

**AUCKLAND TALLYMEN.—EXTENDING SCOPE OF AWARD AND
ADDING PARTIES SUBJECT TO SPECIFIED CONDITIONS.**

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of the Auckland Tallymen award, dated the 17th day of February, 1938, and recorded in Book of Awards, Vol. XXXVIII, p. 172.

Wednesday, the 26th day of October, 1938.

UPON reading the application to extend the scope of the Auckland Tallymen award, dated the 17th day of February, 1938, and recorded in Book of Awards, Vol. XXXVIII, p. 172, and to add parties thereto, which application was made by the union of workers, a party to the said award, and was filed herein on the 19th day of May, 1938, and upon hearing the duly appointed representatives of the said union, and such of the persons, firms, and companies hereinafter named as appeared either in person or by their representatives duly appointed, the duly appointed delegate of the Court, in pursuance and exercise of the powers conferred upon the Court by section 92 (1) (b) of the Industrial Conciliation and Arbitration Act, 1925, doth hereby order as follows :—

1. That the scope of the said award be and it is hereby extended so as to include the Port of Gisborne.

2. That the undermentioned persons, firms, and companies be and they are hereby added as parties to the said award, subject to the special conditions contained in the schedule hereto :—

Blue Star Line, Childers Road, Gisborne.

Cato, C. H., Lowe Street, Gisborne.

Clare and Clare, Ltd., Childers Road, Gisborne.

Common, Shelton, and Co., Ltd., Custom House Street, Gisborne.

Dalgety and Co., Ltd., Keads Quay, Gisborne.

Gisborne Lightering Stevedoring Co., Ltd., Childers Road, Gisborne.

Gisborne Refrigerating Co., Ltd., Kaiti, Gisborne.

Gisborne Sheepfarmers' F.M. Co., Ltd., Custom House Street, Gisborne.

Murray, Roberts, and Co., Ltd., Custom House Street, Gisborne.

Nelsons (New Zealand), Ltd., Childers Road, Gisborne.

New Zealand Loan and Mercantile Agency Co., Ltd., Gladstone Road, Gisborne.

New Zealand Shipping Co., Ltd., Childers Road, Gisborne.

Union Steam Ship Co. of New Zealand, Ltd., Childers Road, Gisborne.

Williams and Kettle, Ltd., Custom House Street, Gisborne.

3. That this order, in so far as it relates to wages, shall be deemed to have come into force on the 2nd day of May, 1938, and so far as all the other conditions are concerned it shall come into force on the day of the date hereof.

SCHEDULE.

Definition of Tallymen's Duties.

1. Tallymen's duties shall be to receive, deliver, tranship, and watch cargo, and the tallying of all cargoes requiring to be tallied. The handling of cargo shall not be considered part of a tallyman's duties, except clearing up odd packages in the shed not exceeding 5 tons rough measurement from any one ship. Timekeeping shall not be deemed to be a part of a tallyman's duties.

Application of Award.

2. (a) This award shall apply to all casual workers performing the duties of tallymen.

(b) Except as hereinafter provided, this award shall apply to all workers employed on a weekly wage performing the duties of tallymen.

(c) Nothing in this award shall apply to ships' officers or pursers when employed at tallymen's duties.

(d) Nothing in this award shall apply to permanent office employees of the shipping companies being occasionally put on to do tallying work: Provided that no such employee shall be so employed for more than one day in any week or four days in any month, and that not more than two permanent office employees shall be employed on such work at a time in the case of an office employing twenty or more permanent office employees, and not more than one permanent office employee at a time in the case of an office employing less than twenty permanent office employees: Provided, further, and notwithstanding anything contained in this award, when there are not members of the union available at the time to do the work required to be done, employers shall be permitted to employ permanent office employees at tallying-work without restriction.

PART I.—TO APPLY TO CASUAL WORKERS.

Hours of Work.

3. 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 the hour between noon and 1 p.m. on each of such days for meals. On Saturday the ordinary working-hours shall be from 8 a.m. to 12 noon.

Place of Engagement.

4. The present custom shall continue at the Port of Gisborne.

Time of Engagement.

5. The present custom shall continue at the Port of Gisborne.

Agent of Employer.

6. Except by agreement between the executive of the union and the employers concerned, no member of the union shall act as agent for the employer in regard to putting on or discharging labour.

Nomination Calls.

7. The present custom shall continue at the Port of Gisborne.

Period of Engagement.

8. (a) No tallymen shall be paid for a less period than four hours in any one day on the first five working-days of the week between the hours of 8 a.m. and 5 p.m., or on Saturday for a less period than four hours between the hours of 8 a.m. and 12 noon, except that when a tallyman is ordered down or back at the Port of Gisborne for tallying into lighters or for proceeding to the roadstead and no work is performed owing to weather conditions the minimum shall be two hours.

(b) If tallymen are ordered down to work at 6 p.m. on the first five working-days of the week, or 1 p.m. on Saturdays, they shall be paid for a period of not less than two hours.

(c) Tallymen ordered down or back to commence at 5 a.m. to tally frozen produce shall be paid a minimum of two hours at double ordinary time.

(d) Tallymen shall not be called upon to work more than five hours consecutively without an opportunity of having at least half an hour for a meal, except when a ship is finishing, when six hours shall be the limit.

Starting Work at Midnight on Sundays.

9. The rate of pay between midnight on Sundays and 7 a.m. on Mondays shall be double ordinary time.

Working in the Roadstead.

10. Tallymen engaged for work in the roadstead shall be paid as from the time they are ordered down for and attend until they return to the wharf (meal-hours excluded), except that if a tallyman is unavoidably detained on board ship in the roadstead owing to fog or stress of weather he shall be paid at ordinary rate for each day, with a maximum of eight hours in any period of twenty-four hours, for which he is so detained.

Outports: Travelling to and from.

11. Tallymen engaged to work cargo at ports other than those in which they are usually employed shall be paid from the time of leaving until they return at the rate of £1 2s. 4d. per day, with meals, fares, and sleeping-accommodation provided.

Holidays.

12. (a) All work done on Sundays, Christmas Day, Good Friday, and Anzac Day shall be paid for at the rate of double ordinary time. Work done on New Year's Day, Waterside Workers' Picnic Day, Easter Monday, Labour Day, Boxing Day, People's Show Day, and the Sovereign's Birthday shall be paid for at the rate of ordinary overtime. All work done between 5 p.m. and midnight on any of these days shall be paid for at the rate of double ordinary time.

(b) If any of these holidays 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.

(c) Employers requiring tallymen to work on holidays shall engage same on the working-day previous.

(d) A worker required to work on any of the above-mentioned holidays shall be paid a minimum of four hours' pay.

Wages.

13. (a) Ordinary time—Mondays to Fridays inclusive, 8 a.m. to 12 noon, and 1 p.m. to 5 p.m.; and Saturdays, 8 a.m. to 12 noon—2s. 9½d. per hour.

(b) The present custom shall continue regarding payment of wages.

(c) Tallymen employed in holds of vessels which are frozen down or declared salvage jobs or in which dirty or dangerous cargo is being worked shall be paid at an additional rate not less than that paid to men working such cargo.

Overtime Rates.

14. (a) Ordinary overtime—Mondays to Fridays, 6 p.m. to 10 p.m.; Saturdays, 1 p.m. to 5 p.m.—4s. 2¼d. per hour.

(b) Special overtime—11 p.m. to 7 a.m., double ordinary time, 5s. 7d. per hour; 6 p.m. to 10 p.m. on Saturdays, double ordinary time, 5s. 7d. per hour.

Meal-hours.

15. (a) Breakfast, 7 a.m. to 8 a.m.; dinner, 12 noon to 1 p.m.; tea, 5 p.m. to 6 p.m.; supper, 10 p.m. to 11 p.m.

(b) Tallymen shall work meal-hours if required to do so, and shall be paid for the actual time worked during meal-hours at the rate of 5s. 7d. per hour, with a minimum payment of half an hour.

Transfer of Labour.

16. (a) It shall not be permitted to transfer tallymen from one job to another, except where such tallymen remain in the employ of the original employer.

(b) Nothing in the above subclause shall prevent a tallyman being employed to watch cargo in the joint interests of more than one employer at the same time.

(c) At Gisborne a casual tallyman shall be permitted to finish the job upon which he starts and not be replaced by another tallyman.

Tallying at Ship's Side.

17. When tallying at ship's side directly from or into vessels or from or into railway-trucks, a tallyman shall not tally more than one gang at a time in the case of meat, and not more than one hatch or one gang at each of two adjacent hatches at a time in any other case, except when tallying coal and manure into railway-trucks or motor-trucks, and truck numbers, weights, and tares only are required, when one tallyman may be deemed sufficient for any one ship.

Re-engagement.

18. The present custom at Gisborne shall continue.

PART II.—TO APPLY TO TALLYMEN EMPLOYED ON A WEEKLY WAGE.

Hours of Work.

19. The ordinary hours of work shall not exceed eight on the first five working-days of each week, and shall be worked between the hours of 8 a.m. and 5 p.m., and four hours on Saturday between the hours of 8 a.m. and 12 noon.

Agent of Employer.

20. The present custom at Gisborne may continue.

Period of Engagement.

21. (a) If tallymen are ordered down to work at 6 p.m. on week-days or 1 p.m. on Saturdays, they shall be paid for a period of not less than two hours.

(b) If tallymen are ordered down or back to commence at 5 a.m. to tally frozen produce, they shall be paid a minimum of two hours at double ordinary time.

(c) Tallymen shall not be called upon to work more than five hours consecutively without an opportunity of having at least half an hour for a meal, except when a ship is finishing, when six hours shall be the limit.

Starting Work at Midnight on Sundays.

22. The rate of pay between midnight on Sundays and 7 a.m. on Mondays shall be double ordinary time.

Outports : Travelling to and from.

23. Men engaged to work cargo at ports other than those in which they are usually employed shall be provided with meals and sleeping-accommodation by the employer, who shall also pay the workers' fares both ways.

Holidays.

24. (a) All work done on Sundays, Christmas Day, Good Friday, and Anzac Day shall be paid for at the rate of double ordinary time, Work done on New Year's day, Waterside Workers' Picnic Day, Easter Monday, Labour Day, Boxing Day, People's Show Day, and the Sovereign's Birthday shall be paid for at the rate of ordinary overtime. All work done between 5 p.m. and midnight on any of these days shall be paid for at the rate of double ordinary time.

(b) If any of these holidays 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.

(c) A worker required to work on any of the above-mentioned holidays shall be paid a minimum of four hours' pay.

Annual Holidays.

25. (a) All workers after twelve months' continuous service shall be granted an annual holiday of one week on full pay, such holiday to include, in addition, two week-ends (Saturday afternoon and Sunday), so that the holiday shall commence at noon on Saturday and extend to the usual time for commencing work on the Monday week following.

(b) If any worker shall work over six months and less than twelve months he shall, unless dismissed for misconduct, be paid a proportionate holiday allowance.

Wages.

26. The following shall be the minimum rates of pay for permanent tallymen :—

	Per Week.		
	£	s.	d.
(a) Foreman tally clerk engaged as such	..	6	0 0
Others	5	10 0

(b) Tallymen employed in holds of vessels which are frozen down or declared salvage jobs or in which dirty or dangerous cargo is being worked shall be paid at an additional rate not less than that paid to the men working such cargo.

Overtime Rates.

27. (a) Ordinary overtime—Mondays to Fridays, 6 p.m. to 10 p.m., and Saturdays, 1 p.m. to 5 p.m.—4s. 2½d. per hour.

(b) Special overtime—11 p.m. to 7 a.m., double ordinary time, 5s. 7d. per hour; 6 p.m. to 10 p.m. on Saturdays, double ordinary time, 5s. 7d. per hour.

Meal-hours.

28. One hour shall be allowed for meals between the hours hereinafter specified: Breakfast, 7 a.m. to 9 a.m.; dinner, 12 noon to 2 p.m.; tea, 5 p.m. to 7 p.m.; supper, 10 p.m. to midnight.

Tallying at Ship's Side.

29. When tallying at ship's side directly from or into vessels or from or into railway-trucks, a tallyman shall not tally more than one gang at a time in the case of meat, and not more than one hatch or one gang at each of two adjacent hatches at a time in any other case, except when tallying coal and manure into railway-trucks or motor-trucks, and truck numbers, weights, and tares only are required, when one tallyman may be deemed sufficient for any one ship.

PART III.—TO APPLY TO ALL CLASSES OF WORKERS.

Matters not provided for.

30. 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, if 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.

[L.S.]

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed Delegate
of the Court of Arbitration.

MEMORANDUM.

The only matter remaining in dispute related to overtime rates for weekly workers. These have been fixed in accordance with the rates in force at Auckland.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

J. A. GILMOUR, Stipendiary Magistrate,
Acting as a duly appointed Delegate
of the Court of Arbitration.
