

NEW ZEALAND (EXCEPT OTAGO AND SOUTHLAND) RETAIL CHEMISTS'
ASSISTANTS—AWARD

[Filed in the Office of the Clerk of Awards, Wellington]

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, and Canterbury 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 Retail Chemists Industrial Union of Employers, 8–12 The Terrace, Wellington,

(hereinafter called “the employers”) and the

New Zealand Federated Shop Assistants Industrial Association of Workers, Trades Hall, 194 Gloucester Street, Christchurch,

(hereinafter called “the union”).

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 on the day of the date hereof and shall continue in force until the 25th day of September 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 25th day of September 1963.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. (a) This award shall apply to the industry of retail chemists, being those persons, firms, and companies whose business is to sell medicines, drugs, herbal remedies, patent foods, surgical appliances, toilet requisites, or photographic requisites and whose principal business is to sell medicines, surgical appliances, or herbal remedies.

(b) Nothing in this award shall apply to clerks, cashiers, or any other persons solely engaged in the office work of the employer and not engaged in the work of the shop in any capacity.

Definitions

2. (a) A "manager" is a registered chemist who is legally enrolled as the manager of a pharmacy.

(b) A "relieving manager" is a registered chemist who is employed to take charge of a pharmacy during the absence of the enrolled manager or occupier.

(c) A "qualified assistant" is a person who, being 21 years of age or over, has obtained from the Pharmacy Board a certificate of competency as a pharmaceutical chemist pursuant to the provisions of subsection (1) (a) of section 11 of the Pharmacy Act 1939, or is the holder of a recognised certificate granted out of New Zealand, as defined in subsection (2) of the same section.

(d) An "unqualified assistant" is a person who has served four years as an apprentice to a registered chemist keeping open shop or dispensary for the compounding and dispensing of prescriptions.

(e) A "casual worker" is any worker whose employment is for less than five full days in any one working week.

(f) An "apprentice" is a person registered as an apprentice under the Pharmacy Act 1939.

(g) No person other than those referred to in the foregoing subclauses shall be engaged in the compounding of medicines.

(h) A "junior" is any assistant, male or female, receiving less than the highest minimum weekly rate payable to a shop assistant as provided in subclause (c) of clause 4, and any worker employed as a storeman, packer, or porter who receives less than the highest minimum weekly rate prescribed in subclause (d) of clause 4 of this award.

Hours of Work

3. (a) The ordinary hours of work shall not exceed 40 in any one week: Provided that daily hours shall not exceed eight per day on four days of the week to be worked between the hours of 8.30 a.m. and 5.30 p.m. and 10 hours on the day of the late night to be worked between the hours of 8.30 a.m. and 9 p.m.: Provided, further, that in the case of shops which have been exempted from closing on Saturday pursuant to section 7 of the Shops and Offices Act 1955, the ordinary week's work shall not exceed 40 hours to be worked on any five of the six days of the week, Monday to Saturday (both days inclusive), between the hours of 8.30 a.m. and 5.30 p.m. on four days and between the hours of 8.30 a.m. and 9 p.m. on one day.

(b) One hour shall be allowed for dinner on five days, and one hour for tea on the day of the late night.

A break of 10 minutes to count as time worked shall be allowed morning and afternoon for refreshments.

(c) All hours under this clause shall be continuous with no breaks other than those provided for meals and refreshments.

(d) For the purposes of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day worked for the number of hours usually worked on that day of the week, although no work shall have been actually done on such holiday: Provided, however, that where the observance

of any holiday results in the transference of the late night to a day other than the Friday, no additional amount over and above the weekly wage shall be payable in respect of the ordinary week's work.

(e) Nothing in this clause shall apply to all-night or urgent pharmacies operating solely as such.

Wages

4. (a) The following shall be the minimum rates of wages:	Per Week
	£ s. d.
Managers	18 3 4
Managers (relieving)	18 18 4
Qualified assistants	17 0 0
Unqualified assistants—	
Under 22 years of age	14 5 0
22 years of age and under 23 years of age	15 0 0
23 years of age and over	15 15 0

(b) (i) Relieving assistants' or relieving managers' travelling expenses shall be paid in addition to wages if employed outside a radius of 5 miles from the chief post office in any town.

(ii) Any such assistant or manager who is required to live away from his permanent home shall receive a board allowance of £5 5s. per week, or the employer may provide board and lodging in lieu thereof.

(c) Any worker employed in a chemist's shop other than those referred to in subclauses (a), (b), (c), (d), (e), and (f) of clause 2, or in subclause (d) of this clause, shall be paid not less than the following rates of wages:

	Males			Females		
	Per Week			Per Week		
	£	s.	d.	£	s.	d.
Under 16 years of age—						
First six months	5	0	0	4	5	0
Second six months	5	7	6	4	10	0
16 to 17 years of age—						
First six months	5	15	0	4	15	0
Second six months	6	5	0	5	5	0
17 to 18 years of age	7	5	0	5	15	0
18 to 19 years of age	8	10	0	6	10	0
19 to 20 years of age	9	15	0	7	5	0
20 to 21 years of age	11	0	0	8	0	0
21 to 22 years of age	12	10	0	8	15	0
22 years of age and over	14	2	6	9	10	0

(d) (i) Storemen, packers, porters, and/or messengers employed in a chemist's shop shall be paid not less than the following rates of wages:

	Per Week		
	£	s.	d.
Under 16 years of age	4	4	0
16 to 16½ years of age	4	14	0
16½ to 17 years of age	5	5	0
17 to 17½ years of age	6	0	0
17½ to 18 years of age	7	0	0
18 to 19 years of age	8	0	0
19 to 20 years of age	9	0	0
20 to 21 years of age	10	10	0
Thereafter	13	5	0

(ii) *Storemen in Charge of Other Workers*—Storemen in charge of two and up to five workers shall be paid 16s. per week additional. Storemen in charge of over five workers shall be paid £1 12s. 6d. per week additional.

Terms of Employment

5. (a) The employment shall be deemed to be a weekly employment except in the case of casuals, and no deduction from the weekly wage shall be made except for time lost through sickness, accident, or default of the worker.

(b) Seven days' notice shall be given to terminate an engagement, except in the case of casual hands or in the case of dismissal for serious misconduct. The period of notice in either case shall be exclusive of the whole or any part of the annual holiday required to be given in pursuance of this award.

Casual Workers

6. Casual workers employed between 8.30 a.m. and 5.30 p.m. or between 8.30 p.m. and 9 p.m. on the day of the late night shall be paid not less than:

	Per Hour	
	s.	d.
(i) Qualified assistants	9	3
(ii) Unqualified assistants	8	3
(iii) All other workers – an hourly rate equivalent to one-fortieth of the appropriate weekly wage rate prescribed in clause 4 with the addition of 20 per cent thereto.		

Employment of Pharmacy Students

7. Pharmacy students may be employed on a part-time basis and shall be paid *pro rata* for the time actually worked at the appropriate minimum weekly rate prescribed in subclause (c) of clause 4 of this award.

Apprentices

8. (a) If any employer takes an apprentice, articles of apprenticeship as required by the Pharmacy Act 1939, shall be entered into, and in addition to such provisions as may be mutually agreed upon and not inconsistent with the provisions hereinafter set forth, shall contain the following provisions:

(b) The minimum salary payable to apprentices who have passed the Pharmacy Professional Examination Stage II shall be:

	Per Week		
	£	s.	d.
For the first six months	10	17	6
For the second six months	12	0	0
For the third six months	13	5	0
For the fourth six months	14	5	0

(c) An employer taking an apprentice shall give notice thereof and of the name of the apprentice to the Inspector of Awards within one week after the expiration of the period of probation, and an employer transferring an apprentice shall similarly within one week thereof give notice of such transfer to such inspector.

(d) When an apprentice is discharged for cause the employer shall send notice of the discharge and of the cause thereof to the Inspector of Awards, who shall notify the secretary of the union.

(e) The provisions of this award relating to term of apprenticeship, wages, hours of work, overtime, and holidays shall apply to apprentices; in other respects apprentices shall be covered by the Pharmacy Board Regulations.

Proportion

9. (a) The proportion of unqualified assistants shall be one to each shop. Additional unqualified assistants may be employed in the proportion of one to each qualified assistant. For the purposes of this subclause an employer who is registered and substantially engaged in the business shall be deemed to be a qualified chemist for the computation of the proportion in respect of one shop only.

(b) Where an employer carries on the business of more than one shop, each shop, for the purposes of this award, shall be deemed to be a separate business.

(c) The proportion of apprentices shall be in accordance with the provisions of the Pharmacy Board Regulations.

(d) The number of juniors excluding apprentices in any shop shall not exceed two to the first senior and one additional junior to each additional senior. For the purposes of this subclause an employer actively engaged in the management of his business may be classified as a "senior" in respect of one shop only.

(e) The proportion of junior storemen and packers to senior storemen and packers shall be the same as that fixed for shop assistants in the preceding subclause.

Holidays

10. (a) The following days shall be observed as holidays: New Year's Day, the day following, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) If any of the above holidays are not generally observed in any district another holiday may be observed in lieu thereof by agreement between the employer and the secretary of the union: Provided that in no case shall the number of holidays be reduced by this subclause.

(c) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then for the purposes of this award such holidays shall be observed on the following Monday. Should the said Monday be a holiday in accordance with this award, such holiday shall be observed on the following Tuesday.

Annual Holidays

11. (a) (i) An annual holiday of two weeks on full pay shall be granted to each worker under this award on the completion of each year of service. A worker not completing a year of service with an employer shall be granted payment in accordance with the provisions of the Annual Holidays Act 1944.

(ii) For the tenth and subsequent years of continuous service with the same employer workers under this award shall be granted three weeks instead of two weeks as aforesaid. A worker not completing a year of service under this provision shall be granted proportionate payment in accordance with the length of service for that year.

(b) The annual holiday granted to workers under the foregoing provisions shall be exclusive of the holidays specified in clause 10 of this award.

Payment for Holidays and Overtime

12. (a) All time worked on any one day in excess of the ordinary hours prescribed in clause 3 shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rate: Provided that the minimum rate of payment shall be 4s. 3d. per hour.

(b) For the purpose of calculating overtime, any overtime under half an hour shall count as half an hour, and if over half an hour but under one hour as one hour worked.

(c) (i) Except as otherwise provided, any work done on Saturdays or Sundays or on any of the holidays mentioned in clause 10 or holidays observed in lieu thereof shall be paid for at double rates. The said payments shall be in addition to the ordinary weekly wage.

(ii) Any work done on Saturday as part of the ordinary week's work pursuant to the second proviso of subclause (a) of clause 3 of this award shall be paid for at one half the ordinary time rate in addition to the ordinary weekly wage, provided that any work done on Saturday which is in excess of the weekly limit of 40 hours shall be paid for at double rates.

(d) Nothing in this clause shall apply to permanent managers or assistant managers engaged to work in an all-night or urgent pharmacy, but other assistants engaged to work in urgent or all-night pharmacies shall receive not less than the minimum rates of wages prescribed by this award on a *pro rata* basis for such employment on Monday to Friday, both days inclusive. For all time worked in such pharmacies on a Saturday, time and a half rates shall be paid. For time worked on a Sunday or any holiday prescribed in clause 10 of this award, or any day observed in lieu thereof, double time shall be paid.

Tea Money

13. A worker who is called upon to work overtime after 6 p.m. shall be paid 5s. 3d. tea money.

Payment of Wages

14. Wages and overtime shall be paid in cash not later than Wednesday of each week up to the night preceding the day of payment. Should a holiday fall on the pay day, then payment shall be made on the working day previous to the holiday.

Special Uniforms

15. Where white or coloured coats or smocks or uniforms are worn by workers, the employer shall supply and launder same or, at the option of the employer, pay for same to be laundered.

Wages and Time Book

16. (a) The occupier of a shop in which one or more shop assistants are employed shall at all times keep, in the prescribed form, or in such other form as may be approved by the Inspector of Awards, a record in English (called "the wages and time book") showing, in the case of each assistant (1) the name of the assistant, together with his age if under 21 years of age; (2) the kind of work on which he is usually employed; (3) the hours during which he has actually been employed on each day, showing the starting and finishing time each day; (4) the wages paid on each pay day, and the date thereof; and (5) such other particulars as are prescribed by regulations.

(b) The entry of the particulars hereinbefore referred to, or a memorandum in writing containing such particulars, shall be signed by the assistant at the time of payment of his wages, and such signature shall operate as a receipt for such payment.

(c) The wages and time book in use for the time being, and any such book used within the preceding five years, shall at all times be open to the inspection of an Inspector of Awards.

(d) Every assistant who fails to sign the record as provided in this clause or who wilfully signs an incorrect record is liable to a fine not exceeding £5.

(e) An Inspector of Awards may at any time require the occupier to verify the entries in the wages and time book in such form as may be prescribed.

Reference

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

(b) Original references shall remain the property of the employee and shall be returned within 48 hours after engagement.

Right of Entry

18. The secretary or other authorised representative of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter during working hours upon the premises or works and there interview any workers or collect contributions, but not so as to interfere unreasonably with the employer's business.

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.

Notification

21. (a) Each employer shall notify the union within seven days of the coming into operation of this award, and immediately after the employment of any new worker, of the names of all such workers together with daily starting and finishing times of such workers.

(b) Employers shall on request, but not more often than once in six months, supply to the secretary of the union a list of names of all employees.

Opening and Closing of Shops

22. (a) In exercise of the powers vested in the Court by the Shops and Offices Act 1955, it is ordered that all shops other than urgent or all-night pharmacies, carrying on the trade or business as defined in subclause (a) of clause 1 of this award shall, except as provided in section 7 (1) of the said Act, be closed from the hour of 5.30 p.m. on the four days of the week, Monday to Thursday inclusive, and from the hour of 9 p.m. on Fridays, and for the whole of one weekday in each week: Provided that where a holiday falls on a Friday the closing hour for shops shall be from 9 p.m. on one other day of the week.

(b) All the said shops shall be closed from the hour of 7 a.m. on each of the days prescribed by this award as holidays (including days lawfully observed as holidays in lieu of any prescribed).

(c) The opening hour for all shops under this award shall not be earlier than 8.30 a.m.

(d) In any area within 4 miles radius of where an urgent or all-night pharmacy is operated, all chemists' shops shall remain closed from the hour of 9 p.m. on Friday until the hour of 8.30 a.m. on Monday.

(e) Notwithstanding anything to the contrary herein contained, it shall be competent for the executive committee of the local union to agree (which agreement shall not be unreasonably or arbitrarily withheld) that the occupiers of shops in any locality transfer the late night normally observed between Christmas and New Year to any working day during the period of three weeks prior to 1 January: Provided, however, that no two late nights may be observed with less than two other nights between them.

(f) Notwithstanding anything to the contrary in this award, when 24 December and 31 December fall on a Monday or a Tuesday the late closing days for the weeks in which those dates occur may be observed on those dates instead of on the ordinary late closing days in those weeks as the occupiers in any locality may determine: Provided that on any dates to which these provisions relate, shops may remain open until 10 p.m. if either or both of the late closing days are observed on those dates.

(g) Nothing in this clause shall apply to all-night or urgent pharmacies.

Disputes

23. 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 Conciliation Commissioner, who may 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 other party desiring to appeal.

Application of Award

24. 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.

Scope of Award

25. This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, and Canterbury Industrial Districts.

Term of Award

26. This award shall come into force on the day of the date hereof, and shall continue in force until the 25th day of September 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 25th day of September 1963.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award 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.

NEW ZEALAND (EXCEPT OTAGO AND SOUTHLAND) RETAIL CHEMISTS'
ASSISTANTS—AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, and Canterbury Industrial Districts—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of the New Zealand (except Otago and Southland) Retail Chemists' Assistants Award, dated the 25th day of September 1963 and recorded in the 63 Book of Awards 1745.

TUESDAY, THE 14TH DAY OF JULY 1964

In pursuance and exercise of the powers conferred on it by section 162 (1) (a) of the Industrial Conciliation and Arbitration Act 1954, and for the purpose of remedying a defect in the New Zealand (except Otago and Southland) Retail Chemists' Assistants award, dated the 25th day of September 1963, the Court doth hereby order that the said award shall be and it is hereby amended in the manner following:

By deleting the figures and symbols "8.30 p.m." in clause 6 (Casual Workers) and substituting therefor the figures and symbols "8.30 a.m."

A. TYNDALL, Judge.