

WELLINGTON CITY TRAMWAYS, OMNIBUS, AND POWER-HOUSES EMPLOYEES.—AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and the Economic Stabilization Emergency Regulations 1942; and in the matter of an application for amendment of the Wellington City Tramways, Omnibus, and Power-houses Employees' award, dated the 28th day of November, 1944, and recorded in 44 Book of Awards 1025.

IN pursuance and exercise of the powers vested in it by the Economic Stabilization Emergency Regulations 1942, and upon application made by a party to the Wellington City Tramways, Omnibus, and Power-houses Employees' award, dated the 28th day of November, 1944, and recorded in 44 Book of Awards 1025, this Court doth hereby order as follows:—

1. That the said award shall be amended by deleting clause 3, and substituting therefor the following clause:—

“ Wages

“ 3. The following shall be the minimum rates of wages payable to the several classes of employees:—

	Per Hour.
	s. d.
“ Motormen, first year	2 11·5
“ Motormen, after first year	3 1·075
“ Conductors, first year	2 9·925
“ Conductors, second, third, fourth, and fifth years	2 10·45
“ Conductors, after five years	2 10·975
“ Linesmen	3 2·675
“ Linesmen's assistants	3 0·8375
“ Cable-jointers	3 2·9375
“ Assistant cable-jointers	3 0·8375
“ Permanent-way repairers	2 11
“ Trackmen	2 10·475
“ Emergency linesmen	3 2·675
“ Tower-wagon drivers	3 0·05
“ Motor-bus drivers	3 1·075
	Per Week.
	£ s. d.
“ Conductors' check representative	6 5 5
“ Motormen engaged on track cleaner or grinder	6 10 8
“ Track-cleaner attendant	6 0 2

				Per Hour.	
				s.	d.
" Car-examiners	..	..	..	3	1-625
" Car-equipment adjusters, first grade (night workers)	..	..	..	3	1-575
" Car-equipment adjusters, second grade (night workers)	..	..	..	3	0-525
" Shed labourers	..	..	..	2	10-7375
" Day pitmen	..	..	..	2	11
" Shift pitmen	..	..	..	3	0
" Welders	..	..	..	3	1-1
" Welders' assistants	..	..	..	2	11-2625
" Tram-car and bus-cleaners (night workers)	..	..	..	2	10-975
" Blacksmiths' strikers	..	..	..	2	11-5
" White-metal workers	..	..	..	2	11-5
" Leading firemen	..	..	..	3	1-3625
" Firemen	..	..	..	3	0-05
" Handymen	..	..	..	2	9-95
" Trimmers	..	..	..	2	10-475
" Engine-room assistants	..	..	..	3	1-3625
" Lorry-drivers—					
" Up to 3 tons	..	..	..	3	0-575
" Over 3 tons	..	..	..	3	2-4125
" Tractor and petrol roller-drivers	..	..	..	3	1-3625
" Training students—					
				Per Student.	
				s.	d.
" Motormen	..	..	..	14	5-25
" Conductors	..	..	..	11	6-6
" Bus-drivers	..	..	..	11	6-6

"The sum of 3s. 4d. shall be added to the weekly wages earned by each employee above listed who completes forty hours' work in the week. The payment to be made to those who complete less than forty hours in the week is to be at the rate of 1d. per hour worked. These payments are made as a special wartime loading bonus and shall be applicable during the currency of this award."

2. That this order shall be deemed to have come into force on the 1st day of April, 1945.

Dated this 25th day of May, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The following paragraph appears at the end of clause 3 of the current award:—

“The sum of 3s. 4d. shall be added to the weekly wages earned by each employee above listed who completes forty hours' work in the week. The payment to be made to those who complete less than forty hours in the week is to be at the rate of 1d. per hour worked. These payments are made as a special wartime loading bonus and shall be applicable during the currency of this award.”

The workers' union asked that the special wartime loading bonus of 3s. 4d. should be increased to 3s. 10d. and that the hourly rate of 1d. should be increased to 1.1d. This application is declined.

The employer, on the other hand, asked that the whole paragraph quoted above should be deleted from the award. This application is also declined.

We would comment, however, that the existence of the provision for a special wartime loading bonus has given the Court some concern in deciding upon the amendments to be made to the rates of wages.

The parties agreed to the provision in Conciliation Council. For the purposes of the Economic Stabilization Emergency Regulations, the Court asked the parties to submit the grounds which, in their opinion, justified the incorporation of the provision in the award.

The workers' union submitted the following statement:—

“The added payment provided for is simply what it is explained to be—namely, ‘a special wartime loading bonus’; a bonus we consider to be fully justified as, we think, the following brief figures will show: during the year ended 31st March, 1938, passengers carried on the Wellington City Tramways numbered 43,395,673, while revenue receipts averaged 24.00d. per car mile. During the year ended 31st March, 1943, the figures had shot up to the unprecedented total of 57,450,142 passengers carried, with an average revenue receipt of 33.08d. per car mile. Thus during the year ended 31st March, 1943, there was an average of 289,509 more passengers carried per week on each and every one of the fifty-two weeks in the year than were carried during the pre-war year ended 31st March,

1938; or, to put it in another way, the employees concerned collected 9·08d. per car mile additional in 1943 to 1938 on each of the 4,334,006 miles travelled by trams in that year. In the annual report of the General Manager submitted in 1943 he was able to report a revenue increase of £73,892 for that year above 1942. In his 1944 report he stated the increase had dropped to £51,782, but despite this drop there is no doubt that the revenue increase in 1944 above 1942 was £125,674. These figures are quoted solely for the reason of endeavouring to show the reason for the bonus, and while we regret it is not possible to show later figures those quoted are the latest we have at our disposal and we feel sure they will be found sufficient to prove that tramwaymen have been called upon to perform additional work to an extent that warrants the consideration shown by the payment of a 'special wartime loading bonus' as is proposed in the settlement reached."

The employer's statement concerning the same matter was as follows:—

"The figures put forward by the union are in general correct, but the Council has been faced with a large increase in wages and other expenses as well as in revenue. The wages and materials will no doubt remain high, while the revenue has already dropped considerably and will drop rapidly when private cars are operating again. The payment of the 'special wartime loading bonus' is agreed to not because of extra passengers, but because of the extreme congestion of the vehicles by servicemen; this congestion could only be tolerated as a war emergency and made necessary additional efforts by the employees."

While there is some diversity in the above statements, it does appear obvious that the bonus was intended to be of a temporary nature only. The award provides that the payment of the bonus shall be applicable during the currency of the award. The currency of the award expires on 1st October, 1945, and although the award itself may possibly continue in force after that date pursuant to the proviso to section 89 (1) (d) of the Industrial Conciliation and Arbitration Act, 1925, it would seem that the present provision regarding the special bonus cannot operate after 1st October, 1945.

It would also appear that the special bonus is not taken into account for the purpose of calculating payments for overtime. Another matter to which attention should be drawn is that, because of the fact that the rates of wages tabulated in the award include the increase of 5 per cent. provided for in the Court's general order of 9th August, 1940, the new hourly

rates which have been claimed by the workers' union and which are being granted by the Court are 0.175d. per hour less than they would have been had the usual method of computation been adopted—that is, the addition of 3½d. to the nominal hourly rate of wages before the application of the Court's general orders.

In arriving at its decision the Court has taken into account all the foregoing considerations.

The wage-rates for three special classes of workers in this award are prescribed on a weekly basis. These rates have been increased by an amount equivalent to forty times the increase awarded in the case of hourly rates. This has been done in this case because of the unusual provisions of the award and because of past practices when wage adjustments have been made.

Mr. Prime is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. PRIME

Subsequent to the Court's first general order increasing rates of remuneration by 5 per cent. in August, 1940, these workers generally were granted an increase of 1d. an hour as from December, 1940. Then as from September, 1944, they were granted a special extra rate of 1d. an hour (for forty hours a week). As I see it, these increases, particularly the last one, amounting to 3s. 4d. a week, must be considered as being part and parcel of those increases which were considered to have upset the general balance or level of wages, which unbalance the latest amendment to the Stabilization Regulations was designed to redress. The 1d. granted in September last, therefore, should be set against or included in the 3½d. by which the Court's standard rates have been increased, so that these workers are entitled to something less than that amount of increase.

The position is complicated by the fact that the first of the two general orders has been included in the net rate, but the necessary adjustment to allow for this could easily be made. In my opinion, the most they are entitled to, to restore a proper relationship, is 2½d. plus 5 per cent.