

(10978.) SOUTHLAND PROVINCIAL DISTRICT BUTCHERS.—AWARD.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Southland Operative Butchers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Asher, W., Waikaka.
 Bannerman, A., Gore.
 Beaman, A., Centre Street, Invercargill.
 Berry, H., Nith Street, Invercargill.
 Booth, H., Mary Street, Invercargill.
 Botting Bros., Edendale.
 Brown Bros., Otautau.
 Brown, L., Orepuki.
 Bulling, A. C., Glenham.
 Butler, F., St. Andrew Street, Invercargill.
 Calder, Jas., jun., Mataura.
 Campbell, T., Riversdale.
 Conner Bros., Grey Street, Invercargill.
 Cooney, C., Centre Bush.
 Crawford and Grant, Gore.
 Creighton, W., Wyndham.
 Crooks, W., care of A.M.P. Buildings, Invercargill.
 Cox, W., Gore.
 Cundall, A., Tay Street, Invercargill.
 Dempster, J., Tramway Road, Invercargill.
 Darragh, P., Kennington.
 Dripps, W., Lumsden.
 Finn and Co., Orepuki.
 Grenville, J., Crinan Street, Invercargill.
 Hannon, J. L., Conon Street, Invercargill.
 Hannon, W. T., Tay Street East, Invercargill.
 Haynes, A., North Road, Waikiwi.
 Heller, R., Ohai.
 Henderson, J., Fortrose.
 Henderson, T., Orepuki.
 Henry, C. C., Mataura.
 Holland, J., Dee Street, Invercargill.
 Howard, J., Gore.
 Johnston, H. J., Gore.
 Johnston, W. H., and Co., Bluff.
 Kelly, H. C., Elgin Street, Waikiwi.
 Lindsay and Co., Tay Street, Invercargill.
 Lindsay, S. A., 78 Elles Road, Invercargill.
 Lyall, T. L., Woodlands.
 Maltby, M. A., North Road, Waikiwi.
 Marshall, J., Lumsden.
 Marshall, W., Centre Street, Invercargill.
 Mennie, Alex, corner of Elles Road and Ettrick Street, Invercargill.
 Metcalfe, R. T., North Road, Waikiwi.
 Metcalfe, W., Dee Street, Invercargill.

Milne, J. H., and Sons, Elles Road, Invercargill.
 Moore, W. T., Winton.
 McCubben, J., Gore.
 McKay, A. T., Grove Bush.
 McKelvie, L., Mataura.
 McKenzie, J. C., Yarrow Street, Invercargill.
 McKenzie, M. A., Tweed Street, Invercargill.
 McNamara, P., Wright's Bush.
 McRandle, M., Lorne Post Office.
 O'Neill, D., Gore.
 Parry, W. J., Ettrick Street, Invercargill.
 Prendeville, J., Nightcaps.
 Price, P. A., Don Street, Invercargill.
 Pulley, A. D., Avenal, Invercargill.
 Purdue and Reid, Nightcaps.
 Reid, R. L., Gore.
 Robbie, J., Woodlands.
 Schroeder, C. F., Tay Street, Invercargill.
 Smith Bros., Yarrow Street, Invercargill.
 Smith, Thos., Tokanui.
 Smith, Wm., 51 Catherine Street, Invercargill.
 Stephens and Walker, Otautau.
 Stephens, L. W., Grace Street, Invercargill.
 Stewart and Noble, Winton.
 Stevenson, L., Waikaia.
 Sutherland, A., Bluff.
 Thomson Bros., Riverton.
 Thomson, G., Tweed Street, Invercargill.
 Thomson, J., Centre Bush.
 Tweedie and Co., Riverton.
 Walker, R., Yarrow Street, Invercargill.
 Wills, T., 159 Dee Street, Invercargill.
 Winders, P., Kelvin Street, Invercargill.
 Wright, F. J., Lochiel.
 Wyber Bros., Wyndham.
 Wyeth and Waddell, Kennington.
 Wylie, W., Tweed Street, Invercargill.
 Young, A., Gorge Road.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, 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 28th day of October, 1937, and thereafter as provided by subsection (1) (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925.

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 16th day of December, 1936.

[L.S.]

E. PAGE, Judge.

SCHEDULE.

Hours of Work.

1. (a) Forty-eight hours shall constitute a week's work, to be worked as follows: Between the hours of 8 a.m. and 5.30 p.m. on four days of the week (except the day preceding Christmas Day, New Year's Day, and Good Friday, on which day the hour for ceasing work shall be 9 p.m.); between the hours of 8 a.m. and 6 p.m. on one day of the week, with one hour each day for lunch; and between the hours of 7.30 a.m. and 12.30 p.m. on the statutory closing-day.

(b) An employer may require a worker to work fifteen minutes after the time specified in clause 1 (a) for the purpose of cleaning the shop, without payment of overtime.

(c) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day worked for the number of hours usually worked on that day of the week, although no work shall have been actually done on such holiday.

Wages.

2. (a) Workers shall be paid not less than the wages specified in the following scale:—

	..	Per Week.		
		£	s.	d.
First shopman or man in charge	..	5	5	0
First small-goods man	..	5	5	0
All other workers connected with the shop or small-goods department	..	4	6	6
Person in charge of hawking cart	..	4	10	0

(b) The wages hereinbefore prescribed are weekly wages, and are not subject to any deduction, except for time lost through default or illness of the worker.

(c) One week's notice shall be given by either party of the termination of the employment.

Casual Labour.

3. All casual workers shall be paid at the rate of not less than 2s. per hour, with a minimum of four hours on the day of the half-holiday and eight hours on any other day on which such worker shall be employed. "Casual" means any person whose engagement is for a period of less than five and a half consecutive days.

Boys and Youths.

4. (a) Employers may employ boys and youths at not less than the following rates:—

	..	Per Week.	
		s.	d.
Under sixteen years of age	..	17	6
From sixteen to seventeen years of age, having served one year at the trade	..	22	6
Seventeen to eighteen—two years at the trade	..	30	0
Eighteen to nineteen—three years at the trade	..	45	0
Nineteen to twenty—four years at the trade	..	60	0
Twenty to twenty-one—five years at the trade	..	70	0
Over twenty-one years of age, at ordinary journeymen's rate			

(b) The proportion of boys or youths shall be not more than one to every three or fraction of three. After a youth has served three years at the trade his employer may take an additional youth.

Holidays.

5. (a) All workers shall receive the following holidays: New Year's Day, 2nd January, Good Friday, Easter Saturday, Easter Monday, Labour Day, Sovereign's Birthday, Christmas Day, Boxing Day, and the day of the Operative Butchers' annual picnic. The employers shall have the right to fix the day of the week, but not otherwise the date of this last-mentioned holiday.

(b) If any day shall be generally observed as a holiday in lieu of any of the above-mentioned holidays, such day for the purposes of this award shall be substituted for the specified holiday.

(c) All work done on Sundays, Christmas Day, or Good Friday, shall be paid for at double time rates, and all work done on other specified holidays or on any day observed in lieu thereof, shall be paid for at time-and-a-half rates. The said payment shall be in addition to the ordinary weekly wages.

(d) One holiday of one week on half pay shall be granted to each worker under this award on completion of each year of service: Provided, however, this subclause shall not apply in the case of a worker discharged for wilful misconduct.

(e) All time worked under the previous award shall count as if worked under this award for the purposes of calculating the years of service.

Weekly Half-holiday.

6. No worker shall be employed after 12.30 p.m. on the day of the weekly half-holiday, except as provided in clause 1 hereof.

General.

7. (a) In the case of weekly employment where a worker is employed two-thirds of his time in any capacity he shall be paid the rate of wages laid down for that class of employment. This shall not apply to a worker who is acting for a first-shopman, or first small-goods man, during the period of his annual holiday.

(b) All wages and overtime shall be paid in full weekly before the closing-hour on any day other than Saturday.

(c) Any employer who substantially performs the work of a shopman in his own shop may be classed as first shopman. Where three or more are employed in any shop two-thirds of their time, one man shall be paid first shopman's wages.

(d) In shops and factories the rotation of employment shall be as follows: First shopman, all other workers; or first small-goods man, all other workers.

(e) A copy of this award shall at all times be affixed in some conspicuous place at or near the entrance to the shop or factory, and in such a position as to be easily accessible to the persons employed therein.

(f) At all establishments accommodation shall be provided for hanging up and changing clothes.

(g) No worker who has charge of or drives any motor-vehicle for his employer and stables or accommodates such vehicle on his own premises shall be permitted to do any cleaning or repairing work on such vehicle at his place of residence, either before or after the hours for starting or finishing work as set out in this award, or on any holiday or a Sunday.

(h) The employment of female labour shall not be permitted under any consideration, and no employer shall be permitted to have the assistance of female labour at any time.

(i) No youth under the age of sixteen years shall be employed to have charge of any cart or motor in which meat is delivered or sold.

(j) The employment of casual boy labour by either the employer or employee is not allowed, and the employees are not permitted to have the assistance of casual boy labour at any time: Provided that this clause shall not apply to employers' sons.

(k) No worker substantially employed in a beef-butcher's shop, or in the delivery of goods in connection therewith, shall be permitted to work in a pork-butcher's shop for a shorter period than one week.

Overtime.

8. (a) All time worked in any one day outside or in excess of the hours prescribed in clause 1 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(b) For the purpose of calculating overtime, any overtime in excess of a quarter of an hour shall count as half an hour, and if over half an hour but under one hour, as one hour.

Time-book.

9. Each employer shall keep and enter or cause to be kept and entered up a book containing the names of each of the workers to whom this award applies, the class of work performed by each worker, and the time during which he has been employed during each day.

Closing of Shops.

10. (a) In exercise of the powers vested in the Court by section 69 of the Shops and Offices Act, 1921-22, as amended by section 17 of the Shops and Offices Amendment Act, 1927, it is ordered that all butchers' shops and the shops of every person, firm, or company in which fresh meat is sold carrying on business in those areas to which section 31 of the principal Act

applies shall be closed as follows: At the hour of 5.30 p.m. on four days of the week; at the hour of 6 p.m. on one day of the week; and at the hour of 12.30 p.m. on the day of the statutory half-holiday: Provided that on the Thursday preceding Good Friday and the day preceding Christmas Day and New Year's Day, the closing-hours shall be 9 p.m.

(b) All shops mentioned in the preceding subclause shall be closed from the hour of 7.30 a.m. on those days set out as holidays, or days observed in lieu thereof in clause 5 hereof: Provided that this provision shall not operate so as to prohibit public institutions, hotels, and shipping being supplied up to 8 a.m.

Exemptions.

11. (a) Nothing herein contained shall be deemed to relate to the employment of clerks, or other persons exclusively engaged in the office work of the employer, nor to persons employed at cash registers only.

(b) Lindsay and Co., Tay Street, Invercargill, and C. F. Schroeder, Tay Street, Invercargill, are exempted from the provisions of clause 7 (h) of this award.

Disputes Committee.

12. The essence of this award being that the work of the employer 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 whatever arising out of or connected therewith, and not specifically dealt with in this award, every such dispute or difference, as the same shall arise, shall be referred to a committee to be composed of two representatives of the union and two representatives of the employers for their decision. The decision of the majority of the committee shall be binding, and, if no decision is arrived at, either party may appeal to the Court of Arbitration upon giving written notice of such appeal to the other party within fourteen days after the failure of the Disputes Committee to arrive at a decision, or the Disputes Committee may itself refer the matter to the Court of Arbitration for decision.

Under-rate Workers.

13. (a) Any worker who through old age or permanent disability is 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 to the secretary of the union, who shall forward such application to the Committee set up under clause 12.

(b) Such permit shall be for such period, not exceeding six months, as the committee shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in the manner prescribed by this clause.

(c) 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.

(d) 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.

Preference.

14. (a) If any employer shall hereafter engage any worker coming within the scope of this award who shall not be a member of the union, and who shall not become a member thereof within fourteen days after his engagement and remain such member, the employer shall dismiss such worker from his service if requested to do so by the union, provided there is then a member of the union equally qualified to perform the particular work required to be done, and ready and willing to undertake the same. The provisions of this subclause relating to the dismissal of workers shall apply, with equal effect, to any worker coming within the scope of this award engaged since the 1st day of February, 1932, but before the coming into force of this award, who is not a member of the union during the currency of this award.

(b) The provisions of this clause shall operate only if and so long as the rules of the union shall permit any worker coming within the scope of this award of good character and sober habits to become a member of the union, upon payment of an entrance fee not exceeding 5s., upon a written application, without ballot or other election, and to continue a member upon payment of subsequent contributions not exceeding 1s. per week, and such fines as may be lawfully imposed on him for non-attendance without reasonable excuse at a specially called meeting of the union, of which written notice has been given to him or sent to him by post at his last address as notified by him to the union, or for misconduct at a meeting of the union, or for being more than three months in arrear, without reasonable excuse, in his contributions to the union: Provided that the maximum fine shall not exceed 2s. 6d. for non-attendance at a meeting of the union or for being in arrear with his contributions, and £1 for misconduct at a meeting of the union.

Scope of Award.

15. This award shall operate throughout that part of the Otago and Southland Industrial District which is included in the Provincial District of Southland.

Term of Award.

16. This award, in so far as it relates to wages, shall be deemed to have come into force on the 28th day of October, 1935, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 28th day of October, 1937.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereunto set his hand, this 16th day of December, 1935.

[L.S.]

E. PAGE, Judge.

MEMORANDUM.

The only matter referred to the Court related to the Disputes Committee. In other respects the award embodies the recommendations arrived at by the Assessors in Conciliation Council.

E. PAGE, Judge.
