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**NORTHERN INDUSTRIAL DISTRICT COOPERS—AWARD**

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 Coopers Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned firms and companies (hereinafter called “the employers”):

Auckland Farmers' Freezing Co. Ltd., Endeans Buildings, Queen Street, Auckland.

Dominion Yeast Co., 8 Williamson Avenue, Auckland.

Shortland Freezing Co., Otahuhu.

Westfield Freezing Co. Ltd., Quay Street, Auckland.

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 10th 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 6th day of October 1964.

[L.S.]

A. P. BLAIR, Judge.

#### SCHEDULE

##### *Hours of Work*

1. (a) A week's work shall not exceed 40 hours, to be regulated by each employer according to the special requirements and circumstances of his business, but so that the ordinary hours of work shall be made to fall between the hours of 7.30 a.m. and 5 p.m. on five days of the week from Monday to Friday, both days inclusive.

(b) No worker shall be required to work more than four and a half hours continuously without an interval of at least three-quarters of an hour for a meal: Provided that this meal time may be reduced to half an hour by mutual agreement, and provided, further, that the said period of four and a half hours may be extended to not more than five hours.

(c) A "smoko" of ten minutes shall be allowed each morning and afternoon without deduction from pay: Provided that when employed by freezing companies this period shall be extended to 15 minutes.

##### *Meal Hour*

2. One hour shall be allowed for meals: Provided that less than one hour may be observed by mutual agreement; and provided, further, that the meal time mutually agreed upon shall be not less than half an hour.

##### *Wages*

3. (a) The minimum amount of wages shall be as follows:

Coopers capable of performing the following operations in a tradesmanlike manner—

(i) The work of raising a cask and completing same						Per Week
(ii) The work of reconditioning used casks to the required standard	..	..	..	..	..	£ s. d.
						15 14 2
Other workers	..	..	..	..	..	15 0 10

(b) No deduction shall be made from the weekly wage of any worker employed under this award except for sickness, accident, or the default of the worker.

*Casual Workers*

4. Casual workers shall be paid a minimum of 7s. 11½d. per hour. A worker shall be deemed to be a casual worker who is employed for a period of less duration than one week.

*Overtime*

5. (a) All time worked in any one day beyond the hours specified in clause 1 of this award 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.

(b) Any worker ordered back to work after 6 p.m. shall be provided with a hot meal or he shall be paid 5s. 6d. meal money, unless such worker has been notified the previous day that he will be required to work overtime.

(c) When any worker is ordered back to work overtime after 6 p.m. a minimum of two hours shall be paid for. If ordered back to work on Saturday a minimum of four hours shall be paid for.

(d) A 10-minute rest period every two hours shall be allowed when workers are working overtime.

*Holidays*

6. (a) The following shall be the recognised holidays with no deduction from pay: New Year's Day, the day following New Year's Day or a day in lieu thereof, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, and Boxing Day.

(b) For all work done on any of the above-mentioned holidays double time shall be paid in addition to the ordinary wage. For all work done on Sundays double ordinary rates shall be paid.

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

(d) Annual holidays shall be allowed as provided under the Annual Holidays Act 1944, and its amendments.

*Suburban Work*

7. (a) Work done at a distance of over 2 miles from the shop of the employer shall be considered suburban work and journeymen employed thereon shall be allowed and paid for the time reasonably occupied by them in walking to and from such work, or they shall be conveyed to and from such work at the cost of the employer; but no journeyman residing less than 2 miles by the nearest convenient mode of access for foot-passengers from the place where the work is to be done, if sent from his home to such work, shall be entitled to the allowance mentioned in this subclause.

(b) If any worker is required to use the ferry for the purpose of going to or returning from any place outside his employer's shop where the work is to be done, his fares shall be paid by his employer, the time to be counted from the usual time of starting work until the worker returns to the Auckland wharf.

*Termination of Employment*

8. One week's notice in the case of weekly workers and one hour's notice in the case of hourly workers shall be given on either side; but this shall not prevent an employer from summarily dismissing any worker for misconduct.

*Payment of Wages*

9. All wages shall be paid weekly not later than Thursday of each week at the place of employment during ordinary working hours: Provided that where a holiday falls on a Friday, wages shall be paid not later than Wednesday of that week.

*Right of Entry Upon Premises*

10. The secretary or other authorised officer of the union 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.

*Overalls*

11. When employed by freezing companies workers shall be supplied with boots, overalls, towels, and where required, jerseys, waterproof coats and leggings. Clothing shall be laundered weekly at the expense of the employer. An adequate supply of toilet and liquid soap shall be provided.

*Wet Places*

12. Employers shall provide all workers working in wet places with gumboots or leather boots as required.

*Machine Work*

13. Coopers engaged at machine work shall be subject to the provisions of this award, and any worker engaged at any portion of the coopering industry shall be subject to this award.

*First-aid Chest*

14. A fully equipped first-aid medical outfit shall be provided and maintained in all works and shall be at all times conveniently accessible to each worker employed.

*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 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*

16. (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.

#### *Accommodation*

17. The employer shall provide accommodation facilities in accordance with the provisions of the Factories Act 1946 and its amendments.

#### *Application of Award*

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 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 district to which this award relates.

#### *Scope of Award*

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

#### *Term of Award*

20. 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 10th 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 10th 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 6th day of October 1964.

[L.S.]

A. P. BLAIR, Judge.

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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 15 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.

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