WANGANUI FREEZING WORKERS—APPLICATION FOR 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 Wanganui Freezing Works Employees Industrial Union of Workers (applicant) and the New Zealand Freezing Companies Industrial Union of Employers (respondent) concerning the New Zealand Refrigerating Co. Ltd., Imlay Freezing Works.

Award, Application for—Whether Separate or National Award to be Preferred—Freezing Workers

JUDGMENT OF THE COURT DELIVERED BY BLAIR, J.

On 12 June 1967, within the time permitted by section 112 (3) of the Industrial Conciliation and Arbitration Act 1954, application was made by the Wanganui Freezing Works Employees Industrial Union of Workers (hereafter called the Wanganui union) for the hearing by a Conciliation Council of an industrial dispute between it and the New Zealand Freezing Companies Industrial Union of Employers (hereafter called the Employers' union) for a new award to cover the Imlay Freezing Works of the New Zealand Refrigerating Co. Ltd. The existing award applying to the works is the Wanganui Freezing Workers Award (66 Book of Awards 321) the currency of which expired on 31 July 1967.

When the parties through their assessors met in Conciliation Council on 6 July 1967 the proceedings proved to be abortive. Mr Walton for the Employers' union, took up the position that one award for the whole industry throughout New Zealand was desirable and that they were not prepared to negotiate for a seperate award in respect of the Imlay Works until the Court had given a decision on an application to join the Wanganui union as a party to a national dispute application made by the employers. The employers' attitude was opposed by the Wanganui union on the grounds that the Court had ruled on a previous application in December 1965 (65 Book of Awards 2527) that the union was entitled to negotiate a separate award.

It was therefore decided that the dispute be referred to the Court pursuant to sections 131 and 133 of the Act, so as to enable the matter of a separate award for Wanganui to be again considered by the Court.

The facts surrounding the application to join the Wanganui union to the national dispute are as follows: On 1 March 1967 application was made under section 135 by the Employers' union for the hearing of a national or combined district dispute and citing as respondents the several freezing workers unions and associations with the exception of the Wanganui union. The reason for omitting this union was that although the employers' application was made within four months (section 135 (2)) of the expiration of the currency of the New Zealand (except Westland) Meat Processors, Packers and Preservers Award (66 Book of Awards 161) on 30 June 1966, it was not within four months of the expiry of the Wanganui Freezing Workers Award on 31 July 1967. The applicant did, however, on 17 April 1967 make application to have the Wanganui union joined as a party to the national dispute, to which application the union promptly notified its opposition. It will be noted that the application to join was made prior to the filing of the dispute application by the Wanganui union.

Conciliation Council proceedings on the national dispute commenced on 16 May 1967 and were subsequently adjourned without settlement until 12 September 1967, but according to the report of the Conciliation Commissioner the Council agreed that an application to join be referred to the Court for determination and he referred the application accordingly.

Enough, we think, has been said on the various steps taken by the parties concerned. At the hearing before this Court there was some initial argument on procedural points. Whether or not an isolated matter concerning parties to the national dispute application is properly referable to the Court at this stage in the manner adopted is a question with which the Court need not concern itself in order to arrive at a decision. The fundamental issue between the parties is whether there should be a separate award and this can be decided on the reference of the Wanganui dispute to the Court.

When the rather similar issue came before it in 1965, for reasons therein set out, the Court said that it did "not think it should at this stage refuse to allow the union to negotiate a separate award", and referred the dispute back to the Conciliation Commissioner on that basis. In the present case, Mr Couchman again strongly argued for an independent award and reiterated the able arguments used in the previous case. The Court has considerable sympathy with the point of view put forward. However, after hearing both sides we feel bound to accept the force of Mr Walton's submissions. He pointed out the administrative advantages in having a national award in this industry and emphasised that from a practical point of view there could not be much advantage in having separate awards as the Employers' union felt bound to insist that award conditions throughout the industry should be more or less uniform. The reasons for this are obvious. Mr Walton further emphasised that the making of a national award would not effect the domestic situation of the Wanganui union which would retain its identity and continue to operate its individual relationship with its employer in that area.

While the Court must be at all times astute to protect the rights of minorities, it does not now seem to us on the submissions that we have heard that the Wanganui union will be injured by being included within the scope of a national award which, taking the broad view, appears to us to be in the interests of all. The Court has therefore decided in accordance with section 145 to refuse to make an award on the Wanganui dispute referred to it. The matter having been decided in this manner, it follows that the Court is of the opinion that the Wanganui union should be joined as a party to the national dispute either by the Conciliation Commissioner pursuant to section 127 or by the Conciliation Council pursuant to section 169. Upon this being done the Wanganui union will have the same rights as any other respondent party to that dispute.

Dated this 4th day of August 1967.

[L.S.] A. P. BLAIR, Judge.