

**GISBORNE, WELLINGTON, MARLBOROUGH, NELSON, WESTLAND, CANTERBURY, AND OTAGO AND SOUTHLAND RACECOURSE EMPLOYEES—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, 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 Labourers and Related Trades Industrial Association of Workers;

Poverty Bay General Labourers and Related Trades Industrial Union of Workers;

Wellington, Nelson, Westland, and Marlborough Local Bodies, Other Labourers, and Related Trades Industrial Union of Workers;

Canterbury and Otago and Southland General and Builders' Labourers and Related Trades Industrial Union of Workers;

Southland Labourers and Related Trades Industrial Union of Workers;

(hereinafter called "the union") and the under-mentioned clubs (hereinafter called "the employers"):

**GISBORNE JUDICIAL DISTRICT**

Poverty Bay Racing Club, Gisborne.

**WELLINGTON INDUSTRIAL DISTRICT**

Carterton Racing Club, Carterton.

Feilding Jockey Club, Feilding.

Hawke's Bay Jockey Club, Hastings.

Manawatu Racing Club, Palmerston North.

Masterton Racing Club, Masterton.

Napier Park Racing Club, Napier.

Waipukurau Jockey Club, Waipukurau.

Wanganui Jockey Club, Wanganui.

Waverley Racing Club, Waverley.

Wellington Racing Club, Wellington.

Wellington Trotting Club, Petone.

Woodville Jockey Club, Woodville.

**MARLBOROUGH INDUSTRIAL DISTRICT**

Marlborough Racing Club, Blenheim.

Marlborough Trotting Club, Blenheim.

**NELSON INDUSTRIAL DISTRICT**

Nelson Jockey Club, Nelson.

**WESTLAND INDUSTRIAL DISTRICT**

Greymouth Jockey Club, Greymouth.

Hokitika Trotting Club, Hokitika.

Westland Racing Club, Hokitika.

**CANTERBURY INDUSTRIAL DISTRICT**

Addington Trotting Course Ltd., Christchurch.

Banks Peninsula Racing Club, Christchurch.

Canterbury Jockey Club, Christchurch.

Canterbury Park Trotting Club, Christchurch.

New Brighton Trotting Club, Christchurch.

New Zealand Metropolitan Trotting Club, Christchurch.

South Canterbury Hunt Club, Timaru.

South Canterbury Jockey Club, Timaru.

## OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Birchwood Hunt Club, Invercargill.  
 Dunedin Jockey Club, Dunedin.  
 Forbury Park Trotting Club, Dunedin.  
 Gore Racing Club, Gore.  
 Gore Trotting Club, Gore.  
 Invercargill Trotting Club, Invercargill.  
 Riverton Racing Club, Riverton.  
 Southland Racing Club, Invercargill.  
 Winton Racing Club, Winton.  
 Wyndham Racing Club, Wyndham.  
 Wyndham Trotting Club, Wyndham.

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 15th day of December 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 20th day of July 1964.

[L.S.]

A. TYNDALL, Judge.

## SCHEDULE

*Industry to Which Award Applies and Definitions*

1. (a) This award shall cover all outside workers employed by racing, trotting, and hunt clubs, and other employers named herein, except totalisator employees, men in charge of number boards, employees working in ticket-boxes, gatekeepers and turnstile attendants handling money, tradesmen, or employees substantially employed as drivers or carters, or workers covered by another award, but it shall not apply to any worker in receipt of £960 per annum or more exclusive of overtime.

(b) A "groundsman" employed under this award is a worker who is substantially employed to keep in necessary order the grass spaces, shrubs, trees, and paths.

(c) A "trackman" is a worker who is substantially employed in preparing and attending to the training tracks.

(d) A "male worker not otherwise specified" is a worker employed on doing all kinds of unskilled work and assisting the gardener, and/or the trackman, and/or the groundsman in the general maintenance of the racecourse and its surroundings.

(e) A "weekly employee" is a worker who is employed for more than five consecutive days.

(f) A "gardener" is a worker who is engaged as such and may be required to assist in other duties.

(g) A "track controller" is a worker responsible for directing which portions of the track are to be used during training operations and for supervising the work of any other workers who may be employed in preparing and maintaining the tracks.

#### *Wages*

2. (a) The minimum rates of wages shall be:	Per Week
	£   s.   d.
Gardener .....	14 12 0
Track controller, caretaker or custodian .....	14 0 11
Trackman .....	13 4 8
Groundsman .....	12 17 0
Male worker not otherwise specified .....	12 12 8

Should any question arise respecting the proper application of any of the above rates to any worker, the matter shall be resolved in accordance with the provisions of clause 8 hereof.

(b) Caretakers or custodians may undertake any work in or about a course without restriction as to duties.

(c) Workers employed for less than five consecutive days shall be deemed to be casual workers. They shall be paid one-fifth of the appropriate rate for each day employed, plus 10 per cent thereof.

(d) After each four hours of continuous work all workers shall be provided with a meal on race-days, or in lieu thereof a meal allowance of 5s. 3d. shall be paid on each occasion.

(e) The employer may make a rateable deduction from the weekly wages prescribed for any time lost by the worker through sickness, accident, or default.

(f) Wages shall be paid weekly or fortnightly as arranged between the employer and the workers, on a regular pay day which shall not be a race-day and which shall be not later than Thursday. Casual workers employed specially on a race-day shall be paid immediately before the termination of the race meeting.

(g) *Watchmen*—The provisions relating to the hours of work, wages, and holidays shall, in lieu of anything elsewhere contained in this award, be as agreed upon between the club, the worker, and the union.

(h) 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.

#### *Hours of Work*

3. (a) Except as otherwise provided, the ordinary hours of work shall not exceed 40 per week to be worked between 7.30 a.m. and 5 p.m. on five days of the week, Monday to Friday inclusive.

(b) The ordinary hours of work for track controllers, trackmen, or workers employed in attending to or preparing the tracks shall not exceed eight hours per day or 40 hours per week to be worked on five days of the week Monday to Friday inclusive and such workers shall commence work at any hour deemed necessary by the employer. Daily hours shall be worked consecutively (excluding a break for a meal).

*Overtime*

4. (a) Except where otherwise provided, all work performed outside or in excess of the hours provided in clause 3 shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours in any one day and double time thereafter.

(b) All work performed on Sundays shall be paid for at double ordinary rates with a minimum payment of four hours at double ordinary rates of pay.

The minimum payment provision of this subclause shall not apply to a caretaker or custodian provided with a residence as a condition of his employment.

(c) All work performed on a holiday shall be paid for at double time rates in addition to ordinary wages, except that in the case of casual workers employed on race-days, ordinary time rates shall be paid for time worked in addition to any payment due under subclauses (b) or (c) of clause 5 of this award.

*Holidays*

5. (a) The following shall be recognised holidays, which shall be paid for at ordinary rates, except when the holiday falls on a day other than an ordinary working day: New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and Anniversary Day or a day in lieu thereof. In Christchurch Show Day shall be substituted for Anniversary Day.

(b) The employer shall pay wages for the above holidays to all workers performing work coming within the scope of this award who have been employed by him at any time during the fortnight ending on the day on which the holiday occurs: Provided that in the case of casual workers who work only on race-days, no payment shall be made under this provision unless the worker works on the holiday concerned.

(c) Where any worker has been employed upon work coming within the scope of this award by more than one employer during the fortnight ending on the day on which any of the above holidays occur, he shall be entitled to receive payment for the holidays from such one or more of those employers, and if more than one, in such proportions as the Inspector of Awards determines.

(d) Where Christmas Day, Boxing Day, or New Year's Day falls on a Saturday or Sunday the provisions of the Public Holidays Act 1955, relating to the observance of such holidays on the next succeeding Monday or Tuesday shall apply, and where Anniversary Day is observed as a holiday, the provisions of the said Act relating to the observance of that holiday on the next succeeding Monday if it falls on a Friday, Saturday, or Sunday or on the immediately preceding Monday, if it falls on a Tuesday, Wednesday, or Thursday shall apply.

(e) Annual holidays in accordance with the provisions of the Annual Holidays Act shall be allowed workers covered by this award.

*Termination of Employment*

6. (a) In the case of weekly workers, one week's notice on either side shall terminate the employment.

(b) When a worker is discharged he shall be paid without delay, and when a worker leaves a job he shall, on demand, be paid within 24 hours of leaving. All waiting-time beyond the prescribed time shall be paid for at ordinary rates.

*General Provisions*

7. (a) *Safety Devices*—Where men are called on to work at a height above the ground, adequate provision shall be made for their safety.

(b) Workers other than casuals, required to work in the rain shall be provided with oilskins, sou'westers, and gumboots.

(c) A first-aid outfit, suitably equipped, shall be provided and maintained by the employer in a place accessible to workers employed under this award.

(d) On the request of the union secretary the employer shall furnish a list of employees: Provided that such list shall not be required at shorter intervals than six months.

(e) Suitable accommodation shall be provided for workers to change and dry their clothes, also provisions shall be made for a suitable place in which to take their meals. Facilities shall be provided for boiling water.

(f) Three shillings and sixpence per day or part thereof additional shall be paid to workers cleaning or clearing blocked or defective sewers or drains, or working in defective sewers or drains which have been used or are in use, or otherwise coming into contact with faecal or sewerage matter.

(g) A rest interval of 10 minutes shall be allowed each morning and afternoon.

*Disputes Committee*

8. The essence of this award being that the work of the employer 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 herein, every such dispute or difference shall be referred to a committee to be composed of one representative of each side, 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. If such committee cannot agree, it shall refer the matter to the Court. Either side shall have the right to appeal to the Court 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.

*Under-rate Workers*

9. 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 between the worker, the union, and the employer.

*Unqualified Preference*

10. (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.)

#### *Application of Award*

11. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every 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*

12. This award shall operate throughout the Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts and that portion of the Northern Industrial District comprised in the Gisborne Judicial District.

#### *Term of Award*

13. 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 15th day of June 1964, 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 15th day of December 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 20th day of July 1964.

[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 10 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.