

NEW ZEALAND FRUIT AND PRODUCE STORES EMPLOYEES—AWARD

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland 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 Federated Storemen and Packers (other than in Retail Shops) and Warehouse Employees (other than Drivers and Clerks) Industrial Association of Workers (hereinafter called “the union”) and the under-mentioned persons, firms, and companies (hereinafter called “the employers”):

NORTHERN INDUSTRIAL DISTRICT

Citrus Marketing Authority, Valley Road, Henderson.
 Donald, A. B. (Hamilton) Ltd., 9 Bryce Street, Hamilton.
 Gisborne Markets Ltd., Lowe Street, Gisborne.
 N.Z. Apple and Pear Marketing Board, P.O. Box 31, Henderson.
 N.Z. Citrus Marketing Authority, Cameron Road, Tauranga.
 N.Z. Packing Corporation Ltd., Subway Road, Pukekohe.
 Perkins and Sons Ltd., City Markets, Auckland.
 Produce Markets Ltd., Customs Street, Auckland.
 Radley and Co. Ltd., City Markets, Auckland.
 Radley and Co., Manukau Road, Pukekohe.
 Tauranga Co-op Egg Marketing Society, 279 Cameron Road, Tauranga.
 Turners (Rotorua) Ltd., Rotorua.
 Turners and Fows Ltd., Victoria Street, Hamilton.
 Turners and Growers Ltd., City Markets, Auckland.
 Turners, Growers and Fows Ltd., Willow Street, Tauranga.
 Turners Supply Co. Ltd., City Markets, Auckland.
 Turners and Walders Ltd., Roberts Street, Whangarei.

TARANAKI INDUSTRIAL DISTRICT

McCutcheon and Co., Liardet Street, New Plymouth.
 McCutcheon and Co., Juliet Street, Stratford.
 Nolan, L. A. and Co., Ltd., Devon Street East, New Plymouth.
 Webster Bros., James Lane, New Plymouth.
 Webster Bros., Princes Street, Hawera.
 Webster, N. J. and Co., Currie Lane, New Plymouth.

WELLINGTON INDUSTRIAL DISTRICT

Farm Products Co-operative, Thorndon Quay, Wellington.
 Farm Products Co-operative, Plunket Street, Hastings.
 Laery and Co., Allen Street, Wellington.
 McGlashans Ltd., Tennyson Street, Napier.
 Market Gardeners Ltd., Wakefield Street, Wellington.
 Market Gardeners Ltd., St. Aubyn Street, Hastings.
 N.Z. Apple and Pear Marketing Board, corner Tennyson and Argyle Streets, Wellington.
 N.Z. Apple and Pear Marketing Board, King Street, Hastings.
 Slater and Co., Napier.
 Thomas, Geo. and Co. Ltd., Blair Street, Wellington.
 Thomas Bros. Ltd., Blair Street, Wellington.
 Turners (Hawke's Bay) Ltd., Russell Street, Hastings.

MARLBOROUGH INDUSTRIAL DISTRICT

McMurtry, N. R. and Co. Ltd., Wyen Street, Blenheim.
 N.Z. Apple and Pear Marketing Board, Spring Creek.
 Park Davis Trading Co. Ltd., Maxwell Road, Blenheim.

NELSON INDUSTRIAL DISTRICT

Baird, James Ltd., Trafalgar Street, Nelson.
 Neale and Haddow Ltd., Trafalgar Street, Nelson.
 N.Z. Apple and Pear Marketing Board, New Street, Nelson.
 Rothmans Tobacco Co. Ltd., Motueka.

WESTLAND INDUSTRIAL DISTRICT

Arthur's Market Ltd., 13 Guinness Street, Greymouth.
 Baillie, Neville and Co. Ltd., 94 Mawhera Quay, Greymouth.
 Park Davis Trading Co. Ltd., 201 Adderley Street, Westport.

CANTERBURY INDUSTRIAL DISTRICT

Macfarlane and Co. Ltd., Lichfield Street, Christchurch.
 Market Gardeners Ltd., Lichfield Street, Christchurch.
 N.Z. Apple and Pear Marketing Board, Mandeville Road, Christchurch.
 Parke Davis Trading Co. Ltd., corner Madras Street and Bedford Row, Christchurch.
 Radley Bros. Ltd., corner Lichfield and Madras Streets, Christchurch.
 Stephenson, Reg., Havelock Street, Ashburton.

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Bowdens Mart, Spey Street, Invercargill.
 Bray Frampton Ltd., Spey Street, Invercargill.
 Bray Bros. (Dunedin) Ltd., Bond Street, Dunedin.
 City Markets Ltd., Bond Street, Dunedin.
 Cockerill and Campbell Ltd., 21 Medway Street, Gore.
 Fraser and Co. Ltd., Crawford Street, Dunedin.
 Fraser and Co. Ltd., Ribble Street, Oamaru.
 Lovell Bates Ltd., Bond Street, Dunedin.
 Mackay Ltd., Esk Street, Invercargill.
 N.Z. Apple and Pear Marketing Board, Anzac Avenue, Dunedin.
 Otago Fruit and Produce Ltd., Bond Street, Dunedin.
 Reilly's Central Produce Market Ltd., Moray Place, Dunedin.
 Southland Produce Markets Ltd., Yarrow Street, Invercargill.
 Todd, Wm. and Co. Ltd., Don Street, Invercargill.
 Vincent and Hinton Ltd., Thames Street, Oamaru.

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 22nd day of January 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 23rd day of December 1963.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to fruit and produce merchants and to workers engaged in the fruit and produce industry.

Definition of Workers Covered by This Award

2. For the purpose of this award a storeman and/or packer shall be deemed to be a worker of either sex substantially engaged in receiving delivery of, collecting, carrying, sorting, grading, stowing, stacking, handling, packaging, unpacking, and checking outward goods and dispatching and any additional duties specified in this award.

Hours of Work

3. (a) Except as hereinafter provided, the ordinary hours of work shall not exceed 40 per week, or eight per day, to be worked between 7 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) The ordinary hours of work for females employed under this award shall be worked between the hours of 8 a.m. and 5 p.m. each day from Monday to Friday inclusive.

(c) The day's work shall be continuous except for intervals for meals.

(d) Shifts of eight hours each may be worked wholly or partly outside of the hours prescribed in subclause (a) of this clause. Workers so employed shall be paid an allowance of 5s. per shift.

Overtime

4. (a) Except as otherwise provided, all time worked outside or in excess of the daily hours prescribed in clause 3 of this award 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.

(b) When a worker is required to work overtime after the evening meal interval or on a Saturday, Sunday, or holiday, he shall be paid a minimum of two hours' overtime.

(c) When workers are required to work after 6 p.m. or after 1 p.m. on Saturday, the employer shall provide meals or pay each worker 5s. 3d. to enable him to obtain a meal, unless such worker has been notified on the previous day that he will be required to work overtime, and provided he can reach his home and return to work within the meal interval allowed: Provided, further, that where such notice has been given and the worker's services are not required, he shall still be paid the meal allowance.

Mealtime

5. (a) One hour shall be allowed for meals: Provided that, if the majority of the workers concerned of any employer agree, the meal interval for the establishment may not be less than half an hour.

(b) Any worker who is required to curtail his or her ordinary meal period shall be paid time and a half rates (in addition to the weekly wage) in respect of the time by which such meal period is curtailed.

(c) No male worker shall be employed for more than five hours and no female worker for more than four and a half hours continuously without an interval for a meal.

Wages

6. (a) Workers over the age of 21 years shall be paid not less than £13 8s. 10d. per week.

(b) "Head storeman" is a storeman or packer in charge of other workers. If in charge of two or up to five such workers, he shall be paid 12s. 9d. per week extra. If in charge of over five such workers, he shall be paid not less than £1 5s. 6d. per week extra.

(c) In stores where one storeman and/or packer is employed who is solely responsible for all inward and outward goods, he or she shall be paid not less than £13 12s. 10d. per week.

(d) When a worker is employed as a leading hand by the New Zealand Apple and Pear Board he shall be paid not less than £13 15s. 10d. per week.

(e) Youths may be employed at not less than the following rates:

	Per Week		
	£	s.	d.
Under 17 years of age	5	4	0
17 to 18 years of age	6	7	6
18 to 19 years of age	7	6	0
19 to 20 years of age	8	7	6
20 to 21 years of age	9	15	0

And thereafter the appropriate adult rate.

(f) Notwithstanding anything in the foregoing, females may be employed packing and sorting fruit, vegetables (excluding bulk quantities of potatoes and onions), and eggs, pulping eggs, blending and packing honey, curing lemons, and receiving and preparing flowers for sale and work incidental thereto, at not less than the following rates:

	Per Week		
	£	s.	d.
Under 18 years of age	6	0	0
18 to 21 years of age	7	6	0
21 years of age and over	8	11	6

Workers employed in egg departments shall not be required to scrub floors but this shall not prevent a worker from cleaning up round the grading machines.

(g) Workers employed in cool stores or freezing chambers shall be paid 6d. per hour extra while so employed. Where a worker is entitled to the special payment under this subclause a minimum payment of one hour shall be made.

(h) Workers operating power-driven mobile cranes and power-driven mobile hoists shall be paid 4½d. per hour extra whilst so employed.

Casual Workers

7. Workers employed for less than one week shall be deemed to be casuals and shall be paid not less than 6s. 8½d. per hour for adult males. Juniors and females shall be paid at *pro rata* their respective weekly rates. When casual labour is employed a minimum of three hours shall be paid for on any one day.

Proportion

8. Each firm or employer shall be entitled to employ one junior, but the proportion of juniors to adult workers shall not exceed one to three or fraction of three. This limitation shall not apply to juniors casually employed on work such as picking over fruit, vegetables, or other perishable goods.

Weekly Employment

9. (a) Except in the case of casuals, the employment shall be deemed to be a weekly employment, and no deduction shall be made from the weekly wages except for time lost through the worker's sickness, accident, or default.

(b) Not less than seven days' written notice shall be given by either party of the termination of the employment, except in the case of casual hands: Provided that during the first month's employment one hour's notice shall be given by either party and provided, further, that nothing in this clause shall prevent an employer from summarily dismissing any worker for wilful misconduct. Where the employment is terminated without the notice required by this subclause, one hour's or one week's wages shall be given or forfeited as the case may require.

Payment of Wages

10. (a) Wages shall be paid weekly, and in cash, on any day not later than Thursday and in the employer's time, except in the case of casual workers, who shall be paid immediately on discharge. Where a holiday falls on a Friday wages shall be paid not later than Wednesday.

(b) Workers shall be supplied in writing with full details of the manner in which their wages have been calculated.

Holidays

11. (a) The following shall be recognised holidays in the under-mentioned areas respectively:

Northern Industrial District—New Year's Day and the day following, Anniversary Day or a day observed in lieu thereof, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

Taranaki Industrial District—New Year's Day and the day following, Anniversary Day or a day observed in lieu thereof, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

Wellington Industrial District (excluding Hawke's Bay Province)—New Year's Day and the day following, Anniversary Day or a day observed in lieu thereof, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

Hawke's Bay Province—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and People's Day of the Spring Show.

Marlborough Industrial District—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day or a day observed in lieu thereof.

Nelson Industrial District—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day or a day observed in lieu thereof.

Westland Industrial District—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Anniversary Day or a day observed in lieu thereof.

Canterbury Industrial District—New Year's Day and the day following, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Show Day or a day observed in lieu thereof, Christmas Day, and Boxing Day.

Otago and Southland Industrial District—New Year's Day and the day following, Good Friday, Easter Monday, Anniversary Day or a day observed in lieu thereof, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) Any work done on Sundays or Anzac Day or on any specified holiday, or on any day observed in lieu thereof, shall be paid for at double time rates. The said payments shall be made in addition to the ordinary week's wages.

(c) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then for the purpose of this award such holiday shall be observed on the following Monday. In the event of Christmas Day and New Year's Day being observed on a Monday in pursuance of the foregoing, Boxing Day and 2 January shall be observed on the Tuesday following the respective Monday.

(d) The employer shall pay one-tenth of a day's ordinary wages to each worker in respect of each ordinary day worked by him for that employer during the fortnight ending on the day of any holiday referred to in subclause (a) of this clause: Provided that for the purposes of this subclause workers whose employment is covered by this award shall be deemed to be subject to the provisions of section 28 (2) of the Factories Act 1946 as amended by section 6 of the Factories Amendment Act 1956.

(e) Subject to the provisions of the Annual Holidays Act 1944, each worker shall be given an annual holiday of two weeks on full pay. Such holidays shall be in addition to the holidays specified in subclause (a) of this clause. For less than 12 months' service such holidays shall be given in proportion to the period of service: Provided, however, that each worker on the completion of 10 years' continuous service with the same employer and for each subsequent year of service with that employer, shall be given an annual holiday of three weeks on full pay.

(f) Workers entitled to holidays shall be paid all wages, including the holiday period, prior to the commencement of the holiday.

Accommodation

12. The employer shall provide adequate and satisfactory dining and lavatory accommodation and a separate room in which to change clothes. He shall also provide sufficient washhand basins with hot and cold water, and facilities for boiling water at mealtimes. If any females are employed separate sanitary accommodation shall be provided for their use. The employer shall also provide sufficient towels and soap and toilet paper for the workers employed.

If females are employed, a separate restroom shall be provided or, in lieu thereof, rest facilities may be provided within the change room.

Rest Periods

13. (a) A rest period of 10 minutes shall be allowed each morning and afternoon. If a worker is required to work three hours' overtime he shall be allowed, during that period, a rest period of 10 minutes.

(b) Shift workers shall be allowed two intervals of 10 minutes in each shift.

References

14. Each worker on leaving or being discharged from the employment shall be given, on request, within 24 hours thereafter, a reference in writing stating the position held and length of service. Original references shall be the property of the worker and shall be returned within 48 hours after engagement.

First-aid Chest

15. First-aid outfits shall be provided in all stores and shall be at all times accessible to all workers employed.

Heavy Goods

16. (a) No individual worker shall be required to lift, except by mechanical means, any goods exceeding 160 lb gross in weight, or to carry any goods exceeding 180 lb gross in weight.

(b) No worker shall be called upon to handle or truck any package or packages exceeding 3 cwt in weight without the assistance of another worker.

(c) No junior under the age of 18 years shall be required, unassisted, to lift or carry any weight over 70 lb.

(d) No female shall be required, unassisted, to lift or carry any weight over 30 lb.

Matters Not Provided For

17. The essence of this award being that the work of the employer shall not on any account 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 not provided for in this award, such dispute shall be settled between the particular employer and the secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Right of Entry Upon Premises

18. The secretary or other authorised officer of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works and there to interview any workers or to collect fees, subscriptions, levies, or other charges payable to the union by any workers, but not so as to interfere unreasonably with the employer's business.

Notification

19. Whenever an employer shall employ a worker, he shall, within seven days thereafter, give notice in writing of such employment to the secretary of the union.

The employer shall also supply a list of all workers covered by this award upon receipt of written request from the secretary of the union: Provided that such request shall be made not more often than once each three months.

Overalls, etc.

20. (a) On request, overalls and clogs or boots shall be provided for the use of workers when working in freezing chambers.

(b) Workers employed in the egg grading department shall be supplied with suitable overalls or smocks and workers in the egg pulping department shall be supplied with suitable overalls or smocks or waterproof aprons and gumboots.

(c) Any worker not covered by either of the above subclauses shall, on request, be provided with an apron which shall remain the property of the employer.

Unqualified Preference

21. (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

22. (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.

Copy of Award

23. The employer shall at all times keep a printed or typewritten copy of the award affixed in some conspicuous place at or near the entrance to the store or warehouse in such a position as to be easily read by the persons employed therein.

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. (a) This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.

(b) This award shall apply to workers substantially employed at work usually performed by storemen and packers, such as receiving, collecting, stowing, handling, sorting, packing and unpacking and dispatching goods.

Term of Award

26. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the first day of the pay period in each establishment commencing on or after the 18th day of November 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 22nd day of January 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 23rd day of December 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 21 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.