

(4535.) AUCKLAND TALLYMEN.—AWARD.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of an industrial dispute between the Auckland Tallymen's Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Auckland Farmers' Freezing Company (Limited), Railway Wharf, Auckland.

Auckland Gas Company, Wyndham Street, Auckland.

Auckland Harbour Board, Auckland.

Baillie, T. R., Little Queen Street, Auckland.

Bews, G. W., Fort Street, Auckland.

Blackball Coal Company, Auckland.

Bond and Bell, Customs Street East, Auckland.

Briscoe and Co., Customs Street, Auckland.

British Imperial Oil, Customs Street, Auckland.

Clarke, J. W., Quay Street, Auckland.

Colonial Sugar Company (Limited), Quay Street, Auckland.

Craig, J. J., Queen Street, Auckland.

Cunningham and Co., Fort Street, Auckland.

Donald and Edenborough, Queen Street, Auckland.

Heather Robertson, Customs Street West, Auckland.

Henderson and McFarlane, Shortland Street, Auckland.

Huddart-Parker Company (Limited), Customs Street, Auckland.

Kauri Timber Company, Freeman's Bay, Auckland.

Kemphorne, Prosser, and Co., Albert Street, Auckland.

Leonard and Dingley, Queen Street, Auckland.

Leyland O'Brien, Freeman's Bay, Auckland.

Millar's West Australian Hardwood Company, King's Drive, Auckland.

Nathan, A. H., Customs Street East, Auckland.

Nathan, L. D., and Co. (Limited), Shortland Street, Auckland.

- Nearing and Co., Queen Street Wharf, Auckland.
 New Zealand Express Company (Limited), Fort Street, Auckland.
 New Zealand Shipping Company (Limited), Quay Street, Auckland.
 Northern Steamship Company (Limited), Quay Street, Auckland.
 Northern Steamship Company (Limited), Shortland Street Auckland.
 Pacific Trading Company, Customs Street, Auckland.
 Paterson, A. S., Customs Street East, Auckland.
 Porter, E., and Co., Customs Street East, Auckland.
 Richardson Line, Commerce Street, Auckland.
 Robertson Bros., Quay Street, Auckland.
 Russell and Somers, Customs Street West, Auckland.
 Shaw, Savill, and Albion Company (Limited), Shortland Street, Auckland.
 SineI, T. E., Queen Street Wharf, Auckland.
 Smith, J., and Co., Queen Street, Auckland.
 Spedding, J. C., Commerce Street, Auckland.
 Union Steamship Company (Limited), Queen Street, Auckland.
 Vacuum Oil Company (Limited), Freeman's Bay, Auckland.
 Westport Coal Company, Queen Street, Auckland.
 Wilson Cement Company, Shortland Street, Auckland.
 Winstone Limited, Customs Street, Auckland.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, 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 the sum of £100 shall be the maximum penalty payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect from the 18th day of December, 1916, and shall continue in force until the 18th day of December, 1918, and thereafter as provided by subsection (1) (d) of section 90 of the Industrial Conciliation and Arbitration Act, 1908.

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 16th day of December, 1916.

T. W. STRINGER, Judge.

SCHEDULE.

Hours of Work.

1. The ordinary hours of work shall be from 8 a.m. to 5 p.m. on the first five working-days of each week, exclusive of one hour between noon and 1 p.m. on each of such days for meals. On Saturdays the ordinary working-hours shall be from 8 a.m. to 12 noon.

Place of Engagement.

2. Tallymen shall be engaged at the tallymen's waiting-room, Quay Street, such room to be determined from time to time by an agreement in writing between the secretary of the union and the employer or employers concerned or their nominee.

Time of Engagement.

3. Tallymen shall be engaged between the hours of 8 a.m. and 11 a.m., and between the hours of 1 p.m. and 4 p.m.

Period of Engagement.

4. (a.) No tallyman shall be paid for a less period than four hours in any one day between the hours of 8 a.m. and 5 p.m. on week-days, and on Saturdays between the hours of 8 a.m. and noon, and if he is ordered down to work at 6 p.m. on week-days or noon on Saturdays he shall be paid for a period of not less than two hours.

(b.) If a ship is intended to work all night, and tallymen are engaged to commence work at 10 p.m. or later, such tallymen shall be paid a minimum of six hours' pay even if the work does not occupy that time.

(c.) If tallymen are ordered down for a midnight start and the ship does not arrive or start they shall receive a minimum of four hours' pay.

Starting Work at Midnight on Sundays.

5. The rate of work between midnight on Sundays and 8 a.m. on Mondays shall be 3s. 6d. per hour.

Work in Stream.

6. Tallymen who are engaged to work anywhere within the limits of the Auckland or Onehunga Harbours respectively shall be paid for the time from leaving the place of engagement at Auckland or Onehunga until their return to the wharf at which they were engaged (exclusive of meal-hours). Tallymen so engaged shall return by first opportunity.

Outports.

7. Tallymen engaged to work at ports other than those in which they are usually employed shall be paid from the time of leaving until their return, with meals, fares, and sleeping-accommodation provided. If they leave between midnight and 2 p.m. on the following day they shall be paid for a day of eight hours, and if they leave between 2 p.m. and midnight they shall be paid for half a day of four hours.

Holidays.

8. (a.) All work done on Sunday, Christmas Day, or Good Friday shall be paid for at the rate of 5s. 2d. per hour, and work done on New Year's Day, 2nd January (to be known as the union's picnic day), Easter Monday, Labour Day, Boxing Day, Anniversary Day, and the birthday of the reigning Sovereign shall be paid for at the rate of 3s. 6d. per hour, but all work done between 5 p.m. and midnight shall be paid for at the rate of 5s. 2d. per hour.

(b.) If any of these holidays shall be generally observed on any day other than that on which it falls the provisions of this award shall apply to such other day instead of the original day.

Preference.

9. If and so long as the rules of the union shall permit any person of good character and sober habits who is qualified to do the work required of him as a tallyman to become a member of the union, upon a written application, and payment of an entrance fee not exceeding 5s. and of subsequent contributions not exceeding 6d. per week, payable monthly in advance, then and in such case the employer shall employ members of the union in preference to non-members, provided that there are at the place of engagement under this award members of the union equally qualified to perform the particular work required to be done, and ready and willing to undertake the work.

Wages.

10. The following shall be the minimum rates for tallymen: From 8 a.m. to 5 p.m., 1s. 9d. per hour; from 5 p.m. to 10 p.m.,

2s. 7d. per hour; from 10 p.m. to 8 a.m. the following morning, 2s. 10d. per hour. Wages shall be paid at not longer periods than one week.

Meal-hours.

*12. (a.) Breakfast, 7 a.m. to 8 a.m.; dinner, 12 noon to 1 p.m.; tea, 5 p.m. to 6 p.m.

(b.) Tallymen shall work during meal-hours if required to do so, and shall be paid 3s. 6d. per hour for the dinner or tea hours worked, and also for the breakfast-hour if worked when men have been working from midnight, otherwise the breakfast-hour shall be paid for at 2s. 7d. per hour.

Scope of Award.

13. This award shall apply only to the Port of Auckland.

Application of Award.

14. This award shall apply only to casual labour employed from day to day or from hour to hour, and shall not apply to weekly or permanent employees where such men are employed for longer periods than one week.

Matters not provided for.

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

Term of Award.

16. This award shall come into force on the 18th day of December, 1916, and shall continue in force until the 18th day of December, 1918.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the said Court hath hereunto set his hand, this 16th day of December, 1916.

T. W. STRINGER, Judge.

MEMORANDUM.

Many of the general working-conditions in connection with this industry were agreed to before the Conciliation Council, and these

* NOTE.—There is no clause 11 in the original copy of this award.

have been embodied in this award. The principal questions submitted to the Court were as to wages, overtime rates, and certain special provisions included in the workers' demands. With regard to the wages the Court has granted substantial increases approximately* proportionate to the increases recently conceded by employers to casual workers on the waterfront. The work of tallymen, although of course much less strenuous than that of the casual workers referred to, is of greater responsibility, and it would, in the opinion of the Court, be an anomaly which would inevitably lead to discontent and unrest if tallymen, who exercise a certain amount of supervision over such casual workers and are therefore in a position of superiority, were not paid a higher rate of wage. The wages and overtime rates for tallymen have therefore been increased so that the relative position between them and the casual workers shall be maintained as heretofore. Certain special provisions which have already been conceded by employers to workers on the waterfront have also been granted to the workers covered by this award.

T. W. STRINGER, Judge.