

**Please post in a conspicuous place accessible to workers**

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**ONEHUNGA BOROUGH COUNCIL  
LABOURERS – COLLECTIVE  
AGREEMENT (VOLUNTARY)**

**Dated 27/1/87**

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NOTE: See clause 12 herein for the date on which rates of wages come into force.

## Form 6

Under the Industrial Relations Act 1973  
REGISTERED COLLECTIVE AGREEMENT

In the matter of the Industrial Relations Act 1973; and in the matter of the Onehunga Borough Council Labourers dispute of interest between the Auckland and Suburban Local Bodies Labourers and Related Trades Industrial Union of Workers; and the Onehunga Borough Council

THE Arbitration Court, having before it the terms of a voluntary settlement arrived at in the above-mentioned dispute of interest and submitted or notified to the Court pursuant to the provisions of section 65 of the Industrial Relations Act 1973, hereby registers as a collective agreement the terms, conditions, and provisions set out in the form of submission or notification attached hereto and orders:

1. That the said terms, conditions, and provisions shall be binding on the parties hereto; and

2. That the said parties shall respectively do, observe, and perform every matter and thing by this collective agreement required to be done, observed, and performed, and shall not do anything in contravention of this collective agreement but shall in all respects abide by and perform it.

In witness of the registration of this collective agreement the seal of the Arbitration Court has hereto been affixed and a Judge of the Court has hereunto set his hand, this 27th day of January 1987.

(L.S.)

D. S. CASTLE,  
JUDGE.

## Form 5

UNDER THE INDUSTRIAL RELATIONS ACT 1973  
SUBMISSION OF VOLUNTARY SETTLEMENT FOR REGISTRATION  
IN THE MATTER OF THE Industrial Relations  
Act 1973  
AND IN THE MATTER OF THE Onehunga  
Borough Council Labourers' Dispute of  
Interest  
BETWEEN the Auckland and Suburban Local  
Bodies Labourers' and Related Trades  
Industrial Union of Workers  
AND the Onehunga Borough Council  
TO THE REGISTRAR OF THE ARBITRATION COURT:

WE HEREBY submit to you a signed copy of the terms of voluntary settlement of the abovementioned dispute of Interest arrived at by the parties pursuant to section 65 of the Industrial Relations Act 1973, for registration by the Arbitration Court as a collective agreement.

DATED AT AUCKLAND THIS 11th DAY OF December 1986.

Signature of Parties:

Signed for and on behalf of the  
Onehunga Borough Council

G. J. Mountjoy, Mayor  
J. G. Bryant, Town Clerk

Signed for and on behalf of the  
Auckland and Suburban Local Bodies  
Labourers' and Related Trades  
Industrial Union of Workers

J. J. Duke, President  
R. M. Blumhardt, Secretary

**ONEHUNGA BOROUGH COUNCIL LABOURERS' COLLECTIVE  
AGREEMENT  
ARRANGEMENT OF AGREEMENT**

**Clause  
Number**

- 1 Persons to Whom Agreement Applies
- 2 Application of Agreement
- 3 Wages
- 4 Overtime
- 5 Higher Grade Workers
- 6 Holidays
- 7 Protective Clothing
- 8 Sick Benefit
- 9 Resignation or Retirement Gratuity Provisions
- 10 Special Holidays for Long Service
- 11 Scope of Agreement
- 12 Term of Agreement

**SCHEDULE**

**1. PERSONS TO WHOM AGREEMENT APPLIES**

This Agreement shall apply to workers specified in Clause 2 of this Agreement who are employed by the Onehunga Borough Council.

**2. APPLICATION OF AGREEMENT**

The provisions of the Auckland (Ten Mile Radius) Local Bodies Gardeners, Labourers and Related Trades Employees Award, for the time being in force, shall apply to all workers except as provided for in this Agreement.

**3. WAGES**

The following rates of wages shall be paid to men employed in the following branches of work:

	<b>Per hour</b>	<b>Per week</b>
	\$ c	\$ c
(a) (i) Concrete workers		
Garden labourer		
Road construction workers		
Tar		
Tar oil and bitumen workers		
Hand mower operators		
Convenience or rest room cleaners and attendants		
Kerb layers		
Wall builders		
Shot firers		
Machine drillmen		
Hand motor mowers .....	7.412	296.48

	Per hour	Per week
	\$ c	\$ c
(ii) Skilled Labourer		
Refuse tipmen		
Refuse lifters		
Regular grave diggers		
Assistant turncock or water serviceman	8.093	323.72
(iii) Employee in charge of Refuse Lifting		
Gang shall be paid.....		12.38 extra
(iv) Bath Custodian.....	8.571	342.84
Head Ganger (Works) )		
Turncock or Head Water		
Serviceman )		
Head Drainer )		
Head Gardener )		
(v) Head Groundsman )		

Or substitute title which the Council may use in place of those listed in this subclause.

Workers under this subclause shall be paid an In-Charge rate in accordance with the formula set out in Clause 9 (d) of the Auckland (Ten Mile Radius) Local Bodies Gardeners, Labourers and Related Trades Employees Award, excepting that no worker will receive less than the rate provided for a third class ganger in addition to his classified job rate.

**(b) Bath Attendants**

Bath attendants who take money shall receive an hourly payment of 17 cents per hour, above the wage provided for other Bath Attendants.

(c) The adjustment to wage rates provided for in this agreement and any special payments or allowances, shall be in terms of Clause 8 (s) and Clause 9 (l) of the Auckland (Ten Mile Radius) Local Bodies Gardeners, Labourers and Related Trades Employees Award.

**4. OVERTIME**

(a) Any worker called out for special work such as washouts, urgent road repairs, blow-outs, and water services and/or of a similar nature and who performs the work outside ordinary working hours, shall be paid at the rate of double time with a minimum payment of four hours.

(d) Where a worker has not had 10 consecutive hours off duty between the ordinary time for ceasing work and the ordinary commencing time on the next day, double time rates shall be paid for all time worked until a break of 10 hours has been allowed. Where by virtue of the 10 hour break he loses time on the second day such time shall be paid for at ordinary time rates from the commencement of the employee's normal starting time.

**5. HIGHER GRADE WORKERS**

Where a worker is required to relieve a worker receiving a higher rate, and where the higher rate has been agreed to by resolution of the council outside of this Agreement, the relieving worker shall receive that higher rate as agreed to by the Council while so employed.

**6. HOLIDAYS**

Except that employees on leave of absence without pay due to sickness shall be entitled to payments for such holidays as defined in Clause 16 (a) of the Auckland (Ten-Mile Radius) Local Bodies Gardeners, Labourers and Related Trades Employees Award, on supplying a medical certificate to the Council is so required.

7.

**PROTECTIVE CLOTHING****(a) Refuse Lifters:**

Two pairs of overalls or alternative suitable clothing shall be supplied twice yearly to refuse lifters. This provision to be effective after the worker has been in the employ of the Council for a period of four weeks.

**(b) Grave Diggers:**

(i) suitable waterproof coats and hats shall be supplied when it is necessary when attending funerals in wet weather.

(ii) Grave diggers shall be supplied with two pairs of leather boots and four pairs of overalls per year.

(c) Hydrant men shall be supplied with gumboots, overalls and hand protectors; street washers with boots and rainproof oilskins.

(d) Where the Council requires a worker to purchase gumboots, overalls, hand protectors, boots, rainproof oilskins, skinbacks, leather boots or gloves, the Council shall meet the full cost of the same.

**(e) Overalls:**

Except where otherwise provided, two pairs of overalls shall be supplied to all workers at the commencement of employment and shall be replaced at the rate of one pair every six months thereafter.

(f) Workers shall wear the protective clothing provided on all occasions where it is necessary.

**(g) Footwear:**

Workers must not come onto the job unless wearing boots or other approved footwear suitable to the work on which they are engaged.

8.

**SICK BENEFIT**

(a) Any employee unable to perform his or her duties on account of sickness or accident shall, on production of a medical certificate where such absence exceeds three working days continuously, be entitled to sick leave on full pay as follows:

over six months and up to one year, at the rate of five working days; over one year at the rate of 10 working days per year or portion thereof, for each complete year of local authority service, and such leave shall be regarded as accumulative over the whole of any employee's service. Sick leave in the first six months of service may only be granted by resolution of Council.

(b) The Council may, in cases which it is considered special, vary and extend the period of pay during the sick leave as stated in subclause (a) hereof, particularly when in its opinion the illness results from causes that are due to conditions under which the employee has been working.

(c) For the purpose of this Clause 'local authority' service shall mean service with the Onehunga Borough Council, except in the case of amalgamation of local authorities or services.

(d) Time off caused by injuries received in course of duty is not to be included in computing sick leave under this Clause.

**9. RESIGNATION OR RETIREMENT GRATUITY PROVISIONS**

(a) (i) All employees shall, upon retirement, be paid a gratuity in accordance with the provision of Clause 19(a) of the Auckland (Ten-Mile Radius) Local Bodies Gardeners, Labourers and Related Trades Employees Award.

(ii) All employees may, upon resignation, be paid a gratuity on the following basis:

On completion of ten years' continuous service with the Council, five weeks' ordinary pay;

Thereafter one additional weeks' ordinary pay for each year of service with a maximum of 26 weeks, provided that such service is continuous.

#### 10. **SPECIAL HOLIDAYS FOR LONG SERVICE**

- (i) One unbroken period of two weeks after the completion of 10 years' continuous service and before the completion of 20 years of continuous service.
- (ii) One unbroken period of four weeks after the completion of 20 years' continuous service and before the completion of 30 years of continuous service.
- (iii) One unbroken period of six weeks or two unbroken period of three weeks after the completion of 30 years of continuous service.
- (iv) Subject as provided in subclause (v) hereof, long service leave must be taken within the entitlement periods stated or it shall be forfeited.
- (v) Long service leave must be taken not later than one year before retirement provided that an employee whose period of 10, 20 or 30 years' continuous service is completed within one year of retirement date may take the long service leave to which he is entitled between completion and retirement dates, at a time which at the discretion of the Town Clerk is acceptable to the Council.
- (vi) In no circumstances will payment be made in lieu of long service leave. This applies also in the event of the death of an employee before taking long service leave to which he is entitled.
- (vii) In the event that an employee is dismissed or resigns from the Council he shall thereby forfeit his long service leave.
- (viii) All long service leave shall be computed and paid in accordance with the provisions of the Holidays Act 1981.

#### 11. **SCOPE OF AGREEMENT**

The operation of this Agreement is limited to all works performed by the Onehunga Borough Council.

#### 12. **TERM OF AGREEMENT**

This Agreement shall be deemed to have come into force on the 10th day of November 1985 and shall continue in force until the 30th day of September 1987.

Signed for and on behalf of the  
Onehunga Borough Council

G. J. Mountjoy Mayor

J. G. Bryant Town Clerk

Signed for and on behalf of the  
Auckland and Suburban Local Bodies  
Labourers' and Related Trades  
Industrial Union of Workers

J. J. Duke President

R. M. Blumhardt Secretary

**MEMORANDUM**

This collective agreement incorporates the terms of voluntary settlement arrived at by the parties and forwarded to the Court for registration pursuant to section 65 of the Industrial Relations Act 1973.

The Court has, pursuant to section 92(2) of the Industrial Relations Act 1973, consented to the specified period for which this collective agreement is to continue in force being less than one year from the date of registration.

Section 17 of the Industrial Relations Amendment Act 1985, Transitional Provision in Respect of Unqualified Preference Provisions, says that every collective agreement or award subject to section 17, shall be deemed to contain a union membership clause in the same form as set out in section 98 of the Industrial Relations Act 1973. The union membership clause reads as follows:

“If any adult person (other than a person who holds a certificate of exemption from union membership issued under section 112o of the Industrial Relations Act 1973) who is not a member of a union of workers bound by this agreement is engaged or employed by any employer bound by this agreement, in any position or employment that is subject to the agreement, the person shall become a member of the union within 14 days after that person’s engagement or, as the case may require, after this clause comes into force, and shall remain a member of the union so long as that person continues in the position or employment.”

(L.S.)

D. S. CASTLE  
JUDGE