

MASTERTON MUNICIPAL EMPLOYEES—AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of the Masterton Municipal Employees Award, dated the 3rd day of June 1969, and recorded in 69 Book of Awards. p. 1073

Upon reading the joint application made by the original parties to the Masterton Municipal Employees Award, dated the 3rd day of June 1969: and upon being satisfied that the said parties are desirous that the award should be reviewed by it, the court, in pursuance and exercise of the powers vested in it by section 162 (1) (b) of the Industrial Conciliation and Arbitration Act 1954, and with the consent of the said parties, doth hereby order as follows:

1. That the said award shall be amended in the manner following:

(1) By deleting subclause (a) of clause 3 (Wages) and substituting therefor the following subclause:

“WAGES

3. (a) Parks and Reserves—	Per Week \$
Qualified nurseryman, gardener, or plant propagator who holds the New Zealand Trade Certificate in Horticulture and Gardening	46.10
Qualified nuseryman, gardener, or plant propagator	45.30
Assistants designated as such	41.74
All other park employees	40.24
Gasworks—	Per Shift \$
Leading stokers	8.66
Other stokers	8.38

Where a worker is employed as an “other stoker” and is required to perform similar duties as the leading stoker (such as attending to and charging fires and cleaning retorts) he shall be paid the same shift rate as the leading stoker.

	Per Week \$
Service layers	40.89
Yardmen	40.89
Labourers employed in the vicinity of the gasworks or the yard	40.00
Rubbish collector	40.89
All other workers not specified	40.00
Drainlayer	42.25
Turncock	43.24
Assistant turncock	40.39
Waterworks caretaker	42.38
Poundkeeper (and free house)	37.39
Sexton	42.78
Kerber	40.89
Tipmen	41.58”

- (2) By adding to clause 3 (Wages) the following new subclause:
 “(p) The employer may at his discretion because of special proficiency and experience pay a worker an extra 2 cents per hour.”
- (3) By deleting subclause (d) of clause 5 (Holidays).
- (4) By inserting after clause 5 the following new clauses:

“ANNUAL HOLIDAYS

5A. (a) Except as otherwise provided, every worker shall at the end of each year of his employment by any employer become entitled to an annual holiday of two weeks paid on the basis of the worker's average weekly taxable earnings, provided that the holiday pay does not exceed the worker's ordinary pay plus 30 per cent and provided, further, that in no case shall the holiday pay be less than the workers's ordinary pay at the time of taking the holiday, and provided, further, that in the case of shift workers at the gas works the annual holiday shall be of three clear weeks duration. For the purposes of calculating a worker's average weekly taxable earnings for the year the employer may fix a close-off date other than the anniversary date of the worker's commencement of employment.

(b) Upon completion of ten years' continuous service with the same employer each worker shall for the tenth and subsequent years be entitled to an annual holiday of three weeks instead of two weeks paid as prescribed in subclause (a) of this clause. The third week's holiday may be taken in conjunction with or separately from the first two weeks' holiday as the employer may decide.

(c) For the purposes of this clause lump sum special payments shall be excluded from the computation of average weekly taxable earnings, and ordinary pay shall be as defined in the Annual holidays Act 1944.

(d) Where a holiday is taken in more than one period the amount payable under this clause shall be divided proportionately. Where a holiday is allowed wholly or partly in advance of the date fixed by the employer as provided in subclause (a) of this clause it shall be sufficient compliance with this clause for payment to be assessed on the percentage formula prescribed in subclause (e) of this clause subject to final adjustment and payment of any remainder after the date, provided that in no case shall the holiday pay be less than the worker's ordinary pay at the time of taking the holiday.

(e) Where the employment of any worker is terminated at the end of a period of employment which is not less than three weeks but less than one year, the employer shall forthwith pay to the worker, in addition to all other amounts due to him, an amount equal to 4 per cent of his gross taxable earnings but not exceeding 5.2 per cent of his gross ordinary pay for that period of employment.

(f) Where the period of employment is less than three weeks the amount to be paid as proportionate holiday pay shall be as prescribed by the Annual Holidays Act 1944.

(g) Where it is customary for any employer to allow annual holidays to his workers or to any class of his workers during a period in each year when his premises are closed or the work of these workers if for any reason discontinued, and at the date of the commencement of any such period any such worker has not become entitled to an annual holiday then the worker shall not be entitled to any wages for two weeks following that date, but the employer shall before the date pay him, in addition to all other amounts due to him, an amount equal to 4 per cent of his gross taxable earnings but not exceeding 5.2 per cent of his gross ordinary pay for the period of his employment up to that date, and the next year of his employment shall be deemed to commence on that date.

(h) Where a worker is entitled to an annual holiday of three weeks instead of two weeks the provisions of subclauses (e) and (g) of this clause shall be modified to provide payment of an amount equal to 6 percent of the worker's gross taxable earnings but not exceeding 7.8 percent of his gross ordinary pay for the period of his employment.

SPECIAL HOLIDAYS FOR LONG SERVICE

5B. (a) A worker shall be entitled to special holidays as follows:

- (i) One special holiday of two weeks after the completion of 20 years and before the completion of 30 years of continuous service with the same employer.
- (ii) One special holiday of three weeks after the completion of 30 years and before the completion of 40 years of continuous service with the same employer.
- (iii) One special holiday of five weeks after the completion of 40 years of continuous service with the same employer.

(b) Should a worker have completed 30 years of continuous service with the same employer prior to the date of this award he shall not be entitled to the special holiday provided in paragraph (i) of subclause (a) of this clause. Should a worker have completed 40 years of continuous service with the same employer prior to the date of this award he shall not be entitled to the special holiday provided in paragraph (i) or (ii) of subclause (a) of this clause.

(c) All such special holidays provided for in subclause (a) of this clause shall be on ordinary pay as defined by the Annual Holidays Act 1944 and may be taken in one or more periods and at such time or times as may be agreed by the employer and the worker.

(d) If a worker having become entitled to a special holiday leaves his employment before such holiday has been taken he shall be paid in lieu thereof.

(e) The provisions of this clause shall not apply where an employer has in operation or brings into operation an alternative scheme for rewarding service, which is not less favourable to the worker than foregoing, including any bonus or gratuity payment."

(5) By deleting the date "30th day of November 1970" where it appears in the enacting sheet and in clause 15 (Term of Award) and substituting therefor in each case the date "30th day of September 1971".

2. That this order shall come into force on the day of the date hereof, except that in so far as it relates to the rate of wages to be paid it shall be deemed to have come into force on the 16th day of September 1970.

Dated this 12th day of November 1970.

(L.S.)

A. P. BLAIR, Judge.