

AUCKLAND HARBOUR BOARD **TUGMASTERS.**—AWARD

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 an industrial dispute between the New Zealand Merchant Service Guild Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned Board (hereinafter called “the employers”):—

Auckland Harbour Board, Quay Street, Auckland.

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 24th day of December, 1945, and shall continue in force until the 24th day of December, 1947, 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 18th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Hours of Work

1. The ordinary hours of work shall not exceed forty-four per week or eight hours per day, to be worked between 6.30 a.m. and 5.30 p.m., Monday to Friday inclusive, and between 6.30 a.m. and noon on Saturday. When workers are called out during the ordinary hours, each call shall count as not less than three hours worked. Breaks of less than two hours shall not be counted as time off.

Overtime

2. (a) All time worked outside or in excess of the hours prescribed in clause 1 hereof shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) *Sundays and Holidays*.—All work performed on Sundays and holidays shall be paid for at double time rates, with a minimum of four hours on each occasion.

Annual Leave

3. Tugmasters shall receive three weeks' annual leave on full pay.

Other Holidays

4. In addition to their annual holidays, the following days shall be observed as holidays: New Year's Day, Anzac Day, 29th January (Anniversary Day), Good Friday, Easter Monday, Labour Day, Sovereign's Birthday, Christmas Day, Boxing Day, and Waterside Workers' Union Picnic Day.

In the event of any of the holidays specified above occurring during the period of the annual holiday, such day or days shall be added to the number of days provided herein for the annual holiday.

Work outside "Extended River Limits"

5. When the tugs are required to proceed beyond extended river limits on special duty, they shall be put on home-trade articles. On all such occasions masters of tugs shall be paid

their ordinary salary plus 50 per cent. in lieu of overtime, such special payment to count from date of leaving berth until returning thereto, day of departure and return each to be reckoned a full day.

Uniform

6. The Board shall contribute half cost of one uniform in eighteen months and half cost of one extra pair of uniform trousers if required nine months or more after the uniform is obtained. The Board shall also contribute half cost of one overcoat in two years.

The Board shall bear full cost of caps, badges, buttons, and cap covers and gold braid.

Wages

7. The wages of masters of tugs shall be fixed from time to time by the Auckland Harbour Board, and shall not be less than—

“ William C. Daldy ”	..	£566 per annum.
“ Te Awhina ”	..	£486 per annum.

Increase in Rates of Remuneration

8. The two general orders made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively, shall be deemed to be incorporated in this award and shall have effect according to their tenor.

Workers to be Members of Union

9. (a) Subject to the provisions of subsection (5) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, it shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award.

(b) For the purposes of subclause (a) of this clause a person of the age of eighteen years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of twenty-one years and upwards, shall be deemed to be an adult.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union, commits a breach of this award, and shall be liable accordingly.

(NOTE.—Attention is drawn to subsection (4) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, which gives to workers the right to join the union.)

Transport

10. When required to start or finish work at times when the usual means of transport is not available, masters of tugs shall be conveyed to or from their homes at the Board's expense.

When the work of a tug involves more than one break in the day's work, for each subsequent break in that day an amount of 1s. shall be paid to cover cost of transport to and from work.

Scope of Award

11. This award shall apply only to the parties named herein governing wages and conditions of the masters of the tugs "William C. Daldy" and "Te Awhina."

Term of Award

12. This award shall come into force on the 24th day of December, 1945, and shall continue in force until the 24th day of December, 1947.

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 18th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters in dispute and referred to the Court related to hours of work, overtime, time off, work outside harbour limits, and term of award.

Mr. Monteith is not in agreement with the decision of the majority of the Court, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

I dissent from this award. The daily spread of eleven hours, Monday to Friday, and five and a half hours on Saturday, and the right to work three-legged broken periods, together with a week of forty-four hours, make up the worst set of hours I know of in existence in New Zealand.
