

OTAGO HARBOUR BOARD **CASUAL LABOURERS.**—MEMORANDUM OF COURT OF ARBITRATION REFUSING APPROVAL UNDER THE ECONOMIC STABILIZATION EMERGENCY REGULATIONS 1942 OF INDUSTRIAL AGREEMENT

In the Court of Arbitration of New Zealand.—In the matter of the Economic Stabilization Emergency Regulations 1942; and in the matter of an application for approval of an industrial agreement, made on the 15th day of April, 1943, between the Otago Harbour Board and the Otago Labourers' and Related Trades' Industrial Union of Workers.

MEMORANDUM OF THE COURT, DELIVERED BY TYNDALL, J.

WHILE in Dunedin in April last the Court was informed that this agreement was about to be executed, but that negotiations between the parties had been commenced at a date subsequent to 15th December, 1942, the date on which the Economic Stabilization Emergency Regulations came into force. The Court was also informed that it had always been the practice of the parties to follow the provisions of the award or agreement applying to labourers employed by the Dunedin City Council. The latter workers are covered by the Dunedin Local Bodies' Labourers award (42, Book of Awards 911), which was made on a date prior to the promulgation of the Stabilization Regulations. This award is stated in clause 24 to apply only to the parties named therein—namely, the Dunedin City Council, the Dunedin Drainage and Sewerage Board, and the Ocean Beach Domain Board. It made provision for an increase in wage rates. In the new Otago Harbour Board Casual Labourers' agreement provision for a similar increase is made.

The Court is now required to decide whether it will approve of this agreement pursuant to Regulation No. 39 of the Stabilization Regulations. In giving its approval the Court must be satisfied that the present rates applying to the industry covered by the agreement are anomalous and that, having regard to the general purpose of the regulations, the anomalies should be adjusted.

The work performed by labourers employed by the Otago Harbour Board is, in our opinion, more analogous to the work performed by labourers employed by other Harbour Boards in New Zealand than it is to the work performed by labourers employed by the Dupedin City Council.

In the South Island Local Bodies' Workers' (Urban Section) award (recorded in 41 Book of Awards 885) thirteen Harbour Boards other than the Otago Harbour Board are named as parties. They include the Lyttelton, Timaru, Oamaru, and Bluff Harbour Boards. The rates of wages prescribed in the award are, on the whole, less than those prescribed in the new agreement for the Otago Harbour Board, although in connection with one or two specific classes of work they are greater. If the rates to be paid by the Otago Harbour Board are now increased, we are of the opinion that such a step would be likely to give rise to claims that the Court had created numerous anomalies in connection with the employment of labourers by other Harbour Boards in the South Island.

In these circumstances we decline to approve of the agreement.

Dated this 5th day of July, 1943.

[L.S.]

A. TYNDALL, Judge.