

WELLINGTON, MARLBOROUGH, NELSON, WESTLAND AND CANTERBURY
CONCRETE AND PUMICE GOODS WORKERS—APPLICATION FOR AMEND-
MENT OF AWARD

in the Court of Arbitration of New Zealand, Canterbury Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954: And in the matter of an application by Vibrapac Blocks Ltd., Christchurch, for partial exemption from the Wellington, Marlborough, Nelson, Westland and Canterbury Concrete and Pumice Goods Workers Award, dated the 12th day of October 1959, and recorded in 59 Book of Awards 1104.

Award, Exemption from—Concrete Goods Workers

The Court declined an application for partial exemption from the award made on the grounds that:

- (1) The clause prescribing ordinary hours of work is too restrictive;
- (2) Shift work is necessary.

“... the question of permitting shift work in the industry in the combined district is one of wide interest and therefore should not be considered by the Court on an isolated application or until the matter has been before a council of conciliation.”

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

Vibrapac Blocks Ltd. has applied for partial exemption from the Wellington, Marlborough, Nelson, Westland and Canterbury Concrete and Pumice Goods Workers Award (59 Book of Awards 1104). The object of the application is to enable the company to work shifts in its concrete building block plant at Hornby. The grounds for the application are stated to be

- (1) that clause 2 (a) of the award prescribing the ordinary hours of work for the industry is too restrictive, and
- (2) that shift work is necessary.

The applicant suggests a comprehensive code for shift work which could be invoked in conducting its manufacturing operations. The company is a subsequent party to the award by virtue of section 154 of the Industrial Conciliation and Arbitration Act 1954, and the application for exemption is made under subsection (3) of that section. The application is opposed by the New Zealand Federated Labourers and Related Trades Industrial Association of Workers.

The company has been operating under hours of work provisions similar to clause 2 (a) for nine years.

After hearing the submissions and evidence the Court has gained the impression that the company is not really seeking exemption from clause 2 (a) of the award because for some of its activities it would still function under the clause, but what it desires is in effect an amendment to the award to allow it to work shifts on certain operations to enable it to gain full advantage of new equipment it proposes to install.

Clause 2 (a) has been incorporated in the combined district awards covering the industry over many years as the result of agreement of the parties in Conciliation Council, but apparently the applicant company although an important one in the industry has never been cited as an original party and therefore its representatives have taken no part in Conciliation Councils.

There are an appreciable number of employers engaged in the manufacture of concrete products in the area covered by the award, and it is quite possible that some of them who are in competition with the applicant would be interested in obtaining the benefits of a shift work clause.

The applicant finds it necessary with its present plant to work a considerable amount of overtime to enable it to meet the demands for its products from the building trade.

The Northern Industrial District Concrete Workers Award (60 Book of Awards 564) contains an hours of work clause similar in nature to clause 2 (a), but for some time the awards for the industry in that district have also included a shift work clause of the character suggested by the applicant, but of general application.

It appears to us, that the question of permitting shift work in the industry in the combined district is one of wide interest and therefore should not be considered by the Court on an isolated application or until the matter has been before a council of conciliation.

We would draw attention to the fact that the present award expires on 12 April 1961 and therefore under section 135 of the Industrial Conciliation and Arbitration Act steps may be initiated by any appropriate industrial organisation for a new award after 12 December 1960.

In all the circumstances the application for partial exemption is refused.

Dated this 15th day of September 1960.

[L.S.]

A. TYNDALL, Judge.