

NORTHERN INDUSTRIAL DISTRICT SEED WORKERS—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 United Storemen and Packers (other than in Retail Shops) and Warehouse Employees (other than Drivers and Clerks) Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned company (hereinafter called “the employers”):

Yates, Arthur and Co. Ltd., Seed and Manure Merchants, Albert 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 12th 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 4th day of February 1964.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. The ordinary hours of work shall not exceed 40 hours in any week or eight hours in any day, and shall be worked between the hours of 8 a.m. and 5 p.m. on five days of the week, Monday to Friday, both days inclusive.

Meal Hours

2. One hour shall be observed for lunch each day between 12 noon and 2 p.m. Less than one hour may be observed by mutual consent between the employer and the majority of the workers affected, provided that the meal hour shall be not less than three-quarters of an hour.

No worker shall be employed for more than four and a quarter hours without an interval for a meal.

Wages

3. (a) The minimum rates of wages for female workers shall be as follows:

	Per Week		
	£	s.	d.
Under 16 years of age	3	10	3
16 to 16½ years of age	4	0	3
16½ to 17 years of age	4	11	3
17 to 17½ years of age	5	0	6
17½ to 18 years of age	5	8	6
18 to 19 years of age	6	5	6
19 to 20 years of age	6	17	9
20 to 21 years of age	7	16	3
21 years of age and over	8	16	8

Provided that female workers may be employed for less than 40 hours per week; and provided, also, when so employed they shall be paid not less than 4s. 8½d. per hour. A minimum of four hours in any one day shall be paid for.

(b) When male workers are employed, they shall be paid not less than the following rates:

	Per Week		
	£	s.	d.
Under 16 years of age	4	4	6
16 to 16½ years of age	4	14	3
16½ to 17 years of age	5	5	0
17 to 17½ years of age	5	14	6
17½ to 18 years of age	6	7	0
18 to 19 years of age	7	5	3
19 to 20 years of age	8	6	3
20 to 21 years of age	9	17	9
Thereafter	13	8	4

(c) A worker in charge of other workers and who supervises and directs operations in any department in which five or more other workers are employed shall be paid £1 per week extra.

Overtime

4. (a) All time worked outside of and/or in excess of the daily 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 three hours and double time thereafter.

(b) The minimum rate of overtime shall be 4s. 6d. per hour.

(c) When female workers are required to work overtime, the provisions of section 21 of the Factories Act 1946 shall apply except that the rate of the allowance for a meal shall be 5s. 3d.

(d) Male workers who have not been notified the previous day that they will be required to work overtime after one hour or more from the usual time for ceasing work shall be paid 5s. 3d. tea money. If not required to work overtime after having received such notice, they shall be paid the meal money.

Payment of Wages

5. Wages shall be paid weekly on any day not later than Wednesday during ordinary working hours.

Terms of Employment

6. (a) Except in the case of hourly workers, the employment shall be deemed to be a weekly employment, and no deduction shall be made from the worker's wages except for time lost by reason of the default of the worker or by reason of his illness or of any accident suffered by him.

(b) Except in the case of hourly workers, not less than seven days' written notice shall be given by either party of the termination of the employment: Provided that nothing in this clause shall prevent an employer from summarily dismissing any worker for wilful misconduct.

Holidays

7. (a) The following shall be recognised as paid holidays: New Year's Day and the day following, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, and Boxing Day.

(b) Any work done on Sundays or Anzac Day or on any specified holiday or on any day observed in lieu thereof shall be paid for at double time rates. The said payment shall be made in addition to the ordinary week's wages.

(c) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then for the purpose of this award such holiday shall be observed on the following Monday. In the event of Christmas Day and New Year's Day being observed on a Monday in pursuance of the foregoing, Boxing Day and 2 January shall be observed on the respective Tuesdays.

(d) 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.

(e) 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 occurs, he shall be entitled to receive payment for the holiday from one or more of those employers, and if more than one, in such proportion as the Inspector of Awards determines.

(f) Annual holidays shall be allowed in accordance with the Annual Holidays Act 1944. Such holidays shall be in addition to the holidays specified in subclause (a) of this clause.

General Conditions

8. (a) The employer shall take all precautions practicable to provide adequate ventilation throughout the work-room and for the removal of dust.

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

Accommodation

9. The employer shall provide the following:

- (a) A dressing room fitted with a locker for each worker and sufficient tables and chairs.
- (b) A rest-room for workers who are indisposed.
- (c) A suitable dining room with facilities for boiling water.
- (d) Adequate lavatory accommodation and a sufficient number of towels and wash-hand basins fitted with hot and cold water.

First Aid

10. A first aid kit shall be provided and shall be made easily accessible to the workers.

Casual Workers

11. (a) Male workers employed for less than one week shall be deemed to be casuals and shall be paid not less than 6s. 8½d. per hour. When casual labour is employed, a minimum of four hours shall be paid for.

(b) Female workers employed for less than one week shall be deemed to be casuals and shall be paid not less than 4s. 8½d. per hour. When casual labour is employed, a minimum of four hours shall be paid for.

Disputes

12. 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 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 the Conciliation Commissioner for the district. 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.

Right of Entry Upon Premises

13. 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.

Notification

14. On written request from the secretary of the union, the employer shall supply the union with the names of the workers employed by him.

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 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.

Application of Award

17. 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.

Industry to Which Award Applies

18. This award shall apply to workers employed at picking, packeting, sorting, labelling, wrapping, and packing into containers of seeds, fertilisers, sprays, weed killers, and insect destroyers preparatory to sale.

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 12th day of December 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 12th 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 4th day of February 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 15 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.
