

CANTERBURY **BREWERS' DRIVERS.**—AWARD.

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Christchurch Brewers, Maltsters, and Related Trades' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Ballins Breweries (N.Z.), Ltd., 82 Waltham Road, Christchurch.

Dominion Compressed Yeast Co., Ltd., Christchurch.

Kearns, J. H., Malthouse, Waltham Road, Christchurch.

New Zealand Breweries, Ltd., Christchurch.

North Canterbury Brewery Co., Ltd., Rangiora.

Southern Cross Brewery Co., Ltd., Devonport Lane, St. Albans, Christchurch.

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 15th day of September, 1939, 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 duly appointed Delegate of the Court hath hereunto set his hand, this 22nd day of May, 1939.

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed Delegate
of the Court of Arbitration.

[L.S.]

SCHEDULE.

Industry to which Award applies.

1. This award shall apply to brewers' drivers and to the drivers in the related industries specified in the Canterbury Brewers' award.

Hours of Work.

2. (a) The ordinary hours of work for drivers employed by brewers shall not exceed eight hours per day on five days of the week and four hours on one day. The ordinary weekly hours shall be forty per week, but where necessary an employer may arrange that the weekly hours for certain workers be extended to forty-four for one week, provided that the hours of such workers do not exceed thirty-six in the following week. A roster of work shall be prepared and placed in the works where it may be seen by the workers. All half-days off shall be given in the afternoon.

(b) Each employer shall be entitled to arrange such hours of work as suit the exigencies of his particular business, such hours to be continuous, subject to the usual meal-hours.

Wages.

3. (a) The following shall be the minimum rates of wages per week:—

For those driving and attending to motor-vehicles with a combined weight of vehicle and load—	Per Week.
	£ s. d.
Maximum not exceeding 2 tons	4 16 0
Exceeding 2 tons but not exceeding 4 tons	4 18 6
Exceeding 4 tons but not exceeding 5½ tons	5 1 0
Exceeding 5½ tons but not exceeding 10 tons	5 5 0

(b) No deduction shall be made from such wages for any cause except for time lost through the worker's sickness, accident, or default.

Casual Drivers.

4. Casual drivers shall be paid an hourly wage of one-fortieth of the weekly wage herein provided, plus 15 per cent. A worker shall be deemed to be a casual driver if he is employed as such for less than four days per week.

Holidays.

5. (a) The following shall be the recognized holidays to be allowed without deduction from pay: New Year's Day, Good Friday, Easter Monday, Labour Day, Christmas Day, Boxing Day, King's Birthday, Show Day, and Anzac Day; but in South Canterbury another day shall be substituted for Show Day.

When a holiday other than Anzac Day falls on a Sunday it shall be observed on the Monday following, and if the Monday is a named holiday it shall be observed on the Tuesday following.

(b) An annual holiday of one week shall be granted, exclusive of the holidays set out in subclause (a) hereof. Holidays in proportion shall be granted when employment is terminated before the expiration of twelve months, provided that three months' service has been rendered by the employee.

Drivers' Duties.

6. It shall be part of the ordinary duty of a driver to assist when required in the loading and unloading of his employer's vehicles. An employer may employ a driver at work outside his ordinary duties for the purpose of filling in time, but in such case he shall be paid not less than the award or ruling rate for such work, and not less in any case than the ordinary rates for drivers.

Overtime.

7. (a) Overtime shall be worked as required by the employer. All time worked in excess of the hours provided in clause 2 hereof shall count as overtime and be paid for at the rate of time and a half for the first four hours and double time thereafter, each day to stand on its own and payment to be computed on the rates set out in clauses 3 and 4 hereof irrespective of the actual wage being paid to the worker concerned.

(b) Where a worker is employed on a Sunday or on any of the holidays mentioned in clause 5 such worker shall be paid double time rates with a minimum of two hours for each occasion he is required to be in attendance. Such payment shall be computed on the rates set out in clauses 3 and 4 irrespective of the actual wage being paid to the worker concerned.

Payment of Wages.

8. Wages, including overtime, shall be paid weekly, not later than Thursday, and in the employer's own time.

Termination of Service.

9. In the case of workers other than casual hands a week's notice of dismissal or resignation shall be given by the employer or the worker, as the case may be, but this shall not prevent any employer from summarily dismissing any worker for good cause.

Youths.

10. The Dominion Compressed Yeast Co. may employ youths at not less than the following rates of wages:—

		Per Week.		
		£	s.	d.
18 to 19 years of age	2	12	6
19 to 20 years of age	3	0	0
20 to 21 years of age	3	7	6

Disputes.

11. 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 fourteen days after such decision has been made known to the party desirous of appealing.

Workers to be Members of Union.

12. (a) It shall not be lawful for any employer bound by this award to employ or to continue to employ in any position

or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award or who is not for the time being a member of a trade-union which was registered as such before the 1st day of May, 1936, and which is bound by this award: Provided, however, that any non-unionist may be continued in any position or employment by an employer bound by this award during any time while there is no member of a union bound by this award who is available to perform the particular work required to be done and is ready and willing to undertake it.

(b) For the purposes of subclause (a) of this clause a person of the age of eighteen years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of twenty-one years and upwards, shall be deemed to be an adult.

(NOTE.—Attention is drawn to subsection (4) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, which gives to workers the right to join the union.)

Under-rate Workers.

13. (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 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 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.

14. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every trade-union, 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.

15. This award shall operate throughout the Canterbury Industrial District.

Term of Award.

16. This award, in so far as it relates to wages, shall be deemed to have come into force on the 15th day of September, 1938, 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 15th day of September, 1939.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the duly appointed Delegate of the Court hath hereunto set his hand, this 22nd day of May, 1939.

[L.S.] J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed Delegate
of the Court of Arbitration.

MEMORANDUM.

The only matter referred to the Court related to under-rate workers. Wages have been made retrospective to 15th September, 1938, by agreement of the parties. In other respects the award embodies the recommendations arrived at by the assessors in Conciliation Council.

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed Delegate
of the Court of Arbitration.