

**NEW ZEALAND BAKING AND PASTRYCOOKING INDUSTRY EMPLOYEES—
AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, 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 Baking Trades Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned association, persons, firms, and companies (hereinafter called “the employers”):

New Zealand Master Bakers and Pastrycooks Industrial Association of Employers,
213 Manchester Street, Christchurch.
Adams Bruce Ltd., Collingwood Street, Ponsonby, Auckland.
Adams Bruce Ltd., Majoribanks Street, Wellington.
Callaghan Bros., Palmerston Street, Westport.
Collins Quick Lunch Parlours Ltd., 84 Cashel Street, Christchurch.
Denhard Bakeries Ltd., Adelaide Road, Wellington.
Goodman, R. L., and Co., Bakers, Motueka.
Hill Bros Ltd., Lambton Quay, Wellington.
Jamiesons and Sons Ltd., Grove Road, Blenheim.
Jays Ltd., George Street, Dunedin.
Lange Bros Ltd., 172 Tay Street, Invercargill.
Laurensens Ltd., 283 Highgate, Roslyn, Dunedin.
Magnet Bakeries Ltd., Paraparaumu.
Millars Ltd., 95 Tay Street, Invercargill.
Moore, H., Baker, Mackay Street, Greymouth.
Pt. Chevalier Bakery (1956) Ltd., Auckland.
Robins, R., Baker, Queenstown.
Rood, H. M., Dorothy Cake Shop, Cuba Street, Wellington.
Rumble, R. F., Quality Cake Shop, Prince Albert Road, St. Kilda.
Somertons Bakery Ltd., Stratford.
Stacey and Hawker Ltd., 58 Essex Street, Christchurch.
Warkworth Bakery, Warkworth.

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 14th 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 14th day of December 1964.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the baking and pastrycooking industry and to any person employed as a baker, or pastrycook, or baker's or pastrycook's labourer, or packer, or wrapper, or cake finisher or decorator, or as a home-made cake kitchen or home cookery employee, or a bread slicer or dispatcher in a home-made cake kitchen or a bakehouse, other than a shop assistant.

Hours of Work

2. (a) The ordinary hours of work shall not exceed 40 a week or eight a day, to be worked on five days of the week, Monday to Friday inclusive.

(b) The hour of starting work for bakehouse workers shall be not earlier than 4 a.m. except (i) that on a day prior to any one day on which no bread is baked for sale that day, the hour of starting work may be one hour earlier - viz., 3 a.m.; (ii) that on a day prior to two consecutive days on which no bread is baked for sale on those days, the hour of starting work may be two hours earlier - viz., 2 a.m.; (iii) that on a day prior to three consecutive days on which no bread is baked for sale on those days, the hour of starting work may be three hours earlier - viz., 1 a.m. For the purposes of this clause Saturday and Sunday are to be treated as days.

(c) If a journeyman or an adult worker is required to start earlier than the hours herein prescribed he shall be paid at the rate of 3s. 9½d. per hour extra for every hour worked before the prescribed starting time. If a junior labourer is required to start earlier than the hours herein prescribed, he shall be paid at the rate of 2s. 6d. per hour extra for every hour worked before the prescribed starting hour.

(d) A worker who has completed his work for the day and is required to commence work again later in the same day to bake bread or smallgoods for the following day shall be paid at the rate of 3s. 9½d. per hour extra for all time worked between the time of starting and midnight. This subclause shall not apply to doughing or sponging.

(e) Any journeyman or his assistant employed to make dough by machinery or hand, or to cut over or knock down dough, shall, if required by his employer, start earlier than the hours hereinbefore prescribed without extra payment except that any journeyman or his assistant so required to start work earlier than the prescribed hour shall be paid £1 7s. 3d. per week in addition to the minimum wage fixed by this award.

(f) The extra rates prescribed in subclauses (c) and (d) of this clause shall not be payable for time which is paid for at double time rates under clause 5 or clause 6 hereof or for time worked on Sundays or holidays and paid for under clause 8 hereof.

(g) When a holiday occurs in any week, a worker shall be deemed to have worked eight hours on that day for the purpose of computing the weekly hours.

Wages

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

	Per Hour		Per Week		
	s.	d.	£	s.	d.
Foreman baker or pastrycook	8	5 $\frac{3}{4}$	16	19	2
Journeyman baker or pastrycook	8	0	16	0	0
All other adult male workers	6	9	13	10	0

For the first week of employment with any employer a worker shall be paid on an hourly basis.

After the completion of one week's employment with the same employer a worker shall be paid on a weekly basis.

(b) A foreman baker or pastrycook is a journeyman who has charge of other workers and is responsible for the production and quality of goods produced.

(c) When an employer is himself substantially engaged in his own bakehouse he shall not be classed as foreman or first hand unless he actually does the work of the foreman or first hand. He shall either take an equal share of doughing or sponging with the men or he shall pay the worker who does it for his time. All foremen shall take their turn at doughing or sponging.

(d) The work of a baker shall include the preparation of flour and dough, attendance at machines while in motion and the cleaning and lubrication of such machinery, attendance at the oven and heating thereof, and generally any skilled work in the manufacture of bread. Should the ordinary work of the establishment be insufficient to keep a worker fully employed the employer may, at his discretion, employ such worker at other suitable work in the establishment.

(e) The work of all other workers shall include assisting bakers in charge of bread-baking machinery, assisting in loading and unloading ovens, trucking and packing away bread, cleaning bread tins, packing and wrapping bread, bread slicing, keeping factory and loading department clean, assisting in cleaning and lubricating machinery, but shall not include employment on any skilled work in the actual manufacture of bread and smallgoods.

(f) The proportion of "all other workers" to bakers or pastrycooks shall not exceed one to one. For the purpose of this clause a foreman or a doughman shall count as a baker or as a pastrycook.

(g) A worker engaged for relieving work necessitating his living away from home shall be paid his fare both ways by his employer.

Jobbers

4. (a) A journeyman jobber shall be paid not less than £3 5s. 7d. per day or a labourer jobber £2 14s. 6d. per day of eight hours. He shall be paid not less than four hours wages in any event. If he is employed for less than eight hours he shall be paid not less than 8s. 2 $\frac{1}{4}$ d. per hour for a journeyman jobber and not less than 6s. 9 $\frac{3}{4}$ d. per hour for a labourer jobber.

(b) A jobber is a worker who is engaged by the day or by the hour.

(c) A jobber shall be paid by his employer the necessary expense in going to and coming from work.

Overtime

5. All time worked on any day from Monday to Friday inclusive in excess of the daily hours prescribed in clauses 2 and 13 of this award shall be paid for at the rate of time and a half for the first three hours and double time thereafter, with a minimum rate of payment of 2s. 2d. per hour. In calculating overtime payments no account shall be taken of penalty payments prescribed under subclauses (c) and (d) of clause 2 of this award.

Weekend Work

6. (a) All time worked before noon on Saturday shall be paid for at the rate of time and a half: Provided that time worked in excess of eight hours shall be paid for at the rate of double time. All time worked after noon on Saturday shall be paid for at the rate of double time.

(b) Time occupied on Sundays in sponging and doughing shall be paid for at double rates in addition to the week's wages. Not less than one hour shall be allowed for sponging and doughing.

(c) Except in the case of work performed under subclause (b) of this clause on Sundays, other work performed on Sundays shall be paid for at double rates.

(d) No employer bound by this award shall employ a worker or workers and no worker bound by this award shall act in the making or baking for sale of bread or other fermented goods of any kind whether in the form of loaves, rolls, or any other form between 6 p.m. on Saturday and 6 p.m. on Sunday: Provided that nothing in this subclause shall affect the making of dough and the manufacturing of bread or other fermented goods for the Monday immediately following provided such Monday is not itself a holiday.

Junior Labourers

7. (a) Subject to the provisions and restrictions contained in subclause (e) of clause 3 of this award, junior labourers may be employed at not less than the following rates:

	Per Week		
	£	s.	d.
Under 17 years of age	7	0	0
17 to 18 years of age	8	1	8
18 to 19 years of age	9	4	2
19 to 20 years of age	10	6	8

Thereafter adult male rates.

(b) Junior labourers shall be employed as follows: One to the factory, and thereafter in the ratio of not more than one junior labourer to every two adult labourers, provided that this does not increase the proportion of labourers to journeymen specified in subclause (f) of clause 3 of this award.

Holidays

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

Employers may, at their option, substitute some other day for Anniversary Day. In such case the employer shall notify the Inspector of Awards for the district one week before the substituted day or Anniversary Day, whichever is the earlier.

(b) 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.

(c) No employer shall employ a worker or workers and no worker bound by this award shall act in the making or baking of bread or other fermented goods for sale, whether in the form of loaves, rolls, or any other form, between the

hour of 6 p.m. on the day immediately preceding any holiday provided for in this clause and the hour of 6 o'clock in the evening of such holiday: Provided that nothing in this subclause shall affect the making of dough and the manufacturing of bread or other fermented goods for the day immediately following the holiday, provided such day following is not itself a holiday.

(d) Work performed on any of the holidays listed in subclause (a) of this clause shall be paid for at double rates in addition to the weekly wages.

(e) Annual holidays shall be granted in accordance with the provisions of the Annual Holidays Act 1944, except that one additional day shall be added in lieu of picnic day, as provided for in the 1938 award: Provided, however, that upon the completion of the tenth and subsequent years of continuous service with the same employer a worker shall be granted an annual holiday of three weeks instead of two weeks as prescribed by the Annual Holidays Act.

Drivers

9. No driver shall be employed in any bakehouse in connection with the manufacture of any goods in the baking trade, but a bakehouse worker may deliver bread or smallgoods so long as he does not work more than the prescribed hours.

Board and Lodging

10. Employers shall not provide any of the workers with board and lodging on their own premises: Provided that in any case where a worker can satisfy the nearest Inspector of Awards that it is not practicable for such worker to obtain at a reasonable rate suitable board and lodging elsewhere than on the employer's premises, such Inspector of Awards may issue to such worker a permit authorising him to agree with his employer to board and lodge on his employer's premises at the rate not exceeding £1 17s. 2d. per week.

Meal-time and Rest Periods

11. (a) No worker shall be required to work for more than four and one-quarter hours continuously without an interval of at least half an hour for a meal: Provided that a meal break need not be allowed to a male jobber whose engagement is for not more than five continuous hours.

(b) A rest period of 10 minutes shall be allowed within each period of four hours required to be worked.

Meal Allowance

12. Unless notice is given on the previous day that overtime will be worked, a worker required to work in excess of nine hours shall be supplied by the employer with a hot meal, or alternatively a meal allowance of 5s. 6d. shall be paid to the worker.

Females

13. (a) The ordinary hours of work for female workers shall not exceed 40 per week or 8 per day and shall be worked on the five days of the week, Monday to Friday inclusive, between the hours of 7 a.m. and 5 p.m.

(b) The minimum rate of wages for journeywomen shall be £12 0s. 10d. per week. The minimum rate of wages for journeywomen jobbers shall be £2 9s. 3d. per day or 6s. 1½d. per hour.

(c) Females, other than journeywomen and apprentices, shall not be employed to manufacture any goods in the bakehouse or to do any hot-plate work.

(d) (i) Females may be employed in breaking eggs, cleaning fruit, papering tins and cake-hoops, cleaning and greasing tins and utensils, finishing (including icing and piping, except as provided in subclause (e)), and packing smallgoods, and generally to do all kinds of unskilled work at the following minimum rates of wages:

	Per Week		
	£	s.	d.
Under 16 years of age	4	5	0
16 to 17 years of age	4	16	8
17 to 18 years of age	5	14	2
18 to 19 years of age	6	15	10
19 to 20 years of age	7	13	4
Thereafter	9	10	0

(ii) Female assistants may be employed on a casual basis and shall be paid 5s. 3½d. per hour with a minimum of three hours payment for any one day. A casual assistant is an assistant whose employment is for less than five full days in any one week.

(e) (i) Females, other than journeywomen, may be employed in decorating, icing, and piping Christmas, christening, birthday, and wedding cakes, and shall be paid the rate of wages prescribed for journeywomen or journeywomen jobbers for the time they are so employed.

(ii) Junior females may be employed in decorating, icing, and piping Christmas, christening, birthday, and wedding cakes, and shall be paid not less than the following rates:

	Per Week		
	£	s.	d.
Under 16 years of age	5	1	8
16 to 17 years of age	5	12	6
17 to 18 years of age	6	13	4
18 to 19 years of age	7	15	0
19 to 20 years of age	8	16	8

Thereafter as provided in paragraph (i) of this subclause.

Terms of Employment

14. (a) Except where otherwise provided herein, the employment shall be a weekly employment. Wages shall be paid in cash weekly in the employer's time not later than Thursday. Details shall be shown on the pay envelope or wages slip as to how wages are made up. At the termination of service, wages due shall be paid without delay.

(b) In the case of weekly workers not less than one week's notice and in the case of hourly workers not less than one hour's notice shall be given by either party of the termination of employment. Nothing contained herein shall prevent an employer from summarily dismissing a worker for serious misconduct.

Where the employment is improperly terminated by either party the defaulting party shall pay or forfeit as the case may require, one week's pay in the case of weekly workers, or one hour's pay in the case of hourly workers, or the value of the unexpired period of the notice.

(c) No deduction shall be made from the weekly wages prescribed herein except for the time lost through the worker's own default or sickness or for accident not arising out of or in the course of his employment.

Access to Employer's Premises

15. (a) The secretary or organiser of the union shall have the right to interview workers during the course of their employment, but on union business only.

(b) The secretary or organiser of the union shall have the right to inspect the time and wages book provided for in clause 23 of this award.

General Conditions

16. (a) At the request of the secretary of the union, but not more often than once in each six monthly period, employers shall supply a list of all workers employed subject to this award.

(b) Adequate lighting and ventilation shall be provided in each factory.

(c) Where the worker and the employer agree, the employer may deduct union contributions and forward same to the secretary of the local branch of the union.

Disputes Committee

17. 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 specifically dealt with in this award, every such dispute or difference shall be referred to the Conciliation Commissioner for the district who shall either decide the question or refer the matter to the Court. Either side shall have the right to appeal to the Court against any decision of the Commissioner.

Unskilled Work

18. No journeyman or journeywoman provided for in this award shall be required to do any whitewashing or cleansing down the walls of any bakehouse. No journeyman or journeywoman shall take delivery of any stores when labourers are available.

Unqualified Preference

19. (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

20. (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

21. Accommodation and facilities for washing shall be provided by the employer in accordance with sections 59, 62, 63, 66, and 69 of the Factories Act 1946.

Existing Conditions

22. Notwithstanding the rate of wages fixed by the Schedule to this award, the wages of a worker at present in receipt of a higher rate than that provided in the said Schedule shall not be reduced so long as he or she continues in his or her present position.

Wages and Time Record

23. Every employer bound by this award shall keep a time and wages book in which shall be correctly recorded by each employer (a) the name of every worker employed, (b) the kind of work on which he or she is employed, (c) the daily hours of his or her employment, (d) the wages paid each week, and (e) the starting and finishing times of all workers. Each employee shall sign for his or her wages.

Application of Award

24. 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

25. This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

26. 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 23rd day of November 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 14th 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 14th day of December 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 19 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. TYNDALL, Judge.