

NORTHERN INDUSTRIAL DISTRICT **DRUG-WORKERS.**—AWARD

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Auckland Drug-factories' Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

- Bright Star Products, Ltd., 160 Khyber Pass Road, Auckland.
- Bush, W. J., and Co., Ltd., 38 Wakefield Street, Auckland.
- Chemicals Ltd., 22 England Street, Ponsonby, Auckland.
- Cosmetix Ltd., 2 Great North Road, Grey Lynn, Auckland.
- Dutton, R. A., 18 Princes Street, Onehunga, Auckland.
- Easton Products, Ltd., 142 Nelson Street, Auckland.
- Farmers' Trading Co., Ltd., Hobson Street, Auckland.
- Health Products, Ltd., 104 Victoria Arcade, Auckland.
- Industrial Chemicals (New Zealand), Ltd., Eden Crescent, Auckland.
- Jackson, F., Ltd., 335 Parnell Road, Auckland.
- King, Lawless, and Co., 54 Customs Street East, Auckland.
- Klexema (N.Z.), Ltd., 401 Dilworth Building, Auckland.
- Kolynos Ltd., Kitchener Street, Auckland.

Morro, N. A., and Co., Ltd., 12 Stanley Street, Auckland.
 Neil Stewart and Co., 49½ Karangahape Road, Auckland.
 Peterson, S. W., and Co., Ltd., 200 Victoria Street West, Auckland.
 Potter and Birks (N.Z.), Ltd., Federal Street, Auckland.
 Prescription Preparations, Ltd., Albert Street, Auckland.
 Ring Proprietary Co., Ltd., 16 Wyndham Street, Auckland.
 Routley, A., 209 Queen Street, Auckland.
 Sharland and Co., Ltd., Taylors Road, Morningside, Auckland.
 Smith, S. A., and Co., Ltd., 105 Nelson Street, Auckland.
 Stearns, F., and Co., Ltd., 153 Albert Street, Auckland.
 Van Staveren Bros., Ltd. King Edward Avenue, Epsom, Auckland.
 Vytal Products, Ltd., 109 Franklin Road, Auckland.
 Walker, Buetow, and Co. Ltd., 542 Manukau Road, Epsom, Auckland.
 Warner, W. R., and Co., Ltd., 21 Federal Street, Auckland.
 Whitiora Laboratories, Victoria Street, Hamilton.
 Zoglo-Jocelyn, 47 Paice Avenue, Dominion Road, Auckland.

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 on the 1st day of May, 1944, and shall continue in force

until the 1st day of November, 1945, 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 27th day of April, 1944.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Definitions

1. This award shall apply to workers substantially employed in the manufacture, bottling, or packing of chemical products for medicinal use or veterinary use, emulsions, malt extracts, toilet preparations, and medicinal tablets.

Hours of Work

2. (a) The ordinary hours of work for workers employed in the manufacture of drugs shall not exceed forty hours per week or eight hours per day, to be worked between the hours of 8 a.m. and 5 p.m. on Mondays to Fridays, both days inclusive.

(b) Notwithstanding anything contained in this award, subsection (4) of section 3 of the Factories Amendment Act, 1936, relating to the employment of workers for the purpose of raising steam and in making preparations for the work of the factory shall be deemed to be incorporated herein.

Overtime

3. Any time worked in excess or outside of the hours prescribed in clause 2 hereof shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first four hours and thereafter double time.

Wages

4. The minimum rates of pay for male workers over the age of twenty-one years shall be:—

	Per Week.		
	£	s.	d.
Working foreman in charge of a department in which three or more adult workers are employed	5	2	6
Foreman, registered chemist	5	7	6
Registered chemist	5	2	6
Unregistered chemist	4	17	6
Drug and tablet makers	4	15	0
All other workers	4	15	0

Wages: Youths

5. (a) Youths may be employed at the following rates of pay:—

	Per Week.		
	£	s.	d.
For the first six months	1	3	6
For the second six months	1	7	6
For the third six months	1	12	6
For the fourth six months	2	0	0
For the third year	2	7	6
For the fourth year	2	17	6
For the fifth year	3	7	6

And thereafter the rate for adult general hands.

Provided, however, that a worker twenty-one years of age or upwards shall be paid the rates as set out in clause 4 hereof.

(b) The proportion of youths shall not exceed one youth to every two or fraction of two adult workers employed.

Wages: Female Workers

6. Female workers may be employed at the following minimum rates of pay:—

	Per Week.		
	£	s.	d.
For the first six months	1	0	0
For the second six months	1	4	0
For the third six months	1	8	0
For the fourth six months	1	12	0
For the fifth six months	1	16	0
For the sixth six months	2	0	0
For the fourth year	2	5	0
Thereafter	2	15	0

Provided that a worker of the age of twenty-one years or upwards shall receive not less than the basic wage for the time being prevailing.

Forewoman: There may be one working forewoman in each establishment, who shall be in charge of three or more adult workers and who shall be paid not less than £3 per week.

Leading Hand: A leading hand shall mean any female under the supervision of a forewoman and in charge of other workers during the temporary absence from time to time of the forewoman. Leading hands shall be paid not less than £2 15s. per week.

Casual Workers

7. Workers employed for less than one week shall be deemed to be casuals and shall be paid at the following rates of pay:—

		Per Hour.	
		s.	d.
Adult males	2	6
Adult females	1	4½

General Orders under Rates of Wages Emergency Regulations 1940

8. All rates of remuneration (which term includes time and piecework rates, overtime, and other special payments) provided for in this award shall be subject to the provisions of the general orders dated the 9th August, 1940, and the 31st March, 1942, under the Rates of Wages Emergency Regulations 1940, increasing rates of remuneration as follows:—

- (a) The order dated the 9th August, 1940, increases all rates of remuneration by an amount equal to 5 per cent. thereof:
- (b) The order dated the 31st March, 1942, increases all rates of remuneration (inclusive of the August, 1940, bonus) by an amount equal to 5 per cent., but this increase is payable—
- (i) In the case of males twenty-one years and over, on earnings up to £5 per week only;
 - (ii) In the case of females twenty-one years of age and over, on earnings up to £2 10s. per week only; and
 - (iii) In the case of males or females under twenty-one years of age, and apprentices, on earnings up to £1 10s. per week only.

Holidays

9. (a) The following holidays shall be allowed without deduction from wages: A whole holiday on every Christmas Day, Boxing Day, New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign.

(b) Should any of the above holidays, except Anzac Day, fall on a Sunday, then for the purpose of this award it shall be observed on the following Monday.

(c) Time worked on any of the above-named holidays or on Sundays shall be paid for at twice the ordinary rate.

(d) A week's holiday on full pay shall be granted to each worker on completion of a full year's service. Unless otherwise mutually arranged, such holiday shall be taken during the slack season. If the service should be terminated after the expiration of six months but before the expiration of the first year, or if the service is terminated before the expiry of any subsequent qualifying year of service, then the worker shall be entitled to a proportion of the week's holiday according to the length of service, or to any equivalent in pay, but this shall not apply in the case of any employee dismissed for gross misconduct.

(NOTE.—Attention is drawn to the provisions of the Annual Holidays Act, 1944, which will apply to workers covered by this award as from the 1st August, 1944.)

Termination of Employment

10. Not less than forty-eight hours' notice shall be given by either party of the termination of the engagement, but nothing in this clause shall prevent an employer from summarily dismissing any worker for misconduct.

Payment of Wages

11. Wages shall be paid weekly and in the employer's time and not later than Thursday of each week.

General Conditions

12. (a) A worker required to work overtime after 6 p.m. shall be paid 2s. tea-money unless such worker was notified on the previous working-day that overtime would be worked. The allowance specified in this subclause shall not be subject to general orders of the Court under the Rates of Wages Emergency Regulations or the Economic Stabilization Emergency Regulations.

(b) Boiling water shall be supplied for meals.

(c) Workers employed in damp or wet places shall be supplied with gum boots.

(d) Female workers shall not handle more than 28 lb. single handed.

(e) Boys under seventeen years of age shall not handle more than 56 lb. single handed.

(f) No deduction shall be made from the weekly wages payable hereunder except for time lost through the default or sickness of the worker, or by reason of accident not arising out of and in the course of the employment.

(g) This award shall not operate so as to reduce the wages of any worker during his or her present employment.

(h) The employer shall supply suitable dining and lavatory accommodation, together with facilities for changing clothes, and hot water for washing hands.

First-aid Outfits

13. First-aid outfits shall be provided in all factories and shall be accessible to employees at all times. The employer shall be responsible for keeping supplies in clean containers and in charge of a responsible person.

Right of Entry upon Premises

14. The secretary or other authorized officer of the union of workers 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.

Workers to be Members of Union

15. (a) Subject to the provisions of section 18 (5) of the Industrial Conciliation and Arbitration Amendment Act, 1936, 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.

(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

16. (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

17. 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 the 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

18. This award shall operate throughout the Northern Industrial District.

Term of Award

19. This award shall come into force on the 1st day of May, 1944, and shall continue in force until the 1st day of November, 1945.

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 27th day of April, 1944.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

All matters in dispute were settled in Conciliation Council, with the exception of the date of commencement of the award. In making the award the Court has had regard to the requirements of the Economic Stabilization Emergency Regulations.

In Conciliation Council it was agreed to increase the rate for senior female workers to £2 15s. per week and the rate for female leading hands to £2 17s. 6d. per week. Pursuant to sub-clause (2) of Regulation 38, the former rate has been incorporated in the award, but because of the provisions of sub-clause (3) of the same regulation it is not possible to incorporate the latter rate.

With regard to clause 12 (a), the Court is not satisfied that a provision to exclude the operation of any future general order in respect of meal allowance is *intra vires*, but the clause has been allowed to stand in the form in which it was agreed upon in Conciliation Council.

A. TYNDALL, Judge.
