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MASTERTON MUNICIPAL EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Wellington, Nelson, Westland, and Marlborough Local Bodies, Other Labourers, and Related Trades Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned council (hereinafter called “the employers”):

Masterton Borough Council, Masterton.

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 28th day of February 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 30th day of May 1963.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE
Interpretation

1. This award shall apply to labourers and other workers specified hereunder employed by the Masterton Borough Council.

Hours of Work

2. Except where otherwise specified, the hours of work shall be 40 per week, eight hours daily between the hours of 7.30 a.m. and 5 p.m. on five days of the week from Monday to Friday inclusive.

Wages

| | | Per Week |
|-----------------------------------|-------|-----------|
| | | £ s. d. |
| 3. (a) <i>Parks and Reserves:</i> | | |
| First Assistant | ..... | 14 5 1 |
| Second assistant | ..... | 13 16 9 |
| Other park employees | ..... | 13 4 0 |
| <i>Gasworks:</i> | | Per Shift |
| | | £ s. d. |
| Leading stokers | ..... | 2 18 1 |
| Other stokers | ..... | 2 15 7 |

Where a worker is employed as an "other stoker" and is required to perform similar duties as the leading stoker (such as attending to and charging fires and cleaning retorts) he shall be paid the same shift rate as the leading stoker.

| | | Per Week |
|--|-------|----------|
| | | £ s. d. |
| Service layers | ..... | 13 9 6 |
| Yardmen | ..... | 13 9 6 |
| Labourers employed in the vicinity of the gas- | | |
| works or the yard | ..... | 13 2 1 |
| Rubbish collector | ..... | 13 9 6 |
| All other workers not specified | ..... | 13 2 1 |
| Drainlayer | ..... | 14 1 2 |
| Turncock | ..... | 14 9 6 |
| Assistant turncock | ..... | 13 5 4 |
| Waterworks caretaker | ..... | 14 2 3 |
| Poundkeeper (and free house) | ..... | 11 19 10 |
| Sexton | ..... | 14 5 8 |
| Kerber | ..... | 13 9 6 |
| Tipmen | ..... | 13 15 6 |

(b) For each Sunday funeral the sexton shall be paid an additional 15s.

(c) Workers actually operating tar-spray and worker assisting shall be paid 1s. 3d. per hour extra.

Workers engaged in boiling or mixing asphalt, tar, or bituminous mixtures, and workers wheeling from the mixer shall be paid 5d. per hour extra.

Workers actually handling tar for spraying shall be paid 4d. per hour extra.

Workers actually handling free tar or bitumen shall be paid 3d. per hour extra and shall be supplied with cleansing oil.

Workers working with tar or bituminous substances shall be supplied with boots, overalls, and oil for cleansing purposes; but this shall not apply to street or other patching.

Worker in charge of tar distillation shall be paid 1s. per hour extra.

(d) Men engaged in cleaning septic tanks shall be paid 1s. 3d. per hour extra.

(e) Workers engaged in foul drains or in cleaning blocked sewers, or workers coming into contact with faecal or sewage matter shall be paid 8d. per hour extra.

(f) Where workers are required to perform work of an unusually dirty, dangerous, or unpleasant nature, or carry extra responsibility not provided for in this award, any additional rate for such work shall be determined by the head of the department concerned: Provided that work already classed and paid for as dirty work shall not have that payment reduced by reason of this clause. Any disagreement arising from this clause shall be determined in accordance with the provisions of clause 6.

(g) Workers employed in feeding concrete-mixer or handling, mixing, or spreading wet concrete shall receive 4d. per hour extra.

(h) Grave diggers shall be paid an additional 2s. 7d. per grave on their usual weekly rates. Such payment shall be deemed to be a comprehensive allowance for all unpleasant work attached to grave diggers' duties except disinterment and/or reinterment and wet places as defined in clause 9.

(i) A worker required to act as a ganger or foreman shall be paid 6d. per hour in addition to his ordinary rate.

(j) Scythemen shall receive 6d. extra per hour whilst so employed.

(k) Workers driving motor mowers shall receive 8d. per hour extra whilst so employed. Workers driving tractors shall receive 3d. per hour extra whilst so employed. Overalls shall be made available to workers whilst operating motor mowers.

(l) *Special Engagements (Baths and Motor Camps) Female Restroom Attendant or Matron*—Notwithstanding anything elsewhere in this award, the hours of work and remuneration of workers engaged for seasonal periods of attendance at baths or motor camps and female restroom attendant or matron shall be subject to mutual arrangements between the employer concerned and the union, providing such arrangements are settled prior to any engagement.

(m) Workers who have been employed for a period of two years or more shall thereafter be paid a continuous service bonus of 7s. 6d. per week; workers who have been employed for a period of five years or more shall thereafter be paid a continuous service bonus of 10s. per week; workers who have been employed for a period of 10 years or more shall thereafter be paid a continuous service bonus of £1 2s. 6d. per week: Provided that stokers at the gasworks shall not receive this payment.

(n) Four shillings and sixpence per shift shall be paid to shift workers at gasworks employed on the noon to 8 p.m. and 4 a.m. to noon shifts. Should the present shift hours be altered during the currency of this award, the workers engaged on two of any amended shifts shall be paid the shift rate of 4s. 6d.

(o) Workers using or applying arsenical weed-killers shall be paid 3d. per hour additional to their usual rates.

Where necessary such workers shall be supplied with gloves, overalls, and goggles.

Overtime

4. (a) All work done outside of or in excess of the hours prescribed in clause 2 hereof shall be considered overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter, except as hereinafter provided.

(b) Gasworks stokers shall be excluded from the provisions of this clause, also skeleton staff required at the gasworks on Saturdays. Such workers shall be paid in accordance with the overtime provisions of the Factories Act.

(c) Refuse collectors shall be permitted to start at 6 a.m. and street sweepers at 5 a.m. during the summer, and half an hour later in each case during the winter months, and overtime rates shall not apply to these workers: Provided that not more than eight hours shall be worked in any one day and necessary time off allowed for meals.

(d) The provisions of this clause relating to the payment of overtime rates shall not apply to cases where lost time is made up as a result of mutual arrangement between the employer and the worker where special "time off" has been allowed.

Holidays

5. (a) The following holidays shall be observed and shall be paid for as if worked: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Anniversary Day, and one other day to be mutually agreed upon.

(b) 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, or being transferred to such Monday, such other holiday shall be observed on the succeeding Tuesday.

(c) Any work done on any of the above holidays or on Sundays shall be paid for at double time rates, except that in gasworks payment shall be made in accordance with the relevant provisions of the Factories Act.

(d) The provisions of the Annual Holidays Act shall apply to all workers coming within the scope of this award except that in the case of shift workers at the gasworks the annual holiday shall be of three clear weeks' duration, and in the case of other workers who have been in the service of the employer for 10 or more consecutive years the annual holiday shall be three weeks.

(e) The turncock and poundkeeper shall have one clear day's holiday every week and shall be excluded from the clock hours mentioned in clause 2.

(f) The provisions of the Public Holidays Act 1955 shall apply to workers employed under this award.

(g) Shift workers whose ordinary day off falls on one of the specified holidays shall be allowed another working day in lieu thereof, such day to be mutually agreed upon.

Disputes

6. 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 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 specifically dealt with in this award, every such dispute or difference shall be referred to a committee to be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. 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 such decision has been made known to the party desirous of appealing.

Payment of Wages

7. (a) All wages shall be paid fortnightly in cash on the job, at the council offices, or such other place as may be arranged from time to time. Payment shall be made during working hours not later than Thursday. In the event of a worker being dismissed, he shall be paid all wages due to him within one hour.

(b) In the case of workers who have been employed for one month or more, one week's notice of the termination of employment shall be given by the party desiring to terminate the employment, or one week's wages paid or forfeited as the case may be: Provided that nothing herein contained shall prevent the employer from summarily dismissing a worker for misconduct.

Accidents

8. A modern first aid emergency case, fully equipped, shall be provided and maintained by the borough council in a convenient and accessible place.

Wet Places

9. Workers working in wet places shall receive 3d. per hour extra.

A "wet place" shall be deemed to be a place where workers are standing in water 2 in. or more in depth, or where water, other than rainwater, is dripping upon them; the employer shall provide such workers with overalls, watertight gumboots, or both.

In tunnel work six hours shall constitute a day's work where workers are working in wet places within the meaning of this clause or in foul air, and shall be paid for as if the workers had worked eight hours.

Unqualified Preference

10. (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.)

Variation of Duties

11. Nothing in this award shall prevent any worker covered by it from doing work covered by another award or agreement: Provided that while so engaged he shall be paid at least the rate which is fixed in such other award or agreement.

Workers Receiving More Than the Minimum

12. In the case of employees at present employed by the borough council herein and who are receiving more than the minimum rate provided herein, their wages shall not be reduced by virtue of this award.

General Provisions

13. (a) Employers shall provide suitable oilskin raincoats, sou'wester hats, and gumboots to surfacemen when they are required to work in wet weather, and to workers required in wet weather to clear sumps, culverts, drains, or water tables. Workers using oilskin raincoats, sou'wester hats, and gumboots shall be held responsible for any loss or damage due to wilful destruction or neglect.

(b) A worker required by the employer to use his own bicycle or vehicle in conjunction with his work shall receive an allowance for same as shall be mutually agreed between the parties. In the event of failure to make any arrangement or to agree, the matter shall be referred to a disputes committee as provided for in clause 6 hereof.

(c) Stokers at the gasworks shall be paid a boot and glove allowance of £1 10s. per quarter.

(d) Yardmen and labourers employed in the gasworks shall be paid 2d. per hour additional to compensate for the times they may be employed on dirty work including the handling of tar.

(e) When men are required to work overtime after 6 p.m., provided that such workers cannot reasonably get home for a meal and return in the usual time allowed for the meal, the employer shall pay each worker the sum of 5s. 3d.

Scope of Award

14. This award shall apply to the Masterton Borough Council and to contractors carrying out work on behalf of the borough.

Term of Award

15. 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 2nd 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 28th day of February 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 30th 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 10 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.
