

NORTHERN (AUCKLAND) INDUSTRIAL DISTRICT.

(8167.) AUCKLAND TALLYMEN.—AWARD.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of an industrial dispute between the Auckland Tallymen's Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms, and companies (hereinafter called "the employers") :—

Anderson, W. E., Queen's Wharf, Auckland.

Archibald, W., Customs Street, Auckland.

Auckland Farmers' Freezing Company (Limited), Endeans' Buildings, Queen Street, Auckland.

Auckland Gas Company (Limited), Wyndham Street, Auckland.

- Badley and Co. (Limited), Ferry Buildings, Auckland.
 Baillie, T. R., Little Queen Street, Auckland.
 Bewes, G. W., Fort Street, Auckland.
 Blackball Coal Company, Ferry Buildings, Auckland.
 Bristoe and Co. (Limited), Customs Street, Auckland.
 British Imperial Oil Company (Limited), Customs Street,
 Auckland.
 Burns, Philp, and Co. (Limited), Customs Street, Auckland.
 Canadian Government Mercantile Marine Ferry Buildings,
 Auckland.
 Carr and Haslam, Quay Street, Auckland.
 Cleave and Co., Parnell Rise, Auckland.
 Colonial Sugar Refining Company (Limited), Quay Street,
 Auckland.
 Craig, E. and H., Quay Street, Auckland.
 Craig, J. J. (Limited), Queen Street, Auckland.
 Dalgety and Co. (Limited), City Markets, Auckland.
 Donald, A. B. (Limited), City Markets, Auckland.
 Farmers' Co-operative Auctioneering Company (Limited), Gore
 Street, Auckland.
 Fletcher, W. and R. (Limited), Endean's Buildings, Queen
 Street, Auckland.
 Frankham A. G., Queen Street, Auckland.
 Grove, W. H., and Son (Limited), Customs Street, Auckland.
 Heather, Robertson, and Co. (Limited), Fort Street, Auckland.
 Henderson and McFarlane, Fort Street, Auckland.
 Herring, J., Quay Street, Auckland.
 Huddart Parker Proprietary Company (Limited), Customs
 Street, Auckland.
 Kauri Timber Company (Limited), Auckland.
 Laurie, W. S., and Son, Custom Street, Auckland.
 Leonard and Dingley, Queen's Wharf, Auckland.
 Leyland O'Brien Timber Company (Limited), Freeman's Bay,
 Auckland.
 Morpeth Bros., Queen's Wharf, Auckland.
 Nathan, A. H. (Limited), Customs Street, Auckland.
 Nathan and Co. (Limited), Queen's Wharf, Auckland.
 Nathan, L. D. (Limited), Customs Street, Auckland.
 Nearing and Co. (Limited), Queen's Wharf, Auckland.
 New Zealand Express Company (Limited), Fort Street, Auckland.
 New Zealand Shipping Company (Limited), Quay Street, Auck-
 land.
 New Zealand Dairy Company (Limited), Quay Street, Auckland.
 Niccol, G. T., Customs Street West, Auckland.
 Pacific Trading Company (Limited), Customs Street, Auckland.
 Pain and Alexander, Phoenix Chambers, Little Queen Street,
 Auckland.

- Parker Lamb Timber Company (Limited), Customs Street, Auckland.
- Paterson, A. S., and Co. (Limited), Customs Street, Auckland.
- Pike, A. L., Queen Street, Auckland.
- Richardson and Co. (Limited), Ferry Buildings, Auckland.
- Robertson Bros., and Lewisham, Quay Street, Auckland.
- Russell and Somers, Customs Street, Auckland.
- Shaw, Savill, and Albion Company (Limited), Shortland Street, Auckland.
- Sinel, T. E., Queen's Wharf, Auckland.
- Smith, J., and Co., Ferry Buildings, Auckland.
- Spedding Limited, Commerce Street, Auckland.
- Tropical Fruit Company (Limited), City Markets, Auckland.
- Turners and Growers (Limited), City Markets, Auckland.
- Union Oil, Soap, and Candle Company (Limited), Albert Street, Auckland.
- Union Steamship Company (Limited), Quay Street, Auckland.
- Utting, W. F., Ferry Buildings, Auckland.
- Vacuum Oil Company (Limited), Freeman's Bay, Auckland.
- Watkin and Wallace, Quay Street, Auckland.
- Westfield Freezing Company (Limited), Endean's Buildings, Queen Street, Auckland.
- Westport Coal Company (Limited), Ferry Buildings, Auckland.
- Wilson and Canham (Limited), Ferry Buildings, Auckland.
- Wilson's N.Z. Portland Cement (Limited), Customs Street, Auckland.
- Winstone Limited, Customs Street, Auckland.
- Wright, A. B., and Sons (Limited), Commerce Street, Auckland.
- Wright, Stephenson, and Co. (Limited), Customs 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 from the 11th day of May, 1925, and shall continue in force until the 11th day of May, 1927, and thereafter as provided by subsection (1) (d) of section 90 of the Industrial Conciliation and Arbitration Act, 1908.

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 27th day of April, 1925.

[L.S.]

F. V. FRAZER, Judge.

SCHEDULE.

Definition of Tallymen's Duties.

1. Tallymen's duties shall be to receive, deliver, tranship, and watch cargo and the tallying of all cargoes requiring to be tallied. The handling of cargo shall not be considered part of a tallyman's duties, except clearing up odd packages in the shed, not to exceed 5 tons rough measurement from any one ship. Time-keeping shall not be deemed to be part of a tallyman's duties.

Application of Award.

2. This award shall apply to all casual labour performing the duties of tallymen, and shall not apply to permanent employees on the waterfront.

Hours of Work.

3. The ordinary hours of work shall be from 8 a.m. to 5 p.m. on the first five working-days of each week, exclusive of the hour between noon and 1 p.m. on each of such days for meals. On Saturday the ordinary working-hours shall be from 8 a.m. to 12 noon.

Place of Engagement.

4. Tallymen shall be engaged from the platform in the tallymen's waiting-room, such room to be determined from time to time by an agreement between the committee of the union and the employers concerned or their nominee.

Time of Engagement.

5. Tallymen shall be engaged between the hours of 8 a.m. and 10 a.m., or between the hours of 1 p.m. and 3 p.m., on the first five working-days of the week (exclusive of holidays), and on Saturdays between the hours of 8 a.m. and 10 a.m.

Employment of Labour.

6. No employer of labour shall be a member of the union, and no member of the union shall act as agent of any such employer for engaging or discharging men.

Engagement of Watchmen.

7. Employers requiring watchmen in cases of emergency outside the stated hours of engagement shall be at liberty to engage same: Provided that such watchmen if required to continue work as tallymen shall present themselves for re-engagement at the tallymen's waiting room at the first opportunity.

Period of Engagement.

8. (a.) No tallyman shall be paid for a less period than four hours in any one day, between the hours of 8 a.m. and 5 p.m., or on Saturdays for a less period than four hours, between the hours of 8 a.m. and 12 noon.

(b.) If tallymen are ordered down to work at 6 p.m. on week-days or 1 p.m. on Saturdays they shall be paid for a period of not less than two hours.

(c.) If tallymen are ordered down to commence work at 10 p.m. or later such tallymen shall be paid a minimum of six hours' pay even if the work does not occupy such time.

(d.) Tallymen shall not be called upon to work more than five hours consecutively without an opportunity of having a meal except when a ship is finishing, when six hours shall be the limit.

(e.) Employers requiring tallymen to work overtime shall notify same not later than 4 p.m., and 10 a.m. on Saturday.

Starting Work at Midnight on Sundays.

9. The rate of pay between midnight on Sundays and 7 a.m. on Mondays shall be double ordinary time.

Work within Auckland Harbour.

10. (a.) Tallymen who are engaged to work anywhere within the limits of the Auckland Harbour shall be paid for the time from leaving the place of engagement until their return to the wharf at which they were engaged (exclusive of meal-hours). Tallymen so engaged shall return at the first opportunity.

(b.) Tallymen working at the Western Wharf shall be conveyed to and from the wharf in the employer's time until a direct road is put through, or they shall be paid 1s. per day extra.

Outports, Travelling to and from.

11. (a.) Men engaged to work cargo at ports other than those in which they are usually employed shall be paid from the time of leaving until they return at the rate of 18s. 8d. per day, with meals, fares, and sleeping-accommodation provided.

(b.) If they leave for the outport between midnight and 3 p.m. they shall be paid for a whole day, and if they leave between 3 p.m. and midnight they shall be paid for half a day. If they arrive back from the outport between midnight and noon they shall be paid half a day, and if they arrive back between noon and midnight they shall be paid for a whole day. This allowance shall not, however, apply to men engaged for work at an outport and who have been working up to the time of leaving on the ship going to the outport, but the pay of such men shall continue up to 5 p.m. on the day of leaving whether working or not.

Holidays.

12. (a.) All work done on Sundays, Christmas Day, Good Friday, and Anzac Day shall be paid for at the rate of double ordinary time. Work done on New Year's Day, the union's picnic day (which shall be held on the fourth Wednesday in January), Easter Monday, Labour Day, Boxing Day, Anniversary Day, and the Sovereign's Birthday shall be paid for at the rate of ordinary overtime (3s. 6d.) per hour. All work done between 5 p.m. and midnight shall be paid for at the rate of double ordinary time.

(b.) If any of these holidays be generally observed on any day other than that on which it falls, the provisions of this award shall apply to such other day instead of the original day.

(c.) Employers requiring tallymen to work on holidays shall engage same on the working day previous.

Preference.

13. If and so long as the rules of the union shall permit any person of good character and sober habits, who is qualified to do the work required of him as a tallyman, to become a member of the union upon a written application and payment of an entrance fee not exceeding 5s. and of subsequent contributions not exceeding 9d. per week payable quarterly in advance—provided that the contributions for the first month shall not exceed 1s. per week—then and in such case the employer shall employ members of the union in preference to non-members, provided that there are at the place of engagement under this award members of the union equally qualified to perform the particular work required to be done and ready and willing to undertake the same.

When non-union labour is employed such men shall be permitted to finish the job they are first engaged on, but if they then decline to join the union they shall at the request of the secretary be replaced by the employer with union men, if available.

Wages.

14. (a.) Ordinary time—Mondays to Fridays inclusive, 8 a.m. to 12 noon and 1 p.m. to 5 p.m.; Saturdays, 8 a.m. to 12 noon: 2s. 4d. per hour.

(b.) All wages shall be paid weekly during working hours.

Overtime Rates.

15. (a.) Ordinary overtime — Mondays to Fridays, 6 p.m. to 10 p.m.; Saturdays, 1 p.m. to 5 p.m.: 3s. 6d. per hour.

(b.) Special overtime: 11 p.m. to 7 a.m., double ordinary time, 4s. 8d. per hour; 6 p.m. to 10 p.m. on Saturdays, double ordinary time, 4s. 8d. per hour.

Meal-hours.

16. (a.) Breakfast, 7 a.m. to 8 a.m.; dinner, 12 noon to 1 p.m.; tea, 5 p.m. to 6 p.m.; supper, 10 p.m. to 11 p.m.

(b.) Tallymen shall work meal-hours if required to do so, and shall be paid 4s. 8d. for each meal-hour worked.

Transfer of Labour.

17. (a.) It shall not be permitted to transfer tallymen from one job to another except where such tallymen remain in the employ of the original employer.

(b.) Nothing in the above subclause shall prevent a tallyman being employed to watch cargo in the joint interests of more than one employer at the same time.

Re-engagement.

18. Tallymen who have had their time stopped for any cause whatever shall be re-engaged at the place of engagement before resuming work.

Tallying Coal.

19. (a.) When tallying coal by the basket a tallyman shall not be called upon to keep the tally of more than two gangs at a time.

(b.) When tallying trucks of coal, if truck numbers and tare of trucks only are required, one tallyman shall be deemed sufficient for any one ship.

Matters not provided for.

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

General.

21. Any employer party to this award shall have the right to suspend or dismiss any worker for drunkenness, pillaging, or for neglect of duty: Provided that any worker so suspended or discharged shall have the right of appeal to a committee of (a) one person named

by the union, (b) another person named by the employer, and (c) a third person, who shall act as chairman, to be named by the persons so chosen. The decision of the committee shall be final.

Exemptions.

22. So long as the following firms employ permanent hands to perform their tallying-work, in accordance with their present practice, they are exempt from the provisions of this award:—

Auckland Gas Company (Limited).

Colonial Sugar-refining Company (Limited).

Scope of Award.

23. This award shall apply only to the Port of Auckland.

Term of Award.

24. This award shall come into force on the 11th day of May, 1925, and shall continue in force until the 11th day of May, 1927.

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 27th day of April, 1925.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

The only matters left to the Court for decision were wages and overtime rates. These the Court has settled. The ordinary time rate has been fixed at 1½d. above the basic rate for waterside workers.

[L.S.]

F. V. FRAZER, Judge.

(8438.) AUCKLAND TALLYMEN.—AMENDMENT OF AWARD.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of the Auckland Tallymen's award, dated the 27th day of April, 1925, and recorded in Book of Awards, Vol. XXVA, p. 322.

Thursday, the 10th day of December, 1925.

UPON reading the joint application of the parties to the Auckland Tallymen's award, dated the 27th day of April, 1925, and recorded in Book of Awards, Vol. XXVA, p. 322, which application was filed herein on the 19th day of November, 1925, and upon hearing the duly appointed representatives of the said parties, this Court, in pursuance and exercise of the powers conferred upon it by section 5 of the Industrial Conciliation and Arbitration Amendment Act, 1921, and of every other power in that behalf thereto enabling it, and with the consent of the parties, doth hereby order as follows:—

1. That clause 14 (b) of the said award shall be amended by deleting the words "during working-hours."

2. That this order shall be deemed to have operated and taken effect as from the 10th day of November, 1925.

[L.S.]

F. V. FRAZER, Judge.