

**NEW ZEALAND (EXCEPT MARLBOROUGH AND OTAGO AND SOUTHLAND)
BREWERY AND BOTTLING HOUSE WORKERS—AWARD**

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

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Nelson, Westland, and Canterbury 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 (except Otago and Southland) Brewers, Bottlers, Bottle-washers and Aerated Water Employees Industrial Union of Workers (hereinafter called “the union”) and the undermentioned persons, firms, and companies (hereinafter called “the employers”):

NORTHERN INDUSTRIAL DISTRICT

Associated Bottlers Co. Ltd., Newmarket, Auckland.
Auckland Wine Co. Ltd., 4 Rutland Street, Auckland.
Barry, D. J., Ltd., Gisborne.
Burns, Philp, and Co. Ltd., 3 Albert Street, Auckland.
Campbell and Ehrenfried Co. Ltd., 21 Strand Arcade, Auckland.
Cooke and Co. Ltd., 127 Albert Street, Auckland.
Corban, A. A., and Sons, 28 Fort Street, Auckland.
Dominion Breweries Ltd., Waitemata House, Albert Street, Auckland.
Dominion Yeast Co. Ltd., Williamson Avenue, Auckland.
Dominion Wines Ltd., 173 Karangahape Road, Auckland.
Drysedale, C. H., and Co., Little Queen Street, Auckland.
Hancock and Co. Ltd., Customs Street, Auckland.
Hutchinson (Wholesale) Ltd., Beach Road, Auckland.
McGill Ltd., Rotorua.
Nathan, L. D., and Co. Ltd., 47 Fort Street, Auckland.
Newmarket Wines, 30 Swanson Street, Auckland.
New Zealand Breweries Ltd., Khyber Pass, Auckland.
New Zealand Breweries Ltd., 539 Aberdeen Road, Gisborne.
Poverty Bay Wine and Spirit Co., Gladstone Road, Gisborne.
Reid, John and Co. Ltd., Anzac Avenue, Auckland.
Waikato Breweries Ltd., Hamilton.

TARANAKI INDUSTRIAL DISTRICT

Hardwicke and Robertson Ltd., New Plymouth.
Malone, D. J., and Co. Ltd., Stratford.
Taranaki Brewery and Cordials Co. Ltd., New Plymouth.

WELLINGTON INDUSTRIAL DISTRICT

Barry's Bottling Co. Ltd., Wellesley Road, Napier.
Leopard Brewery Ltd., Hastings Street, Hastings.
McIlwraith and Co. Ltd., 140 Willis Street, Wellington.
New Zealand Breweries Ltd., Murphy Street, Wellington.
Preston and Co. Ltd., Wakefield Street, Wellington.
Tui Brewery Co. Ltd., Mangatainoka.
Vidals Ltd., Napier.
Wairoa Wine and Spirit Co. Ltd., Wairoa.
Warren Smith and Co. Ltd., Port Ahuriri.

NELSON INDUSTRIAL DISTRICT

Nelson Breweries Ltd., Nelson.

WESTLAND INDUSTRIAL DISTRICT

Morley and Co., Westport.
Stewart, A., Coal Creek, Greymouth.
Westland Breweries Ltd., Herbert Street, Greymouth.

CANTERBURY INDUSTRIAL DISTRICT

Ballins Industrial Ltd., Byron Street, Christchurch.
Canterbury (N.Z.) Malting Co. Ltd., Christchurch.
Dominion Yeast Co. Ltd., Christchurch.
Kearns, J. H., Victoria Malthouse, Waltham Road, Christchurch.
New Zealand Breweries Ltd., 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 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 22nd day of February 1965.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to workers employed in connection with the brewing of beer, the fermentation of wine; the distillation and/or compounding of spirits; the bottling of beer, wine and spirits; malting; bottle-washing; and the manufacture of yeast and its by-products.

Definitions

2. (a) For the purpose of this award "all other workers" shall be deemed to include workers employed in or about a malthouse, a brewery, a distillery, a bottling house or a winery.

(b) For the purpose of this award a "cooper" shall be deemed to be a worker employed as such in connection with the industry.

(c) For the purpose of this award a "shift worker" shall be deemed to be a worker who is employed outside of the hours prescribed in clause 3 of this award.

(d) For the purpose of this award a "day" shall be deemed to be 24 hours from the usual time of commencing work; e.g., if a worker's starting time is 7 a.m. on the first working day of his working week, his second working day shall be deemed to commence at 7 a.m., and so on for that week.

The exception to the foregoing shall be when shifts are changed or commenced – when a special arrangement is made on the application of the workers and/or when an exception is made by the mutual consent of the parties which shall be ratified between the union's representative and the employer.

Hours of Work

3. (a) The ordinary hours of work shall not exceed 40 hours in any one week, or eight hours in any one day, and shall be worked on Monday to Friday, both days inclusive, between the hours of 7 a.m. and 5 p.m. subject to the commencing hour for the first working day of the week continuing throughout that working week.

(b) In addition to meal periods a rest period of 10 minutes without deduction of wages shall be allowed each morning and afternoon and after each two consecutive hours of overtime when workers are required to work for more than three consecutive hours overtime: Provided that no rest period shall be allowable on cessation of work.

Shift workers shall be allowed two smokos each not exceeding 10 minutes when the process of manufacture allows.

Shift Work

4. (a) Eight consecutive hours shall constitute a shift and 40 hours a week's work. Where a worker is required to work for less than four shifts in any one week, such worker shall be paid at overtime rates: Provided that a worker may be employed to relieve a shift worker so long as he is paid not less than the shift rates. Except in bottling houses workers employed on shifts shall be paid the sum of 9d. per hour in addition to the ordinary wage.

Shifts may be worked in bottling houses by men required for cleaning, servicing of machinery and equipment.

(b) All time worked in excess or outside of the ordinary shift hours shall be paid for at overtime rates, as prescribed in clause 8 of this award.

(c) Workers on shift work shall be allowed at least 20 minutes' crib time during each shift without deduction from pay.

(d) Where it becomes necessary to work on a shift basis in any bottling store the local branch of the union and the employer concerned may negotiate rates of pay as the basis of a special agreement.

Wages

5. (a) The following shall be the minimum rates of wages to be paid to the under-mentioned classes of workers:

					Per Week		
					£	s.	d.
Coopers	16	14 6
Headers	15	15 0
All other workers	15	10 0

(b) All wages and overtime shall be paid in cash, on a day to be mutually agreed upon between the workers and the employers concerned, calculated to 24 hours prior to the day of payment. In each case wages shall be paid during working hours.

(c) Employers shall have the right to transfer workers from one department to another or to a different operation within a department as the exigencies of the manufacture require.

In the case of a worker temporarily performing work for which a higher rate of pay is being paid, such worker shall receive the said rate of pay provided that when the worker is in receipt of payment in excess of the award such temporary payment does not establish a continuing job rate.

(d) A worker who is directed to exercise authority over and/or issue instructions to three or more workers or a worker who is responsible for the dispatch and records of a bottle store shall receive not less than 16s. per week above the rates prescribed in this award.

(e) If a worker is in receipt of more than the rates prescribed in this award, such worker shall not have his wages reduced so long as he remains at his present employment and in the same capacity.

Youths

6. (a) Youths shall not be employed in breweries, distilleries, malhouses, or bottling stores; but the Dominion Yeast Co. Ltd., and malhouses not attached to breweries shall be at liberty to employ youths in the following proportion: one youth to each four men or fraction thereof.

(b) In calculating the proportion of youths to be taken on, the required number of men must have been employed for at least two-thirds full time during the preceding six calendar months.

(c) The minimum rates of wages for youths shall be as follows:

				Per Week		
				£	s.	d.
Under 19 years of age	..	..	..	8	16	8
19 to 20 years of age	..	..	..	10	3	4
20 to 21 years of age	..	..	..	11	11	8
Thereafter, adult rates of pay.						

Females

7. Females shall not be employed in breweries, distilleries, malhouses, or bottling stores; except that adult females may be employed on capsulling, labelling, wrapping and packing wines and spirits at the rate of £10 12s. 6d. per week and the Dominion Yeast Co. Ltd. may employ females for the purpose of labelling, wrapping, packing and dispatching of their products at the following minimum weekly rates of pay:

Age Commencing	First Six Months	Second Six Months	Third Six Months	Fourth Six Months	Fifth Six Months	Sixth Six Months	Fourth Year
Under 16 ..	96/-	107/3	118/3	129/6	135/6	157/3	174/-
16 to 17 ..	107/3	118/3	129/6	135/6	157/3	174/-	..
17 to 18 ..	118/3	129/6	135/6	157/3	174/-	..	..
18 to 19 ..	129/6	135/6	157/3	174/-	..	..	..
19 to 20 ..	135/6	157/3	174/-	..	..	..	..
20 to 21 ..	157/3	174/-	..	..	..	..	..

Thereafter £9 17s. 6d.

Adult females may also be employed in the bottling and bottle closure of wines, spirits, and vinegar and shall be paid an additional £2 2s. 6d. per week whilst so employed.

Overtime

8. (a) All time worked in any day outside or in excess of the daily hours prescribed in clause 3 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.

For the purpose of this award overtime shall be computed on a daily basis.

(b) All time worked after noon on Saturdays shall be paid for at double ordinary time rate.

(c) Any worker called back to work overtime from Monday to Saturday morning inclusive shall be paid a minimum of two hours' overtime pay.

(d) Any worker called out for work on a Saturday afternoon, not having worked on a Saturday morning, or called out for work on a Sunday, shall be paid a minimum of three hours' overtime pay for each call.

(e) When a worker has been notified that he is required to work overtime, and the notice is subsequently withdrawn on the day on which the overtime was to have been worked, he shall receive a payment of one hour's overtime, plus tea money.

Holidays

9. (a) The following holidays shall be allowed without deduction from wages: Christmas Day, Boxing Day, New Year's Day, 2 January, Anniversary Day (or Show Day), Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign.

(b) Should any of the holidays mentioned in subclause (a) of this clause, except Anzac Day, fall on a Saturday or a Sunday such holiday shall be observed on the next working day.

(c) Workers (including shift workers) who are required to work on a Sunday or on any of the holidays mentioned in subclause (a) of this clause, shall be paid therefor in accordance with the provisions of the Factories Act 1946.

(d) Any worker called out for work on any of the holidays mentioned in subclause (a) of this clause shall be paid a minimum of four hours at double rates for each call.

(e) Shift workers whose ordinary day off falls on one of the specified holidays shall be allowed another working day in lieu thereof, such day to be mutually agreed.

(f) Should a shift worker be required to work on the day he has been granted in lieu of the holiday, he shall be paid as if such day was a holiday.

(g) The provisions of the Annual Holidays Act 1944 shall apply to workers covered by this award, except that shift workers who work weekly shifts equivalent to not less than one week in every three and workers who have been employed continuously by the same employer for five years or more shall receive three weeks' annual holiday. At the option of the employer the extra week's holiday may be taken separately at a time to be decided by him.

Casual Workers

10. (a) Casual workers shall be paid a minimum hourly wage rate of one-fortieth of the weekly rate plus five per cent.

(b) A "casual worker" is a worker who is employed for a period not exceeding one week.

Meal Money

11. When a worker is called upon to work overtime in excess of three-quarters of an hour and notice of requirement to work overtime has not been given on the previous working day, 6s. meal money shall be paid or a meal shall be supplied.

For the purpose of this clause a meal shall comprise freshly cooked meat or fish, fresh vegetables and potatoes with bread and butter and tea or coffee.

Special Provisions

12. (a) Where malthouse men are not required at malting they shall be given employment about the brewery or bottling house for the remaining portion of the year, with the exception of those who have not been employed in the malthouse for the whole season.

(b) Heat money shall be paid in addition to ordinary wages at the rate set out herein for work performed in the cleaning of the inside of any enclosed brewing vessel, the temperature to be taken 2 ft from any surface radiating heat inside the vessel:

110°–119° Fahrenheit: 2s. 5d. per day or part thereof.

120°–129° Fahrenheit: 2s. 9d. per day or part thereof.

130°–139° Fahrenheit: 3s. 3d. per day or part thereof.

140°–149° Fahrenheit: 3s. 7d. per day or part thereof.

150°–159° Fahrenheit: 4s. 1d. per day or part thereof.

Over 160° Fahrenheit by special arrangement between the employer and the worker or workers concerned.

Workers employed under this subclause shall be allowed 15 minutes before starting work in a cold temperature.

(c) (i) Any worker required to dukeron the inside of any enclosed cylinder or enclosed vat shall be paid 20s. 3d. in addition to his ordinary wages for each day or part of a day he is so employed.

(ii) Any worker required to repair, paint, or enamel the inside of any enclosed cylinder or enclosed vat shall be paid 13s. 6d. in addition to his ordinary wage for each day or part of a day he is so employed.

(iii) Any worker required to paint, enamel, varnish, or dukeron inside an open vat of a depth of 5 ft or over shall be paid 13s. 3d. in addition to his ordinary wage for each day or part of a day he is so employed.

Workers employed under this paragraph shall be allowed 15 minutes for a shower or bath.

(iv) Any worker required to clean a septic tank shall be paid 20s. 3d. extra per day or part of a day. Workers employed under this paragraph shall be allowed 15 minutes for a shower or bath.

(v) Workers engaged in brush dukeroning casks shall be paid 10d. per hour with a minimum of 3s. 5d. extra per day while so employed.

(vi) Any worker required to clean a vinegar storage vat and/or generator shall be paid 21s. 6d. per day in addition to his ordinary wages for each day or part of a day he is so employed. Workers employed under this paragraph shall be allowed 15 minutes for a shower or bath.

(vii) Any worker required to enter to clean, repair, or paint the inside of a pasteuriser or keg filler shall be paid 13s. 6d. per day extra whilst so employed.

(viii) Any worker required to enter to clean an enclosed drain shall be paid 20s. 3d. extra per day whilst so employed.

(d) Any worker required to enamel or dukeron shall be provided with overalls, gloves, and an air-fed helmet to the satisfaction of the Department of Health.

(e) Maltbin veils, mits, and masks shall be provided for all workers needing them.

(f) Adequate facilities shall be provided for workers to wash. Hot-water showers and a drying room shall be provided.

(g) A worker who is employed in a chilling room shall be paid an additional payment of 4½d. per hour with a minimum of 2s. 2d. per day.

(h) First aid appliances shall be kept available for all employees.

(i) When a mash tun of over 100 bushels dry weight has to be cleaned at least two men shall, where practicable, be employed.

(j) Workers employed in any kiln for the purpose of turning the malt when the temperature of the malt registers 160° Fahrenheit or more, or who are employed scooping the malt from the kiln floor shall be paid 6s. 10d. per week extra.

(k) Two pairs of overalls or two aprons shall be supplied each year, subject to request by the worker, to persons handling diatomaceous earth, working in brew-houses, cellars, and/or malt stores: Provided that in all cases each worker concerned shall be responsible for the cost of the first set, but such cost shall be refunded by the employer when replacement of the first set is necessary. The employer shall also provide each worker engaged in wet or damp places with suitable boots and aprons and, if necessary, oilskins for outside work. All or any clothing provided by the employer shall be and remain his property.

(l) Suitable mess room and change room (to be kept separate) shall be provided for the use of the workers.

(m) Suitable aprons shall be provided for all workers engaged in stacking or unstacking bottle cases or crates.

(n) Any workers employed on quarterly, half-yearly, or annual cleaning of malt-houses, malt stores, or yeast company milling rooms shall be paid 13s. 2d. extra per day or part of a day whilst so employed.

(o) Adequate heating facilities shall be provided in winter for female workers and in mess rooms.

(p) When a worker residing beyond a radius of 2 miles from the factory is required to commence or cease work after or before the commencement or cessation of wheeled traffic which is his regular means of transport, the employer shall provide transport to and from the worker's residence, or pay the sum of 3s. 6d. on each occasion in lieu thereof.

(q) Coopers covered by this award shall be supplied with the necessary tools; but if the worker provides his own tools the employer shall pay 2d. per hour in lieu thereof.

(r) Where work under the Aerated-water and Cordial Workers Award is carried on by the same management in the same factory with work under this award, workers may be employed under either award, provided they are paid the higher rate in either award while so employed on that work.

(s) Workers required to wear gumboots continuously shall be paid an allowance of 2s. 6d. per week for the purpose of replacing socks.

(t) Any worker required to handle consignments of bottles or casks which in the main are exceptionally dirty and/or contain exceptional quantities of water, shall be paid, whilst such abnormal conditions obtain, 6½d. per hour additional with a minimum of 2s. 6d. per day in addition to his ordinary wages.

(u) Workers required to handle bulk grain from rail or motor where a dust extractor is not used shall be paid a dust money allowance of 3½d. per hour.

Disputes

13. 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.

Termination of Employment

14. In the case of workers other than casual hands, a week's notice shall be given by the employer or the worker, as the case may be; but this shall not prevent the employer from summarily dismissing any worker for good cause. Where the required notice is not given, the person improperly terminating the service shall pay or forfeit one week's wages or the value of the unexpired period of notice as the case may require.

Right of Entry Upon Premises

15. (a) 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.

(b) Employers shall, once in every six months, if requested by the union, supply a list of workers in their employment.

Lost Time

16. No deductions shall be made from weekly wages on account of holidays, or from causes other than the default or absence of the worker, over which the employer has no control.

Exemptions

17. Nothing in this award shall apply to coopers covered by the Northern Industrial District Coopers' Award.

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 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

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, Taranaki, Wellington, Nelson, Westland, and Canterbury 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 pay week in each establishment commencing on or after the 10th 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 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 22nd day of February 1965.

[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 18 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.