

**WELLINGTON AND CANTERBURY STORAGE BATTERY
MANUFACTURING EMPLOYEES.—AWARD**

[Filed in the Office of the Clerk of Awards, Wellington]

In the Court of Arbitration of New Zealand, Wellington and Canterbury Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the New Zealand Engineering, Coachbuilding, Aircraft, and Related Trades Industrial Union of Workers (hereinafter called “the union”) and the undermentioned companies (hereinafter called “the employers”) :—

Amalgamated Batteries, Ltd., 152 Hereford Street,
Christchurch.

Exide Batteries of New Zealand, Ltd., Park Road,
Lower Hutt, Wellington.

Power Battery Co., Ltd., St. Asaph Street, Christchurch.

Vesta Battery Co. Pty., Ltd., 27–35 Camperdown Road,
Miramar, Wellington.

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 for-

warded 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 on the day of the date hereof, and shall continue in force until the 29th day of November, 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 29th day of November, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applies

1. This award shall apply to the manufacture and/or assembly of wet batteries, other than repair or maintenance.

Hours of Work

2. Forty hours shall constitute an ordinary week's work, of which not more than eight hours may be worked on each day from Monday to Friday inclusive, and between the hours of

7.30 a.m. and 5 p.m. The time of starting and ceasing work between these hours shall be mutually arranged in each establishment, with a break of not more than one hour for lunch.

Shifts

3. (a) This clause shall have no application to a worker required to work shifts outside of the hours prescribed in clause 2 on less than four 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 eight-hour shifts in any week, to be worked between the hours of midnight Sunday/Monday, and 8 a.m. Saturday.

(c) The commencing hour for day shifts shall be not earlier than 7 a.m. instead of the commencing hour of 7.30 a.m. mentioned in clause 2, or such other hour as may be agreed upon by the employer and the local union secretary.

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.

(d) A worker employed on an afternoon or night shift shall, while so employed, be paid 10 per cent. in addition to ordinary rates.

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

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

Overtime

4. (a) Except in the case of shift-workers, all work done in excess or outside of the hours mentioned in clause 2 hereof shall count as overtime, and shall be paid for at the rate of time and a half for the first four hours in any one day and double time thereafter. Any worker who is called back after 10 p.m. or after 12 noon on Saturday shall be paid double rates.

(b) Any worker having worked for twenty-four hours, inclusive of intervals for meals, shall not be required to continue working without his consent. If he does continue working, he shall be paid double rates for all time worked on the second day.

(c) Any worker having worked all day and night and being required to continue working on into the next day shall be paid double rates for all such time worked on the second day.

(d) Any worker having worked all day and having continued to work until midnight shall be given eight hours off or be paid double time for all time worked on the second day.

(e) Where a worker is required to work overtime in the terms of subclause (a) hereof after the ordinary hour of ceasing work for the day and where such period is broken except for meal intervals, after at least four hours' overtime has been worked, no worker shall be called upon to resume work until a period of eight hours has elapsed unless double rates are paid for all time worked following such resumption of work.

(f) Any worker required to commence work after the last public vehicle available to him, or the cessation of public wheeled traffic or before the ordinary time of starting such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic, shall be paid for time occupied in travelling to or from his home, computed on three miles per hour at ordinary rates of pay; but if a conveyance is provided for the worker by his employer, he shall not be entitled to payment for travelling-time. For the purpose of this award "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by workers travelling to or from their work.

(g) No worker shall work overtime on Friday nights except on urgent or breakdown work. As far as possible, overtime shall not be worked on the night of the union's regular monthly meeting.

(h) The employer shall supply a suitable meal or allow meal-money at the rate of 2s. per meal when workers are called upon to work overtime after 6 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, or Friday, or after 1 p.m. on Saturday, unless such workers can reasonably get home for a meal and return to their work in one hour, in which case the meal allowance need not be paid. The provisions of clause 8 hereof, increasing rates of remuneration, shall not apply to the meal-money payment provided for in this subclause.

(i) Supper and crib time when working overtime shall be paid for.

(j) When working overtime under conditions where a worker cannot obtain a meal without incurring extra travelling-expense, the employer shall reimburse such extra expense.

Holidays

5. (a) The following shall be the recognized holidays: New Year's Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas-Day, Boxing Day, and Anniversary Day (or a day to be substituted therefor).

(b) Workers who are entitled to be paid for the holidays set out in subclause (a) hereof shall be all those who have been working at any time during the fortnight ending on the day on which the holiday occurs. No payment over and above an ordinary week's wages shall be made to any worker for a holiday which falls on what is not ordinarily a working-day, except for work actually performed on such day.

(c) For work done on any of the above holidays, or on Sundays or on 2nd January, double time shall be paid.

(d) Notice of closing down for Christmas holidays shall be posted in a conspicuous place at least fourteen days before the holidays.

(e) In the event of a holiday other than Anzac Day falling on a 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 terms of the Annual Holidays Act, 1944.

Wages

7. (a) The following shall be the minimum wages payable to adult workers:—

Hand and machine paster (except in the case of a machine where no hand pasting is required), battery-charger, grid-moulder, and workers substantially employed in the formation room: For the first three months, 2s. 9d. per hour; and thereafter, 2s. 10½d. per hour.

All other workers: For the first six months, 2s. 9d. per hour; and thereafter, 2s. 10d. per hour.

(b) Youths may be employed in the proportion of one youth to each two adult males, and the following shall be the minimum rates of wages:—

Age commencing.	First Six Months.	Second Six Months.	Third Six Months.	Fourth Six Months.	Fifth Six Months.	Sixth Six Months.	Seventh Six Months.	Eighth Six Months.	Ninth Six Months.	Tenth Six Months.
Under 16	25/-	30/-	35/-	40/-	47/6	52/6	57/6	62/6	70/-	80/-
16 to 17..	27/6	32/6	37/6	42/6	50/-	55/-	62/6	67/6	75/-	80/-
17 to 18..	32/6	37/6	45/-	50/-	57/6	65/-	75/-	80/-	..	..
18 to 19..	45/-	50/-	55/-	62/6	72/6	80/-	..	..	..	..
19 to 20..	57/6	62/6	75/-	80/-	..	..	..	..	..	..
20 to 21..	70/-	80/-	..	..	..	..	..	..	..	..

And thereafter, or on attaining the age of twenty-one years, not less than the appropriate adult rate according to the class of work performed.

No deduction shall be made from the above wages except for time lost through the worker's sickness, accident, or default.

Increase in Rates of Remuneration

8. 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.

EXPLANATORY NOTE.—(1) The general order of the 9th August, 1940, increased rates of remuneration determined by awards and industrial agreements and apprenticeship orders by an amount equal to 5 per cent. thereof.

(2) (a) The general order of the 31st March, 1942, further increased rates of remuneration determined by awards and industrial agreements and apprenticeship orders (inclusive of the 5 per cent. increase provided by the general order of the 9th August, 1940) by an amount equal to 5 per cent. thereof, but excluded from the increase such portion of the remuneration of each worker as exceeded—

- (i) The amount of £5 a week in the case of male workers twenty-one years of age and over;
- (ii) The amount of £2 10s. a week in the case of female workers twenty-one years of age and over;
- (iii) The amount of £1 10s. a week in the case of male and female workers under twenty-one years of age; and
- (iv) The amount of £1 10s. a week in the case of apprentices under apprenticeship orders.

(b) The increase in *rates of remuneration* provided by the order referred to in (a) hereof applied to the unexcluded portion of the *remuneration* of each worker, irrespective of his or her total weekly *remuneration*.

(3) The term "*rates of remuneration*" includes time and piece wages and overtime and any other special payments. The term "*remuneration*" means actual earnings, including time and piece wages and overtime and any other special payments.

Special Rates

9. (a) *Leading Hands*.—Any worker placed in charge of a department shall be paid 2s. per day extra.

(b) *Work not proceeded with*.—When a worker is required to present himself for work or when a worker is ordered to work at a certain time and no work is available, he shall be paid a minimum of two hours, provided that if required by the employer he shall stand by the job during the paid period.

Payment of Wages

10. (a) All wages shall be paid weekly not later than Thursday and in the employer's time.

(b) All wages shall be paid on dismissal of a worker or when a worker leaves of his own accord.

General Provisions

11. (a) There shall be provided, convenient to but separated from any room in which a lead process is carried on, a dressing-room with provision for the drying and storage of the clothing of each person engaged, and also with lockers for the storage separately of the protective clothing where such is used.

(b) The employer shall provide the necessary facilities for workers to wash. Such shall include a supply of hot and cold water.

(c) Suitable dining-room accommodation and dressing-room accommodation shall be provided for workers.

(d) Shower-baths with a supply of hot and cold water, together with soap and other cleansing materials, shall be provided for the use of employees.

(e) Clean towels made of suitable material shall also be provided for the use of employees.

(f) The washing facilities for mixers, pasters, and formation-room workers shall continue as at present.

(g) All other workers shall be allowed time in which to clean their hands prior to meal times and ceasing work.

(h) An employer shall provide reasonable facilities for supplying warmth for employees working in the workshops in cold weather.

(i) The existing practice in connection with the supply of milk shall continue.

Piecework and Premium Bonus

12. Work may be done by piecework or on the premium-bonus system, but in either case at such rates as shall secure to a competent worker at least 10 per cent. more than the minimum rate provided in this award: Provided that if any workers employed under any system of payment by results are dissatisfied with the rate fixed by the employer they may refer the dispute to a committee as provided in clause 15 of this award. On the introduction of any system of payment by results after the coming into operation of this award the employer shall give written notice to the secretary of the union within seven days.

"Smoke-oh"

13. Except at jobs where smoking is prohibited because it is unsafe, time at which smoking shall be permitted in the workshops shall be mutually arranged between the employers and the workers in each case.

Access to Workshops

14. The secretary or other authorized officer of the local union of workers concerned 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. The employer shall give recognition to any worker who is appointed shop steward in the establishment in which he is employed.

Disputes Committee

15. Should any dispute or difference arise in connection with any matter not provided for in this award it shall be settled between the particular employer concerned and two representatives of the local branch of the union. If no settlement is arrived at, then such dispute shall be referred to a Disputes Committee consisting of two representatives of the employers and two representatives of the union for their decision. If such committee is unable to decide the matter it may refer the matter to the Court of Arbitration, or either party may appeal to the Court of Arbitration from the decision of such Committee upon giving to the other party fourteen days' notice in writing of intention so to appeal.

Accidents

16. A modern first-aid emergency case, fully equipped, which shall be open to inspection by a union official once a month, shall be kept in a convenient and accessible place in every works; also provision shall be made for a supply of hot water at short notice.

Workers to be Members of Union

17. (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.)

Under-rate Workers

18. (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 fourteen 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.

Extension of Hours under Factories Act

19. Pursuant to the provisions of section 3 of the Factories Amendment Act, 1936, the limits of hours fixed by subsection (1) of that section are hereby extended in the manner and to the extent set forth in this award in respect of every occupier of a factory bound by the provisions of this award.

Application of Award

20. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every trade-union, 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 districts to which this award relates.

Scope of Award

21. This award shall operate throughout the Wellington and Canterbury Industrial Districts.

Term of Award

22. This award shall come into force on the day of the date hereof, and shall continue in force until the 29th day of November, 1946.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereunto set his hand, this 29th day of November, 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.

A. TYNDALL, Judge.
