

NORTHERN INDUSTRIAL DISTRICT BACON WORKERS—AWARD

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

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 Butchers Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned union and company (hereinafter called “the employers”):

Auckland Bacon Curers’ Industrial Union of Employers, National Insurance Building, 12 O’Connell Street, Auckland.

Hutton, J. C., Ltd., Bacon Curers, P.O. Box 945, Hamilton.

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 11th day of September 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 22nd day of April 1963.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE
Hours of Work

1. (a) Except as otherwise provided herein, the hours of work shall not exceed 40 per week or eight per day, to be worked between the hours of 7.30 a.m. and 5 p.m. on five days of the week, Mondays to Fridays inclusive.

(b) When a worker is called out on a Saturday or on a holiday and there is no work or less than four consecutive hours' work available, he shall receive not less than four hours' pay at the appropriate rate.

(c) One hour shall be allowed for lunch each day, unless otherwise mutually arranged between the employer and the union.

(d) For motor drivers and horse drivers and workers loading out the hours shall be regulated in advance by the employer, subject to the following restrictions:

(i) The hours of work in any one day shall be consecutive, save that if a worker is required to commence work before 7 a.m. he shall be allowed one half-hour for breakfast, and if he is required to work after 12 noon he shall be allowed one hour for lunch.

(ii) The daily hours shall not exceed eight hours on five days of the week, Monday to Friday inclusive.

(e) Ten minutes shall be allowed morning and afternoon for smoko without deduction from pay.

(f) For females the hours of work shall not exceed 40 per week or eight per day, to be worked between the hours of 8 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

Overtime

2. (a) All work done outside of or in excess of the hours specified in clause 1 hereof shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Where a worker is required to work after 6 p.m. without having been notified the day before, either a substantial meal shall be provided or 5s. 3d. meal money shall be paid, at the option of the employer.

(c) When a worker has been notified the previous day of intention to work overtime and such overtime is cancelled, such worker shall receive a minimum of one hour's pay at overtime rates.

Wages

3. The following shall be the minimum rates of wages for adult workers:

| | Per Week |
|---|----------|
| | £ s. d. |
| (a) Slaughtermen | 15 8 6 |
| <p style="margin-left: 2em;">A worker who does any of the following operations shall be classed as a slaughterman: the sticking, scalding, scraping, singeing, black scraping, scrubbing, and thoroughly cleaning, opening up, and removing insides, washing, and hanging off of pigs. A slaughterman may be required to do any other work covered by this award for the purpose of making up the weekly hours.</p> | |
| (b) First smallgoods man | 15 11 0 |
| (c) First bacon curer | 15 11 0 |
| (d) Driver-salesman - viz., a worker who travels beyond a radius of 25 miles from the chief post office in the city or town in which the employer's place of business is located | 14 4 6 |

| | Per Week |
|---|----------|
| | £ s. d. |
| (e) Orderman - viz., a worker who sells goods or canvasses for orders for goods, but is not covered by subclause (d) of this clause | 13 9 6 |
| (f) Workers employed at marking-down, chopping, boning, rolling, and curing; cellarmen, chamber hands, storemen, assistant smallgoods men, poultry hands, digester hands, chiller hands, and leading lard hands | 13 9 6 |
| (g) Lard hands and all others not specified | 12 18 0 |
| (h) In the case of drivers engaged in carting meat or other material in wholesale quantities only: | |
| (i) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load not exceeding 2 tons | 13 0 0 |
| (ii) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load exceeding 2 tons but not exceeding 4 tons | 13 5 0 |
| (iii) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load exceeding 4 tons but not exceeding 5½ tons | 13 10 6 |
| (iv) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load exceeding 5½ tons but not exceeding 10 tons | 13 19 6 |
| (v) For those driving and attending to motor vehicle with a combined weight of vehicle and maximum load exceeding 10 tons | 14 4 6 |

Youths

4. (a) Employers may employ youths.

(b) All youths shall be paid not less than the wages specified in the following scale:

| | Per Week |
|-----------------------------------|----------|
| | £ s. d. |
| From 16 to 16½ years of age | 5 16 6 |
| From 16½ to 17 years of age | 6 7 6 |
| From 17 to 18 years of age | 7 2 6 |
| From 18 to 19 years of age | 7 17 6 |
| From 19 to 20 years of age | 9 12 0 |
| From 20 to 21 years of age | 10 12 0 |

Thereafter the minimum rate of wages for adults.

(c) The proportion of youths employed shall not exceed one youth to every three journeymen or fraction of the first three journeymen employed.

Females

5. (a) Female workers may be employed at suitable work in smallgoods factories, bacon factories, and in packing rooms at the following minimum rates:

| | Per Week |
|------------------------------------|----------|
| | £ s. d. |
| During the first six months | 6 5 0 |
| During the second six months | 7 7 6 |
| Thereafter | 9 4 6 |

(b) Females shall not be permitted to fill sausage fillers or to lift weights in excess of 20 lb.

Casual Hands

6. Casual workers shall be paid not less than the following rates of wages:

| | Per Hour | |
|--|----------|-----|
| | s. | d. |
| Slaughtermen | 9 | 3½ |
| Workers employed at work covered by subclauses (b) to (f) of clause 3 hereof | 7 | 10½ |
| Workers employed at work covered by subclause (g) of clause 3 hereof | 7 | 1 |

Deductions from Wages

7. In the case of workers on weekly wages the employment shall be deemed to be a weekly one and no deduction shall be made from wages except for time lost through the worker's sickness, accident, or default.

Payment of Wages

8. Wages shall be paid in the employer's time on Thursday of each week. When a holiday falls on a Friday the wages shall be paid not later than the Wednesday preceding the holiday.

Holidays

9. (a) The following holidays shall be observed: New Year's Day, 2 January, Anniversary Day, Anzac Day, Good Friday, Easter Monday, Labour Day, Christmas Day, Boxing Day, and the birthday of the reigning Sovereign. Notwithstanding anything in the foregoing, it shall be competent for the industrial unions of employers and of workers, parties to this award, to agree that in any year in which New Year's Day falls on a Tuesday, the 31 December and 1 January may be observed in lieu of New Year's Day and the day following.

(b) (i) In the case of weekly workers, all work done on any of the holidays mentioned in subclause (a) of this clause shall be paid for at the rate of double time in addition to the weekly wage.

(ii) In addition to any payment to which he is entitled under the Factories Act, a casual worker shall be paid at the rate of double time for any time worked on any of the holidays mentioned in subclause (a) of this clause.

(c) 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.

(d) All work done on Sundays shall be paid for at double rates.

Annual Holidays

10. Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944: Provided that for the tenth and subsequent years of continuous service with the same employer or establishment, each worker shall be entitled to an annual holiday of three weeks on full pay. The qualifying period for the commencement of this provision shall date from the commencement of the employment.

General Conditions

11. (a) When working overtime or when loading out, mealtimes shall be at intervals of not more than four hours.

(b) Spells of reasonable time shall be allowed chamber hands who are in a heated condition through working outside to cool before entering the freezing chambers. No deduction shall be made from the men's wages on account of such spell.

(c) All freezing chambers shall be provided with a light and adequate provision for communication with the outside.

(d) All white coats, smocks, overalls, carrying covers, aprons, and jerseys shall be laundered by and at the expense of the employer.

(e) All chamber hands shall be provided with overalls, jerseys, and gloves; chiller hands with overalls and jerseys; and all drivers shall be provided with overalls and waterproof coat, or in lieu of such overalls and coat, a suitable protective coat of waterproof material may be supplied.

(f) Where necessary, all workers shall be supplied with the following articles: Overalls (or smocks in the case of females), aprons (waterproof where necessary), leggings, clogs or boots, gloves, and gumboots. Slaughtermen shall be supplied with materials as above, and spraymen on pigs or defrosters with waterproofs.

(g) When required for use in their work all workers shall be provided with knives, steels, stones, and pouches.

(h) Suitable dressing rooms, dining rooms, and drying rooms shall be provided.

(i) Each dressing room shall contain sufficient locker accommodation to provide each worker with a locker suitable for hanging up clothes.

(j) A hot-water urn shall be provided convenient to the dining room.

(k) Suitable rooms, equipped with hot and cold showers and washhand basins, shall be provided.

(l) Soap and clean towels shall be provided in accordance with the provisions of section 62 of the Factories Act 1946.

(m) Suitable accommodation shall be provided for the parking of bicycles.

(n) Adequate first aid equipment shall be provided by the employer.

(o) The accommodation referred to in this clause shall be kept clean by the employer.

(p) Five minutes shall be allowed all workers for changing clothes at the time of ceasing work, without deduction from pay.

(q) An additional payment of 6d. per hour shall be paid to workers employed for two hours or more in any day in freezing chambers with a temperature below 32 degrees Fahrenheit.

Right of Entry

12. 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 at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Termination of Employment

13. Except in the case of casual workers, one week's notice of the termination of the employment shall be given by the employer or the worker, as the case may be; but this shall not prevent the employer from summarily dismissing a worker for serious misconduct.

Disputes

14. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award, or any of them, as to any matter whatsoever arising out of or connected therewith and not dealt with in this award, every such dispute or difference shall be referred to a disputes committee to be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon, or, in default of agreement, to be appointed by a Conciliation Commissioner. Should either party fail to appoint representatives to the disputes committee, either party may refer the matter in dispute to a Conciliation Commissioner, who may either decide the matter or refer the matter to the Court. In the event of the disputes committee failing to agree, the matter shall be referred to the Court. In the event of the disputes committee coming to a decision, either side shall have the right of appeal to the Court against the decision of the committee or the decision of the Commissioner, and written notice of such appeal shall be given to the other side 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 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 rates 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.)

Notification

16. Employers shall on written request, at intervals of not more than three months, supply to the secretary of the union the names and addresses of all workers employed by them under this award.

Under-rate Workers

17. (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.

Exemption

18. Nothing in this award shall apply to the Opotiki Bacon Co. Ltd.

Industry to Which Award Applies

19. This award shall apply to the bacon-curing industry, including the killing and dressing for sale of poultry of any kind when such killing and dressing is carried on by any employer party to this award.

Application of Award

20. Except as provided in clause 18 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 the 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 district to which this award relates.

Scope of Award

21. This award shall operate throughout the Northern Industrial District.

Term of Award

22. 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 working week commencing on or after the 11th day of March 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 11th day of September 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 22nd day of April 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 154 (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.
