

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 1954; 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 under-mentioned company (hereinafter called "the employers"):

Milburn Lime and Cement Co. Ltd., 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 130 of the Industrial Conciliation and Arbitration Act 1954, 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 19th day of November 1960 and thereafter as provided by section 152 of the Industrial Conciliation and Arbitration Act 1954.

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 8th day of February 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. An ordinary week's work for day workers shall not exceed 40 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. If a shift-worker is required to commence work within 12 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: Provided that any time worked in excess of 11 hours on a Saturday shall be paid for at double time rates.

(b) Shift-workers employed on the afternoon and night shifts shall receive 4s. per shift extra: Provided that where less than three night shifts are worked overtime rates shall be paid.

(c) Forty-eight hours' notice of the change of shifts shall be given to store hands, failing which overtime rates shall be paid.

(d) A shift-worker required to work on his rostered day off shall be paid therefor at overtime rates.

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. For work done on Saturdays by workers, other than the following, time and a half shall be paid for the first three hours and double time thereafter: Burners, cooler hands, coal-drier hands, pump hands, and slurry millers.

Holidays

4. (a) Christmas Day, Boxing Day, New Year's Day, the day following that upon which New Year's Day is observed, 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) of this clause 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) of this clause falls on a Saturday or on a Sunday, such holiday shall be observed on the next succeeding working day.

(d) Subject to section 28 of the Factories Act, the employer shall pay one tenth of a day's ordinary wages to each worker in respect of each ordinary day worked by him for that employer during the fortnight ending on the day of any holiday referred to in subclause (a) of this clause.

Annual Holidays

5. Annual holidays shall be allowed in accordance with the Annual Holidays Act 1944, except that burners (rotary kiln), coal-driers, pumpmen, cooler hands, slurry millers, cement millers, and locomotive drivers shall be allowed a holiday of three weeks which may be taken in two periods provided that no period shall be less than one week.

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 four hours, or if they are called upon to do Sunday work and on turning out are not required, they shall receive not less than four hour's pay at Sunday rates.

Meal Allowances

7. Where men are required to work in excess of nine hours on any day they shall be given a meal allowance of 5s.

Wages

8. (a) The following shall be the minimum rates of wages payable for the following classes of workers:

	Payable from 1 August 1959 to 11 October 1959		Payable on and after 12 October 1959	
	Per Hour		Per Hour	
	s.	d.	s.	d.
Burners (rotary kiln) No. 1	5	4	6	7 $\frac{1}{4}$
Burners (rotary kiln) No. 2	5	6 $\frac{1}{2}$	6	10 $\frac{1}{2}$
Coal-drier	5	2	6	5
Coal trimmer	5	0 $\frac{1}{2}$	6	3
Cooler hand	5	1 $\frac{1}{2}$	6	4 $\frac{1}{4}$
Slurry miller	5	3	6	6
Cement miller	5	2	6	5
Elevator hands	4	11 $\frac{1}{2}$	6	1 $\frac{3}{4}$
Cement screw greaser	5	1	6	3 $\frac{3}{4}$
Pumpmen	5	1 $\frac{1}{2}$	6	4 $\frac{1}{4}$
Quarry foreman	5	5	6	8 $\frac{1}{2}$
Quarry floorman	4	11 $\frac{1}{2}$	6	1 $\frac{3}{4}$
Locomotive driver	5	0 $\frac{1}{2}$	6	3
Cement bagger	5	5	6	8 $\frac{1}{2}$
Leading hand cement loader out	5	4 $\frac{1}{2}$	6	8
Cement loaders out	5	1	6	3 $\frac{3}{4}$
Hydrate lime workers	5	1 $\frac{1}{2}$	6	4 $\frac{1}{4}$
Electric-shovel driver	5	5	6	8 $\frac{1}{2}$
Washmill hand	5	0	6	2 $\frac{1}{2}$
Tippler hand	4	11 $\frac{1}{2}$	6	1 $\frac{3}{4}$
Shunter	5	0 $\frac{1}{2}$	6	3
All other workers	4	10	6	0

(b) Cement bagging machine operators, whilst operating cement bagging machines, shall be paid an allowance of 3s. per day.

(c) Baggers shall be paid double time rates while the fan is off.

(d) (i) Men employed cleaning out coal-bins, clinker-bins, and cement silos or at work cleaning or repairing inside coal-drier, or at any other class of work mutually agreed upon between the works manager and the men as being dirty work (other than the classes of work mentioned in paragraph (ii) of this subclause), shall be paid 1s. per hour in addition to their ordinary wage while so employed.

(ii) Men employed cleaning out or repairing wash-mill, cement-elevators, sumps, pits, hydrator, and dust chambers, or handling dust from combustion chambers, or employed at work inside cement and slurry mills, combustion chambers, furnaces, or kiln, or employed digging out slurry silos, or bagging combustion dust, shall be paid 1s. per hour in addition to their ordinary wage whilst so employed.

(e) Workers driving horses or vehicles, other than those specified in subclause (a) of this clause, in connection with the operation of the works shall be bound by the terms and conditions of this award, but for such work they shall be paid, whilst so employed, the rate of wages prescribed by the general Motor and Horse Drivers' Award in force from time to time.

(f) Burners working on burning platform in a temperature of 110 degrees Fahrenheit or more shall be paid 1s. per hour extra whilst so employed.

(g) When a burner is required to work on No. 1 pier when the temperature is 110 degrees Fahrenheit or more, he shall be paid 1s. per hour extra whilst so employed.

(h) Workers employed in operating pneumatic drilling machines or pneumatic jack hammers shall be paid 1½d. per hour extra while so employed.

Increase in Rates of Remuneration

9. For the period commencing on the 1st day of August 1959 and expiring on the 11th day of October 1959 the rates of wages determined by this award shall be increased to the extent and in the manner prescribed by the general order of the Court made under the Economic Stabilisation Regulations 1953, and dated the 26th day of October 1956.

Requirements of Economic Stabilisation Regulations

10. No worker bound by this award shall in any week be paid a lesser amount by his employer than the worker would have been entitled to be paid under this award if it had specifically applied the general order of the Court dated 18 September 1959 otherwise than by incorporation pursuant to the pronouncement of the Court dated 18 September 1959.

Special Provisions

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

(b) Respirators shall be supplied to men for their own personal use whilst working in dust where same are required.

(c) Goggles when required shall be supplied by the employer for the men's own personal use.

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

(e) When required gumboots or leggings, waterproof coats, and sou'westers shall be supplied to workers in wet places. Gloves shall be supplied when requested to all workers at the discretion of the management. Men wearing gumboots by direction of the employer shall be paid an allowance of 2d. per hour.

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

(g) Proper and sufficient sanitary conveniences shall be provided, also change-rooms, lockers and showers.

(h) All workers shall be paid 1d. per hour clothing allowance. A boot allowance of $\frac{1}{2}$ d. per hour shall be paid to pumpmen and men on No. 2 cooler, and to locomotive driver and shunter.

(i) Each cement-truck loader shall be supplied with a suitable coat.

(j) Cheese cloth shall be supplied as required to workers in the cement store and in the hydrate of lime plant.

(k) Ten minutes shall be allowed for "smoke-oh" morning and afternoon.

(l) All clothing or gear issued to workers shall remain the property of the employer, and such clothing and gear shall be signed for by the worker.

Payment of Wages

12. Except where otherwise mutually arranged between the union and management, wages shall be paid weekly not later than Thursday and within working hours: Provided that where a holiday falls and is observed on a Thursday or Friday payday shall be no later than Wednesday of that week. Full details of earnings and deductions shall be supplied to each worker.

Workers to be Members of Union

13. (a) Subject to the provisions of sections 174 (5) and 175 of the Industrial Conciliation and Arbitration Act 1954, 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 18 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 21 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.

(d) The employer shall supply to the secretary of the union a list of all persons employed subject to this award upon request, but not more often than once in each three-monthly period.

(NOTE—Attention is drawn to the section 174 (3) of the Industrial Conciliation and Arbitration Act 1954, which gives to workers the right to join the union.)

Under-rate Workers

14. (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 14 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.

Factory Steward and Committee

15. 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 14 days after such decision shall have been communicated to the party desiring to appeal.

Scope of Award

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

Term of Award

17. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 1st day of August 1959, and so far as all other provisions of the award are concerned, it shall come into force on the day of the date hereof; and this award shall continue in force until the 19th day of November 1960.

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 8th day of February 1960.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award, including the operative date of provisions relating to wages, embodies the terms of settlement arrived at by the assessors in Conciliation Council.

A. TYNDALL, Judge.