

CANTERBURY RUBBER FOOTWEAR EMPLOYEES—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 industrial dispute between the New Zealand Federated Footwear Trade Industrial Association of Workers (hereinafter called “the union”) and the under-mentioned companies (hereinafter called “the employers”):

Airfoam Footwear Ltd., Christchurch.

Marathon Rubber Footwear Ltd., Christchurch.

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 31st day of December 1965 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 3rd day of November 1964.

[L.S.]

A. P. BLAIR, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the assembly and manufacture of rubber soled footwear with fabric uppers, and waterproof footwear manufactured from rubber, plastic, or synthetic materials.

Hours of Work

2. The ordinary hours of work shall not exceed 40 per week nor eight per day, to be worked on the five days of the week, Monday to Friday, both days inclusive, between the hours of 7 a.m. and 5 p.m. for male workers and between 8 a.m. and 5 p.m. for female workers: Provided that no worker shall be required to start at 7 a.m. unless his usual form of transport is available to him.

Shifts

3. Shifts may be worked in accordance with the following conditions on the manufacture of footwear by injection or compression moulding, or footwear by vulcanising processes:

(a) This clause shall have no application to a worker required to work shifts outside of the hours prescribed in clause 2 of this award on less than five consecutive working days.

(b) Shifts may be worked as required by the employer. The ordinary hours of work of a shift worker shall not exceed five consecutive shifts of not more than eight hours each nor less than six hours each to be worked between the hours of midnight Sunday-Monday and 8 a.m. Saturday.

(c) The commencing hour for day shifts shall not be earlier than 7 a.m. or such other hour as may be agreed upon by the employer and the local union secretary.

(d) Where three shifts per day are worked, a worker required to rotate his shift duties over those three shifts, shall be paid 4s. 3d. per shift in addition to ordinary rates.

A worker employed only on an afternoon or night shift shall, while so employed, be paid, in respect of the afternoon shift 4s. 3d. per shift, and in respect of the night shift 8s. 9d. per shift in addition to ordinary rates.

An afternoon shift means any shift commencing after 12 noon and finishing at or before midnight, and a night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

(e) In the case of shift workers overtime shall only be payable after eight hours, and shall then be paid for at the rate of time and a half for the first three hours and double time thereafter, provided that overtime rates shall not be payable where the overtime arises from arrangements made between the employees themselves.

(f) Where it is practicable shifts shall be worked on a regular rotation.

Overtime

4. (a) All time worked outside or in excess of the daily hours prescribed in clause 2 of this award shall be overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter: All overtime shall be optional, provided that when overtime is worked on Saturday morning, the rates shall be time and a half for the first four hours and double time thereafter.

(b) Workers required to work on Saturday shall be employed for a minimum of four hours.

(c) When a worker is required to work overtime beyond half an hour after his usual time for ceasing work and has not been notified on the previous day, he shall be paid the sum of 5s. 9d. meal money. If such a worker is notified that he is to work and overtime is not worked, such worker shall be paid an allowance of 5s. 9d.

Holidays

5. (a) All workers shall receive the following holidays in each year: New Year's Day, 2 January, Good Friday, Easter Monday, Anzac Day, Labour Day, Christmas Day, Boxing Day, Show Day, and the birthday of the reigning Sovereign.

(b) All work performed on any of the above-mentioned holidays shall be paid for at double rates. This payment shall be made in addition to the weekly wage payable to the worker concerned.

(c) All work performed on Sundays shall be paid for at double rates.

(d) In the event of a holiday, other than Anzac Day, falling on a Saturday or Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

Annual Holidays

6. Annual holidays shall be allowed in accordance with the Annual Holidays Act 1944. Where it is customary for any employer to allow annual holidays to his workers or to any class of his workers during a period in each year when his premises are closed or the work of those workers is for any reason discontinued, and at the date of the commencement of any such period any such worker has not become entitled to an annual holiday, then that worker shall not be entitled to any wages for two weeks following that date but the employer shall before that date pay to him, in addition to all other amounts due to him at that date including amounts to which he is entitled in respect of any special holidays, an amount equal to one twenty-fifth of his ordinary pay for that period of his employment up to that date, and for the purposes of the Annual Holidays Act the next year of his employment shall be deemed to commence on that date.

Wages

7. (a) Adult male workers shall be paid not less than the following weekly wages:

		Per Week		
		£	s.	d.
(i)	Fabric shoe section:			
	Machine outsole cutter	15	13	4
	Lasters	16	1	2
	Skivers	15	13	4
	Other adult male workers	15	0	0
(ii)	Gumboot section:			
	Cutting department:			
	Beam press cutter	15	13	4
	Mallet or die cutter	15	13	4
	Hand cutter	15	16	0
	Clicking machine operative	15	16	0
	Machine outsole cutter	15	13	4
	Making department:			
	Lasters	16	1	2
	Toe-lining lasters	16	1	2
	Leg-lastern	15	13	4
	Skivers	15	13	4
	Vampers	16	1	2
	Foxing placers	15	13	4
	Outsole placers	16	1	2
	Outsole roller	15	13	4
	Examiner	16	1	2
	Other adult male workers	15	0	0
(iii)	Vulcanisers	15	16	0
	Press hands	15	16	0
(iv)	Individual boot or shoe makers	16	7	6
(b)	<i>Youths</i> —The minimum weekly rates of wages for youths shall be:			
	Under 16 years of age	6	0	0
	16 to 17 years of age	7	10	0
	17 to 18 years of age	9	0	0
	18 to 19 years of age	10	10	0
	19 to 20 years of age	11	15	0
	20 to 21 years of age	13	0	0

Thereafter, the minimum rate of wages prescribed in sub-clause (a) of this clause.

(c) *Females*—The minimum weekly rates of wages for female workers shall be:

				Per Week		
				£	s.	d.
Under 16 years of age	..	..	..	5	0	0
16 to 17 years of age	..	..	..	6	2	6
17 to 18 years of age	..	..	..	6	17	6
18 to 19 years of age	..	..	..	7	15	0
19 to 20 years of age	..	..	..	8	10	0
20 to 21 years of age	..	..	..	9	5	0
Thereafter, £10 3s. 4d. per week.						

(d) Notwithstanding anything contained herein, the wages of any worker at present receiving more than the rates prescribed herein shall be maintained at not less than the present rates during the currency of this award.

(e) The proportion of youths to adult males shall not exceed one to five.

(f) For female workers employed on the production of all types of goloshes, "misses" and children's overboots, or child's bootees, the rate of pay shall be £11 2s. per week after having been employed on such work for three months. Workers employed as lasters in this section shall receive an additional £1 1s. 3d. per week.

Part-time Workers

8. A weekly worker whose engagement is for less than 40 hours per week shall be paid the *pro rata* rate calculated on the ordinary weekly wage. This clause shall not affect existing arrangements.

Bonus Payments

9. Bonus payments to workers shall be permitted in terms to be arranged between the employer and the union.

Terms of Employment

10. (a) Twenty-four hours' notice of the termination of the services of the worker shall be given by the employer to the worker or by the worker to the employer. Where the employment is terminated without the requisite notice one day's wages shall be paid or forfeited as the case may be. This, however, shall not prevent the summary dismissal of a worker for serious misconduct.

(b) No deduction shall be made from the wages of any worker for whom a weekly wage is provided herein except for time lost through the illness or default of the worker or through accident not arising out of or in the course of his employment.

(c) Wages shall be paid on or before Thursday in each week and within working hours. When a holiday falls on a Friday wages shall be paid on the preceding Wednesday.

General Conditions

11. (a) Individual lockers shall be provided to store outer clothing. Adequate dining and sanitary facilities shall be provided. Adequate lighting and fresh air facilities shall be provided.

(b) Notice boards shall be provided in a prominent position for the display of union notices.

(c) In each factory there shall be provided a suitable furnished place for the use of female workers.

(d) Rest periods shall be allowed in accordance with the present practice.

(e) Females shall not be employed on chain operations in the gumboot section.

Females shall not be employed on the following operations in the fabric shoe section: Lasting, clicking, cutting of fabric uppers, skiving, sole-pressing, Wellman-knife sole cutting, last sorting and carrying.

Females shall not be employed on the following operations in the light shoe section:
Sole placing or rolling.

Females shall not be employed on hot press cutting.

Females shall not be employed on the following operations in the foam tread section: Lasting or vulcanising-moulder.

Females shall not be employed on the following operations in the slipper section:
Lasting or vulcanising-moulder.

Youths may be employed in the foregoing sections in the ratio of one to each 20 adult male workers in the factory and shall receive £1 per week above the appropriate scale rate provided in subclause (b) of clause 7 of this award while so employed.

Females employed on motorised jobs shall receive an additional rate of 4d. per hour.

When any new type of rubber or plastic footwear is to be produced the employment of females on any of the operations shall be discussed and settled by representatives of the union and employer before being put into production.

(f) Male workers shall be supplied yearly with two substantial aprons of a type suitable for the work being performed. Female workers shall receive a protective clothing allowance of 2s. 6d. per week.

(g) No female worker or youth under 18 years of age shall be required to lift weights in excess of 40 lb.

(h) Males employed on varnish dipping shall receive an additional 7d. per hour as dirt money.

(i) Washing facilities, including hot water, soap, and towels, shall be provided by the employer.

(j) A properly equipped first aid outfit shall be readily accessible to all workers while work is being carried on in the factory, and temporary dressings, bandages, and antiseptic shall be available in each department.

(k) Workers on completion of 10 years' continuous service and of each subsequent year of service shall be paid a service bonus of one week's wages. On completion of 20 years' service and of each subsequent year of service the service bonus shall be two weeks' wages.

(l) By arrangement with the union and with the written consent of the workers concerned, the employer may deduct union dues from the wages of the workers and remit them to the union.

(m) Room delegates may meet for one hour per month, without loss of pay, the time of the meeting to be mutually arranged with management so as not to interfere with production.

Advisory Committee

12. A committee consisting of two representatives of employers and two representatives of the union, and known as the "advisory committee" shall be set up to deal with all applications for permits to work at home, and to deal with such operations that females may be employed upon under subclause (e) of clause 11 hereof. No resolution of the committee permitting out-work shall be carried unless a majority of the representatives of each side is in agreement.

Foremen and Forewomen

13. The employer may appoint one foreman or forewoman in each department where five or more workers are employed, and, provided the person so appointed is engaged in supervising work for not less than 50 per cent of the working hours, such foreman or forewoman shall be exempted from the provisions of this award. It shall be the duty of the employer to notify the secretary of the union of the appointment of such foreman or forewoman.

Disputes Committee

14. Any dispute in connection with any matter not provided for in this award shall be settled between two representatives of the employer concerned and two representatives of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Conciliation Commissioner, may appeal to the Court within seven days after such decision shall have been communicated to the party desiring to appeal.

Unqualified Preference

15. (a) Any adult person engaged or employed in any position or employment subject to this award by any employer bound by this award shall, if he is not already a member of a union of workers bound by this award, become a member of such union within 14 days after his engagement, or after this clause comes into force, as the case may require.

(b) Subject to subclause (a) hereof, every adult person so engaged or employed shall remain a member of a union of workers bound by this award so long as he continues in any position or employed subject to this award.

(c) Every worker obliged under subclause (a) hereof to become a member of a union who fails to become a member, as required by that subclause, after being requested to do so by an officer or authorised representative of the union, and every worker who fails to remain a member of a union in accordance with subclause (b) hereof commits a breach of this award.

(d) Every employer bound by this award commits a breach of this award if he continues to employ any worker to whom subclauses (a) and (b) apply, after having been notified by any officer or authorised representative of the union that the worker has been requested to become a member of the union and has failed to do so, or that the worker having become a member of the union has failed to remain a member.

(e) For the purposes of this clause "adult person" means a person of the age of 18 years or upwards, or a person who for the time being is in receipt of not less than the minimum rate of wages prescribed for adult workers by this award.

(NOTE—Attention is drawn to section 174H of the Industrial Conciliation and Arbitration Act 1954 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 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.

Right of Entry

17. The secretary or other authorised officer of the union 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.

Application of Award

18. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every industrial union, industrial association, or employer who, not being an original party hereto, is, when this award comes into force or at any time 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

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

Term of Award

20. 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 first day of the pay period in each establishment commencing on or after the 21st day of September 1964, 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 31st day of December 1965.

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 3rd day of November 1964.

[L.S.]

A. P. BLAIR, Judge.

MEMORANDUM

The award, including the operative date of provisions relating to wages, incorporates the terms of settlement arrived at by the parties in the course of an inquiry held before a Council of Conciliation.

Upon being satisfied by supporting documentary evidence that an unqualified preference provision has been agreed to by all the assessors in accordance with section 174B of the Industrial Conciliation and Arbitration Act 1954 (as enacted by the Industrial Conciliation and Arbitration Amendment Act 1961), the Court has inserted clause 15 in the award in the form in which it was agreed upon in the Council of Conciliation.

The rates of remuneration prescribed by this award are *not* to be increased by the application of the provisions of the Court's general order of 19 August 1964.

A. P. BLAIR, Judge.