

OTAGO AND SOUTHLAND BREWERY, MALTHOUSE, AND BOTTLING HOUSE
EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Otago and Southland Brewery, Bottling Houses and Aerated Waters Industrial Union of Workers (hereinafter called “the union”) and the undermentioned companies (hereinafter called “the employers”):

New Zealand Breweries Ltd., Rattray Street, Dunedin.
Wilson Malt Extract Co. Ltd., 8 Willowbank, Dunedin.

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 12th day of April 1965.

[L.S.]

A. P. BLAIR, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to all workers employed in or about a brewery, malt-house, or bottling house.

Definitions

2. (a) For the purpose of this award a “malthouse worker”, a “brewery worker”, and a “bottling house worker” are workers employed in or about a malthouse, a brewery, or a bottling house respectively.

(b) For the purpose of this award a “cooper” is a worker employed as such in or about a brewery.

(c) A “header-up” is a worker employed at replacing heads, boxing casks, tightening casks, replacing hoops, stopping leaks in full casks, and labelling and painting casks.

Hours of Work

3. (a) An ordinary week's work shall not exceed 40 hours nor a day's work eight hours, to be worked between the hours of 7.30 a.m. and 5 p.m. from Monday to Friday, both days inclusive.

(b) Shifts may be worked by employees in the malthouse or brewery provided the workers are engaged in a continuous process. Where possible shifts shall rotate.

(c) A shift shall not exceed eight hours inclusive of half an hour for a meal and a week's work shall not exceed five shifts. The hours of shift workers shall be continuous except for the mealtime. A week's ordinary work for shift workers shall be from Monday to Friday. Workers employed on shifts shall be paid 6s. per shift extra.

(d) Where a worker is required to work for three or less shifts in any one week outside the ordinary day hours he shall be paid for such time worked at overtime rates.

Wages

4. (a) The following shall be the minimum rates of wages:

	Per Week		
	£	s.	d.
Coopers	16	14	6
Headers-up	15	15	0
Maltsters	15	10	0
All others	15	10	0

(b) Any worker required to enamel or dukeron the inside of any enclosed cylinder, pasteuriser, or other enclosed vessel shall be paid 20s. 3d. in addition to his ordinary wages for each day or part of a day so employed.

(c) A worker who is substantially employed in a chilling room shall be paid 10s. 8d. per week in addition to his ordinary wage.

(d) Any worker working inside furnaces or removing accumulations of grain dust or culmings in malthouses or malt-stores shall be paid 10d. per hour additional whilst so employed, with a minimum of 3s. 9d. for any one day.

(e) When malt is seriously affected by mould, maltsters who are substantially employed on the floor affected shall be paid 12s. 6d. per floor extra. In the case of dispute the matter shall be settled between the employer and the president of the union or a person appointed by him.

(f) Men employed cleaning out kilns shall be paid 13s. 2d. per man per kiln extra.

(g) Workers attending malt transport, malt crushing, and/or barley screening machines shall be paid 8d. per day extra whilst so employed.

(h) Any worker required to clean out beer boilers or coppers shall be paid 2s. 8d. per day extra whilst so employed.

(i) Except where mechanical means are used, a worker required to empty a mash-tun shall be paid 1s. 4d. per day extra whilst so employed.

(j) Any worker required to clean hot wort receivers shall be paid 8d. per day extra whilst so employed.

(k) If a worker is transferred temporarily to work other than that which he usually performs he shall be paid at the rate for the work to which he is transferred or at his normal rate, whichever is the higher.

(l) A worker who is directed to exercise authority over and/or issue instructions to three or more workers shall receive not less than 16s. per week above the rates prescribed in this award.

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

Casual Workers

5. Workers employed for less than one week shall be paid at not less than 7s. 9d. per hour.

Overtime

6. (a) All time worked in any day outside of or in excess of the ordinary hours prescribed in clause 3 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, except on Saturdays, when the rate shall be time and a half for the first four hours and double time thereafter.

(b) Workers called upon to work at any time from midnight Friday to midday Saturday shall be paid a minimum of three hours for each period upon which they are called to work, and if called upon to work between midday Saturday and midnight Sunday they shall be paid for a minimum of two hours.

All time worked on Saturday afternoon and on Sunday shall be paid for at double rates.

Meal Money

7. (a) When a worker is called upon to work overtime in excess of one hour, and notice of requirement to work overtime has not been given on the previous working day, 6s. tea money shall be paid.

(b) When a worker has been notified that he is required to work overtime and the notice is withdrawn on the day on which the overtime was to be worked, he shall receive a payment of 6s.

Holidays

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

(b) When any of the holidays mentioned in subclause (a) of this clause falls on a working day, payment shall be made for same, as if worked, at ordinary rates of wages.

(c) When any of the above holidays, except Anzac Day, falls on a Saturday or Sunday, the holiday shall be observed on the next succeeding working day or days.

(d) For work done on any of the holidays mentioned in subclause (a) of this clause payment shall be made at the rate of double time in addition to any payment the worker may be entitled to under subclause (b) of this clause.

(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 upon.

(f) 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. The extra week's annual holiday shall be taken at a time convenient to the employer.

(g) Payment shall be made prior to the worker leaving for the holiday.

Special Provisions

9. (a) Workers shall be allowed, without deduction of pay, 15 minutes to cool off after taking off or turning kiln, or after working in hot hop-back or hot brewing coppers.

(b) Where and when necessary, employers shall provide waterproof aprons, suitable footwear for use in wet places, gloves or mitts, and oilskins. Maltsters shall be provided with goggles and respirators and respirator pads.

(c) A modern first aid emergency case, fully equipped, shall be kept in a convenient and accessible place.

(d) Adequate facilities shall be provided for workers to wash and, where reasonably practicable, hot water and a drying room shall be provided and, where necessary, a shower-bath shall be provided for malthouse and brewery workers. Adequate provision shall be made for men to change their clothes.

(e) Reasonable dining and sanitary accommodation and provision for the storing of men's clothes shall be provided.

(f) No worker shall take off a malt kiln while the tile temperature is over 170 degrees Fahrenheit.

(g) When any worker residing beyond 2 miles by the nearest traffic route from the factory is required to commence or cease work after or before the commencement or cessation of public 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.

(h) Maltsters shall be supplied with one pair of suitable boots per annum.

(i) Subject to request by the worker, one pair of overalls shall be supplied after each six months' service to each worker covered by this award.

Matters Not Provided For

10. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Terms of Employment

11. (a) One week's notice of the termination of engagement of any worker, except casuals, shall be given by the employer or the worker, as the case may be; but this shall not affect the right of any employer to discharge a worker for good cause.

(b) Should the employment of a worker be terminated by the employer with less than one week's notice (other than for good cause), such worker shall be paid one week's wages in lieu of notice.

(c) On the termination of the employment of any worker, all wages and holiday payment due to such worker shall be paid forthwith.

(d) The employment shall be deemed to be a weekly employment and no deduction shall be made from the weekly wages except for time lost through the worker's sickness or default or through accident not arising out of or in the course of his employment.

Right of Entry Upon Premises

12. (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, not more often than once in every six months, if requested by the union, supply a list of workers in their employment.

Unqualified Preference

13. (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

14. (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

15. 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

16. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

17. 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 March 1965, 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 12th day of April 1965.

[L.S.]

A. P. BLAIR, 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 13 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. P. BLAIR, Judge.
