

BURNSIDE CEMENT-WORKERS.—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 its amendments; and in the matter of an industrial dispute between the Otago and Southland Lime and Cement Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Milburn Lime and Cement Co., Ltd., 90 Crawford Street, Dunedin.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939, 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 4th day of December, 1946, 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 17th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. An ordinary week's work for day workers shall not exceed forty hours, and a day's work shall not exceed eight hours. Except where otherwise provided herein, the working-hours shall be between 7.30 a.m. and 5 p.m. on five days of the week, from Monday to Friday, both days inclusive.

Shift-work

2. (a) The ordinary hours of shift-workers shall not exceed five shifts of eight hours each in any one week. The first shift shall commence at 12 midnight and cease at 8 a.m. The second shift shall commence at 8 a.m. and shall cease at 4 p.m. The third shift shall commence at 4 p.m. and cease at 12 midnight. If a permanent shift-worker is required to commence work within twelve hours of ceasing work he shall be allowed one hour for changing shifts. Shift-workers shall be paid not less than time and a half rates for work done on Saturday.

(b) Regular shift-workers shall receive 2s. 6d. per shift extra for the first and third shifts mentioned in subclause (a) hereof.

Overtime

3. All time worked in any one day outside or in excess of the hours prescribed in clauses 1 and 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter: Provided that on Saturday morning four hours may be worked by day workers at time and a half rates.

Holidays

4. (a) Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, the birthday of the reigning Sovereign, and Anniversary Day or a day in lieu thereof to be mutually agreed upon shall be observed as holidays and paid for.

(b) Men required to work on any of the holidays prescribed in subclause (a) hereof shall be paid double time rates for such work in addition to the ordinary day's pay.

(c) If any of the holidays (except Anzac Day) mentioned in subclause (a) hereof falls on a Sunday, such holiday shall be observed on the next succeeding working-day.

Annual Holidays

5. Annual holidays shall be allowed in accordance with the Annual Holidays Act, 1944.

Sunday Work

6. Time worked on Sunday shall be paid for at double time rates. If men are required to work on Sunday for less than three hours, or if they are called upon to do Sunday work and on turning out are not required, they shall receive not less than three hours' pay at Sunday rates.

Meal Allowance

7. When men are required to work in excess of nine hours on any day they shall be given a meal allowance of 2s., but such allowance shall not be subject to the increases provided for in clause 9 hereof.

Wages

8. The following shall be the minimum rates of wages payable to the following classes of workers:— Per Hour.

	s.	d.
Burners (rotary kiln)	3	0
Shift engineers	3	1
Coal drier	2	11
Tube mill greaser	2	11
Cement screw greaser	2	9
Assistant tube mill greaser	2	9
Petrol-locomotive driver	2	10
Baggers	2	10
Foreman cement loader out	3	0
Permanent cement loaders out	2	9
Marl-pit truckers	2	9
Hydrate-lime workers	2	10
Electric-shovel driver	2	10
Wash-mill and tippler hand	2	9½
Shunter	2	9
All other workers	2	8

Increase in Rates of Remuneration

9. Except where otherwise provided, all rates of remuneration, including time and piece wages and overtime and any other special payments, provided for in this award shall be increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively.

Special Provisions

10. (a) Men taken off day-work for shift-work shall not lose time thereby.

(b) Baggers shall be paid double time rates when the fan is off for more than one day.

(c) Baggers and truck hands shall be paid 1d. per hundred per man extra when working with old bags.

(d) Respirators shall be supplied to men working in dust when same are required.

(e) Goggles shall be supplied by the employer when same are required.

(f) Men employed in cleaning out coal-bins, clinker-bins, and cement-silos, or at other work mutually agreed upon between the works-manager and the men concerned as being dirty work, shall be paid 4s. per hour or part of an hour.

(g) All tools shall be supplied by the employer.

(h) When required, gum boots and waterproof coats shall be supplied to men working in wet places.

(i) A modern first-aid outfit, fully equipped, shall be kept in a convenient and accessible place at the works.

(j) Proper sanitary conveniences shall be provided, also change-rooms, lockers, and bathrooms.

(k) Men, other than regular shift-workers, required to work shifts outside the hours prescribed in clause 1 hereof for day workers shall receive 2s. 6d. per shift extra for the back shift.

(l) Sufficient overalls shall be kept in stock to supply to workers employed in pulverizing bins, coal-driers, silos, and on such other dirty work as may be agreed upon between the management and the union.

(m) Cement-truck loaders shall be supplied with suitable coats.

Factory Steward and Committee

11. There shall be a committee consisting of three members of the executive of the union, one of whom shall be the factory steward. The duty of the committee shall be to assist the manager of the works to adjust any grievances or disputes that may arise. Should a dispute arise that cannot be settled by the employer's representatives and the factory committee, then it shall be reported to the secretary of the union, who shall endeavour to effect a settlement, failing which the matter in dispute shall be referred to the Conciliation Commissioner for the district, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Under-rate Workers

12. Any worker who, by reason of old age or other 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 and the works-manager of the employer.

Workers to be Members of Union

13. (a) Subject to the provisions of subsection (5) of section 18 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.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union, commits a breach of this award, and shall be liable accordingly.

(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.)

Scope of Award

14. The application of this award is restricted to the parties named herein.

Term of Award

15. This award, in so far as it relates to wages, shall be deemed to have come into force on the 4th day of December, 1945, 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 4th day of December, 1946.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court of Arbitration hath hereunto set his hand, this 17th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

In making the award, which embodies the terms of settlement arrived at by the assessors in Conciliation Council, the Court has had regard to the provisions of the Economic Stabilization Emergency Regulations 1942.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.
