power to entertain complaints of any sort from the individual worker. Secondly, the Court has no jurisdiction in the field of industrial torts and may not act in equity to restrain or enjoin commission of such torts. Finally, the Court has no power to review a deregistration order under s. 130 of the Act. Jurisdiction in these fields would allow employment of the special expertise of the Court in such matters, but it would also involve the Court in rather explosive political matters

## NEWS and VIEWS:

## CANTERBURY AND OTAGO: P. Jenkins*

## WAGE REGULATIONS

With the issuing of the Wage Adjustment Regulations 1974 Amendment No. 9 the Government seemed to have brought down a clear-cut set of Regulations aimed unequivocally at holding wage increases for the next 12 months. Whether one agreed with the size of the increases or not, one would have to agree that the Regulations had confirmed that the National Party meant business when it intended to control wage increases as part of a policy of controlling inflation. So Amendment No. 9 seemed consistent with stated National Policy. Regulation 4 of Amendment No. 9 extended the expiry date for virtually all instruments by a period of 12 months. This meant that the Parties (Employers and Unions in this instance) would not meet in conciliation for another 12 months. The rationale behind Government thinking seemed clear: previously the Parties had seemed clear. previously the Parties had been able to negotiate new instruments within guidelines (usually of $21 / 4 \%$, but these had been clearly flouted as settle-
ment after settlement went to the Industrial ment after settlement went to the Industrial
Commission seeking a wage increase above Commission seeking a wage increase above
guideline on the grounds of a so-called guideline on the grounds of a so-called
serious anomaly, and also as the number of different fringe benefits increased, perhaps as a convenient way of getting around the Regulations. If the Parties were going to treat the Regulations with such contempt then the only effective way to control wage increases was to take away the rights of the Parties to negotiate.

The reaction to the Regulations from the Trade Union movement was equally un-
quivocal with mass protests being threat ened throughout the country. The Govern ment responded by issuing Amendment No 10 which gave the Parties the right to negotiate new instruments on limited terms (terms in fact which are by no means clear)
The Government's handling of the situation has provoked a series of rolling stoppages which will be extremely costly to employers. For example, at the Port of Lyttelton in the week commencing 28th June each of the different work groups is each taking one day off work. This means each taking one day off work. Thile the foremen are off the watersiders cannot work, then while the mainsiders cannot work, then whe employees are off work, again the tenance employees are off work, again the
watersiders cannot work, and so the issue watersiders cannot work, and so the issue drags on and effectively means that there will be no work done in the Port for a week but each of the work groups will have only lost one day's pay. The protest is aimed at the Government but
200 Shearers went out on strike in early June in mid and North Canterbury, over wage rates for this season's shearing. The shearers collectively were refusing to work for last year's rate plus the maximum increase permitted under the Wage Adjustment Regulations. The matter has been referred to the Conciliator who has endeavoured to get the Parties back to normal working conditions. However, his task has been made more difficult by certain employers who apparently have indicated that they are quite prepared to pay above the maximum permissible rate provided the job gets done
Accidents: With the introduction of plastic rubbish bags in Christchurch the number of rubbish collectors suffering cuts from broken glass has increased to 8-10 injuries per week. As a result of this the rubbish collectors made it known that there was "a big possibility" of black listing the worst streets if there was no improvement Following this statement there was appar ently a significant decrease in the amoun of broken glass found in the bags. Perhap this could have become an example, in commonsense terms, of justified industrial action?
Recently a Christchurch bus driver was refused compensation by the Accident Compensation Commission when he report-

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of a large manufacturing company in Christ of $a$ a
church.
edly injured his back while lifting a pram nto a bus. The driver was told he "was merely performing a normal bodily movement in the course of his employment and the Commission did not consider that an accident." On appeal, and following the presentation of additional evidence, this presentation of additional was reversed and the driver received compensation
Power Cuts as a result of the dispute between electricity workers and the Government resulted in industry in Canterbury suffering various amounts of downtime. In one instance the lost time was greater than the period of the actual power cut as freezing workers at Belfast went on strike when the Company refused to pay full rates for the downtime rather than the normal waiting time rate of \$258 per hour Piece waiting the $\$ 2.58$ per work rates at the Works range upwards from $\$ 5$ per hour

Save the Rangatira. There has been concerted action by Trade Unions and other interested people in Canterbury to keep the Rangatira operating on the run between Lyttelton and Wellington. Without that service an important link in communications between the South and North Islands is lost.
Drivers Award Wages. The Canterbury Secretary of the Drivers Union (Mr P. Liggett) in attempting to justify the Unard claim for a substantial increase in award wages has stated that Ministry of Works drivers of $21 / 2$ ton-16 ton vehicles get $\$ 88.60$ and New Zealand Railways road drivers get $\$ 96.16$ on $2-31 / 2$ ton trucks whereas the current drivers award for 10 14 ton vehicle drivers is $\$ 80.02$. Mr Liggett was arguing not that Public Servants were overpaid, but the reverse, namely that his members were underpaid. In disagreement with that conclusion is T. W. Wight ("The Book they Dared Not Publish," 1974) who lucidly presents the case that Public Servants are not only overpaid in the straight money sense, but are also overpaid in other areas, for example, virtual guarantee of permanent employment no matter what.
Footnote: In the last issue this column oone that the Industrial Court made commer a was to consid a case relatig to cross filing of award claims. The Court based its decision on the facts of the case, namely that the Union had filed claims earlier than it was permitted to do and as such the Union's claims could not be considered Therefore the question of cross-filing is still unresolved.

## WELLINGTON: B. H. Holt*

## APRIL:

The mile-long line of unionists who lost half a day's pay when they went to Rugby League Park on April 7 to protest at the rising cost of living heard Sir Thomas Skinner and Mr Toby Hill, President of the Wellington Trades Council suggest that they might be called upon to protest "compulsorily" over the issue of state pulsorily over ballots about union membership later in the year.
In Hastings, a majority of the 600 Watties Canneries workers voted in favour of a stoppage, for the first time, to attend a district meeting organised by the Hawkes Bay Trades Council. The decision to stop work was made in a Department of Labour controlled secret ballot, which was organised by the Food Processors and Chemical Warkers Union
The Flectricity workers throughout New Zealand decided to take their first all-out direct action in protest at the Government not following the agreement made with the Labour Government in October 1975 ove rent increases on electricity workers houses. They gave the Minister of Stat Services, Mr Gordon, the two weeks notice required under the Industrial Relations Ac for workers involved in essential industrie (although the Act does not cover the State Services).
On 13 April, by order-in-council, the Government issued temporary regulations amending the Wage Adjustment Regula tions 1974 that set out a maximum limit of $2 \%$ of ordinary pay on redundancy pay of 2 , pable 12 months continuou ments, payable ater 12 " continuous service with an employ to "a werner state employee. Si Thomas Skinne pointed out that most agreements alread negotiated on redundancy pay provided for more than the maximum allowed under the regulations. He also noted that it was the first time any Government had a change to the law in the industrial relations area without first consulting the Federation of Labour. Mr Gordon commented that he was faced with a situation that required immediate action.

## MAY:

The cuts in Government spending have also resulted in a number of protest stoppages. In May the Central Committee of

[^0]Port Unions and associated maritime and transport unions withdrew their ban on freight being placed in vessels other than the "Rangatira" when the Minister of Transport, Mr McLachlan agreed to talks about the possible replacements for the "Rangatira" so that the passenger link between Lyttelton and Wellington could be retained.

During May 1800 electricity workers reduced power supplies by one fifth one week, one third the next and one half the third week. An interesting sidelight to the issue in dispute - an increase in rents - was the public plea made by the wives of electricity workers in Tuai, who gave the reasons why people living "out in the sticks" objected to paying higher rentals. They included amongst their reasons the lack of work for wives, and thus gave the two-income family some acknowledgment as the norm in our society.
The first P.S.A. Conference for Women was held in Wellington on 7 and 8 May. It was attended by 80 women from all parts of the country. It is interesting to note that women comprise about $33 \%$ of the P.S.A. membership, yet usually at the Annual Conference only $10 \%$ of the delegates are women. The holding of the Conference for Women was therefore a step forward.

Apart from the electricity workers, several other state servants' groups were involved in some form of industrial action during May. The Wellington members of the Post Office Association decided to take "go-slow" action when it was announced that the new Central Post Office was amongst 40 capital projects that were to be deferred. In the Hutt Valley, 300 secondary school teachers held a stop-work meeting to discuss the effects of the April Mini-Budget's cuts in ancillary staff, relief teachers and capital works. On the 11 May, 300 N.Z.E.I. Conference delegates representing over 21,000 primary school teachers, marched on Parliament in support of their "sister" organisation the P.P.T.A., in its objections to cuts in expenditure on state education. The F.O.L. Annual Conference not only gave full support to the teachers, but moved that trade union education in schools, technical colleges and training colleges should be given top priority by the F.O.L. Executive.
JUNE:
Having stressed the need for communication with members at the May Conference of the F.O.L., Sir Thomas 38

Skinner was requested to hold special conferences on wages in Wellington, and this was duly done on 25 May and 9 June. At the latter meeting he indicated that the Nage Adjustment Regulations, which were announced on 15 May, had been improved after four weeks of negotiations, and that the No. 10 Amendment to the Regulations were the best they could achieve in the light of the Government's policy. The Conerence then agreed unanimously that the full weight of the F.O.L. should go to support unions in the forthcoming award negotiations.

## AUCKLAND: Syd Jackson*

The industrial relations scene over the last three months has again been dominated by the actions of the Government. Although the Government is supposedly the third and most unobtrusive party in our particular system of industrial relations, his Government continues to dominate the scene.
The Employers' Federation recently came under attack from the Minister of Labour for a variety of reasons, and he warned employers that there would be a price freeze if they gave in too easily to Union claims.
It seems that this attack has achieved far greater success than even the Minister himself expected
There was hardly a whimper of protes rom the Employers, and in Auckland, at least, the Association has been taking an even more reactionary line on Union claims than usual.
It has been claimed that the Association has declared they will not co-operate with Unions even in those negotiations which are permitted under the latest Regulations brought down by the Government
On the Union side, various Ministers have continued to make provocative statements about Trade Union activities.
They have reaffirmed that the Govern ment will bring tougher penalties agains the so-called recalcitrant Unions, and they have confirmed time and again that they will carry on with their proposed ballots on Voluntary Unionism
As if all this was not enough, they brought down Amendment 8 of the Wage Adjustment Regulations, which sets minu scule levels for redundancy compensation

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Clerical Union.
that an employer "may" pay to a person losing a job through no fault of their own. Many employers in Auckland acting on the advice of the Employers' Association, are hiding behind the Regulations, and refusing to accept that they have any responsibility for putting people out of work. In most cases they are giving no more than the minimum notice required by the Award, which is usually only one week.

Given the present difficult employmen situation, these people have little hope of finding alternative employment within a week, if at all. Even sadder is the pligh of older people nearing the end of thei working lives who are being forced into early retirement without adequate compensation for the service they have given, for the loss of earnings they have suffered, or for the deep trauma they have undergone. Confronted with the difficulty of trying o gain fair settlements under Amendmen 3, Unionists have been amazed to be faced with redundancies which have been brought about as the direct result of Gov ernment action
One such example is the Nationa Society on Alcoholism \& Drug Dependence, which has been forced to make drastic cuts in staff throughout the country because their grant from the Government has been halved
It is tragic that people doing such valuable work should be made redundant because it means that even less assistance will be available to those in need of their help.
The Government's 7\% Wage Order, or $\$ 7.00$ a week, whichever is the less, has further incensed Unions, particularly as no comparable action has been taken to restrict profits and prices. Again, the wage and salary earner is having to bear the burden of the country's economic woes.
When all these actions are taken into account, it is difficult to give any credence to statements from the Minister of Labour that his Government has no intention "to bash down the Unions." Many Trade Unionists consider that this Governmen knows that they can do almost anything they like in the meantime because they only need to bash a Union or two before an election, to attract back any electoral support they may have lost.

The way to best approach the problem the Government presents, has created difficulties for Unions. In Auckland, many

Unions have taken 24 hour strike action to protest at the Government's actions Others, because they have a more conservative membership, have not been in position to express the discontent that some of their members feel. The majority of members in these Unions provide ample evidence that calvinism is alive and well in New Zealand They that they have transgressed, and must pay for the country's sins by taking cuts in their standard of living, accept tax increases if the Government deems them necessary, and work even harder to get us out of the financial morass.

Many of them would no doubt accept Brooks' statement that the only way to solve our problems is to shoot the workers and send them back to work.

Clearly then, these Unions have a mammoth task ahead of them if they are to make their members aware of the Government's intentions.

An indication of the direction Trade Union action in Auckland will take in the future will be decided when the new President for the Auckland Trades Council is elected. Sir Thomas Skinner is to retire as Council President at the end of his term, and the choice of his successor will show the way Unions are moving.

## SYDNEY: B. T. Brooks*

INDUSTRIAL RELATIONS IN AUSTRALIA: BACKGROUND NOTES
Industrial relations in Australia is worked through in a much tighter and more legalistic framework than is the case in New Zealand. Instead of one system as in New Zealand there is the Federal system and the six State systems. The labour and indus trial power of the Federal Government is limited by the Constitution to the prevention and settlement of industrial disputes by means of conciliation and arbitration There is no power, by which the Federal Government can regulate industry. Thus there is no Commonwealth legislation to ensure redundancy payments or even wor kers compensation. Such matters have to be left to the individual States and they have adopted different approaches to industrial relations issues. So, for example not all the States have taken the New Zealand conciliation system as the model The Federal system is based on the New

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Zealand model and the State of New South Wales has a comparable system. But Tasmania and Victoria use the Wages Board system.

A similar lack of uniformity characterises the approach to such central matters as the legal status of registered trade unions and the legality of, and consequences for, strike action. In N.S.W. the legal status of a registered union is obscure. Neither the Trade Union Act nor the Industrial Arbitration Act expressly incorporates the registered union. Registration under the Commonwealth Conciliation and Arbitration Act expressly incorporates the union. Little imagination is needed to envisage the quite astonishing complexities which can therefore revolve around the one group of workers who are registered under three Acts in two different jurisdictions.

Enormous problems are created for the internal administration of such a group and its external relations are equally vexed. Take for instance the growing trend for employers to seek common law claims for damages as the result of direct industrial action by a union. If the defendant union is a Queensland union, or has a Queensland branch, then complications immediately arise as that State is the only State to have enacted legislation based on the Trade Disputes Acts in the United Kingdom, the effect of which is to immunise a trade union from tort actions committed in the course of a trade dispute.

Extraordinary difficulties also arise when an internal quarrel erupts within a union. The rules of the State branch may not parallel the rules of the federal organisation to which it is affiliated. What if the membership qualification is wider in the branch than the central body? In these circumstances who is entitled to vote, or stand for office, in the central body? Who can challenge allegedly improper expenditure of funds? Which body does an employer move against if he seeks, say, the de-registration of the union? Does he name the federal body or the State body? And so the questions go on and on. What should be noted is that these and similar questions are being aired and they are being raised in legal actions. And what emerges from the litigation is this: the various tribunals are actively and openly asserting their pre-eminence in the industrial relations arena. Put around another way it is fair to say that trends towards collective bargaining and a de-centralisa-
tion of the industrial relations systems have been strongly resisted by the traditional tribunals and by the new Federal Government.

Repeatedly whilst in Opposition and again now in Government the LiberalCountry Party coalition has emphasised that "rules must be established that carry consequences" and that "the authority of the Conciliation and Arbitration Commission must be re-established." Legislation is pending which it is anticipated will translate these beliefs into law. Already there are hints that the "consequences" may well include sequestration of union funds, fines imposed on unions, the exclusion from office of industrial officers of employer associations or the officials of workers associations, and the recovery of damages by an individual who has suffered damage as the result of an unfair industrial practice. It will be interesting to see how unfair industrial practices are defined. Obviously the so-called "political strike" will be high on the list.

## TRADE UNIONS IN NEW ZEALAND: THEIR HISTORY AND STRUCTURE

by Bert Roth

The Centre for Continuing Education will be presenting a series of nine weekly sessions on the above topic. The sessions will be given by Mr Bert Roth, a noted trade union historian, and should be of interest to all persons concerned with trade unionism in New Zealand today. The sessions commence Wednesday, 8 September, 6 p.m. - 7.30 p.m. and will be held in Room 135, Choral Hall, Symonds Street, Auckland. The fee is $\$ 15$.

For further information contact:

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[^0]:    Public HOLT is a Staff Training Officer in
    Public Service.

