

TARANAKI, WELLINGTON, MARLBOROUGH, AND NELSON GASWORKS (OVER 12,000,000 CUBIC FEET OUTPUT) EMPLOYEES—AWARD

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

In the Court of Arbitration of New Zealand, Taranaki, Wellington, Marlborough, and Nelson, Industrial Districts—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Wellington, Taranaki, Nelson, and Marlborough Gas Works and Related Trades Employees Industrial Union of Workers (hereinafter called "the union") and the undermentioned union, companies, boards, and councils (hereinafter called "the employers"):

New Zealand Gasworks Industrial Union of Employers, 64 Courtenay Place, Wellington.

Blenheim Borough Council Gas Department, Blenheim.

Hastings Gas Co. Ltd., Hastings.

Hawera Gas Co. Ltd., Hawera.

Levin Borough Council, Levin.

Napier Gas Co. Ltd., Napier.

Nelson City Council, Nelson.

New Plymouth City Council Gas Department, New Plymouth.

Palmerston North City Council, Palmerston North.

Hutt Valley Electric Power and Gas Board, Lower Hutt.

Wellington Gas Co. Ltd., Wellington.

Dannevirke Borough Council Gas Department, Dannevirke.

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 March 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 8th day of October 1964.

[L.S.]

A. P. BLAIR, Judge.

SCHEDULE

Industry to Which Award Applies

1. The industry to which this award applies is the manufacture and distribution of gas and by-products.

Hours of Work

2. (a) The hours of work for all workers, including maintenance men and shiftmen, shall be 40 per week, exclusive of overtime.

(b) For all workers, other than shift workers, the daily hours shall be between 7.30 a.m. and 5 p.m. on each of the days of the week from Monday to Friday, both days inclusive: Provided that no worker shall be required to work at ordinary rates for more than eight hours on any of the above days.

(c) *Shift Work*—The ordinary hours for shift workers shall be as follows: A week's work shall consist of five shifts of eight hours each. Workers shall change shifts, as may be mutually arranged, so that no worker shall average more than 20 shifts in the period of 28 days.

Classification and Rates of Wages

3. (1) *Shift Workers*—Retort operators, stokers, fire-cleaners, tar-plant operators, £3 1s. 2d. per shift. Man in charge 2s. 8d. per shift extra.

(2) *Day Workers*—The minimum rate of wages for day workers shall be in accordance with the following provisions:

- (a) Meter-repairers, main-laying gangers, retort setters and patchers, 7s. 8d. per hour.
- (b) Tinsmiths, sheet-metal workers, motor mechanics, electricians, blacksmiths and loco-drivers shall be paid the rate prescribed in their respective awards.
- (c) Service-layers, main layers and jointers, head storemen, telpher-drivers, men employed chipping, cleaning, painting, and/or spraying steel and iron structures, 7s. 2½d. per hour.
- (d) Loco-firemen, blacksmiths' strikers, stove-meter, and other shopmen reconditioning stoves, maintenance men, complaints men, 6s. 11½d. per hour: Provided that any work defined as "plumbing work" in the New Zealand Plumbers and Gasfitters' Award shall be paid for at the rate provided in the said award.
- (e) Meter-readers, 6s. 11½d. per hour.
- (f) Coal workers, 6s. 10½d. per hour.
- (g) (i) By-products operators, 6s. 10½d. per hour. (ii) Operator tar-distilling plant on day work, 6s. 10½d. per hour.
- (h) Worker who is employed welding, 2s. per day or part of a day extra.
- (i) All other workers, 6s. 8½d. per hour.
- (j) Motor drivers not covered by another award, and motor drivers who are employed in connection with the maintenance and servicing work, shall be paid the rates provided in the Motor and Horse Drivers' Award for the time being in force.
- (k) Working foreman shall be paid not less than the rate specified in clause 3 (2) (a) of this award.
- (l) Workers other than tradesmen employed on tradesmen's work shall be paid the tradesmen's rates specified in clause 3 (2) (a) of this award.
- (m) Loco-drivers standing by during the lunch hour shall be paid for the standing-by time.
- (n) Workers required to fill an emergency vacancy in the retort house shall be paid 3s. 9d. extra for the first shift, but this shall not apply to regular relieving workers.
- (o) Workers when engaged in operating water gas plant shall be paid £3 3s. 10d. per shift.

(3) The following special rates shall be paid to the workers specified below, whilst employed by the Wellington Gas Co.:

- (a) Day-shift workers employed in the retort house, 7s. 2½d. per hour.
- (b) (i) Operator on mechanical coal plant, 7s. 2½d. per hour. (ii) Other coal workers, 6s. 11½d. per hour.
- (c) (i) By-product operators, 6s. 11½d. per hour. (ii) Operator tar-distilling plant on day work, 6s. 11½d. per hour.
- (d) Other workers at Miramar, 6s. 11½d. per hour.
- (e) Depot attendants working shifts, £2 12s. 2d. per shift.
- (f) Workers required to fill an emergency vacancy in the retort house shall be paid 3s. 9d. extra for the first shift; but this shall not apply to regular relieving workers.
- (g) Leading hands on coke stage shall be paid 6s. 9d. per week above yard workers' rates.

Dirty Work

4. (a) (i) Workers engaged in emptying, easing, or turning oxide in purifier-boxes or in grinding oxide shall be paid time and a half rates.

(ii) Workers while engaged in mixing and/or in refilling oxide into purifier-boxes shall be paid 3s. 9d. per day or part of a day in addition to their ordinary wages.

(b) Workers while engaged in cleaning out tar or distillate tanks or in removing crude naphthalene from tanks or wells shall be paid 3s. 9d. per day or part of a day in addition to their ordinary wages.

(c) Yard workers while employed filling retorts with coke, patching retorts, cleaning retort-bench flues, cleaning tar-mains and governor in retort houses, dismantling retorts, mouth-pieces, and ascension pipes, assisting to clean flues in emergencies, dismantling and cleaning (except steaming or washing out) washers and scrubbers, cleaning ammonia-stills shall receive 6d. per hour extra.

(d) Provided that not more than the highest rate payable under any of the foregoing subclauses shall be payable on any one day.

(e) (i) Workers while engaged in spraying tar shall be paid 5d. per hour extra.

(ii) A worker employed in handling tar shall be paid 3d. per hour above his ordinary rate of wages.

Wet Places, etc.

5. While a worker is required to work under conditions not normal to his usual employment in excessively dusty places or in mud or water to such an extent that getting dusty, muddy, or wet becomes unavoidable, he shall be paid 5d. per hour above his ordinary rates of pay: Provided that this shall not apply to workers who, under any other provision of this award, are being paid an allowance for similar conditions.

A "wet place" in this clause shall mean a place where a worker has to stand in not less than 1½ in. of water, or where water, other than rain, is dripping on him.

Hot Places

6. Workers while employed in any place where the temperature is 110 degrees or over shall be paid 5d. per hour or part of an hour above their ordinary rate of pay.

Height Money

7. (a) Workers required to work from a bosun's chair or a swinging stage shall be paid 2s. 9d. per day in addition to their ordinary rate of wages.

(b) Where a worker is required to work at a height from the ground which is unusual to his employment, and which is deemed to be dangerous, the question of additional payment, if any, shall be dealt with in accordance with the provisions of clause 19 of this award, except in the case of tradesmen, who shall receive such payment for height money, if any, as may be prescribed by the relevant tradesmen's award.

Overtime

8. (a) Except in the case of shift workers, all time worked outside or in excess of the hours mentioned in clause 2 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 thereafter at double time rates. All overtime shall be calculated and paid for on a daily basis.

(b) Workers, other than shift workers, who are called upon to work on Sunday shall be paid a minimum of four hours at double time rates except for complaints men, who shall be paid a minimum of two hours.

(c) *Shift Workers: Saturday and Sunday Pay*—Each shift worker working on Sunday or between noon and midnight on Saturday, shall be paid double time rates for all time so worked. Each shift worker working between midnight Friday and noon on Saturday shall be paid at the rate of time and a half for all time so worked.

(d) Except for the purpose of changing shifts, all time worked in excess of the ordinary shift-work hours shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates.

(e) There shall be an equal distribution of overtime among the employees as far as practicable.

(f) Any casual or part-time shift worker who has worked in excess of 40 hours in any one week shall be entitled to payment for overtime at the rate applicable to the class of work on which the overtime was worked.

(g) Workers who are called out to work on Saturday shall be paid a minimum of four hours at overtime rates. If such workers continue to work after 1 p.m. they shall be employed until the usual hour of ceasing work on an ordinary working day. The provisions of this subclause shall not apply to complaints men.

Meal Money

9. The employers shall allow meal money at the rate of 5s. 6d. per meal when workers are called upon to work overtime after 6 p.m. or after noon on Saturday, unless such workers can reasonably get home for a meal and return to work in one hour, or such time as may be agreed upon between the union and the employer.

Holidays

10. (a) Workers shall be allowed the following holidays without deduction from pay: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, 2 January, and Anniversary Day or a day in lieu thereof.

(b) Workers who are required to work on any of the days mentioned in the preceding subclause shall be paid for such work at double time rates plus a day's pay.

(c) Should any of the above-mentioned holidays, except Anzac Day, fall on a Saturday or Sunday, such holiday shall be observed on the next succeeding working day.

(d) Shift workers whose ordinary day off falls on one of the holidays prescribed in subclause (a) of this clause shall be allowed another working day off in lieu thereof, each substituted day to be mutually agreed upon by the worker and the employer.

Annual Holidays

11. (a) Annual holidays shall be allowed in accordance with the provision of the Annual Holidays Act 1944, except that shift workers after each complete 12 months of service shall be allowed a holiday of three clear weeks (15 working days) in place of two weeks.

(b) Workers, other than shift workers, shall be allowed an annual holiday of three weeks for the tenth and subsequent years of continuous service with the same employer in lieu of the two weeks allowed under the Annual Holidays Act. The third week's holiday may be allowed either in conjunction with or separately from the first two weeks as the employer may decide.

Employment of Youths

12. (a) Youths may be employed in meter-repairing shops, stove-shops, maintenance department, stores and showrooms, in the proportion of one youth to every four or fraction of the first four adults permanently employed: Provided that youths under 19 years of age shall not be employed in the maintenance or complaints departments and shall be employed as assistants to adults at servicing work for the first year of their employment.

(b) Subject to the provisions of the Factories Act 1946, the following shall be the minimum rates of wages payable to youths:

					Per Week		
					£	s.	d.
Under 18 years of age	..	..	..	..	6	15	0
18 to 19 years of age	..	..	..	..	7	6	8
19 to 20 years of age	..	..	..	..	9	18	4
20 to 21 years of age	..	..	..	..	11	10	0
Thereafter adult wages.							

(c) Where females are employed, the wages and conditions as at present may be continued in operation during the currency of this award.

General Conditions

13. (a) Any worker, other than a shift worker, employed in filling a casual vacancy caused through sickness or default of the above mentioned workers shall receive 4s. 3d. for the first shift in addition to the wages prescribed in clause 3 of this award for shift workers.

(b) *Payment of Wages*—Except where mutually arranged, all wages shall be paid not later than Thursday of each week during working hours. Each worker shall be supplied with a statement giving details of overtime and other special payments, also deductions.

When a statutory holiday falls on a Friday, wages shall be paid on Wednesday of that week.

(c) The employer shall supply at each works sufficient and efficient tools and equipment, including respirators and first aid outfits, to be kept in a convenient and accessible place.

(d) Men engaged in laying and cutting live mains shall be supplied with efficient respirators, which shall form part of the equipment.

(e) All gasworks buildings where men are required to perform work shall be adequately ventilated so as to protect the health and ensure the safety of the worker.

(f) A suitable heating appliance shall be provided at the works for workers requiring to heat their food.

(g) Where coke from the retorts is required to be wheeled or trucked out, the floor of the retort house shall be level and clear of obstruction, and the barrows or truck in good working order.

(h) During the time that any portion of the plant may be closed down temporarily workers usually employed on that portion of the plant shall be found employment in other departments.

(i) Each shift shall be a continuous eight hours.

(j) Where the wearing of gloves is necessary, they shall be supplied by the employer.

If and so long as it is essential for workers to work out in wet weather, they shall be provided by the employer with waterproof coats and leggings.

(k) Where the charging or discharging machine on the 18 ft horizontal retort breaks down and coke has to be trucked out two additional men shall be employed and payment made at double time rates.

(l) Yard worker with engine-driver's ticket who is retained as relieving retort hand shall be paid 1s. 4d. per day above ordinary yard worker's wages.

(m) Subject to the satisfactory working of the industry not being prejudiced during these stoppages, all workers shall be allowed 10 minutes' break morning and afternoon.

(n) Workers employed under clause 3 (1) and 3 (3) (a) shall be paid 2s. 3d. per week as a footwear allowance.

(o) Workers employed under clause 3 (1) and 3 (3) (a), and yard workers shall be supplied with overalls or paid 2s. 3d. per week in lieu thereof.

Accommodation

14. (a) The employer shall provide and maintain at the works to the satisfaction of the Inspector of Factories, sanitary arrangements and accommodation to enable workers to take their meals and change their clothing, and also provide lockers for the safe keeping of the workers' clothing, and make provision for hot and cold shower baths. The present practice as to keeping accommodation clean shall continue.

(b) Where four or more men are employed as a main-laying gang, the employer shall provide a shed so that they may change their clothes and take a meal.

Tools

15. The employer shall provide each worker with such tools as he may require over and above his ordinary trade equipment. Tools lost through the worker's neglect shall be replaced at the worker's expense.

Travelling Allowance

16. (a) Workers shall be at the place where the work is to be performed at the time appointed for commencing work. When the place where the work is to be performed is over one and a half miles from the place of engagement all fares shall be paid by the employer, and the time reasonably occupied in travelling to and from work shall be allowed by the employer at ordinary time rates. No worker residing less than one and a half miles from the place where the work is to be performed by the nearest convenient mode of access for foot-passengers shall be entitled to the allowance mentioned in this subclause.

(b) Workers who use their own bicycles in the service of the employer shall be paid not less than the rate of 2s. 6d. per week for pedal-cycle and 10s. for motor cycle.

(c) Any worker required to commence work after the cessation of public wheeled traffic or before the ordinary time of starting such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease before the ordinary time of starting such traffic, shall be paid for time occupied in travelling to or from his home, computed on 3 miles per hour at ordinary rates of pay.

If a conveyance is provided for the worker by his employer he shall not be entitled to payment for travelling time.

For the purpose of this award "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by workers travelling to and from their work.

Workers employed at the Palmerston North Municipal Gasworks who reside not less than one and a half miles from the works shall be paid 2s. 10½d. per week travelling allowance so long as no public conveyance is available between the city and the works.

Place of Engagement

17. Workers shall accept engagement only at the works or other usual place of engagement of the employer.

Termination of Employment

18. (a) Except in the case of casual workers, not less than one week's notice shall be given on either side of the intention to terminate the employment of any worker.

Where the employment is terminated without the requisite notice and without good cause one week's earnings at ordinary rate shall be paid or forfeited as the case may require, but this shall not prevent any employer from dismissing a worker summarily for misconduct, and such worker shall be paid only the wages due at the time of his dismissal.

(b) On the termination of his employment, every worker, provided he shall have delivered to the employer all property in his possession belonging to the employer, shall be paid the sum due to him for wages.

Disputes Committee

19. 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 in connection therewith and not dealt with in this award, every such dispute or difference shall be referred to a committee 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 the Conciliation Commissioner for the district. Either side shall have the right of appeal to the Court of Arbitration within 14 days after such decision has been made known to the party desirous of appealing.

Unqualified Preference

20. (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

21. (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.

Workers Other Than Adults

22. If and so long as the rules of the union permit any worker employed in any position or employment subject to this award who is under the age of 18 years to become a member of the union without ballot or other election, and upon payment of not more than half the payments provided by the rules of the union for adult workers, such worker shall become a member of the union, and if such worker neglects to become a member of the union within two weeks from the date of employment the employer shall, if requested so to do by the union, dismiss such worker, provided there is then a member of the union equally qualified and of similar status and ready and willing to perform the particular work required to be done.

Right of Entry, Etc.

23. (a) 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 interview any workers, but not so as to interfere unreasonably with the employer's business.

(b) The employer, at intervals of not less than four months, shall, if requested, supply to the secretary of the union a list of names and addresses of the workers coming within the scope of this award who have been taken into the employer's service since the last list was furnished and who are still employed.

Scope and Application of Award

24. (a) This award shall operate throughout the Taranaki, Wellington, Marlborough, and Nelson Industrial Districts, and shall apply to the parties named herein and to such other employers as may from time to time be added as parties by order of the Court.

(b) This order shall apply to workers employed in the gas manufacturing and distributing industry by employers parties hereto, but shall not apply to any such worker who is employed substantially at work covered by any other existing award or industrial agreement and who is bound by such award or industrial agreement.

Term of Award

25. 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 30th day of September 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 31st day of March 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 8th day of October 1964.

[L.S.]

A. P. BLAIR, 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 20 in the award in the form in which it was agreed upon in the Council of Conciliation.

The rates of remuneration prescribed by this award are *not* to be increased by the application of the provisions of the Court's general order of 19 August 1964.

A. P. BLAIR, Judge.