

TARANAKI AND OTAGO AND SOUTHLAND SUGAR OF MILK FACTORIES
EMPLOYEES—AWARD

[Filed in the Office of the Clerk of Awards, New Plymouth]

In the Court of Arbitration of New Zealand, Taranaki and Otago and Southland 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 Dairy Factories and Related Trades Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned association and companies (hereinafter called “the employers”):

New Zealand Dairy Factories Industrial Association of Employers, 8–12 The Terrace, Wellington.

Fletcher, W. and R., Ltd. (Mataura), Mataura, Southland.

The Lactose Co. of New Zealand Ltd., P.O. Box 83, Hawera.

The Lactose Co. of New Zealand Ltd., P.O. Box 20, Edendale.

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 17th day of November 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 17th day of May 1962.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the sugar of milk industry and shall comprise and include all operations appertaining to: the collection and/or delivery of whey and products therefrom, the evaporation and/or any treatment of the aforesaid, the production for and manufacture of sugar of milk and products, including by-products and the packing thereof, and all incidental work connected with or arising from any of the aforesaid sections, including maintenance of factory plant and buildings.

Hours of Work

2. (a) The ordinary weekly number of hours that may be worked by all workers shall be 40. The working week shall commence at midnight on Saturday, except in the case of a shift worker whose week shall commence at the starting time of the first shift following midnight on Saturday.

(b) Such hours shall be worked on five days of the week, with a maximum of eight hours on any day without payment of overtime.

(c) The hours of work in each day shall be deemed to be continuous except for the intervals in subclause (e) of this clause and clause 15.

(d) Where practicable, each worker shall be allowed two days off consecutively.

(e) Workers shall be allowed an interval of 10 minutes morning and afternoon for smoko without deduction of pay and without interfering with the continuity of the work.

(f) Workers "days off" shall be on a rotating roster system and posted up in a position accessible to workers at least two weeks prior to its commencement. Such roster shall be for a minimum period of one week. In cases of sickness, accident, or absence of a regular worker, or by arrangement with the union representative, it may be varied but not otherwise.

A roster will not be necessary for workers regularly employed in a Monday to Friday week.

Shift Work

3. All workers employed on shifts entailing work before 6.30 a.m. or after 6 p.m. shall be paid 5s. per shift extra.

Overtime

4. All time worked in excess of the hours prescribed in clause 2 hereof shall be paid for at time and a half for the first eight hours and thereafter double time, except that for all time worked on the seventh day of any week double time shall be paid.

Holidays

5. (a) Every worker covered by this award shall be allowed the following holidays: New Year's Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, the third Monday in July, or in the case of Messrs W. and R. Fletcher Ltd., Matura, some other day to be mutually agreed upon, and Invercargill Show Day or Taranaki Anniversary Day which shall be observed on the day agreed upon between the Taranaki Trades Council and the Taranaki Employers' Association.

(b) The provisions of the Public Holidays Act 1955, which deals with the transfer of holidays, shall apply.

(c) No deduction shall be made from the wages of any worker in respect of any of the holidays prescribed in subclause (a) of this clause.

(d) For time worked on any of the above holidays double ordinary rates shall be paid in addition to the ordinary weekly wage with a minimum payment of eight hours. For time worked on a worker's rostered "day off" overtime rates shall be paid with a minimum payment of eight hours. Only time worked will be counted in calculating the weekly hours of work.

(e) When a worker's weekly "day off" falls upon any of the above holidays he shall be paid an extra day's wages at ordinary rates.

Saturdays and Sundays

6. (a) The year shall commence on the first day of August. It is the intention that any Saturday or Sunday worked in excess of at the rate of 26 for the year shall be paid for at time and a half for Saturdays and double time for Sundays. Accordingly, any worker who works more than 26 Saturdays in the year, or more than 26 Sundays in the year, and any worker who works more than the number of Saturdays or more than the number of Sundays relative to 26 for the year, in a lesser period of employment during the year aforesaid, shall be paid for such additional Saturdays at the rate of time and a half and for such additional Sundays, at the rate of double time.

(b) All male workers who have worked any fortnight in a year shall be paid for each such fortnight 12 hours at ordinary rates in addition to their ordinary wages.

(c) In addition to the payments specified in subclause (b) of this clause, for work done on any Saturday in excess of 26 in the year, or for a proportionate number for any lesser period, time and a half shall be paid and for work done on any Sunday in excess of 26 in the year, or for a proportionate number for any lesser period, double ordinary rates shall be paid.

(d) The employer shall render to each worker a statement of his Saturdays and Sundays worked. Such statement shall be made up to each 31st day of July, or where a worker has left the employer's employment, or been dismissed, to the date he left or was dismissed.

(e) With the statements payment shall be made of any necessary adjustments for any excess Saturdays or excess Sundays worked.

Casual Labour

7. (a) A worker engaged for less than five days shall be deemed a casual worker and shall be paid on an hourly basis 10 per cent above the weekly rate prescribed for a weekly worker.

(b) A casual worker working on Saturday afternoons, Sundays, or holidays prescribed in clause 5 shall receive the additional payments prescribed under the Factories Act.

Holiday Periods

8. All workers who have completed at least 33 weeks' service in each year shall be given three weeks' holiday on full pay, and workers with less than 33 weeks' service shall be given a holiday on full pay of proportionate duration. Provided that where a worker terminates his employment before he has completed his first 12 months' continuous service he shall only be entitled to holiday pay in accordance with the Annual Holidays Act 1944. At least 14 days' notice shall be given to the worker prior to the commencement of his holidays. For the purposes of this clause the year shall be deemed to commence on the 1st day of August.

Employment of Youths

9. Youths may be employed in the proportion of one to five adult workers, but extra youths may be employed by agreement between the employer and the union.

Employment of Females

10. Females may be employed only in the laboratory and the packing department, but no female shall be permitted to lift packages of a weight in excess of 28 lb.

Wages

11. (a) Adult males shall be paid not less than the following rates of wages:

	Per Week		
	£	s.	d.
(i) Workers other than those specified in paragraph (ii) hereof	13	5	0
(ii) Motor mechanics	14	16	1
Engine drivers (first-class certificate)	14	11	1
Engine drivers (second-class certificate)	14	2	5
Whey evaporators	14	7	5
Tank lorry drivers suitable for class II roads or drawing four wheel trailer	14	7	5
Tank lorry drivers suitable for class III roads	14	2	5

(b) At each factory there shall be one leading hand for each complete eight workers under this award. A leading hand shall receive 2s. per working day in addition to all other payments. If four or more tanker drivers are employed at any factory one driver shall be a leading hand under this requirement.

(c) Any worker who is employed as a substitute for another worker receiving a higher rate of pay shall be paid such higher rate while so employed.

(d) Workers on manually discharged crude sugar machines, drumming mother-liquor, coal trimming and whey lorry driving shall receive 6d. per working day in lieu of a boot allowance.

(e) The employer shall supply at his expense suitable overalls to all workers, and where it is a condition of employment that special clothing shall be worn, the same shall be supplied without charge. All overalls and/or clothing so supplied shall be laundered by the employer without charge.

(f) *Youths*—Youths may be employed at not less than the following rates of wages:

	Per Week		
	£	s.	d.
Under 16 years of age	5	7	6
From 16 to 16½ years of age	6	3	0
From 16½ to 17 years of age	6	18	3
From 17 to 17½ years of age	7	13	9
From 17½ to 18 years of age	8	13	0
From 18 to 19 years of age	9	17	10
From 19 to 20 years of age	11	2	1

Thereafter at the rates prescribed for adult males.

(g) *Females*—Females may be employed at not less than the following rates of wages:

	Per Week		
	£	s.	d.
Under 19 years of age—			
First six months	5	9	4
Second six months	6	0	10
Third six months	6	14	2
19 to 20 years of age	7	12	6

Provided that upon attaining the age of 19 years not less than the rate prescribed for this age shall be paid.

Thereafter 8 12 1

(h) When, during any year commencing from 1 August, a worker is shifted to work entailing the payment of higher wages and is employed in that position for not less than 17 weeks he shall be paid such higher wages for the balance of the year; and no worker employed in a position for not less than 17 weeks in any year commencing from 1 August shall be paid wages less than those appropriate to that position.

Dirt Money

12. (a) When workers are required to enter flues or back-end smoke boxes for the purpose of cleaning them or to chip and/or clean the interior of boilers while such boilers are laid off for inspection or overhaul, or to enter and clean vapour pipes, they shall be paid 1s. per hour extra with a minimum of 2s. 6d. per day. When they are required to clean boiler tubes or apply apexior or similar scale preventative they shall be paid 2s. 6d. per day extra.

(b) When a worker is required to enter a boiler or furnace within 12 hours of being blown down or fire drawn, he shall be paid 5s. extra per day or part of a day while so employed.

(c) Workers required to enter covered storage tanks or totally enclosed sugar bins or tank wagons to scrape, clean, paint, or repair shall be paid 2s. 6d. extra per day or part of a day while so employed. The payment in this subclause shall also apply to the following workers:

- (i) Drivers of motor lorries who pump mother-liquor overhead.
- (ii) Workers employed in drumming mother-liquor.
- (iii) Workers who spray-paint.
- (iv) Workers who are required to enter condensed whey storage tanks for the purpose of emptying them. Provided that when it is necessary to empty a solidified tank of condensed whey the payment shall be 10s. extra per day or part of a day in lieu of 2s. 6d.

(d) Workers employed in cleaning out tubes of whey evaporators shall be paid 6d. per hour extra with a minimum payment of 1s. per day.

Payment of Wages

13. (a) All wages shall be paid in cash and in full not later than Wednesday of each alternate week, and in the employer's time.

(b) There shall be included in each worker's pay envelope a statement in detail of wages, overtime, and all other payments and deductions.

(c) No deduction shall be made from the weekly wages and other payments provided herein, except for the following: Time lost through the worker's own default, for sickness or accident, for goods supplied, for rent of companies' dwellings occupied by the workers, for union dues, and for time lost at the worker's own request.

Time and Wages Book

14. The employer shall keep a time and wages book in which shall be correctly recorded:

- (a) The name of every worker employed.
- (b) The kind of work on which he or she is employed.
- (c) The daily hours of his or her employment, and
- (d) The wages paid each week.

Meal Times

15. (a) When a worker is required to stand by his plant during the meal-hour he shall be paid for such time at ordinary rates.

(b) Subject to subclause (a) no worker shall be called upon to work more than four and a half hours continuously without an interval for a meal.

(c) Workers, other than shift workers, required to work before 6.30 a.m. or after 6 p.m. shall be paid 5s. extra per day in addition to all other payments, including overtime, if any.

Right of Entry

16. For the purposes of this award any accredited representative of the New Zealand Dairy Factories and Related Trades Employees Industrial Union of Workers may, at all reasonable times, enter upon the premises of any employer bound by this award where the manufacture, processing, or packing of dairy produce is being performed: Provided that the representative shall, before entering the premises, notify the person in charge of the premises of his intention to do so.

Accidents

17. In the factories a suitable first-aid emergency case, fully equipped, shall be kept in an accessible and convenient place.

Accommodation and Sanitary Conveniences

18. The employer shall provide proper sanitary accommodation, and if required by the union shall install individual lockers. Suitable provision shall be provided for the workers to change their clothes. A sufficient supply of hot water shall be provided at meal times. A suitable shower with hot and cold water laid on shall also be provided.

Disputes and Matters Not Provided For

19. Any dispute in connection with any matter pertaining to or arising out of this award shall be settled between the employer and the branch secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the 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 within 14 days after such decision shall have been communicated to the party desiring to appeal.

Unqualified Preference

20. (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 rates of wages prescribed for adult workers by this award.

Under-rate Workers

21. (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.

Scope of Award

22. This award shall operate throughout the Taranaki and Otago and Southland Industrial Districts.

Term of Award

23. 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 25th day of March 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 17th day of November 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 17th day of May 1962.

[L.S.]

A. TYNDALL, 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 20 has therefore been incorporated in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.