

**WELLINGTON FOREMEN STEVEDORES, TIMEKEEPERS, AND PERMANENT
HANDS—AWARD**

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Wellington Foremen Stevedores, Timekeepers and Permanent Hands Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned union and companies (hereinafter called “the employers”):

Wellington Waterside Employers' Union Industrial Union of Employers, Shed 17, Wellington Harbour Board Buildings, Wellington.

Gannaway and Co. Ltd., Glasgow Wharf, Wellington.

Holm and Co. Ltd., 22 Customhouse Quay, Wellington.

Maher, W. and Co., Glasgow Wharf, Wellington.

New Zealand Shipping Co. Ltd., Maritime Buildings, Customhouse Quay, Wellington.

Scales, Geo. H. (Pacific) Ltd., 22 Customhouse Quay, Wellington.

Shaw Savill and Albion Co. Ltd., corner of Customhouse Quay and Brandon Street, Wellington.

Union Steam Ship Company of New Zealand Limited, 36-48 Customhouse Quay, Wellington.

THE COURT of Arbitration of New Zealand (hereinafter called “the Court”), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of section 130 of the Industrial Conciliation and Arbitration Act 1954, 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 as hereinafter provided and shall continue in force until the 30th day of September 1962 and thereafter as provided by section 152 of the Industrial Conciliation and Arbitration Act 1954.

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 3rd day of November 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

This award shall apply to all foremen stevedores, stevedoring timekeepers and permanent hands employed at the Port of Wellington, but shall not in any way prevent ships' officers from supervising any work in connection with the loading or discharging of cargo.

PART I: FOREMEN STEVEDORES, STEVEDORING TIMEKEEPERS AND PERMANENT HANDS IN CHARGE OF STORE

Hours of Work

1. The ordinary hours of work shall be from 8 a.m. to noon and 1 p.m. to 5 p.m. Monday to Friday inclusive. Except as hereinafter provided all other time except meal hours shall be classed as overtime.

Wages

	Per Week
	£ s. d.
2. Head foremen stevedores (in companies where six or more foremen stevedores are employed)	17 4 1
Foremen stevedores and stevedoring timekeepers	16 16 1
Probationary foremen stevedores and probationary stevedoring timekeepers during a probationary period of three months	16 3 3
If at the expiration of three months a probationer is retained as foreman stevedore or stevedoring timekeeper his wages for such probationary period shall be made up to that of a foreman stevedore or stevedoring timekeeper from the commencement of such service.	
Permanent hands in charge of store	14 5 3

Meal Money

3. When workers are required to continue work after 6 p.m. Mondays to Fridays and to continue after 1 p.m. on Saturdays, Sundays, Christmas Eve, New Year's Eve, and 2 January, or on holidays, they shall be provided with a meal or paid meal money of 5s. On Saturdays, Sundays and holidays when meal money is payable the employer shall pay a special surcharge of 6d. in addition.

Meal Hours

4. Dinner: Noon to 1 p.m.
Tea: 5 p.m. to 6 p.m.

Meal hours shall be worked as required by the employer and when ordered shall be paid for at double ordinary time in addition to the weekly wage.

On Saturdays, Sundays and holidays the rate of pay for work performed during meal hours shall be two and a half times ordinary time and the full hour shall be paid for.

Outports

5. When foremen and timekeepers are instructed to proceed to an outport they shall be paid 15s. per weekday and £1 5s. for Sundays, in addition to the weekly wages prescribed in clause 2 for each day or part of a day they are away from Wellington. Further, they shall be provided with first-class fares, meals, and accommodation.

If foremen are obliged to travel to an outport on holidays, as prescribed in this award, or on Saturdays or Sundays, they shall be paid for the time so occupied in travelling at the rate of ordinary time with a maximum of eight hours' pay at ordinary time on any day.

If they are obliged to travel in overtime hours on other days they shall be paid for such trips each way at ordinary time with a maximum of four hours.

Overtime

6. (a) All time worked outside the hours prescribed in clauses 1 and 4 hereof shall be paid for at double ordinary time, except for the periods 6 p.m. to 9 p.m. Mondays to Fridays and 8 a.m. to 11 a.m. Saturdays inclusive when time and a half rates shall be paid.

For the time worked on Saturday afternoons, Sundays and holidays, double time shall be paid in addition to the weekly wage.

(b) Overtime shall be worked as required by the employer, but permission to take an evening off shall not be unreasonably withheld by the employer provided the request is made not later than noon on the day on which the time off is required.

This provision shall not entitle workers of the same employer to collectively take the same evening off.

Minimum Payments in Overtime

7. (a) When required to work after 6 p.m. Mondays to Fridays inclusive, the minimum period of employment or payment equivalent thereto shall be three hours at ordinary time and a half from 6 p.m. to 9 p.m.

(b) When required to work on Saturday morning there shall be a minimum period of employment or payment equivalent thereto of four hours.

(c) When required to work after 1 p.m. on Saturday there shall be a minimum period of employment or payment equivalent thereto of four hours.

(d) In all cases where a meal hour is worked and the worker is ordered back after the meal hour break the minimum overtime period is consequently reduced by one hour.

Travelling Time - Petone or Miramar

8. Any worker required to proceed for duty to the Petone Wharf or the Miramar Wharf shall be allowed three-quarters of an hour each way travelling time, which shall be paid for at the appropriate rate except when the time taken to reach these points is less than the normal travelling time of the worker to the Wellington wharves in which case no travelling time shall be paid.

Protective Clothing

9. Protective clothing shall be provided whilst foremen and timekeepers are required to supervise labour in wet weather.

PART II: PERMANENT HANDS IN CHARGE OF OIL HULKS

Wages

10. The weekly wages shall be at the rate of £13 5s. 5d. with free quarters, light, and heating.

Hours of Work

11. The ordinary hours of work shall be from Monday to Friday inclusive, 8 a.m. to noon and 1 p.m. to 5 p.m. Except as hereinafter provided, all other time shall be classed as overtime.

Overtime

12. All time worked outside the hours prescribed in clause 11 shall be paid for at the rate of time and a half, except that for work done between 10 p.m. and 7 a.m. (except when loading oil) and on Sundays and holidays, double time in addition to the weekly wage shall be paid.

For the purpose of calculating the overtime rate £1 (representing free quarters, etc.) shall be added to the prescribed weekly rate.

Continuous Working

13. If having worked all night and being required to continue after 8 a.m. such time shall be paid for at the overtime rate, except when a relieving man is supplied from 8 a.m. to 5 p.m. When a worker has been on duty 24 hours continuously a relief man is to be provided if it is possible to obtain one.

General

14. (a) When hulks are moored at a buoy and a launch is not provided, a tug boat shall be provided, but the question of the days on which the tug boat shall run shall be arranged by the employer and the hulk-keeper concerned.

(b) Paint shall be supplied to enable hulk-keepers to paint their living quarters once a year.

(c) Domestic tanks shall be cleaned and cemented once a year.

Raising Steam

15. When it is required to raise steam for 8 a.m. or earlier or after 5 p.m. on weekdays or at any time on Sundays and holidays, one hour at the appropriate rate shall be allowed for raising steam from banked fires and two hours at the appropriate rate shall be allowed for raising steam from cold boiler.

Vessels Under Survey

16. (a) When doing overhaul work on board an oil hulk out of commission for survey, the hulk-keeper shall be paid 2s. 4d. per day or part of a day dirt money, but while employed chipping or scaling inside boilers or cleaning tubes a special rate of 2s. per hour additional to the above daily rate shall be paid.

When hulk-keepers are working on oil tanks in confined spaces where gas has accumulated a special rate of 2s. 9d. per hour is to be paid in addition to the above daily rate.

(b) Wet weather gear shall be provided.

PART III: PERMANENT HANDS

Wages

17. (a) The weekly wage shall be at the rate of £12 13s.

(b) The permanent hands employed in the Union Steam Ship Co. of New Zealand Ltd. store regularly assisting in the making, repairing and care of gear shall be paid an additional sum of 10s. per week.

(c) Permanent hands while employed driving cars for shipment or discharge shall be paid an additional sum of 4d. per hour ordinary or overtime as the case may be.

Hours of Work

18. The ordinary hours of work shall be from Monday to Friday, 8 a.m. to noon, and 1 p.m. to 5 p.m., except as hereinafter provided. All other time except meal hours shall be classified as overtime.

Meal Hours

19. Dinner: Noon to 1 p.m.

Tea: 5 p.m. to 6 p.m.

Meal hours shall be worked as required by the employer and when worked shall be paid for at double ordinary time in addition to the weekly wage.

Meal Money

20. When workers are required to continue work after 6 p.m. Mondays to Fridays and to continue after 1 p.m. on Saturdays, Sundays, Christmas Eve, New Year's Eve, and 2 January, or on holidays, they shall be provided with a meal or paid meal money of 5s. On Saturdays, Sundays and holidays when meal money is payable the employer shall pay a special surcharge of 6d. in addition.

Overtime

21. (a) All time worked outside the hours prescribed in clauses 18 and 19 hereof shall be paid for at double ordinary time, except for the periods 6 p.m. to 9 p.m. Mondays to Fridays and 8 a.m. to 11 a.m. Saturdays inclusive when time and a half rates shall be paid.

For time worked on Saturday afternoons, Sundays and holidays, double time shall be paid in addition to the weekly wage.

(b) *Minimum Payments in Overtime*—(i) When required to work after 6 p.m. Mondays to Fridays inclusive, the minimum period of employment or payment equivalent thereto shall be three hours at ordinary time and a half from 6 p.m. to 9 p.m.

(ii) In all cases where a meal hour is worked, and the worker is ordered back after the meal hour break, the minimum overtime period is consequently reduced by the portion of the meal hour paid for.

(iii) For a 7 a.m. start on an ordinary working day, the minimum shall be one hour at double ordinary time from 7 a.m. to 8 a.m.

Cleaning Oil

22. When permanent hands are called on to clean oil from the harbour they shall be paid for such work a flat rate of 7s. 6d. per hour additional to the ordinary or overtime rate as the case may be.

Evening Off

23. Overtime shall be worked as required by the employer, but permission to take an evening off duty shall not be unreasonably withheld by the employer provided the request is made not later than noon on the day on which the time off is required.

Extra Leave

24. If a permanent hand is employed by his employer as a foreman for a period of three months in any one year he shall receive a *pro rata* portion of the extra one week's leave given to the foremen for the period he has actually served as such. Such extra leave shall be paid for at foreman's rates of pay.

Mails, Passengers' Luggage and Cars

25. (a) The handling of passengers' luggage, passengers' cars and mails on the wharf at the inter-Island ferries shall continue to be performed by permanent hands as hitherto.

(b) The handling in overtime hours and on Sundays and holidays of passengers' luggage, cars, mails, livestock, theatrical effects, and small quantities of perishables at the inter-Island ferries as hitherto performed shall be a duty of permanent hands in conjunction with the ships' crews.

Permanent hands shall do all such work as is required of them in connection with the working of ships including the handling of lines and stores, handling, making and repair of cargo gear, driving of vehicles, etc.

(c) When permanent hands act as foremen stevedores their rate of pay shall be made up to the rate of foremen stevedores for the time so occupied.

Clothing

26. (a) Two pairs of overalls shall be provided per year.

(b) One set of wet weather gear (oilskin, over-boots and sou'wester) shall be provided to each person for working in the rain and shall be handed back to the employer at the termination of the employment and shall be renewed as necessary.

PART IV: APPLICABLE TO ALL SECTIONS

Payment of Wages

27. (a) Wages shall be paid weekly and not later than Thursday. In the event of a holiday falling on Thursday, wages shall be paid on Wednesday.

(b) The minimum wages prescribed in this award shall be deemed to be weekly wages and no deduction shall be made from the same, except for time lost through the worker's own default, or for time taken off with the employer's permission. Time lost through accident or sickness may also be deducted at the employer's discretion.

Duties

28. Employees covered by this award shall perform the duties which have been customarily carried out by them in the past and work in the gear stores as required.

Holidays

29. The following days shall be observed as paid holidays: New Year's Day, Good Friday, Easter Monday, Labour Day, Christmas Day, Boxing Day, Anniversary Day, the Sovereign's birthday, and the Waterside Workers' Picnic Day. Anzac Day shall be observed in accordance with the Anzac Day Act.

Annual Holidays

30. Foremen stevedores and stevedoring timekeepers shall be entitled to three weeks' holiday per annum. All other workers shall receive two weeks' holiday per annum. Holidays under this clause shall be taken at a time to be mutually agreed on.

Christmas Eve and New Year's Eve Work

31. Work performed after 1 p.m. on Christmas Eve and New Year's Eve shall be paid for at the rate of ordinary time additional with a minimum of four hours.

Minimum Period for Call Outs

32. (a) Workers called out to work on Saturdays, Sundays or holidays shall be paid a minimum of four hours at the appropriate rate, except when the worker is called out for work in the morning and is required to return to work after the dinner hour, when the minimum payment for the day shall be eight hours.

(b) When required to work after 6 p.m. on Saturdays, Sundays or holidays there shall be a minimum period of employment or payment equivalent thereto of four hours, except in the case of the inter-Island steamer express vessels where work ceases at 8 p.m. when the minimum shall be three hours.

Extended Orders and Saturday Afternoon Orders

33. When foremen stevedores, stevedoring timekeepers or permanent hands are working as foremen, timekeepers or permanent hands on a job in connection with the loading or discharging of a hatch or ship and they are required to work for the same time as the gang or gangs, they shall be entitled to be paid for the same hours when the gang or gangs continue work or are paid for work outside the hours of 6 p.m. to 9 p.m. Monday to Friday inclusive and 8 a.m. to noon on Saturdays.

Matters Not Provided For

34. Any dispute in connection with any matter not provided for in this award shall be settled between any particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, such dispute shall be referred to the Conciliation Commissioner for the district 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 14 days after such decision shall have been communicated to the party desirous of appealing.

Workers to be Members of Union

35. (a) It shall be a condition of the engagement for or continuance in employment of any adult person (except a person who has been duly exempted from membership of an industrial union under the Industrial Conciliation and Arbitration Act 1954) in any position or employment covered by this award that such person shall be a member of a union of workers bound by the award or shall become a member of such a union within 14 days of the date of his being requested to do so by his employer or by any officer or representative of such a union.

(b) Any worker who is required to join a union of workers covered by this award, and who is not of general bad character, shall be entitled to be admitted to membership of the union and to remain a member thereof and enjoy the privileges of membership of the union so long as he complies with the rules of the union.

(c) For the purposes of subclause (a) of this clause, a person of the age of 18 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 21 years and upwards, shall be deemed to be an adult.

(d) Every person whose employment is conditional upon his being or becoming a member of any union by the operation of the foregoing provisions and who fails to continue as or to become within the time specified a member of that union shall be deemed to have broken his contract of service with his employer, and no such person shall continue or be continued in such employment for more than one week after the employer has been notified in writing by the union that he has failed to become or has ceased to be a financial member of the union.

Application of Award

36. This award shall apply to the original parties named herein and shall extend to and bind as subsequent party hereto every industrial union, industrial association, or employer who, not being an original party hereto, is, when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within the part of the industrial district to which this award relates.

Scope of Award

37. This award shall be limited in its scope to the Port of Wellington.

Term of Award

38. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 27th day of March 1961, and so far as all other provisions of the award are concerned, it shall come into force on the day of the date hereof; and this award shall continue in force until the 30th day of September 1962.

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 3rd day of November 1961.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award, including the operative date of provisions relating to wages, embodies the terms of settlement arrived at by the assessors in Conciliation Council.

Clause 35 (Workers to be Members of Union) has been inserted in the form in which it was agreed upon in Conciliation Council, but its incorporation in the award is not to be taken as an indication that the Court is satisfied with its validity.

A. TYNDALL, Judge.
