

MARCH

The Wage Hearing Tribunal, from whose decisions there is no appeal, awarded a general wage order of 6% payable from 14 March. The Prime Minister expressed dismay, said he had hoped for a 3% order, and hinted that there might need to be government measures to counteract the effects of the order.

Auckland Stevedoring (1977) Ltd was set up as a joint venture by the Auckland Waterside Workers' Union, the Auckland Stevedoring Company and McKay Shipping, each party having an equal shareholding and appointing directors to the board. For the past two years the union has run the Maritime Union Stevedoring Company which deals mainly with Pacific Islands trade.

The Minister of Labour stated that voting on voluntary unionism would go ahead despite FOL threats. He said that the first ballots would be held within the next few months, although it might take up to five years before the ballots were completed. The FOL said that all affiliated unions had been asked to boycott the ballots and that the International Confederation of Free Trade Unions had agreed to place a black ban on any goods handled by non-union members in New Zealand.

Hearings are still proceeding on the question of travel allowances for freezing workers. The Committee, set up in December 1976, held its first hearing in Invercargill on 6 March and finishes up in Auckland in May.

State Servants accepted a 3.5% pay offer from Government following the Order of the Wage Hearing Tribunal. The 3.5% is back-dated to October 1976. This offer now has to go to the State Services Tribunal for approval under the Wage Adjustment Regulations, 1974 s. 37A. ©

NEWS and VIEWS

WELLINGTON:
Carol Fuller*

JANUARY

Committee of Inquiry on Shearers Working Conditions

A Committee of Inquiry (under s.121 of the Industrial Relations Act) chaired by Mr E. G. Davey, a former Secretary of Labour, commenced sitting in Wellington on the matter of shearers working conditions. The Minister of Labour, Mr Gordon, undertook to set this Committee up following a return to work by shearers who had been refusing to come forward for shearing on the grounds that employers were refusing to pay the demand rates of local agreements.

The Committee has received submissions *inter alia* from the New Zealand Sheep-owners Industrial Union of Employers, the New Zealand Workers' Union, and the New Zealand Shearing Contractors Industrial Union of Employers.

A report is expected in April.

FEBRUARY

Redundancy

The Caucus Labour Committee resumed discussions on the Government's planned Redundancy legislation. Earlier discussions were halted following insertion in the Wage Adjustment Regulations of guidelines for acceptable redundancy agreements.

MARCH

Redundancy at Peter Pan Ice Cream Company

The Industrial Commission approved redundancy payments on a generous scale to the 60 or so workers at the Peter Pan Ice Cream Company at Waipukurau who were to be redundant from 1 April. From 4 weeks pay up to 1 year's service, redundancy payments extended to 24 weeks after 20 years' service. At 31 March 39 employees of the Company were enrolled with the Department of Labour's Employment Service, which is actively assisting in finding alternative employment for the workers. The Department of Trade and Industry is also looking into the situation.

Registrar's Decision on Freezing Workers' Election

The Registrar of Industrial Unions, follow-

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ing an examination of complaints about the validity of the ballot resulting in Mr A. J. Kennedy being elected to the position of Secretary of the New Zealand Union in January, has referred the matter to the Industrial Court. S. 201 of the Industrial Relations Act provides for the Registrar to take this action when he is satisfied that there are reasonable grounds for an inquiry.

Working Women's Convention

The N.Z. Working Women's Council held its first Convention in Wellington on 11-13 March. The Council caters for women workers both at home and in paid employment, and aims to assist women to understand the objectives of the N.Z. Trade Union Movement, to encourage their full participation in the movement, to assist them to understand their rights and obligations with regard to industrial and social legislation and promote legislation to fulfil the goals of equal opportunity.

The Convention adopted a 15 point Charter calling for delegates to campaign among women and male trade unionists to work towards equal access and opportunity in employment, working conditions, education, guidance, training and health matters, and wanted to see action on Government and/or community supported child care, and parental and family leave without prejudice to job security, superannuation rights and promotion prospects.

An affirmative action programme, which was placed before the Convention, places heavy emphasis on trade union education for women.

Wage Fixing Machinery

The Minister of Labour, Mr Gordon, has been talking in Wellington to the Employers Federation and the Federation of Labour on the matter of wage fixing machinery to operate after the expiry of the Wage Adjustment Regulations on 14 May. He is due to talk to the Combined State Services Organisation in April. Mr Gordon hopes that the consultations will lead to a socially responsible approach to wage determination, and something that all parties can live with. He has intimated that some form of interim arrangement may be needed to cover the period immediately after 14 May to give the time necessary to sort out a permanent solution.

Industrial Action by Public Servants

Public servants (social workers, probation staff, teachers) have been restive over working conditions recently. It is alleged

that lack of occupational salary increases and staff ceiling restrictions over a period has adversely affected staff recruitment and retention with the result that working conditions have tended to deteriorate for those persons remaining in the services.

Teachers in the Wellington region are prepared to go on strike if May salary negotiations with the Education Services Commission are not satisfactorily completed. Social workers are presently considering appropriate action to take in the face of an SSC offer of just over 2% on an occupational claim. Probation staff are maintaining a work to rule despite a Government decision to appoint 15 new probation officers. The N.Z. Association of Probation Officers' request for a workload formula for probation cases and court reports was not met, however.

Boilermakers Back on B.N.Z. Site

Work resumed in March on the Bank of New Zealand construction site in central Wellington, under the same conditions prevailing in October 1976 when the men walked off the site. The Minister of Labour, Mr Gordon, has indicated that he would approve any new agreement being registered under the Industrial Relations Act (s.141 as amended in 1976 to apply to societies whose membership was formerly within the scope of a deregistered union) provided the local Trades Council represented the men. The union coverage issue at the centre of the dispute has still to be resolved. The Trades Council cannot act on behalf of the employees on a permanent basis; Mr Gordon is to have discussions with the Trades Council on ways to resolve the issue of coverage.

AUCKLAND: Syd Jackson*

The Auckland Trades Council was formed in 1876 and has 81 Unions affiliated to it, representing 111,980 workers. It is, of course, the District Council of the New Zealand Federation of Labour. Amongst its aims as stated in its constitution is "the right of individuals to social justice." It is pledged . . . "to the task of promoting the interests of working people . . . to engage in problems confronting workers which would enable them to make their struggle for . . . social freedom more effective . . ."

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and pledges solidarity with, and support to, all working people deprived of their rights as workers and human beings . . . "

It is clear that if the Trades Council is to follow these objectives it must, of necessity, be involved in areas which the present government would consider to be **political** rather than **industrial**. Despite this, the Council has recently been involved in a series of issues which, by the government's definition, would be considered non-industrial in nature.

The first of these was **the overstayers issue** which blew up shortly after the Council elections which were described in the last issue of the **Journal**. Meetings were held with representatives of Pacific Island groups and civil rights organisations as the result of which the Council took several courses of action. It called for an amnesty and said "the government was serving the interests of those who desire the Pacific Islanders as a casual labour pool to be used and discarded to suit their needs." The Council said that "Government actions are not only terribly wrong as an Immigration policy, but are a threat to the democratic rights of all New Zealanders." The Auckland Trades Council organised a full-page advertisement in the **N.Z. Herald** calling for an amnesty; called on the Auckland City Council to intervene; and arranged and supported other meetings which were held to discuss this question.

Meetings were also held with Broadcasters who explained their fears at the government's proposed amendments to **the Broadcasting Act**. The Council expressed its "strong disagreement with the proposed changes." It decided that a summary of the proposed amendments to the Act be sent out to affiliates and called on the National Executive of the Federation of Labour to make submissions to the select committee on Broadcasting.

Even more significant has been the Council's involvement in **the Bastion Point issue**. At the end of last year several groups requested a meeting with the Trades Council. They outlined the Government's plans to subdivide Bastion Point and stated their objections to it. They formally requested the Trades Council for any assistance they could give to halt development at Bastion Point. The Executive of the Trades Council considered this request and in an historic first, resolved that a green ban should be placed on Bastion Point. On 17 February,

members of the Orakei Maori Action Committee addressed the Trades Council and said that their aims were twofold; they wanted, firstly, to ensure that there would be no sub-division at Bastion Point and, secondly, they wanted the land returned to the tangata whenua, Ngati-Whatua. The Council unanimously resolved to continue the green ban and "fully support the restoration of titles to the Maori people." Deputations have been made to the Minister of Lands and the Auckland City Council. Written submissions have also been made stating that the actions decided on shall remain in effect until:

- (1) Proposals to sub-divide Bastion Point are stopped.
- (2) Title to the land is vested in the tangata whenua.

These issues and the actions taken by the Trades Council accord fully with the aims of the Trades Council to ensure "social justice" and fall properly within the Council's sphere of interest. The plight of the sick, the young, the elderly and the oppressed have always been the concern of the Trade Union movement; they must remain so if the Trade Union movement is to retain its *raison d'etre*.

SYDNEY:

B. T. Brooks*

Trade Union Training

The Minister for Employment and Industrial Relations has recently announced an inquiry on the future development of trade union training in Australia. Presently the Federal Government provides generous funding to the programme and there has been constructed a central college for trade union training situated at a city on the border of Victoria and New South Wales. In addition many of the States have their own training centre, also funded by the Federal Government. The programme is conducted pursuant to statutory authority and the inquiry has terms of reference which include an examination of the role, membership and staffing of the statutory authority. The central college is not yet functioning to its full capacity but the New South Wales centre is staffed by over one dozen fulltime teachers supplemented by part-time specialists. It is housed in modern premises and

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is equipped with the latest teaching aids.

The statutory programme receives support from a wide cross-section of the trade union movement. Unfortunately, however, many of the larger unions have their own training facilities and their own training officers. Moreover, the New South Wales Trades and Labour Council has its own training programme and its own education officer. Finally, there are a number of educational institutions which offer courses in industrial relations and fulltime trade union officials attend these courses.

The Committee, therefore, is charged with reporting on the desirability or otherwise of integrating the present statutory programme into a general system of industrial relations training "which would include training representatives of employers." Furthermore, the Committee is to report on the desirability or otherwise of a "closer integration with the general education system" and the "cost and methods of financing trade union training." There is apprehension in certain quarters of the trade union movement that the present statutory authority will be dismantled, an apprehension heightened by the reported remarks of the Minister that the inquiry was made necessary by the many complaints his Department had received that the authority has been taken over by left-wing elements which were using the training programmes for their own ends. It is not the writer's wish nor intention to pre-empt the findings of the Committee and these findings will be the subject of comment in a later issue. What is of immediate interest to the New Zealand reader is that the background to and the terms of reference of the Committee of Inquiry demonstrate the old cleavage of opinion towards trade union education. Put simply the question is: should education of trade unionists benefit the union or should it be for the benefit of the individual? The response to the question takes the respondent down quite different decision-models and results in quite different structures and courses. It is a fair guess that representations to the Committee will disclose this division.

Conciliation and Arbitration Amendment Bill

A second area in which industrial relations opinions are openly divided is found in the proposed Conciliation and Arbitration Amendment Bill 1977 which has passed the Second Reading stage and now lies on the

table of the House until at least the middle of May. If this Bill becomes law it will be the sixty-second such amending Act to the original Conciliation and Arbitration Act. And it is not just a tinkering with the system, either. In its thirty-three clauses the Bill proposes some major changes.

The proposed legislation represents the second stage of the Government's policy of imposing tighter controls on trade union affairs. The first stage was implemented last year when the Act was amended by the provision for secret postal ballots for election of office-bearers. This, the Government says, is part of its policy to develop an industrial relations framework in which the rights of individuals are protected and in which the community at large is protected from harsh and disruptive effects of industrial disputation. "Regrettably," said the Minister in introducing the Bill, "some trade unions have tended to disregard their responsibilities to the community and, indeed, to their own members." Accordingly the proposed legislation has three main features: first, there are a series of amendments designed to strengthen the protection of individual employees and other persons against unfair actions by groups of employers or unionists; second, the Bill establishes the Industrial Relations Bureau, an independent statutory body, as the third arm of the industrial relations machinery; third, the Court is given extended penal powers (called "consequences") for dealing with breaches of industrial law and of awards.

In the Minister's words the Government "does not believe that members of organisations should be subjected to intimidation or should be disadvantaged because they chose to abide by their contract of employment and refuse to engage in industrial action initiated by their union." Clearly many unions will interpret the provisions giving effect to this policy as legal protection to the "scab" and it may sensibly be asked if the democratic tradition of adherence to majority decisions is to be removed from trade unions in Australia. For many years there has existed a provision whereby the Commission may order a secret ballot where a work ban exists or is threatened. It is a provision which has been used very rarely. The proposed legislation extends the existing provision to enable a member of a union who disagrees with industrial action, or proposed industrial action, to notify the Industrial Relations Bureau of such opposi-

tion.

The Bureau will take over the functions, in greatly broadened form, of the Arbitration Inspectorate. It will be the third arm of the conciliation and arbitration system acting in conjunction with the Commission and the Federal Court to ensure the general supervision and observance of federal industrial law. The role of the Bureau is to "secure the observance of the Conciliation and Arbitration Act, the Regulations made under that Act and of Awards." It will not be involved in dispute-settling processes under the Act; that is the prime function of the Commission. In effect, the Government sees the Bureau as a type of industrial relations ombudsman. Opponents of the Proposal see the Bureau as an industrial policeman. As the Bill stands at present the Bureau seems to be both as it has dual powers. Firstly, it has powers to enable it to secure correction of breaches of industrial law without recourse to the legal processes of the Court. Second, if it is unable to have the breach remedied informally then it has the responsibility of pursuing the necessary action in the Court. Thus, for example, if an individual complains to

the Bureau and the Bureau fails to have the matter rectified then the Bureau and not the individual will take the matter to the Court. One area to which the Bureau will pay special attention is the preliminary stage of enquiries into irregularities in election ballots.

The Bill is designed to strengthen the authority of industrial relations machinery. This, says the Government, requires the observance of rules. Failure to observe the rules "must carry consequences." The present "consequences" are monetary penalties and deregistration. The Bill proposes a wider range of options for the Court when breaches which cannot be remedied by the Bureau come before it. The Court will be enabled in future to: fix a monetary penalty; deregister; or suspend all or any of the capacities, rights and privileges of an organisation or its members.

The Bill lies on the table of the House until at least May of this year so that it can be fully debated. The debate will be enthusiastic and vigorous and it will be attended carefully by all parties involved in industrial relations. ©

The Industrial Relations Society of New Zealand Incorporated

was founded in 1974 by a group of people drawn from management, government, trade unions, the legal profession and the universities, who saw a need to improve communications among those working in all areas of industrial relations and to promote a wider understanding of industrial relations problems and practice in New Zealand.

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