.

(c) The provisions of the Public Holidays Act 1955, shall be deemed to be incorporated in this award.

(d) Where practicable, the annual holidays shall be given in proximity to the Christmas or Easter holidays, and the employer shall give officers as much notice as is practicable of the date of the annual holiday.

(e) This award shall not operate so as to reduce the aggregate number of days' holidays previously enjoyed by any officer under the award during his present employment, nor shall the days mentioned herein be used in lieu of, or as an offset to such previous customary holidays.

(f) Except as may be provided in accordance with the provisions of subclause (d) of clause 3, time on duty on any holiday mentioned in subclause (b) of this clause shall be paid for at double time rates in addition to the usual rates.

Sick-leave

9. (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.

(c) In the event of an officer being injured in circumstances not arising out of or in the course of his employment so that he is able to successfully claim loss of earnings from a third party, the employer may require such officer to repay the amount which has been paid to him as sick-leave but in no case exceeding the amount recovered in respect of loss of earnings. Such officer's sick-leave credit as computed above will be restored for the period represented by any such repayment.

Expenses

10. (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.

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

(d) Meter-readers who are required to use their own bicycles in the performance of their duties shall be paid a weekly allowance of 3s. 6d.

Uniforms

11. Existing conditions as to uniforms shall continue. Officers required to work in all weathers shall be supplied with suitable waterproof clothing.

Officers Performing Higher-grade Duties

12. Any officer who is instructed to perform the duties of a higher-grade officer under this award shall, if he occupies the higher-grade position for more than three weeks continuously, be paid from the date upon which he commenced the higher-grade duty, and whilst engaged in performing such higher-grade duty, at a rate not less than the minimum salary for the higher position. This clause shall not apply to an officer relieving another officer on paid sick-leave or on annual holiday.

Matters Not Provided For

13. The essence of this award being that the work of the employer 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 comprised of two persons representing the employers and two persons representing the officers, 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 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

14. Except in the case of casuals, in the absence of special written agreement between the officer and the employer, one month's notice of resignation or dismissal shall be given by the officer or the employer except in cases 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.

Workers to be Members of Union

15. (a) Subject to the provisions of sections 174 (5) and 175 of the Industrial Conciliation and Arbitration Act 1954, it shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award.

(b) For the purposes of sub-clause (a) of this clause a person of the age of 18 years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of 21 years and upwards, shall be deemed to be an adult.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union, commits a breach of this award, and shall be liable accordingly.

(Note—Attention is drawn to section 174 (3) of the Industrial Conciliation and Arbitration Act 1954 which gives to workers the right to join the union.)

Under-rate Workers

16. (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.

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 of age;
- (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 members of the union leave of absence on pay to attend union business provided such leave does not exceed 12 hours in any period of three calendar months.

Scope of Award

18. (a) This award shall operate throughout the Taranaki, Wellington, Marlborough, Nelson, and Westland Industrial Districts.

(b) 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 districts to which this award relates.

Term of Award

19. This award shall come into force on the day of the date hereof and shall continue in force until the 31st day of May 1963.

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 22nd day of February 1962.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters referred to and settled by the Court related to the application of award (clause 1 (b) (ii) and (iii)), rates and conditions of pay (clause 5 (a), (b), (e), and (o)), officers performing higher-grade duties (clause 12) and term of award.

Mr Grant is not in agreement and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR GRANT

I am at variance with the majority of the Court, particularly in so far as the salary schedules are concerned for both males and females. The increases awarded are insufficient. I would have liked to see one salary schedule introduced to cover workers of both sexes.

I cannot but support, in principle, an application for equal pay for women in industry although I am reminded of W. R. Inge, who said: "It is useless for the sheep to pass resolutions in favour of vegetarianism while the wolf remains of a different opinion." It has to be repeated, however, that the final efforts towards political, social and economic freedom for women - within the limitations of our system of society - will not be achieved by any application to the Court of Arbitration (which is not an organ of reform) but will only be achieved by the political and industrial pressure of the working women themselves aided by their trades unions and other organisations.

It is pertinent to observe that there were 131,531 women in industry in 1950 and this number increased to 174,096 in 1960, exclusive of part-time women workers, of whom there are many thousands. This labour force must increase rapidly with an expanding population and, combined with an expanding industrial development and an ever-increasing simplification of productive processes, will, unless the wages and salaries of women workers are stepped up sharply in the comparatively near future, threaten the wage and salary structure of men and women alike.