

WELLINGTON (UNION STEAM SHIP COMPANY) **TUG-BOAT
WORKERS.—AWARD.**

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Wellington Federated Seamen's Industrial Union of Workers (hereinafter called "the union" and the under-mentioned company (hereinafter called "the employers") :—

The Union Steam Ship Co. of New Zealand, Ltd.,
Wellington.

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 on the 8th day of December, 1941, and shall continue in force until the 8th day of December, 1942, 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 5th day of December, 1941.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE.

Industry to which Award applies.

1. This award shall apply to the deck hands and firemen employed by the Union Steam Ship Co. of New Zealand, Ltd., on tug-boats at Wellington.

Wages.

2. The following shall be the minimum rate of wages:—

				Per Week.		
				£	s.	d.
Leading deck hand, when appointed as						
such	..	..	..	5	7	6
Deck hand	..	..	..	5	5	0
Fireman	..	..	..	5	7	6

Increase in Rates of Remuneration.

3. All rates of remuneration, including time and piece wages and overtime and other special payments provided for in this award, shall be subject to the provisions of the general order dated 9th August, 1940, under the Rates of Wages Emergency Regulations 1940, increasing rates of remuneration by an amount equal to 5 per cent. thereof.

Hours of Work.

4. The ordinary hours of labour when employed in the Harbour of Wellington shall not be more than eight in a day, to be worked between 8 a.m. and 5 p.m. Monday to Friday (both inclusive), and on Saturday the ordinary hours shall not be more than four, to be worked between 8 a.m. and noon.

Overtime.

5. Except as otherwise herein provided, all work done outside or in excess of the daily hours prescribed in clause 4 hereof shall be paid for at the rate of time and a half.

Any worker ordered for work between 7 p.m. and 7 a.m. or on a Saturday afternoon, shall be paid a minimum of two hours at the appropriate rate.

Travelling-time.

6. (a) When seamen are required to proceed to their work on a tug lying at a berth over one and a half miles distant from the usual berth at which the men commence their duties they shall be compensated for travelling by payment of 1s. 6d. per day.

(b) When a seaman is required to commence or finish work at times outside his ordinary hours of work and when his usual means of transport is not available, he shall be conveyed to and from his home at the employer's expense.

Meal-hours.

7. (a) The recognized meal-hours shall be—

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) Workers shall, if required, work during meal-hours and shall be paid at the rate of time and a half for the portion thereof worked, with a minimum payment of half an hour, but if the half-hour is exceeded then a full hour shall be paid for.

Term of Employment.

8. (a) The employment shall be a weekly one, and one week's notice of termination of the employment shall be given by either party, except in the case of drunkenness or misconduct, when the worker may be instantly dismissed.

(b) Wages shall be paid weekly, not later than Thursday, and in the employer's time.

Holidays.

9. (a) The holidays shall be Sundays, New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, and Seamen's Union picnic day.

(b) All work done on Sundays shall be paid for at the rate of double time in addition to the ordinary weekly wages, and all work done on any other of the above-mentioned holidays shall be paid for at the rate of time and a half in addition to the ordinary weekly wages.

Annual Holiday.

10. (a) On the completion of twelve months' continuous service each seaman shall be entitled to a holiday of two weeks on full pay.

(b) If a worker is discharged or leaves his employment before his holidays are due, he shall be entitled to a holiday on a *pro rata* basis on the service rendered in that year.

Boiler-work.

11. Where a seaman is employed working inside a boiler or furnace he shall be paid 1s. 3d. per hour extra payment, ordinary and overtime, for such work. The minimum payment for such work to be one hour.

Miscellaneous.

12. A fireman shall be allowed a minimum of one hour to raise steam, a minimum of half an hour for warming up the engine, and a minimum of half an hour to bank fires.

Workers to be Members of Union.

13. The employer shall in the engagement or subsequent employment of seamen on tugs give preference to those members of the Federated Seamen's Union of New Zealand Industrial Association of Workers who are not more than one month in arrears with their subscriptions to the said union.

Should there not be sufficient numbers of such members available when required, then and in such case the employer may engage or employ other men, conditionally that they shall become and remain members of the said union during the currency of their employment.

The employer may employ any members of the union at work in a tug out of commission, provided such members have served or are to serve on tugs in commission owned by the employer.

Matters not provided for.

14. If a dispute shall arise between the parties to this award upon any matters arising out of or in connection with this award and not specifically dealt with therein, it shall be referred to a committee comprised of two representatives of the union and two representatives of the employers, who shall appoint an independent chairman for decision. The decision of a majority of this committee shall be binding, except that any party adversely affected thereby shall have the right, within fourteen days after the decision is given, to appeal against the decision to the Court of Arbitration, which may amend the decision in any way as, after hearing the parties, it may consider necessary or desirable.

Scope of Award.

15. This award shall apply to tug-boats owned and operated by the Union Steam Ship Co. of New Zealand, Ltd., at Wellington.

Term of Award.

16. This award shall come into force on the 8th day of December, 1941, and shall continue in force until the 8th day of December, 1942.

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 5th day of December, 1941.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM.

The matters referred to the Court related to wages, over-time rate, payment for work during meal-hours, holidays, payment for work done on Sundays and holidays, and annual holiday.

With regard to wages, the advocate for the workers submitted that the same rates should be prescribed as have been paid to similar workers for a period of four years on the tug "Toia" owned by the Wellington Harbour Board. In that case the said rates were originally agreed upon between the employers and the workers concerned, but the Court is not prepared to include similar rates in the award now being issued.

The disparity which previously existed, however, has been reduced, and the rates now awarded bear more than favourable comparison with the rates paid to similar workers on other tugs operating in the Dominion.

Mr. Prime does not agree with the decision of the majority, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. PRIME.

Prior to October, 1938, the terms of employment for workers covered by this award were agreed upon between the parties. In October, 1938, the conditions of employment, apart from wages, were again agreed on, the Court being asked to fix the wage. This the Court did by awarding an increase of 10s. per week on the previously agreed upon rate, all the circumstances relating to the employment obviously being taken into consideration. Now, without any change in the nature of the work, but with some slight alterations in conditions of employment in favour of the worker, further increases of 5s. and 7s. 6d. per week are awarded. I fail to see any sound reason for assessing wages-rates at 15s. to 17s. 6d. a week higher than in 1938, especially as the 5 per cent. general order of last year makes the actual increases £1 0s. 3d. and £1 2s. 10d. a week.
