

NORTHERN, WELLINGTON, MARLBOROUGH, CANTERBURY, AND OTAGO AND  
SOUTHLAND FLOUR, OATMEAL AND PEARL BARLEY MILLERS EMPLOYEES—  
AWARD

*[Filed in the Office of the Clerk of Awards, Dunedin]*

In the Court of Arbitration of New Zealand, Northern, Wellington, Marlborough, 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 Flourmill Employees Industrial Association of Workers (hereinafter called “the union”) and the undermentioned union (hereinafter called “the employers”):

New Zealand Flour, Oatmeal and Pearl Barley Millers Industrial Union of Employers, 159 Oxford Terrace, Christchurch.

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 30th day of April 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 5th day of February 1965.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to Which Award Applies*

1. This award applies to the manufacture of flour, oatmeal, bran, pollard, paste goods (spaghetti, macaroni), cereal foods, and by-products.

##### *Hours of Work*

2. (a) An ordinary week's work shall consist of 40 hours and except in the case of watchmen, shall be worked in shifts of eight hours on Monday to Friday inclusive, except that the last shift for the week may finish not later than 8 a.m. on Saturday morning.

(b) Employers shall so arrange the method of working that the men on the day shift shall be allowed reasonable time for a meal between the hours of 11 a.m. and 2 p.m. Shift workers shall be allowed half an hour crib time.

(c) No worker other than a watchman shall be required to work more than five hours without an interval for a meal.

##### *Wages*

3. (a) The minimum rate of wages for adult male workers shall be as follows:

	Per Hour	
	s.	d.
Roller or shift miller	8	6
Oatmeal or barley miller	8	6
Head storeman, or storeman solely in charge of store and responsible for receiving and delivery of goods	7	11
Kilnman	7	9
Purifier man - the man on purifier and flour dressing floors	7	7½
Smuttermen - the man in charge of wheat-cleaning machinery and wheat-tipping	7	7½
Packerman	7	6½
Assistant smuttermen or tipman	7	4
Store hands	7	4
All other adult male workers	7	2

(b) Workers employed on afternoon shifts shall receive 5s. per shift in addition to their ordinary rate of pay, and workers employed on night shifts shall receive 5s. 6d. per shift in addition to their ordinary rate of pay. Any shift starting or finishing outside the hours of 7 a.m. and 5.30 p.m. shall be either an afternoon or night shift.

#### *Employment of Boys and Youths*

4 (a) The following shall be the minimum hourly rates of pay for boys and youths:

	Per Hour	
	s.	d.
Under 17 years of age .....	3	7
17 years and under 18 years .....	4	3
18 years and under 19 years .....	5	1
19 years and thereafter, adult male rates.		

(b) *Proportion of Boys to be Employed*—The number of boys in any flourmill shall not exceed one to three or fraction of the first three men. The number of boys employed in any oatmeal mill shall not exceed one to two men: Provided that boys may be temporarily transferred from the flourmill to the oatmeal mill for the purpose of packing small bags.

(c) Except as provided in subclause (d) of this clause, boys and youths may be employed in assisting in any work, providing they are not required to lift, unassisted, any weight over 100 lb.

(d) No youth under 18 years of age shall relieve on packers, and youths over 18 years may relieve on packers during meal intervals and smoko but not at other times except at adult rates.

#### *Employment of Females*

5. Females may be employed in packing cereal food products and on research work at not less than the following weekly rates of wages:

Age Commencing	First Six Months	Second Six Months	Third Six Months	Fourth Six Months	Fifth Six Months	Sixth Six Months	Seventh Six Months	Eighth Six Months
Under 16 .. ..	86/-	94/-	102/-	111/-	119/-	133/-	146/-	156/-
16 to 17 .. ..	91/-	100/-	108/-	117/-	124/-	143/-	153/-	..
17 to 18 .. ..	98/-	107/-	116/-	124/-	142/-	151/-	..	..
18 to 19 .. ..	104/-	113/-	121/-	139/-	149/-	..	..	..
19 to 20 .. ..	111/-	119/-	136/-	148/-	..	..	..	..
20 to 21 .. ..	120/-	135/-	..	..	..	..	..	..

Thereafter, or on attaining the age of 21 years, not less than £10 1s. 6d.

#### *Overtime*

6. (a) All time worked in any one day in excess of the hours provided in clause 2 hereof or outside the clock hours regularly worked by day workers, shall be overtime and shall be paid for at the rate of time and a half for the first three hours and double time thereafter. A worker required to come back for overtime work after a meal period shall be paid for a minimum of three hours.

(b) Four hours may be worked on Saturday up to noon at time and a half rates. Time worked after noon on Saturday shall be paid at double rates. A worker required to work on Saturday morning shall be paid for a minimum of four hours. Nothing in this subclause shall apply to shift workers employed up to 8 a.m.

### *Payment of Wages*

7. (a) Wages shall be paid weekly in the employer's time not later than Thursday.

(b) No deduction shall be made from weekly wages except for time lost through sickness, accident, or default.

(c) In case of a breakdown of machinery or a stoppage of power, workers shall do any other work required of them.

(d) Details of how wages are made up (ordinary time, overtime, dirt money, overalls, travelling time, etc.) shall be shown on a slip or on the wages envelope.

### *Terms of Service*

8. One week's notice of termination of employment shall be given by either party, unless the worker is dismissed for misconduct, when the dismissal may be summary: Provided that during the first week's employment the period of notice shall be one hour. Where the employment of a weekly worker is terminated by either party without notice or without good cause, one week's wages shall be paid or forfeited in lieu of notice.

### *Holidays*

9. (a) The following shall be the recognised holidays which shall be paid for: Christmas Day, Boxing Day, New Year's Day, the day following that upon which New Year's Day is observed, Labour Day, Anzac Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, and Anniversary Day or a day in lieu thereof.

(b) For all other work done on any of the days mentioned in subclause (a) of this clause double ordinary rates shall be paid in addition to the ordinary rate of pay.

(c) Work performed on Sundays shall be paid for at double ordinary rates.

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

### *Annual Holidays*

10. Annual holidays shall be allowed in accordance with the Annual Holidays Act 1944: Provided that after 10 years' continuous service with the same employer, an additional week's annual holiday shall be allowed, or one week's wages at ordinary rates shall be paid in lieu thereof.

### *Packermen*

11. (a) A "packerman" is a worker who fills, weighs, sews, and places in its allotted place stock he is taking off the packer.

(b) Packermen when relieved for meals shall have their packers attended to in their absence so that they will not have to catch up back work when they resume. Where two and three shifts are worked, packermen shall be allowed not less than 30 minutes for meals in each shift without deduction for the time lost. The man in charge of the shift shall arrange amongst the men of the shifts for relief for packermen during their meal intervals.

(c) The number of packermen shall be as follows: Mills taking off the packer up to 16 sacks of products per hour, one packerman; over 16 sacks of products and up to 32 sacks per hour, two packermen; over 32 sacks of products and up to 48 sacks per hour, three packermen; over 48 sacks of products and up to 64 sacks per hour, four packermen; over 64 sacks of products and up to 80 sacks per hour, five

packermen: Provided that the classification and number of packers shall be reviewed in manner prescribed by clause 15 on the application of either party and modified, if necessary, following on the use in the industry of smaller-sized sacks and/or a change in the extraction percentage of flour.

(d) A packerman shall be employed in all mills taking off five sacks of flour per hour and over.

(e) When packermen are taking off twenty-fives, extra assistance shall be given.

(f) In mills taking off eight sacks of flour or over per hour, sacks shall be cleaned and branded for the packerman.

(g) Should any question arise concerning the work of packermen under this clause, it shall be dealt with by the disputes committee in accordance with clause 15 hereof.

#### *Automatic Packers*

12. The provisions of clause 11 of this award shall not apply to workers employed on high speed automatic weighing, packing and bag closing machines.

The matter of the manning strength for such machines shall be arranged by agreement between the local union and the employer; in default of such agreement it shall be determined in the manner prescribed in clause 15.

#### *Travelling Time*

13. Any worker who regularly uses public wheeled traffic, required to commence work after the cessation of public wheeled traffic or before the ordinary time of starting of such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic shall be paid for time occupied in travelling to or from his home at ordinary rates of pay, reckoning the time occupied as being at the rate of 3 miles per hour: Provided, however, that if a conveyance free of charge is provided for the worker by his employer he shall not be entitled to payment for travelling time under this subclause. For the purpose of this award "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by workers in travelling to or from their work.

#### *General Conditions*

14. (a) Any employer shall be at liberty to employ a man to combine the duties of more than one class of work, provided he is paid the higher rate of wages for any time while so employed with a minimum payment as for one hour worked.

(b) Not less than two men shall be employed where sacks of flour and grain have to be dragged on stacks.

(c) All workers shall be allowed two rest periods of 10 minutes during each day's work.

(d) Suitable provision for the changing of clothes, for the storing of clothing and personal effects, and dining room shall be provided for mill and store workers.

(e) Employers shall make provision for workers to have hot water for meals and in case of emergency.

(f) A modern first aid outfit, fully equipped and maintained, shall be kept in a convenient and accessible place at each mill and store.

(g) When a mill is closed for overhaul and men are employed cleaning or overhauling machinery, they shall be paid 3s. 2d. per day extra.

(h) Unless notice is given on the previous day, workers required to continue to work overtime for more than one hour after their usual hour for ceasing work shall be paid a meal allowance of 5s. 6d. If a worker is notified the previous day that he will be required to work overtime and overtime is not worked, the meal allowance shall be paid.

- (i) When requested by the worker a respirator shall be provided.
- (j) Workers shall be paid 1d. per hour overall and/or apron allowance.
- (k) Workers whilst employed on the stack stacking grain, flour, bran, or pollard in tied stacks over 20 sacks in height shall be paid 3½d. per hour extra: Provided that this shall not reduce stacking rates already being paid in any mill.
- (l) Workers while employed in handling bulk wheat shall be paid 4½d. per hour extra except where effective means of exhausting the dust are provided.
- (m) The worker in truck while loading out shall be paid 3½d. per hour extra while so employed.
- (n) Dining rooms, toilets, and sanitary conveniences shall be kept clean.

#### *Matters Not Provided For*

15. Anything not specifically provided for in this award, or any dispute that may arise over anything that is provided for in this award, shall be mutually arranged between representatives of the local union and of the employer concerned. In the event of their being unable to agree, the matter shall be referred to the Conciliation Commissioner for settlement. Either side, if dissatisfied with the decision of the Conciliation Commissioner, shall have the right to appeal to the Court of Arbitration upon giving written notice of such appeal to the other party within 14 days after the decision of the Commissioner has been conveyed to the parties concerned.

#### *Right of Entry*

16. Every employer bound by this award shall permit the secretary or other authorised officer of the union of workers to enter at all reasonable times (to be mutually arranged between the employer and the union) upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

#### *Research Workers*

17. Workers engaged in research departments on flour testing and bread baking shall be covered by the provisions of this award, except that they may be employed on Saturday morning, but not for more than 40 hours weekly, without payment of overtime.

#### *Unqualified Preference*

18. (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*

19. (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*

20. 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*

21. This award shall operate throughout the Northern, Wellington, Marlborough, Canterbury, and Otago and Southland Industrial Districts.

#### *Term of Award*

22. 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 working week in each establishment commencing on or after the 1st day of December 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 30th day of April 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 5th day of February 1965.

[L.S.]

A. TYNDALL, 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 18 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.

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