

(8485.) HAWKE'S BAY FISHERMEN.—AWARD *RE* STEAM TRAWLER
“ BEATRICE.”

In the Court of Arbitration of New Zealand, Wellington 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 Norman MacLean (hereinafter called “ the employer ”) and the Hawke's Bay Fishermen's and Fishshed Employees' Industrial Union of Workers (hereinafter called “ the union ”).

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 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 from the 28th day of December, 1925, and shall continue in force until the 28th day of December, 1927, 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 affixed, and the Judge of the Court hath hereunto set his hand, this 11th day of December, 1925.

[L.S.]

F. V. FRAZER, Judge.

SCHEDULE.

Wages and Commission.

1. Each member of the crew shall be paid a minimum wage of £4 10s. per week, and in addition to the above wage each member of the crew shall be paid a commission at the rate of 10s. per 100 bundles of fish caught in excess of 300 bundles up to 400 bundles in each week, and at the rate of £1 5s. per 100 bundles in excess of 400 bundles in each week.

Hours of Work.

2. The hours of work shall be regulated by the employer, but the day's work shall, unless otherwise provided, terminate at 5 p.m. each day. Sunday shall be the weekly holiday throughout the year.

Night-work.

3. Extra night-work: Should the trawler be ordered to proceed to sea for a night's trawling, extra pay shall be made to each of the crew at the rate of 10s. per night for this particular work, such payment to be in addition to the amounts payable under clause 1 hereof.

Slip-work.

4. (a.) When the trawler is laid up on the slip for repairs, &c., the following rates shall be paid while on work of this nature: Each of the crew, £4 10s. per week. Hours of work shall be from 8 a.m. until 5 p.m. each day, and from 8 a.m. until noon on Saturday, and no work on Sunday.

(b.) When the trawler is laid up for repairs after having been trawling for part of the week in which she is laid up, the amount of commission shall be computed on the daily basis of bundles allowed for each week, and commission shall be paid on the daily average at the weekly rate of bundles.

General Provisions.

5. (a.) Twenty-four hours' notice shall be given on either side to terminate the employment.

(b.) When in port owing to stress of weather or any other cause, the day's work shall not exceed eight hours exclusive of meal-hours, which shall be from 12 noon to 1 p.m.

(c.) Should any employee be dismissed within twenty-four hours of any of the holidays mentioned in clause 10 hereof he shall be paid for such holiday, unless dismissed for misconduct.

(d.) Wages and commission shall be paid weekly on each Friday, between 4 p.m. and 5 p.m.

(e.) A statement showing the quantities of the catch and the amount due to each member of the crew shall be available when wages are being paid.

Repairs to Nets.

6. Ordinary repairs to trawling-nets shall be undertaken and performed by the crew of the vessel, but no new net-work is to be performed aboard.

Classification.

7. (a.) The steam trawler "Beatrice" shall be classed as a fourth-class trawler, and shall carry a crew of not less than two hands. In this clause the word "crew" shall include captain and engineer.

(b.) In the event of continuous heavy catches, and the request by the crew for an extra man being refused by the owners, the matter shall be referred to the Disputes Committee for settlement.

Copy of Award.

8. A copy of this award shall be posted in a conspicuous place, accessible to workers, on the trawler.

Workers' Compensation.

9. The employer shall forthwith insure and keep insured the members of the crew, under the Workers' Compensation Act, with a responsible insurance company carrying on business in New Zealand, and the policy or policies of insurance shall be expressed to cover all risks incurred by the employer in respect of the crew in connection with any work done by them under this award.

Holidays.

10. The following shall be the recognized holidays for workers under this award: Sundays, New Year's Day, Easter Monday, Waterside Workers' picnic day, Anzac Day, Sovereign's Birthday, second day of the Hawke's Bay Agricultural October Show, Labour Day, Good Friday, Christmas Day, and Boxing Day. For work done on any of the above-mentioned holidays payment shall be made at the rate of 3s. per hour in addition to the ordinary weekly wages.

Matters not provided for.

11. Any dispute in connection with any matter not provided for in this award shall be settled between the employer concerned and the Disputes Committee of the union. In default of any agreement being reached the matter shall be referred to the local Inspector of Awards, who may either decide the same or refer it to the Court. Either party, if dissatisfied with the decision of the Inspector, may appeal to the Court upon giving notice of such appeal to the other party within seven days after such decision shall have been communicated to the party desiring to appeal.

Basis of Commission.

12. The basis of commission shall be taken on the gross catch, and the weights of the bundles of fish shall be—Flat fish, 4 lb. per bundle; round fish, 8 lb. per bundle; gurnet, 8 lb. per bundle; skate and dogfish, when required, as arranged between the employer and the employee. The whole of the catch shall be deemed to be the property of the trawler-owner. Each member of the crew shall be entitled to such quantity of fish each week as is fixed by the Disputes Committee.

Preference.

13. (a.) If any employer shall hereafter engage any worker coming within the scope of this award who shall not be a member of the union, and who shall not become a member thereof within seven days after his engagement and remain such member, the employer shall dismiss such worker from his service if requested to do so by the union, pro-

vided there is then a member of the union equally qualified to perform the particular work required to be done, and ready and willing to undertake the same.

(b.) The provisions of this clause shall operate only if and so long as the rules of the union shall permit any worker coming within the scope of this award of good character and sober habits to become a member of the union upon payment of an entrance fee not exceeding 5s., upon a written or verbal application, without ballot or other election, and to continue a member upon payment of subsequent contributions not exceeding 1s. per week, and such fines as may be lawfully imposed on him for non-attendance without reasonable excuse at a specially called meeting of the union., of which written notice has been given to him or sent to him by post at his last address as notified by him to the union, or for misconduct at a meeting of the union, or for being more than three months in arrear, without reasonable excuse, in his contributions to the union: Provided that the maximum fine shall not exceed 2s. 6d. for non-attendance at a meeting of the union or for being in arrear with his contributions, and £1 for misconduct at a meeting of the union.

General Provisions.

14. (a.) Should the owner require his trawler to stay out fishing two days and one night, he shall notify the crew twelve hours beforehand, so that they can make arrangements for the necessary provisions.

(b.) No deduction shall be made from wages herein fixed save for time lost through the wilful neglect or default of the workers.

(c.) When a trawler does not proceed to sea, and the worker is ordered down before 8 a.m., his ordinary eight hours shall commence from the time of his being ordered down; breakfast-hour from 7 a.m. to 8 a.m., such time to be paid for at ordinary rates.

Wages and Overtime Book.

15. A wages and overtime book shall be kept in accordance with the provisions of the Industrial Conciliation and Arbitration Act and its amendments.

No Discrimination.

16. Employers shall not discriminate against members of the union, and shall not in the engagement or dismissal of workers, or in the conduct of their business, do anything to injure the union directly or indirectly.

Ambulance.

17. A St. John's or similar compressed first-aid kit shall be kept in a convenient and accessible place on board the trawler for the workers.

Scope of Award.

18. This award shall apply to the steam trawler "Beatrice" while working out of any port in the Hawke's Bay Provincial District.

Term of Award.

79. This award shall come into force on the 28th day of December, 1925, and shall continue in force until the 28th day of December, 1927.

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 11th day of December, 1925.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

A number of clauses were in dispute, but the principal matters on which the parties could not agree were wages and commission.

F. V. FRAZER, Judge.