

WELLINGTON, CANTERBURY, AND OTAGO AND SOUTHLAND
HATTERS—AWARD

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

In the Court of Arbitration of New Zealand, Wellington, 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 Clothing Trade Employees Industrial Association of Workers (hereinafter called “the union”) and the under-mentioned persons, firms and companies (hereinafter called “the employers”):

WELLINGTON INDUSTRIAL DISTRICT

Harris Hats Ltd., Vautier Street, Napier.
Triester Hats Ltd., 195 Vivian Street, Wellington.

CANTERBURY INDUSTRIAL DISTRICT

Ballantyne, J., and Co. Ltd., Cashel Street, Christchurch 1.
Richards, A. S., 22 Division Street, Riccarton, Christchurch 4.
Williamson's Hatters Ltd., 840 Colombo Street, Christchurch 1.

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Ross and Glendining Ltd., High Street, Dunedin.

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 7th day of June 1966 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 3rd day of August 1964.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. The industry to which this award applies is the manufacture, reblocking, and retrimming of hats of every description other than caps.

Hours of Work

2. (a) The hours of work shall be 40 per week, to be worked on five days of the week, Monday to Friday inclusive, between the hours of 8 a.m. and 5 p.m.

(b) For the purpose of calculating the hours worked, 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.

(c) The hours of work shall be posted in each and every workroom by the employer.

(d) A break of not less than 45 minutes shall be allowed to, and taken by, all workers between 12 noon and 1.30 p.m. each day, and a break of not less than 30 minutes for tea when overtime is being worked.

Wages

3. The minimum rate of wages for journeymen, for the following classes of work: blocking (steam or water), open or box framing, finishing (hand or machine), shaping in its entirety, flanging, cutting, stiffening, velouring (before or after trimming), pressing, proofing in its entirety, of hats of all descriptions, shall be 7s. 2½d. per hour for the first three months of employment and thereafter £14 8s. 4d. per week.

Overtime

4. (a) All time worked on Saturday morning and before the ordinary time for starting and after the ordinary time for ceasing work on any other day shall be deemed to be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Twenty-four hours' notice shall be given by the employer to any worker called upon to work overtime after the ordinary time for ceasing work. When less than 24 hours' notice has been given 5s. 2d. shall be paid for tea money. Where a worker has been notified on the previous day that he or she will be required to work overtime and overtime is not made available, tea money shall be provided. Where a factory has a cafeteria a suitable hot meal may be provided in lieu of payment of the meal allowance.

(b) No worker regularly employed by an employer during the hours fixed by clause 2 of this award shall work for another employer in the industry outside of those hours.

(c) No employer party to this award shall employ any worker outside of award hours unless he also employs such worker during the ordinary hours of work.

Holidays

5. (a) The following shall be the recognised holidays and shall be paid for at the same rate as ordinary working days: Christmas Day, Boxing Day, New Year's Day, the day following New Year's Day, Anzac Day, Good Friday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day or a day in lieu thereof to be agreed upon between the secretary of the employers' association and the secretary of the union.

(b) Should any of the above-mentioned holidays, other than Anzac Day, fall on a Saturday or a Sunday, then for the purposes of this award such holiday shall be observed on the following Monday or Tuesday.

(c) Double rates shall be paid for all work done on Saturday afternoon, Sunday, or any of the above-mentioned holidays.

(d) (i) Holidays shall be allowed in accordance with the Annual Holidays Act 1944.

(ii) Upon completion of 10 years' continuous employment with the same employer, a worker shall be granted in respect of each further year of employment with that employer, an annual holiday of three weeks instead of two weeks allowed under the Annual Holidays Act 1944: Provided that the additional week shall be granted at a time convenient to the employer.

(iii) Where it is customary for any employer to allow annual holidays to his workers or to any class of his workers during a period in each year when his premises are closed or the work of those workers is for any reason discontinued, and at the date of the commencement of any such period any such worker has not become entitled to an annual holiday, then, subject to any agreement under the proviso to subsection (2) of section 3 of the Annual Holidays Act 1944, that worker, notwithstanding the provisions of subclause (d) of clause 9 of this award, shall not be entitled to any wages for the two weeks following that date but the employer shall before that date pay to him in addition to all other amounts due to him at that date, including amounts to which he is entitled in respect of special holidays, an amount equal to one twenty-fifth of his ordinary pay for the period of his employment up to that date, and for the purposes of the Annual Holidays Act the next year of his employment shall be deemed to commence on that date.

Employment of Females

6. (a) The minimum rates of wages payable to females shall be as follows:

	Per Week
	£ s. d.
For the first six months	4 15 0
For the second six months	5 5 0
For the third six months	6 0 0
For the fourth six months	6 15 0
For the fifth six months	7 10 0
For the sixth six months	8 5 0
Thereafter	9 9 2

Provided that workers commencing over 16 years of age shall receive 10s. per week in advance of the above rates, but this proviso shall not operate so as to increase the rate of £9 9s. 2d.: Provided, also, that a female worker commencing at the trade when over 21 years of age shall be paid £7 14s. 2d. per week for the first six months, £7 19s. 2d. per week for the second six months, £8 5s. per week for the third six months, £8 10s. per week for the fourth six months, £8 15s. per week for the fifth six months, and thereafter at not less than £9 9s. 2d. per week.

(b) *Part-time Workers*—A weekly worker whose engagement is for less than 40 hours per week shall be paid the *pro rata* rate calculated on the ordinary adult weekly wage.

Termination of Employment

7. Within the first week of employment one hour's notice of the termination of the employment shall be given by either party, but thereafter one week's notice of the termination of the employment shall be given by either party, failing which one week's wages shall be paid or forfeited as the case may be.

Piecework and Bonus System

8. (a) In all cases where piecework is worked or a bonus is paid, the basis on which the piecework or bonus is calculated shall be negotiated between representatives elected by the workers directly concerned in the factory, the employer,

and a representative of the workers' union. Should it become impossible to reach agreement, any of the above-mentioned parties may refer the question to the Conciliation Commissioner for the industrial district in which the factory is situated for decision. Any party dissatisfied with the decision of the Commissioner may appeal to the Court upon giving written notice of such appeal to the other parties within 21 days after such decision shall have been communicated to the party desirous of appealing.

(b) In the factories where a bonus system is in operation no deduction shall be made from the bonus in respect of any holidays prescribed by this award or by the Factories Act.

General Conditions

9. (a) Wages shall be paid weekly not later than Thursday in any case and not later than the usual closing time in the factory. Not more than two days' pay shall be kept in hand by the employer. Where a holiday falls on a Thursday or a Friday, wages shall be paid on the preceding Wednesday.

(b) Each worker shall be entitled to be given a statement showing how the wages are assessed and the deductions made.

(c) All wages shall be paid on the termination of employment.

(d) An employer shall be entitled to make a rateable deduction from the wages of any worker for any time lost by him through sickness, accident, or default.

(e) Facilities for boiling water shall be provided.

(f) A 10-minute rest period shall be allowed in the morning and afternoon to all workers.

First Aid Outfit

10. A St. John first aid outfit or similar kit, fully equipped, shall be provided by the employer on each floor in every factory. A suitable person shall be in charge.

Matters Not Provided For

11. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the president or 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.

Unqualified Preference

12. (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.)

Notification

13. An employer shall, if requested to do so by the secretary of the local union, furnish him with a return setting out the names of all workers in his employ who are deemed to be adults under subclause (e) of clause 12 of this award but not more often than once each six months.

Interviews with Employees

14. The secretary or other representative of the union shall be permitted to interview employees at their place of employment during working hours for the purpose of collecting contributions due to the union.

Under-rate Workers

15. (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 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.

Application of Award

16. 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

17. This award shall operate throughout the Wellington, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

18. 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 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 7th day of June 1966.

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 3rd day of August 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 12 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.