

WELLINGTON CITY COUNCIL **DRIVERS—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 Road Transport and Related Industries Motor and Horse Drivers and their Assistants Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned council (hereinafter called “the employers”):

Wellington City Council, Town Hall, Wellington.

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 July 1964 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 10th day of September 1963.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. (a) The ordinary hours of work, exclusive of overtime, to be worked by any worker bound by this award shall, subject as hereinafter provided, be 40 per week, to be worked on five days of eight hours each from Monday to Friday inclusive. The starting and finishing times shall be fixed in advance by the corporation according to the requirements of the particular class of work required to be done, and, with the exception of drivers of vehicles engaged on trade and/or household refuse collection within the central city area, nightsoil carters, drivers engaged in street-flushing work and sweeping, and the drivers of the sump eductors, shall be made to fall within the hours of 7 a.m. and 4.30 p.m.

(b) *Night Workers*—Drivers engaged in street-flushing, street cleansing, and street sweeping, and drivers of sump eductors may be employed wholly outside the hours of 7 a.m. and 4.30 p.m. without payment of overtime, provided that such workers shall be paid 5s. per night extra. Overtime rates in accordance with clause 6 shall be paid for time worked in excess of eight hours per spell or outside the hours prescribed in this subclause, and for all time worked on Saturdays.

(c) Drivers of refuse collection vehicles shall work 40 hours per week on five days, Monday to Friday inclusive, but where non-collection occurs due to a holiday or holidays drivers of refuse collection vehicles shall in the week following each of the undermentioned periods—Christmas week, New Year's week, Anniversary Day week, Easter week, Labour Day week, and the Sovereign's birthday week—be paid 7s. 8d. per week in addition to their usual wage.

(d) The above stated hours shall include all time occupied by the workers in performing duties appertaining to their calling and shall provide for 10 minutes in each day being allowed as cleaning time in the case of drivers engaged in refuse collection, street cleaning, machine operators, workers engaged on tyre repairs, or any of the classes of work mentioned in subclauses (n) to (q) of clause 2 hereof. Such cleaning time, if done in excess of the ordinary hours of work, shall be paid for at ordinary and not overtime rates.

(e) A meal interval of at least 30 minutes shall be allowed to all workers within five hours of commencing work. Where it is necessary for the employer to defer a worker's meal break beyond four and a half hours from commencing work, such meal interval shall be paid for at ordinary rates.

(f) An interval not exceeding 10 minutes shall be allowed in the morning and afternoon but at such a time as to suit the convenience of the work on which the worker is engaged. Provided that where practicable such intervals shall be arranged so that the morning and afternoon periods of work are evenly divided.

Wages

2. The minimum rate of wages for workers coming within the scope of this award shall be as follows:

	Per Week			Per Hour	
	£	s.	d.	s.	d.
(a) Drivers of motor trucks:					
(i) Carrying capacity not exceeding 3 tons	14	3	4	7	1
(ii) Carrying capacity exceeding 3 tons	14	15	0	7	4½
(b) Motor refuse vehicle drivers	14	15	0	7	4½
(c) Motor refuse vehicle drivers who assist in loading	15	8	4	7	8½
(d) Drivers engaged in refuse collection during the night time	16	4	2	8	1½
(e) Drivers of light rollers	15	4	2	7	7½
(f) Drivers of street flushers	15	4	2	7	7½
(g) Drivers of motor graders, heavy rollers (other than steam), bulldozers, wheeled tractor loaders, mechanical shovels, excavators, diggers, mobile cranes, track tractors with or without equipment, or any other like equipment	15	10	10	7	9½
(h) Drivers of vehicles engaged on nightsoil collection	16	4	2	8	1½
(i) Drivers of mechanical bituminous sprayers, mechanical sweepers, and sump eductor	15	4	2	7	7½
(j) Drivers of wheeled tractors not otherwise specified	14	15	0	7	4½
(k) Drivers of general service cars	14	0	10	7	0½
(l) Driver of pay car	14	9	2	7	2½
(m) Garage attendants:					
(i) Senior garage attendants	14	3	4	7	1
(ii) Garage attendants	14	0	0	7	0

(NOTE—Hourly rates are included in this award for the purpose of calculating payments for overtime, broken time, or work coming under the provisions of sub-clause (b) of clause 3 hereof.)

(n) Drivers engaged on mechanical street sweeping machines in preparation for sealing, hauling sprayers in action, and using tar, oil, bitumen or liquid concrete, or working in connection with bitumen preparations and on loads exceeding one ton, loads of bulk cement, ashes, clinkers, super-phosphate, lime, basic slag, and stable manure, and drivers required to spray weed killer or to work in exceptionally dusty conditions shall be paid 3s. 9d. per day extra while so engaged.

(o) Drivers engaged on any of the following overhaul work, namely, work under tracked vehicles or inside the tracks of such vehicles, dismantling tractors after use on refuse tips, work closely connected with the gear boxes of graders and the dismantling of power shovels and drivers engaged in changing dirty tyres on refuse vehicles, or on carryalls or graders working at the tip or in exceptionally muddy conditions shall be paid 3s. 9d. extra for every day or part thereof whilst so engaged.

(p) Drivers other than nightsoil drivers employed on clearing or repairing blocked or defective sewers or foul drains shall be paid 3s. 9d. per day additional on the ordinary rate for the time they are so employed. Drivers assisting in drawing sumps by hand shall be paid 2s. 6d. per day extra, providing that drivers assisting in drawing sumps at the fish market, the abattoir, and the Gear Meat Co., shall be paid 3s. 9d. per day extra.

(q) Drivers other than nightsoil drivers, when required to come into contact with faecal or sewage matter shall be paid 7s. 6d. per day additional on their ordinary rate for the time they are so employed.

(r) To all workers covered by the provisions of this award, service bonuses shall be paid in addition to the usual rates as follows:

After one year's continuous service 2d. per hour.

After two years' continuous service 2½d. per hour.

After three years' continuous service 3d. per hour.

After four years' continuous service 3½d. per hour.

After five years' continuous service 4d. per hour.

In addition to the foregoing a long service bonus of 5s. per week shall be paid to all workers after 10 years' continuous service in respect of the eleventh and succeeding years: Provided that this bonus payment shall become 10s. per week after 15 years' continuous service in respect of the sixteenth and succeeding years: Provided, further, that this bonus payment shall become 15s. per week after 20 years' continuous service in respect of the twenty-first and succeeding years.

Time served prior to the commencement of this award shall count for the purposes of this subclause. Usual rates mean the rate actually paid to the workers notwithstanding any minimum rates specified in this award.

(s) Where drivers are required to perform work of an unusually dirty, dangerous, or unpleasant nature, any additional rate for such work shall be determined by the head of the department concerned. Should any difference arise in connection with this subclause, the matter shall be determined in accordance with the provisions of clause 14.

(t) No worker covered by this award now in receipt of a higher rate of wages shall have his wages reduced by virtue of the coming into force of this award.

Drivers' Duties

3. (a) It shall be part of the ordinary duty of a driver to assist when required in loading and unloading the employer's vehicle. An employer may employ a driver at work outside his ordinary duties for the purpose of filling in time or to assist tradesmen but in such case he shall be paid not less than the award or ruling rate for such work, and not less in any case than the ordinary rate for drivers. Drivers shall receive preference when any driving duties are to be undertaken, but this provision shall not prevent a ganger, foreman, or leading hand, from driving a vehicle for the purpose of transporting men to and from work, or where a driver is not available.

(b) Where a driver performs work carrying a higher rate than that on which he is normally paid he shall be paid at the higher rate for the actual time so worked with a minimum of two hours in any one day.

Where he performs such work for more than 20 hours in any one week he shall be paid at the higher rate for that week.

(c) Where a suitably qualified driver is permanently assigned by the employer to undertake relieving work as required in connection with any of the machines enumerated in subclause (g) of clause 2 of this award he shall be classified as a driver of such machines and paid accordingly.

Holidays

4. (a) Motor drivers and garage attendants shall receive and be paid for the following holidays: New Year's Day, 2 January, Anniversary Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) (i) Where one of the said holidays (other than Anzac Day) falls on a Saturday or a Sunday it shall be observed on the Monday following.

(ii) Where two of the said holidays (excluding Anzac Day) fall successively, either on a Saturday and the succeeding Sunday, or on a Sunday and the succeeding Monday, the second, in time, of such holidays (in each case) shall be observed on the Tuesday following.

(c) For work done on Sundays, Anzac Day, or on any of the holidays herein specified, drivers and garage attendants shall be paid double time rates.

(d) A minimum payment as for four hours' work shall be paid in respect of any work done on any of the holidays hereinbefore mentioned.

Annual Holidays

5. (a) The provisions of the Annual Holidays Act 1944 shall apply to all workers covered by the provisions of this award, except that drivers regularly employed on vehicles engaged in street cleaning and house refuse collection work and drivers employed on refuse tips shall be entitled to 12 working days' annual leave on full pay; provided further that drivers employed regularly on night work shall be entitled to three weeks' annual holiday.

(b) Except where otherwise mutually arranged, not less than 28 days' notice of the date on which the worker is to begin any annual holiday shall be given by the employer.

Overtime

6. (a) For work done in excess of or outside the hours prescribed in clause 1 hereof, workers covered by this award shall be paid at the rate of time and a half for the first three hours and at the rate of double time thereafter, overtime to be booked to the nearest quarter hour ahead.

(b) Overtime worked between 10 p.m. and 7 a.m., or after 12 noon on Saturday, shall be paid for at double time rates, whether or not three hours have been exceeded.

(c) When a worker is called out to work after the usual terminating time or before the usual time of commencing work, he shall be paid not less than three hours for the first call and not less than three hours for any subsequent call on the same day at the specified overtime rates for each distinct call. If such call is made on a Saturday, a Sunday, or a holiday, the minimum payment shall be three hours at schedule overtime payment for the first call, and three hours for subsequent calls (on the same day) shall be paid for at double time rates.

(d) Any worker who, after completing 12 hours' work during any day, is required to continue or recommence work without an intervening rest break of at least nine hours, shall be paid overtime at double ordinary time rate for all time worked until he has had such rest break: Provided that where the period of work continues into or is recommenced on Saturday, Sunday, Anzac Day, or a holiday, the payment for such continued or recommenced work on such days shall be at treble ordinary time rate; and provided further that, where such rest break extends into the hours of the workers' normal working day, the employer may defer the starting time of the worker in which case he shall be paid ordinary time rate for the normal working hours not worked by him.

"Day" for the purposes of this clause shall be deemed to be a 24-hour period starting from the time when a worker commences any period of work following a rest break of not less than nine hours.

(e) Drivers engaged on street cleaning or cleaning beaches, conveniences, or reserves on Sunday mornings or on the morning of any public holiday, shall be paid at double rates, with a minimum of four hours.

Travelling Time

7. In the event of a driver being required to park or garage his vehicle or implement at a place other than the particular yard or depot to which he is attached, the corporation shall do one or other of the following things:

- (a) Provide the driver with free transport to and from such vehicle or implement.
- (b) Reimburse the driver any additional cost incurred by him in travelling to and from his work on account of his vehicle or implement being parked or garaged away from the particular yard or depot to which he is attached.
- (c) The recognised depots for the purpose of this clause shall be Clyde Quay yard, Maranui paving plant, Wilton Road depot, Johnsonville depot, and Newtown Park depot.

If the bounds of Wellington City shall be extended the City Council shall have the right to establish additional depots in the new territory and the same shall be recognised depots for the purposes of this clause.

All workers covered by this award shall receive one week's notice where they are changed from one depot to another depot.

(d) When men are called on duty in the case of an emergency before or after the ordinary hours of public transport, a conveyance shall be provided by the respective department.

(e) Any additional time occupied by the driver in travelling to and from his work due to the above cause shall be paid for at ordinary rates. Walking time to be assessed at three miles an hour.

Accommodation

8. The corporation shall provide at each depot suitable accommodation to the satisfaction of the Inspector of Awards to enable drivers to change their clothes and have their meals, also facilities for drying wet clothes and bathing.

Waterproof Coats, Leggings, and Overalls

9. (a) The corporation shall provide raincoats, leggings, or waterproof trousers, gloves, boots, sou'westers, and three sets of overalls, to drivers when considered necessary at the discretion of the head of the department concerned. These shall remain the property of the city corporation, and the man using same shall be held responsible for any loss or damage due to wilful destruction or neglect. Before a second or subsequent issue is made the used article shall be returned to the store.

In the case of refuse drivers, the equivalent of one hour's pay per week shall be allowed for the purpose of cleaning their overalls.

Drivers when required to work in the repair shop shall be given the same ablution privileges as the factory workers.

(b) In cases where a driver is employed at work outside his ordinary duties as a driver in accordance with the provisions of subclause (a) of clause 3 of this award and where considered necessary at the discretion of the management or engineer he shall be issued with gumboots.

Where the employer so supplies gumboots he shall pay 3d. per hour additional to the worker while it is necessary for him to wear gumboots with a minimum payment of 1s. per day.

Drivers shall not wear gumboots whilst actually driving.

(c) Should any difference arise between the union and the employer concerning the issue of overalls, it shall be dealt with under clause 14 of this award.

Meal Money

10. The corporation shall allow drivers meal money at the rate of 5s. 3d. per meal when workers are called upon to work overtime after 5.30 p.m. on any day or after 1 p.m. on Saturday or Sunday, provided such workers cannot reasonably get home to their meals and return within one hour.

Sick Pay

11. Workers after 12 months' continuous employment with the Wellington City Council shall, in the case of inability to continue work because of sickness, be entitled to sick pay up to one week in each year, subject to the production of a doctor's certificate if absent for more than three consecutive days. Sick leave may be accumulative up to a total of 10 working days, but payment in respect of any one period of sickness shall not exceed five consecutive working days.

Term of Engagement

12. A week's notice of dismissal or resignation shall be given by the employer or the worker. This, however, shall not prevent the summary dismissal of a worker for misconduct.

General Conditions

13. (a) Employers shall be entitled to make a rateable deduction from the weekly wages provided for herein for time lost through default, sickness, or accident of a worker. For the purposes of computing weekly payments for broken time, the ordinary weekly rates shall be divided by 40.

(b) Drivers' time sheets shall be filled in by the drivers and checked by the time-keeper and the overseer in charge of the job concerned. The engineer or officer in charge of each job shall be responsible for conditions of work in terms of the award, including overtime, travelling time, dirt money, and other penal provisions of the award. Wages shall be paid each week in the employer's time, not later than Thursday and, where practicable, at least one clear day before any holiday. Where it is not practicable to make such payment in the employer's time, the equivalent of one hour's pay shall be allowed. Each worker shall receive and be permitted to retain an itemised statement showing how his wages are computed.

(c) A worker required to act as a ganger or foreman shall be paid 5s. per day or part of a day additional to his usual rate.

(d) Where the council desires to appoint workers to the staff of the corporation as working foremen, the union shall not unreasonably withhold its consent to the release of such workers from the provisions of this award when advised by the department concerned.

(e) Drivers may be promoted to and designated as leading drivers and shall be paid 3s. per day extra.

(f) No driver shall be instructed to do potentially dangerous work in isolation.

Disputes Committee

14. The essence of this award being that the work of the corporation shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is hereby provided that if any dispute or difference shall arise between the parties bound by this award as to any matter whatsoever arising out of or connected therewith, or in connection with any matter affecting the employment

of any workers bound by this award but not specifically dealt with in the award, every such dispute or difference shall be referred to a committee composed of two representatives of the corporation and two representatives of the union, 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 of Arbitration 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.

Unqualified Preference

15. (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 be.

(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.)

Scope of Award

16. This award shall apply to garage attendants employed in the City Engineer's Department and to all drivers employed by the corporation with the exception of those employed in the Milk and Tramway Departments of the corporation.

Term of Award

17. 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 24th day of June 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 July 1964.

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 10th day of September 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 15 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.
