

OTAGO BOROUGH COUNCILS' AND TOWN COUNCILS' OFFICERS—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 Clerical Workers Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned councils (hereinafter called “the employers”):

Alexandra Borough Council, Alexandra.
 Arrowtown Borough Council, Arrowtown.
 Balclutha Borough Council, Balclutha.
 Cromwell Borough Council, Cromwell.
 Green Island Borough Council, Green Island.
 Hampden Borough Council, Hampden.
 Kaitangata Borough Council, Kaitangata.
 Lawrence Borough Council, Lawrence.
 Milton Borough Council, Milton.
 Mosgiel Borough Council, Mosgiel.
 Oamaru Borough Council, Oamaru.
 Outram Town Council, Outram.
 Palmerston Borough Council, Palmerston.
 Port Chalmers Borough Council, Port Chalmers.
 Queenstown Borough Council, Queenstown.
 Roxburgh Borough Council, Roxburgh.
 St Kilda Borough Council, St Kilda, Dunedin.
 Tapanui Borough Council, Tapanui.
 Waikouaiti Borough Council, Waikouaiti.
 West Harbour Borough Council, Ravensbourne.

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 March 1965 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 6th day of May 1963.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. (a) This award shall apply to the offices in which workers affected by this award are employed and to all clerical workers employed therein, except those hereinafter exempted.

(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 that part of the industrial district to which this award relates.

Definitions

2. (a) For the purposes of this award the term "clerical workers" shall comprise all workers employed wholly or substantially at one or more of the following classes of work: writing, typing, shorthand writing, attending telephones, book-keeping, office machine operating, receiving and/or paying out cash, or in any other work related to the correspondence, accounts, office administration, or records of any local authority establishment to which this award applies.

(b) Nothing in this award shall apply to cleaners (male or female), lift attendants, messengers, and canvassers whose work is substantially outside the office, but this award shall apply to collectors who are substantially employed in collecting cash.

Hours of Work

3. (a) Except where otherwise provided herein, the hours of work shall not exceed eight per day nor 38 in any one week, such hours to be worked from Monday to Friday inclusive.

(b) To meet special circumstances, the weekly working period may be varied or extended to not more than 40 hours per week by agreement between the employer concerned and the secretary of the union.

(c) On rush occasions, such as times of local body elections, rate penalty period, issue of rate demands and reminders, special national and civic occasions, workers may be employed for a period not exceeding 40 hours per week without payment of overtime: Provided, however, that by agreement with the union the hours of work may be extended, but not so far as to exceed 80 hours per fortnight without payment of overtime.

(d) The daily hours of work provided for herein shall be continuous from the time of commencement and shall not be broken except for the regular meal intervals which shall not exceed one hour and a quarter in duration.

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

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. No overtime for which overtime rates are payable shall be worked by any employee without the approval of the head of the department in which the employee is employed.

(b) All time worked in any one day in excess of or outside the hours as provided in clause 3 hereof shall be deemed to be overtime. Payment for overtime shall be at time and a half for the first three hours, thereafter at double time rates.

(c) Time worked on Saturdays in addition to the normal working hours shall be paid for at time and a half for the first three hours and double time thereafter. Double time rates shall be paid for all work performed on Sundays or after noon on Saturdays.

(d) When a worker is required to work overtime on any day, the employer shall pay such worker not less than 5s. 2d. meal money if that worker cannot reasonably journey to and from home for a meal.

(e) Where an employee engaged on the business of his employer is prevented by the business of his employer from returning to his place of residence or is required to commence travelling before the normal starting time, he shall be paid at ordinary rates for such additional hours so occupied within any one day.

(f) Officers who are appointed by the council to specific positions on the council's staff such as treasurer, clerk, collector, or other such officers as may be appointed for specific duties under the Acts controlling local authorities, may work such hours as may be necessary to completely perform the work required of the officer, and this shall include attendance at meetings, taking of minutes, and the performance of usual routine work.

Rates of Remuneration

5. (a) Except in the case of employees specifically classified, all male employees shall be paid the following minimum scale:

Grade 1:	Per Annum £
First year	335
Second year	385
Third year	440
Fourth year	525
Fifth year	595
Sixth year	660
Seventh year	705
Eighth year	745
Ninth year	795
Tenth year	855
Eleventh year	900
Twelfth year	935
Thirteenth year	965
Fourteenth year and thereafter	995

Males with School Certificate shall be paid two years in advance of the scale rates set out herein.

Males with University Entrance shall be paid three years in advance of the scale rates set out herein.

Males with Higher School Certificate shall be paid four years in advance of the scale rates set out herein.

Provided, however, that no officer shall be employed as an accountant or chief clerk at a lesser salary than the maximum of Grade 1.

Lodging Allowance for the First and Second Years—If living away from home:

If on first year salary of £335, £52 per annum.

If on second year salary of £385, £35 per annum.

(b) *Meter-readers*—Meter-readers shall be paid according to the scale set out in subclause (a) of this clause. Readers who collect cash shall be paid a cashier's risk allowance of 8s. per week.

(c) Except in the case of employees specifically classified, all female employees shall be paid the following minimum scale:

Grade 1:	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 and thereafter	725
Assistant clerk-cashiers	740
Typists appointed to charge positions	750
Cashiers	750

Female accountants next in charge to the chief officer shall be paid the minimum rates provided for males in subclause (a) of this clause with a maximum of £825 per annum.

Female officers with Junior Government Shorthand-typing Examination or School Certificate shall be paid two years in advance of the scale of rates set out herein.

Female officers with Senior Government Shorthand-typing Examination or University Entrance shall be paid three years in advance of the scale of rates set out herein.

Females with Higher School Certificate shall be paid four years in advance of the scale of rates set out herein.

Lodging Allowance for First and Second Years—If living away from home:

If on first year salary of £335, £52 per annum.

If on second year salary of £370, £35 per annum.

(d) *Grade 2 Officers*—Officers may be promoted to Grade 2 if in the opinion of the employer some advancement beyond the highest step of the general scale is justified on the basis of merit, efficiency, service, or responsibility. On appointment to Grade 2 the officer's 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 April the first in that year.

(e) For the purposes of qualifications under the foregoing scales for males and females, 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.

(f) Should any question or dispute arise in connection with grading the matter shall be dealt with in accordance with the provisions of clause 26.

(g) Workers substantially engaged on the following machines shall be paid not less than 10s. 9d. per week in addition to the above rates:

(i) Accounting and bookkeeping machines, posting and analysis machines, if fitted with vertical and cross adding registers.

(ii) Calculating machines used for calculating work other than adding and subtracting.

(iii) Invoice machines fitted with adding registers and where any part of the keyboard is electrically operated and controlled or fitted with vertical and cross adding registers.

(h) A worker who substantially acts as cashier and not holding a graded position shall be paid 8s. per week in addition to the rate to which such a worker is entitled under subclauses (a) and (c) of this clause.

(NOTE—Attention is drawn to the fact that this award is to be read subject to the provisions of the Minimum Wage Act 1945.)

Bonus for Qualifications

6. 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.
- B.E.
- A.M.I.E.E.
- B.Sc.
- LL.B.

An allowance of £40.

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

An allowance of £15 on passing three sections with a maximum of £40 on completion.

Higher-grade Duties

7. 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 four 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.

Terms of Employment

8. The employment shall be deemed to be a fortnightly one and a fortnight's notice shall be given by either side; but this shall not prevent any council or board from summarily dismissing any worker for wilful misconduct or other just cause.

Payment of Wages

9. All wages shall be paid fortnightly within working hours not later than Thursday of the second week, but where agreement is reached through the union representative payment may be made monthly.

For the purpose of calculating the amount payable fortnightly in respect of the annual salary, the amount of the annual salary shall be divided by 26.

Proportion

10. The proportion of junior workers shall not be more than one junior to one or two adults, two juniors to three or four adults, three juniors to five or six adults, and thereafter not more than one junior for every three or fraction of three adults. For the purpose of this award a senior or adult shall be a worker 21 years of age or over.

Holidays

11. (a) The under-mentioned shall be paid holidays and shall not be considered as part of the annual leave: 1 January and the day following, Anzac Day, Good Friday, Easter Saturday (where Saturday is worked), Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day or a day in lieu thereof. In the event of a holiday, other than Anzac Day, falling on a Saturday or Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(b) Workers who are employed on any of the days set out in subclause (a) of this clause shall be paid at the rate of double time in addition to the weekly wages: Provided that in lieu of such payment the employer may, where mutually agreed upon, grant one day off for each such day worked, such day to be taken at a time to be mutually arranged or added to the annual holiday.

(c) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944: Provided, however, that after 10 years' continuous service with any local body the period of annual leave shall be three weeks.

(d) Unless otherwise mutually agreed, employers shall give at least two months' notice to all workers of the commencement of annual leave, and workers shall be paid for the annual holiday before its commencement.

Transport Allowance

12. In cases where a worker is required by his employer to use a motorcar, motor cycle, or bicycle in the performance of his work the employer shall supply the vehicle and keep it in proper repair; or if a worker is required to use his own vehicle the employer shall pay expenses as are mutually arranged, except that for a bicycle so used the weekly allowance made shall not be less than 3s.

Conditions as to Offices, etc.

13. (a) Every employer shall permit his employees, should they so desire, to have lunch on the premises during lunch intervals, and shall provide such conditions as will enable them to do so in reasonable comfort.

(b) *Dining Accommodation and Cloakrooms*—Reasonable dining accommodation for both male and female employees shall be provided in offices where not less than four workers are employed; also cloakrooms or enclosures in which reasonable privacy is secured for dressing. Where four or more female workers are employed there shall also be provided, where practicable, a room with suitable couch accommodation for rest in cases of temporary indisposition; but where it is impracticable to set a room apart for that purpose it shall be sufficient if a couch or couches are provided in a portion of the cloakroom screened off from the place where clothing is hung.

(c) *Lighting, Heating, and Ventilation*—Adequate lighting, heating, ventilation, and ablution facilities shall be provided in all offices. In conjunction with ablution facilities, means of drying shall be provided and, where towels are supplied, these shall be in such a form as shall allow of exclusive use by each worker.

(d) Where smocks or other special clothing are required by the employer to be worn, these shall be supplied and laundered at the employer's expense and shall remain the property of the employer.

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

(f) A rest interval of 10 minutes shall be allowed in the morning and afternoon for the purpose of partaking of refreshments, provided, however, that there is no interference with ordinary duties or inconvenience to the public.

Travelling Expenses

14. (a) Travelling expenses incurred by any worker under the instructions of his employer shall be paid by the employer.

(b) "Travelling expenses" shall mean first-class fares, transport to and from point of departure, plus the cost of meals and accommodation.

Sick Leave

15. Employees with under two years of service shall be allowed full pay for a period not exceeding two weeks in any one year; employees with service over two years and up to five years shall be allowed full pay for a period not exceeding four weeks in any one year; and employees with service for five years and over shall be allowed full pay for a period not exceeding two months in any one year, whilst absent from work through sickness. After the expiry of the above periods on full pay, half pay shall be granted for similar periods if the employee is still absent from duty through sickness. A medical certificate must be furnished by the employee to his employer in support of the employee's claim for sick pay, such medical certificate to be in the hands of the local authority's chief executive officer not later than 12 noon on the third day that the employee is off duty through sickness, otherwise payment of wages will cease. In the case of a junior worker under the age of 18 years a medical certificate must be furnished, but the local authority shall bear the cost of such certificate; and the local authority reserves the right to nominate the medical officer to examine the employee and furnish the certificates. An employee whose sickness is caused by his own misconduct is not entitled to the benefits of this clause.

Casual Workers

16. (a) A worker engaged for less than two weeks shall be termed a casual worker and such worker 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 local authority concerned.

(b) The employment of casual juvenile clerks is not permitted.

(c) Clerks engaged for elections or polls are exempt from the provisions of the award.

Wages and Time Book

17. The employer shall keep in the prescribed form a time book to show the hours per day of each employee, and to show morning hours, afternoon hours, and overtime hours. The system for payment of wages now in vogue in the different local authorities' offices, such system having the approval of the Government Audit Department, shall be continued.

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 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

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.

References

20. (a) Original references shall be the property of the employee or applicant and shall, on request, be returned within 48 hours after engagement or rejection of application.

(b) Each employee on leaving or being discharged from his employment shall, on request, be furnished within 24 hours thereafter with a reference in writing stating the position held and the length of service.

Right of Entry

21. The secretary or other authorised officer of the union 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 to interview any workers, but not so as to impede the work of the office.

Reduction of Wages

22. No employee coming within the scope of this award shall have his or her salary or wages reduced by reason of the operation of this award.

Validity of Agreement

23. (a) No agreement shall be valid which is or may be contrary to the provisions of this award, and no employee shall contract himself or herself outside the award, with the exception that, in respect of the amount of wages received by the employee for each pay period, there may be made a deduction for superannuation purposes or insurance purposes.

(b) In those local authorities where there is in existence a superannuation scheme with the National Provident Fund and it is mandatory that the employee be a contributor to the scheme, then such deduction from the wages of the employee to the funds shall be deducted from the wages of the employee on each pay.

Exemptions

24. Nothing in this award shall apply to full-time town clerks or to officers in receipt of a salary, excluding overtime payments and bonuses, of more than £1,035 per annum in the case of males, and £865 per annum in the case of females.

Part-time Local Body Officers

25. In the smaller local authorities where the volume of work is not sufficient to warrant the engagement of a full-time clerk, the conditions of employment and the rates of pay in the offices of such local authorities may be varied by agreement between the union and the particular authority concerned. Should there be no agreement the matter shall be dealt with under clause 26 hereof and the final decision thereon shall operate from the date of reference to the Commissioner.

Matters Not Provided For

26. 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.

Scope of Award

27. This award shall operate throughout the Otago and Southland Industrial District excluding that portion formerly known as the Province of Southland.

Term of Award

28. 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 first day of the pay period in each establishment commencing on or after the 1st day of April 1963, 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 1965.

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 6th day of May 1963.

[L.S.]

A. TYNDALL, 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 18 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.
