

NORTHERN INDUSTRIAL DISTRICT TALLY CLERKS—AMENDMENT OF AWARD

In the Court of Arbitration of New Zealand Northern Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of the Northern Industrial District Tally Clerks Award, dated the 23rd day of October 1963, and recorded in 63 Book of Awards 1985.

THURSDAY, THE 2ND DAY OF SEPTEMBER 1965

UPON reading the application made by the Northern Industrial District Tally-clerks Industrial Union of Workers for amendment of the Northern Industrial District Tally Clerks Award, dated the 23rd day of October 1963, and recorded in 63 Book of Awards 1985, and upon hearing the duly appointed representatives of the original parties to the said award, and upon being satisfied that they are desirous that the award should be reviewed by it, the Court, in pursuance and exercise of the powers vested in it by section 162 (1) (b) of the Industrial Conciliation and Arbitration Act 1954 and with the consent of the parties, doth hereby order as follows:

1. That the said award shall be and it is hereby amended in the manner following:
 - (1) By deleting clause 3 and the heading thereto and substituting therefor the following clause and heading:

“Hours of Work For the Day, Mondays to Fridays Inclusive

3. (a) Tally clerks shall conform to the same port hours as are laid down for waterside workers.

(b) The hours of work for the day shall comprise two working periods of equal length together totalling 10 hours which may vary from port to port according to local requirements. Where provision is made for one hour to be taken for dinner, the two working periods of five hours each shall be fixed within one of the following groups:

- (i) *Between 7 a.m. and 6 p.m.*—In which case the hours between 7 a.m. and 8 a.m. and 5 p.m. and 6 p.m. shall be paid for at double time and the remainder of the hours at ordinary time; or
- (ii) *Between 7.30 a.m. and 6.30 p.m.*—In which case the half hours between 7.30 a.m. and 8 a.m. and between 12 noon and 12.30 p.m. and the hour between 5.30 p.m. and 6.30 p.m. shall be paid for at double time and the remainder of the hours at ordinary time; or
- (iii) *Between 8 a.m. and 7 p.m.*—In which case the hours between 12 noon and 1 p.m. and between 6 p.m. and 7 p.m. shall be paid for at double time and the remainder of the hours at ordinary time.

(c) At a port where the dinner break has been shortened to half an hour the principle of six hours at ordinary time for each minimum period shall be adhered to.

(d) A tally clerk who has indicated to the employer in accordance with arrangements agreed locally that he does not intend to work the full 10 hours on any day, Monday to Friday inclusive, shall be permitted to cease work at whatever time is agreed at the port concerned to suit local conditions but in any case not later than 5 p.m. The minimum payment as provided in clause 7 shall be reduced accordingly.

This provision is intended to cover individual cases and does not entitle workers to collectively refuse to work the full 10 hours on any day, and in any case, if no replacement is available the worker shall carry on to complete the second minimum period.

In consideration of the union agreeing that the clerk shall carry on work in the above circumstances the employers undertake that they will not require this as a regular practice.”

(2) By deleting subclauses (a), (d), and (e) of clause 5 (Time of Engagement) and substituting therefor the following subclauses:

“(a) Casual tally clerks shall be engaged during the first two hours of the morning minimum period, Monday to Friday. Tally clerks required to commence work after the midday break shall be engaged during the last half hour of the engagement period.”

“(d) The present custom at the ports of Tauranga, Gisborne, Opua, and Whangarei shall be adapted to the new hours of work.

(e) Where non-union labour is ordered back and is engaged, engagers of labour shall call in the engagement room not later than half after the commencement of the engagement period.”

(3) By deleting clause 6 and substituting therefor the following clause:

“Method of Engagement

6. (a) It shall be the responsibility of each engager each day to record on the official engagement board the number of tally clerks short of his requirements not later than 10 minutes after the expiration of the period of engagement. Any new requirements after that time on any day shall be recorded on the board as soon as practicable on that day.

(b) Any tally clerks present in the engagement room during the call for labour and not engaged, or tally clerks finishing a job in the morning and notifying their availability not later than one hour before the expiration of the morning minimum period, may apply to a company employing non-union labour to replace such labour for the commencement of the afternoon minimum period and on application shall be given a job.

(c) Where tally clerks finish a job on a Friday and are not transferred, they may replace non-union labour from the commencement of the morning minimum period on Saturday on jobs which are to work on Saturday.

(d) Where tally clerks finish a job during the morning or afternoon minimum period and are not transferred, they may replace non-union labour from the commencement of the overtime period on jobs which are to work overtime that day.

(e) The right to replace non-union labour under subclauses (c) and (d) in this clause shall be subject to the union member concerned notifying his availability to the agent of the company employing the non-union labour not later than 4 p.m. on the Friday in respect of subclause (c) or the weekday in question in respect of subclause (d).

(f) Notwithstanding the foregoing, present customs adapted if necessary to meet the changed hours of work shall continue at Tauranga, Gisborne, Opuā, and Whangarei."

(4) By deleting clause 7 and substituting therefor the following clause:

"Periods of Employment

7. (a) Tally clerks once engaged and who attend for work as instructed shall be guaranteed employment in the port for the following minimum periods or receive pay equivalent thereto:

- (i) *Mondays to Saturdays inclusive*—Men resuming work or starting work in the morning minimum period laid down for the port shall be entitled to payment for the full morning period.
- (ii) *Mondays to Fridays inclusive*—Men, other than replacements for workers who have exercised their right not to work the full 10-hour day, who are ordered and attend to continue or start work after the dinner break shall be entitled to payment for the full afternoon working period as laid down for the port.
- (iii) *Saturday afternoons*—Men ordered and attending who continue work after the dinner break shall be entitled to a minimum payment of four hours.
- (iv) *Sundays and Holidays*—The minimum periods of employment are as specified in clause 11.

(b) Notwithstanding anything to the contrary contained in this award, when work is interrupted on account of weather, tally clerks may be ordered back for the following working day either at the end of the morning minimum period or in the case of the afternoon minimum period after two hours or three hours from the time of its commencement, without payment for the intervening time; provided that the minimum period of employment shall not be less than five hours on that day.

(c) Any minimum period shall be reduced by the time worked during the meal break immediately preceding the meal period.

(d) The foregoing provisions shall not entitle tally clerks who are transferred from one job to another, or from one employer to another, to payment other than for continuous time exclusive of meal breaks.

(e) The minimum periods of employment shall not apply in the following cases:

- (i) Workers who, when required, fail to accept transfer in accordance with the transfer clause.
- (ii) Workers who take advantage of the provisions of subclause (d) of clause 3 or who, for any other reason do not make themselves available to work the full 10 hours on any day.

In both the foregoing instances workers shall only be entitled to payment up to the time they cease work or fail to transfer.

(f) When work is interrupted by reasons outside the control of the employer, or on account of interruption of transport services, breakdown or withdrawal of machinery or shortage of railway wagons, the services of tally clerks may be dispensed with at the expiration of the minimum period.

(g) Notwithstanding the foregoing provisions, when a tally clerk is ordered down or back at the port of Gisborne for tallying into lighters or for proceeding to the roadstead and no work is performed owing to weather conditions, the minima shall be three hours."

(5) By deleting subclauses (c) and (d) of clause 11 (Holidays) and substituting therefor the following subclauses:

"(c) Tally clerks employed on Christmas Day, Good Friday, Anzac Day, and Sundays shall be paid at the special rate of double ordinary time, plus 1s. 6d. in addition to any statutory holiday payment that may be applicable.

(d) Tally clerks employed on all other paid holidays shall be paid at the rate of double ordinary time in addition to any statutory holiday payment. The hours of work on Sundays and holidays shall be from 8 a.m. to 12 noon and 1 p.m. to 5 p.m. and the meal break shall be observed between 12 noon and 1 p.m. Tally clerks employed on any of the abovementioned holidays or Sundays shall be paid a minimum of four hours, but if they commence work in the morning and are ordered back after dinner the minimum shall be eight hours. Tally clerks required to work after 1 p.m. on Christmas Eve or New Year's Eve shall be paid at the rate of double ordinary time with a minimum payment until 5 p.m."

(6) By deleting subclause (a) of clause 13 (Wages) and substituting therefor the following subclause:

"(a) The ordinary time rate of pay shall be 7s. 11d. per hour."

(7) By deleting subclause (d) of clause 13 (Wages).

(8) By deleting clause 14 and substituting therefor the following clause:

"Overtime Rates

14. Where overtime is worked it shall be paid for as follows:

(a) For overtime after the second five-hour minimum period, Mondays to Fridays inclusive—ordinary time and a half for the first hour and double time thereafter.

(b) Saturday overtime after 1 p.m.—double ordinary time rate of pay.

(c) If called upon to work after 6 p.m. on Saturday or after 6 p.m. on a Sunday or a public holiday the minimum period shall be four hours paid at double the ordinary time rate prescribed in subclause (a) of clause 13."

(9) By deleting clause 15 and the heading thereto and substituting therefor the following clause and heading:

"Saturday Morning Work

15. Hours of work on Saturday morning shall be from 7 a.m., 7.30 a.m., or 8 a.m., depending upon the hours introduced at each port, and shall terminate at 12 noon. The minimum period of employment or payment shall be for the period stipulated as normal hours of work for the morning at the port and the basis of payment shall be that the hours between 8 a.m. and 11 a.m. are to be paid for at ordinary time and a half and all other time during the minimum at double ordinary time."

(10) By deleting clause 17 and the heading thereto and substituting therefor the following clause and heading:

“Meal Breaks

17. (a) The dinner break to be observed will be in accordance with the hours established at the ports concerned and in cases where overtime is to be worked after the afternoon minimum period the tea break shall be observed at the expiration of such period.

(b) When the system of two five-hour minimum periods is being worked on any day the question of working the meal hour on Mondays to Fridays inclusive will not generally arise, but on Saturdays, Sundays, and holidays, when a five hour minimum period is not worked during the morning the dinner hour shall be worked as may be required by the employer and the full hour shall be paid for at two and a half times the ordinary time rate of pay.

(c) Tally clerks shall not be compelled to work more than five hours consecutively without having an opportunity of having at least half an hour for a meal and work shall resume at the expiration of the time allowed for a meal.

(d) When tally clerks having attended and worked that day, are required to continue work after 1 p.m. Mondays to Fridays inclusive, they shall be paid the sum of 5s. 6d. for meal money, but this shall not apply in the case where a worker restricts his hours of work for the day or fails to transfer.

(e) On Saturdays, Sundays, or holidays, when meal money is payable the employers shall pay to the tally clerks a special surcharge of 6d. in addition.”

(11) By deleting subclause (g) of clause 20 (Conditions of Employment) and substituting therefor the following subclause:

“(g) Where overtime is to be worked orders shall be given in accordance with local practice, by the employer or his agent, not later than three-quarters of an hour prior to the expiration of the afternoon minimum period or within 15 minutes of the waterside workers being given their orders, whichever is the earlier, for overtime required on Mondays to Fridays. On Saturdays orders shall be given not later than one and a quarter hours prior to the expiration of the morning minimum period or within 15 minutes of the waterside workers being given their orders, whichever is the earlier, for work on Saturday afternoons or Sunday work. Once an order has been given for overtime the employer shall be responsible for payment. An individual tally clerk requiring relief from overtime on a particular night or Saturday afternoon shall be relieved of such overtime provided he gives notice in accordance with local requirements.”

(12) By deleting subclauses (b) and (c) of clause 22 (Daily and Weekly Minima) and substituting therefor the following subclauses:

“(b) Union members who are engaged for a start at the commencement of the afternoon minimum period Monday to Friday inclusive and, although available, are not offered employment during the morning shall be paid a retaining fee of two hours at the ordinary time rate of pay in addition to their earnings that day.

(c) Union members who are engaged to replace a worker who has exercised his right under subclause (d) of clause 3, or who start a new job after the completion of the hours of work for the day and, although available were not offered employment during the day shall be paid a retaining fee of four hours at the ordinary time rate of pay in addition to their earnings.”

(13) By deleting clause 24 and substituting therefor the following clause:

“Permanent Tally Clerks

24. Permanent tally clerks may be employed on a weekly wage.

(a) The ordinary time rate of wage shall be £15 6s. 8d. per week.

(b) The permanent tally clerks when employed as clerk-in-charge, head receiving, head delivery, or manifest clerk, shall be paid an additional 8d. per hour, ordinary or overtime, during the period in which the ship or ships to which they are attached are working.

(c) *Annual Holidays*—Permanent tally clerks shall receive two weeks' leave on pay in each 12 months of service during their first 10 years of service as a permanent tally clerk and thereafter they shall receive three weeks' leave on pay in each 12 months of service.

(d) There shall be no deduction from the weekly wage of a permanent tally clerk except for absence due to the worker's own default, accident, or illness.

(e) All other provisions of this award shall be applicable to permanent tally clerks with the exception of the following clauses: 4, 5, 6, 7 (a) (i) and (ii), (b), (c), (e), and (f), 11 (f), (g), and (h), 12, 13 (a), (b), and (d), 16, 19 (a) and (c), 20 (f) and (g), 21, and 22."

2. That for the purpose of removing doubts as to the operation of the general order of the Court made under the Economic Stabilisation Regulations 1953 and dated the 19th day of August 1964, it is hereby declared that the amended rates of remuneration provided by this order shall be increased to the extent and in the manner set forth in the said general order.

[L.S.]

A. P. BLAIR, Judge.
