

AUCKLAND ROPE AND TWINE WORKERS—AWARD

In the Court of Arbitration of New Zealand, Northern Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Auckland Rope and Twine Workers Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned company (hereinafter called “the employers”):

Donaghy’s Rope and Twine Company Limited, Auckland.

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 27th day of July 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 7th day of August 1963.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Interpretation

1. This award shall apply to all workers employed by the employer named herein, except clerical and office workers and workers specifically provided for in other awards.

Hours of Work

2. (a) Except as otherwise provided, the ordinary hours of work shall not exceed eight per day from Monday to Friday, both days inclusive, to be worked between the hours of 7.45 a.m. and 5 p.m.

(b) Notwithstanding anything contained in this award, subsection (3) of section 19 of the Factories Act 1946 relating to the employment of workers in making preparations for the work of the factory shall be deemed to be incorporated herein.

(c) Not more than four and three-quarter hours shall be worked continuously without an interval or not less than three-quarters of an hour for a meal.

Night Shifts

3. Night shifts may be worked subject to the following conditions:

- (i) Not more than five shifts of eight hours each shall be worked in any one week;
- (ii) In the case of a night shift worker, overtime shall only be payable for work done in excess of eight hours on any one shift or in excess of 40 hours in any one week;
- (iii) A shift worker shall be allowed half an hour crib time without deduction from pay;
- (iv) Workers employed on night shifts shall be paid 7d. per hour in addition to the rates prescribed for day workers.

Wages

4. The minimum rates of wages for adult male workers shall be as follows:

	Per Week		
	£	s.	d.
Head ropemaker	14	18	4
Assistant ropemaker	13	16	8
Smallgoods ropemaker	13	16	8
Hackling machinists and leading hand on first spreader	13	11	4
Machine operator	12	16	10
General hands	12	6	6

A worker when in charge of travelling machine on rope walk, head ropemaker, assistant ropemaker, smallgoods ropemaker, and hackling machinists and leading hands on first spreader shall be paid adult wages whilst so employed.

A worker operating a spinning machine shall be paid 10s. per week above the machine operator's rate, female rate, or junior rate, whichever applies.

During the first week of a worker's employment he shall be paid a rate computed at one fortieth of the appropriate weekly rate prescribed herein.

Boys and Youths

5. (a) The minimum weekly rates of wages payable to youths shall be as follows:

	Per Week		
	£	s.	d.
Under 17 years of age	5	14	0
17 to 18 years of age	6	15	8
18 to 19 years of age	8	8	8
19 to 20 years of age	9	8	0
20 to 21 years of age	10	14	0

Thereafter not less than the rate for general adult hands.

(b) In the rope and twine department youths or boys may be employed in the proportion of two youths or boys to each three adult workers employed during the preceding six months for at least two-thirds full time, and there shall be no limit to the number of females who may be employed.

(c) In the shop twine and string department there shall be no limit to the number of youths, boys, or girls who may be employed.

Female Workers

6. The minimum weekly rates of wages payable to female workers shall be as follows:

	Per Week		
	£	s.	d.
Under 17 years of age	5	7	0
17 to 18 years of age	6	12	6
18 to 19 years of age	7	5	4
19 to 20 years of age	7	16	0
Thereafter	8	15	0

Terms of Employment

7. (a) The employment shall be deemed to be an hourly employment for the first week and thereafter a weekly employment, and no deduction shall be made from the weekly wages prescribed in clauses 4, 5, and 6 respectively except for time lost through the worker's default or sickness or through no fault of the employer.

(b) Not less than one hour's notice in the case of workers in hourly employment, and not less than one week's notice in the case of workers in weekly employment shall be given by either party of the termination of the employment; but nothing in this clause shall prevent the employer from dismissing summarily any worker for misconduct.

Holidays (Statutory)

8. (a) The following shall be recognised holidays which shall be paid for: Christmas Day, Boxing Day, New Year's Day and the day following that upon which New Year's Day is observed, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day or a day in lieu thereof.

(b) For work done on any of the above-mentioned days double time rates shall be paid in addition to the day's wages.

(c) For work done on Sundays, double time rates shall be paid.

(d) In the event of a holiday (other than Anzac Day) falling on a Saturday or a 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.

Holidays (Annual)

9. The provisions of the Annual Holidays Act 1944 shall apply to workers covered by the provisions of the award.

Meal Money

10. Employers shall give 24 hours' notice of overtime; failing that, they shall allow meal money at the rate of 5s. 3d. per meal where workers are required to work overtime after 6 p.m., provided that such workers cannot reasonably get home to their meals.

Overtime

11. (a) All time worked on any day outside of or in excess of the hours prescribed in clause 2 of this award shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) Whenever possible, workers shall not be required to work overtime on Friday nights.

Payment of Wages

12. Wages shall be paid not later than Thursday in each week and in the employer's time. Where a holiday occurs on Friday wages shall be paid on the Wednesday preceding.

Accidents

13. A St. John Ambulance first aid outfit, fully equipped, shall be kept in a convenient and accessible place in the factory, and also convenience for supplying hot water at short notice.

Conveniences

14. (a) Employers shall provide toilet soap and proper sanitary and washing conveniences, which shall be kept clean by the employer.

(b) Provision shall be made for suitable dining and dressing accommodation, also facilities for boiling water at mealtimes.

(c) These conveniences shall be arranged by the employer and the secretary of the union, and shall be kept clean by the employer.

Termination of Employment

15. All wages shall be paid on the dismissal of the worker. Where a worker leaves his employer of his own accord, all wages due to him shall be paid by the employer within the expiry of the notice required to be given in accordance with subclause (b) of clause 7 hereof.

Matters Not Provided For

16. Any dispute in connection with any matters not specifically provided for in this award shall be settled between the particular employer concerned and the executive of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner for the district, 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 seven days after such decision shall have been communicated to the party desiring to appeal.

Access to Factory

17. Every employer bound by this award shall permit the secretary or other authorised officer of the union to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

General Conditions

18. (a) When necessary, the employer shall, every six months, supply each female worker with either a smock or overalls and suitable headgear in good order which when supplied shall be laundered and kept clean by the worker.

(b) The employer shall, where necessary, supply polishers, tar-room men, and all operators working machines on tarred goods with waterproof aprons and gloves. A worker operating tar-pot shall be paid 2d. per hour extra while so employed.

(c) A 10 minute interval each morning and afternoon shall be allowed provided there is no complete cessation of work.

(d) A clothing allowance of ½d. per hour shall be paid to all male workers covered by this award.

Unqualified Preference

19. (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

20. (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.

Transport

21. Where workers are called upon to work overtime, or workers on shift work cease work, after the ordinary means of transport have ceased running, such workers shall be conveyed to their homes at the expense of the employer.

Scope of Award

22. This award shall apply to the parties named herein and to such other parties that may from time to time be added by order of the Court.

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 27th day of July 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 27th day of July 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 7th Day of August 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 19 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.

AUCKLAND ROPE AND TWINE WORKERS—NEW ZEALAND (EXCEPT WESTLAND) FACTORY ENGINEERS—NEW ZEALAND METAL TRADES EMPLOYEES—INTERPRETATION

In the Court of Arbitration of New Zealand, Northern Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an application by an Inspector of Awards at Auckland for interpretation of the Auckland Rope and Twine Workers Award, dated the 7th day of August 1963, and recorded in 63 Book of Awards 1558, the New Zealand (except Westland) Factory Engineers Award, dated the 28th day of February 1962, and recorded in 62 Book of Awards 129, and the New Zealand Metal Trades Employees Award, dated the 1st day of May 1962, and recorded in 62 Book of Awards 801.

*Award—Application—Hackle or Gill Setting—Auckland Rope and Twine Workers' Award—
Factory Engineers' Award—Metal Trades Employees' Award*

Two male workers and one female worker were employed on the repair of faller bars in a rope factory. One male worker removed the hackle or gill from a faller bar, the female worker removed the pins from the hackle and replaced them with new pins and a second male worker riveted the repaired hackle to the faller bar.

The Court was asked whether the Auckland Rope and Twine Workers' Award or the New Zealand (except Westland) Factory Engineers' Award or the New Zealand Metal Trades Employees' Award applied to the work done by the three workers, and what was the correct rate of pay for the work done by the workers.

The Auckland Rope and Twine Workers' Award was found to cover all workers employed by the Company except clerical and office workers, and workers not specifically provided for in other awards. Clause (1) of the Factory Engineers' Award defining the scope of the award was found to be exclusive in that it did not seek to cover metal trades workers who come under the coverage of the Metal Trades Employees' Award.

Held: That the work came within the scope of clause 1 (a) of the Metal Trades Employees' Award as the workers were repairing or maintaining metallic articles.

That as no specific classification in the award applied to the workers, they were to be regarded as workers not elsewhere specified.

That the correct rate of pay for work done by the three workers was 5s. 9d. per hour with the addition of the Court's general order of 2½ per cent.

OPINION OF THE COURT DELIVERED BY BLAIR, J.

The Court is asked to consider the provisions of three awards and their application to the work done by three employees of Donaghy's Rope and Twine Co. Ltd. The work in question involves the repair of faller bars to which a number of gills are riveted. The gills are small metal bars about 2 in. long, from which pins protrude. From time to time these pins become broken or distorted. When this happens a worker called the "machine fixer" takes the faller bar from the machine and sends it to a small room attached to the factory for repair. The repair work requires no particular skill. One male worker places the faller bar in a vice and, with a hammer and chisel, shears off the rivets holding the damaged gill to the faller bar. It is then handed to a female worker (Mrs Nathan), who, by means of a foot operated treadle drill, pushes the pins out of the gill and then replaces them by hand with new pins, ensuring that the new pins are properly seated by tapping them with a hammer. She then hands the gills to a male worker who rivets them back on to the faller bar. The operation is known as hackle or gill setting. These particular workers do not take the damaged faller bars from the machine or replace them on the machine. Mr Thompson gave a demonstration in Court of what was done, and the Court went to the factory and made a personal inspection.

The Auckland Rope and Twine Workers Award covers all workers employed by Donaghy's Rope and Twine Co. Ltd. except clerical and office workers and workers specifically provided for in other awards. The first question then which we have to face is whether the workers in question are so provided for in other awards.

We turn first to the New Zealand (except Westland) Factory Engineers Award. Clause 1, defining the industry to which the award applies, reads:

This award shall apply to metal-trade workers employed in the factories of employers whose principal business is not covered by the New Zealand Metal-trades' Employees Award, excepting workers employed under awards or agreements peculiar to the industry of the employer bound by this award, or employed under the terms and conditions of the New Zealand Metal-trades' Employees Award or of the New Zealand Industrial Mechanics Award.

It seems, therefore, that the Factory Engineers Award is exclusive rather than comprehensive in its scope in that it does not seek to cover metal trade workers who come under the coverage of the Metal Trade Employees Award. We think that the

three workers in question can be described as metal trade workers in the broad sense but the work they do certainly does not fit comfortably into any of the definitions of the types of workers defined in the Factory Engineers Award. In other words that award applies to a particular type of metal trade worker doing the sort of work covered by the definition. In our view it cannot be said that the workers in question come within the coverage of this award.

We turn now to the New Zealand Metal-trades' Employees Award. Clause 1 (a) is the comprehensive clause and it includes within its coverage, "workers employed in the manufacture, repair or maintenance of machines or of metallic or part metallic articles of ferrous or non-ferrous metals". It would therefore seem that workers repairing or maintaining metallic articles are covered by the award. However, it is very difficult to state in what category of work they fall. We do not think they can properly be described as process workers as they do not fall into any of the classifications of process work. We think, after considering the classes of workers covered by this award, that they must be regarded as "workers not elsewhere specified". The work in question is simple repair work which though falling within the general scope of the award cannot be described as tradesman's work or falling within the definition of the particular types of work set out in clause 8 save only "workers not elsewhere specified".

It therefore seems to us that the two male workers are covered by the New Zealand Metal-trades' Employees Award. We see no reason to distinguish Mrs Nathan from the two male workers. Her work, which consisted of operating a treadle drill to remove the broken pins and then replacing them, can be described as simple repair work of "metallic articles of ferrous metal". Clause 10 which applies to females does not exclude her from doing the work. There are limitations to the work which females can do and in particular they may not be employed on night shifts and there are restrictions on the work they can do in connection with "light manufacturing". However, Mrs Nathan's work is not in connection with light manufacturing. It is simple maintenance and repair work of a metal article. The clause provides that subject to the restrictions mentioned, females may be employed under the conditions laid down for male workers. Accordingly we hold that Mrs Nathan may be and is employed as a worker not elsewhere specified in the same way as the two male workers.

We would therefore answer the questions posed in the Inspector's application as follows:

1. *Question:* Which of the three above recited awards applies to the work carried out by R. Harper and F. Williams.

Answer: The New Zealand Metal Trades Employees Award.

2. *Question:* Which of the three above recited awards applies to the work carried out by Mrs P. Nathan.

Answer: The New Zealand Metal Trades Employees Award.

3. *Question:* What is the correct rate of pay for the work done by R. Harper and F. Williams.

Answer: 5s. 9d. per hour with the addition of the Court's general order of $2\frac{1}{2}$ per cent.

4. *Question:* What is the correct rate of pay for the work done by Mrs P. Nathan.

Answer: 5s. 9d. per hour with the addition of the Court's general order of $2\frac{1}{2}$ per cent.

Dated this 4th day of December 1964.

[L.S.]

A. P. BLAIR, Judge.