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OTAGO AND SOUTHLAND RETAIL CHEMISTS' ASSISTANTS—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 Dunedin Retail Chemists Assistants Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned persons, firms, and companies (hereinafter called “the employers”):

Baylis, W. A., Ltd., 259 King Edward Street, Dunedin.

Bell, C. N., Main Road, Green Island.

Boots (The Chemists) Ltd., 192 Princes Street, Dunedin.

Camerons Central Pharmacy Ltd., 102 Princes Street, Dunedin.

Clifford's Pharmacy Ltd., 306 Princes Street, Dunedin.

Henderson, Arthur J., Ltd., Clyde Street, Balclutha.

Lanes Pharmacy Ltd., 147 Thames Street, Oamaru.

Pollock's Pharmacy, 12 Tay Street, Invercargill.

United Friendly Societies' Dispensary, 76 Tay Street, Invercargill.

United Friendly Societies' Dispensary, 79 Princes Street, Dunedin.

United Friendly Societies' Dispensary, 215 Thames Street, Oamaru.

Wilkinson and Son Chemists Ltd., 167 Princes 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 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 25th day of September 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 6th day of February 1964.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. (a) This award shall apply to the trade or business of retail chemists.

(b) 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 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.

(c) Nothing in this award shall apply to clerks, cashiers, or any other persons solely engaged in the office work of the employer and not engaged in the work of the shop in any capacity.

(d) Nothing in this award shall apply to managers other than relieving managers.

Definitions

2. (a) A "manager" is a registered chemist who is legally enrolled as the manager of a pharmacy.

(b) A "relieving manager" is a registered chemist who is employed to take charge of a pharmacy during the absence of the enrolled manager or occupier.

(c) A "qualified assistant" is a person who, being 21 years of age or over, has obtained from the Pharmacy Board a certificate of competency as a pharmaceutical chemist pursuant to the provisions of subsection (1) (a) of section 11 of the Pharmacy Act 1939, or is the holder of a recognised certificate granted out of New Zealand, as defined in subsection (2) of the same section.

(d) An "unqualified assistant" is a person who has served four years as an apprentice to a registered chemist keeping open shop or dispensary for the compounding and dispensing of prescriptions.

(e) A "casual worker" is a worker employed for a period of less than five full days in any one working week.

(f) An "apprentice" is a person registered as an apprentice under the Pharmacy Act 1939 and its amendments.

(g) No person other than those referred to in this clause shall be engaged in the compounding of medicines.

Hours of Work

3. (a) The ordinary weekly hours shall not exceed 40.

The daily hours shall not exceed eight per day on the four days of the week, Monday to Thursday inclusive, and 10 hours on Friday; Provided, however, that where the observance of any holiday results in the transference of the late night to a day other than the Friday, no additional amount over and above the weekly wage shall be payable in respect of the ordinary week's work.

(b) One hour shall be allowed for dinner each day, and on the day of the late night, one hour shall be allowed for the evening meal.

(c) Nothing in this clause shall apply to the all-night pharmacies conducted by the Associated Chemists in Dunedin and Invercargill.

(d) Ten minutes shall be allowed morning and afternoon for the partaking of refreshments.

Closing of Shops

4. (a) In exercise of the powers vested in the Court by the Shops and Offices Act 1955, it is ordered that all shops carrying on the trade or business as defined in subclause (a) of clause 1 of this award shall, except as provided in section 7 (1) of the said Act, be closed from the hour of 5.30 p.m. on the four days of the week, Monday to Thursday inclusive, and from the hour of 9 p.m. on Fridays, and for the whole of one weekday in each week; Provided that where a holiday falls on a Friday the closing hour for shops shall be from 9 p.m. on one other day of the week.

(b) All such shops shall be closed for the whole of the day of any holiday prescribed by this award.

(c) Nothing in this clause shall apply to the all-night pharmacies conducted by the Associated Chemists at Dunedin and Invercargill.

Wages

5. (a) The following shall be the minimum rates of wages:	Per Week
	£ s. d.
(i) Managers (relieving)	18 18 4
(ii) Assistants—	
Qualified assistants	17 0 0
Unqualified assistants—	
Under 22 years of age	14 5 0
22 years of age and under 23 years of age	15 0 0
23 years of age and over	15 15 0

(b) Casual workers shall be paid not less than 9s. 3d. per hour in the case of qualified assistants, and 8s. 3d. per hour in the case of unqualified assistants.

(c) (i) Relieving assistants' or relieving managers' travelling expenses shall be paid in addition to wages if employed outside a radius of 5 miles from the chief post office in any town.

(ii) Any such assistant or manager who is required to live away from his permanent home shall receive a board allowance of £5 5s. per week, or the employer may provide board and lodging in lieu thereof.

(d) Any worker employed in a chemist's shop other than those referred to in subclauses (a), (b), (c), (e), and (f) of clause 2 or in subclause (e) of this clause shall be paid not less than the following rates of wages:

	Males			Females		
	Per Week			Per Week		
	£	s.	d.	£	s.	d.
Under 16 years of age—						
First six months	5	0	0	4	5	0
Second six months	5	7	6	4	10	0
16 to 17 years of age—						
First six months	5	15	0	4	15	0
Second six months	6	5	0	5	5	0
17 to 18 years of age	7	5	0	5	15	0
18 to 19 years of age	8	10	0	6	10	0
19 to 20 years of age	9	15	0	7	5	0
20 to 21 years of age	11	0	0	8	0	0
21 to 22 years of age	12	10	0	8	15	0
22 years of age and over	14	2	6	9	10	0

(e) Storemen, packers, and porters employed in a chemist's shop shall be paid not less than the following rates of wages:

	Per Week		
	£	s.	d.
Under 16 years of age	4	4	0
16 to 16½ years of age	4	14	0
16½ to 17 years of age	5	5	0
17 to 17½ years of age	6	0	0
17½ to 18 years of age	7	0	0
18 to 19 years of age	8	0	0
19 to 20 years of age	9	0	0
20 to 21 years of age	10	10	0
Thereafter	13	5	0

Part-time Workers

6. Workers other than qualified or unqualified assistants may be employed on a part-time basis for periods in excess of two consecutive weeks at any one engagement.

Such part-time workers shall not be required to work more than 20 hours per week and shall be paid *pro rata* for the time actually worked in each week at the appropriate minimum weekly rate prescribed by this award plus an additional 10 per cent.

Apprentices

7. (a) If any employer takes an apprentice, articles of apprenticeship as required by the Pharmacy Act 1939, shall be entered into, and in addition to such provisions as may be mutually agreed upon, and not inconsistent with the provisions hereinafter set forth, shall contain the following provisions.

(b) The minimum salary payable to apprentices who have passed the Pharmacy Professional Examination Stage II, shall be:

	Per Week		
	£	s.	d.
For the first six months	10	17	6
For the second six months	12	0	0
For the third six months	13	5	0
For the fourth six months	14	5	0

Graduates with a degree of bachelor of pharmacy shall serve one year of apprenticeship and shall be paid a minimum salary as follows:

		Per Week		
		£	s.	d.
For the first six months	13	5	0
For the second six months	14	5	0

(c) An employer taking an apprentice shall give notice thereof and of the name of the apprentice to the Inspector of Awards within one week after the expiration of the period of probation, and an employer transferring an apprentice shall similarly within one week thereof give notice of such transfer to such inspector.

(d) When an apprentice is discharged for any cause the employer shall send notice of the discharge and of the cause thereof to the Inspector of Awards, who shall notify the secretary of the union.

(e) The provisions of this award relating to term of apprenticeship, wages, hours of work, overtime, and holidays shall apply to apprentices. In other respects apprentices shall be covered by the Pharmacy Board Regulations.

Terms of Employment

8. (a) The employment shall be deemed to be a weekly employment except in the case of casuals, and no deduction from the weekly wage shall be made except for time lost through sickness or default of the worker.

(b) Seven days' notice shall be given to terminate an engagement, except in the case of casual hands or in the case of dismissal for serious misconduct. The period of notice in either case shall be exclusive of the whole or any part of the annual holiday required to be given in pursuance of this award.

Proportion

9. The proportion of unqualified assistants shall be one to each shop. Additional unqualified assistants may be employed in the proportion of two to the first qualified assistant and one to each of the other qualified assistants. For the purposes of this clause the employer or manager who is registered and substantially engaged in the business shall be deemed to be a qualified chemist for the computation of the proportion.

Holidays

10. (a) The following shall be the recognised holidays: New Year's Day, the day following New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) If any of the above holidays are not generally observed in any district, another holiday may be observed in lieu thereof: Provided that in no case shall the number of holidays be reduced by this clause.

(c) Should any of the above holidays, except Anzac Day, fall on a Saturday or a Sunday, then for the purposes of this award such holidays shall be observed on the following day.

(d) Annual holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944: Provided that for the tenth and subsequent years of continuous service with the same employer workers under this award shall be granted three weeks' annual holiday: Provided, further, that the additional week's holiday may be taken at a time suitable to the employer.

Payment for Holidays and Overtime

11. (a) Except as provided in subclause (b) of this clause all time worked in excess of or outside the ordinary hours prescribed in clause 3 shall be paid for at the rate of time and a half for the first three hours and thereafter at double time rates. Overtime shall be calculated on a daily basis.

A worker who is called upon to work overtime shall be paid 5s. 3d. tea money.

(b) Workers required to work on more than five days in any week shall be paid at double rates for all time so worked outside of the five days.

(c) Any work done on Sundays or on any of the holidays mentioned in clause 10 or holidays observed in lieu thereof shall be paid for at double rates. The said payments shall be in addition to the ordinary weekly wage.

(d) Nothing in this clause shall apply to any assistant engaged specially to do work in an all-night pharmacy, but assistants employed in such shops shall receive not less than the minimum rates of wages as prescribed by this award.

Payment of Wages

12. Wages shall be paid in cash not later than Wednesday of each week up to the night preceding the day of payment. Should a holiday fall on the pay-day, then payment shall be made on the working day previous to the holiday.

Special Uniforms

13. Where white or coloured coats or smocks are required by the employer to be worn by workers the employer shall supply and launder same or, at the option of the employer, pay for same to be laundered.

Wages and Time Book

14. (a) The occupier of a shop in which one or more shop assistants are employed shall at all times keep, in the prescribed form or in such other form as may be approved by the Inspector of Awards, a record in English (called "the wages and time book") showing in the case of each assistant:

- (i) The name of the assistant, together with his age if under 21 years of age;
- (ii) The kind of work on which he is usually employed;
- (iii) The hours during which he has actually been employed on each day, showing the starting and finishing time each day;
- (iv) The wages paid on each pay-day, and the date thereof; and
- (v) Such other particulars as are prescribed by regulations.

(b) The entry of the particulars hereinbefore referred to, or a memorandum in writing containing such particulars, shall be signed by the assistant at the time of payment of his wages, and such signatures shall operate as a receipt for such payment.

(c) The wages and time book in use for the time being, and any such book used within the preceding five years, shall at all times be open to the inspection of an Inspector of Awards.

(d) Every assistant who fails to sign the record as provided in this clause or who wilfully signs an incorrect record is liable to a fine not exceeding £5.

(e) An Inspector of Awards may at any time require the occupier to verify the entries in the wages and time book in such form as may be prescribed.

Reference

15. (a) Each worker on leaving or being discharged from his or her employment shall, on application, be given within 24 hours thereafter, a reference in writing stating the position held and length of service.

(b) Original references shall remain the property of the worker and shall be returned within 48 hours after engagement.

Right of Entry

16. The secretary or other authorised representative of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter during working hours upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Notification

17. Employers shall, on request, but not more often than once a month, supply to the secretary of the union a list of names of all workers.

Unqualified Preference

18. (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 employment 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

19. (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.

Scope of Award

20. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

21. 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 25th day of September 1963, 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 25th day of September 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 6th day of February 1964.

[L.S.]

A. TYNDALL, 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 18 in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.