

NORTHERN, TARANAKI, WELLINGTON, AND OTAGO AND SOUTHLAND ELECTRICAL WORKERS—APPLICATION FOR PARTIAL EXEMPTION FROM 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 application by the Wellington Harbour Board for partial exemption from the Northern, Taranaki, Wellington, and Otago and Southland Electrical Workers Award, dated the 5th day of April 1967.

JUDGMENT OF THE COURT DELIVERED BY BLAIR, J.

THIS is an application by the Wellington Harbour Board for partial exemption from the Northern, Taranaki, Wellington, and Otago and Southland Electrical Workers Award (hereafter called “the Electrical Workers Award”). It may be said that the application is a manifestation of a long-standing difference between the Harbour Board and the New Zealand (except Canterbury, Marlborough, Nelson and Westland) Electrical Workers Industrial Association of Workers (hereafter called “the union”). As regards the history of this dispute this has been referred to by the parties and has been set out in a report by Judge Archer dated 12 October 1966, and we shall not repeat here the facts as therein set out. It is perhaps sufficient to say that what has given rise to the dispute and the present application is that the electricians employed by the Board and working alongside other employees engaged in “cargo services” are not members of the Harbour Boards Employees Union but members of the Electrical Workers Union, and it is submitted by the Board that these electrical workers should be paid in terms of the electrical workers award and not under the Harbour Boards award. The Board feels that it would be undesirable and unfair to permit electrical workers to “pick out” such conditions of the Harbour Boards award which were favourable to them and at the same time decline to accept the Harbour Board Employees Union. Accordingly, it has applied for a partial exemption from the Electrical Workers Award and claims that if its proposals are accepted then the electricians working for the Board will have to accept the position that their wages and conditions of work will be governed by the Electrical Workers Award and not by the Harbour Board Employees Award.

The Court can well understand the viewpoint of the Board in this matter and we echo the opinion expressed by Judge Archer when he said: “I appreciate that the Board would prefer its electricians to belong to the Harbour Boards Employees Union and to be employed under the Harbour Boards Employees Award. I would go so far as to say that in the circumstances it was ill-advised for the men concerned to leave the Harbour Boards Employees Union and that in the interests of good industrial relations it might be desirable for them to rejoin that union”. Judge Archer goes on to say, however, that in his view the electricians are entitled to be members of the Electrical Workers Union. With that opinion this Court agrees. The purpose of this application is to enable the Board to treat their electricians strictly in accordance with their own award and not in accordance with the Harbour Boards Employees Award. As Judge Archer comments in his report: “The Board . . . appears to base its case entirely on the proposition that by choosing to join the Electrical Workers Union the electricians must be deemed to have abandoned any right to be employed under the Harbour Boards Employees Award”. If the Board were granted partial exemption as asked for from the Electrical Workers Award this would not in our view solve or put an end to the real dispute between the parties, namely whether or not the electricians doing “cargo services work” should be paid on the same basis as other tradesmen doing such work. Their terms of employment would of course depend on their award which provides minimum rates of pay and conditions. However, it can be taken for granted that the electricians in question would expect to work on terms of employment which were not inferior to those

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enjoyed by others doing the same sort of work and the Board would find it difficult to justify differing terms. The Court has some sympathy with the position in which the Board finds itself in this matter. Nevertheless we are unable to agree that the application for partial exemption now applied for is an effective way of solving the problem. The application will accordingly be refused.

Dated this 29th day of August 1967.

[L.S.]

A. P. BLAIR, Judge.
