

The Unimportance of Arbitration?

THE NEW ZEALAND WATERFRONT 1915-1951*

AN INFLUENTIAL ARTICLE published in 1987 described labour historians as divided into two rather hostile camps.¹ On one side are the historians who have emphasized the role of institutional history: the actions of employers, unions and the state. On the other side are the practitioners of 'history from below', whose work has focused upon the labour process. The author, Jonathan Zeitlin, argued that the latter group had failed in its intention of finding the central dynamic of labour history at the point of production. He concluded that labour history should return to its roots and become once again the history of industrial relations, focusing on the changing relationship between the state, employers and unions.

The relationship between these groups is indeed central to labour history, but to limit enquiry simply to the documentary records of 'continuous organizations', as Zeitlin appears to suggest, is a fundamentally flawed approach. Labour relations must be understood from the perspective of the people who did the work, as well as from the records of official organizations, simply because so much industrial conflict begins at the point of production. Furthermore, official records, whatever their provenance, tend to record only the final consensus or vote, and write out the complexities of the debate or minority viewpoints. They do not tell us how fiercely fought the issues may have been. Knowledge of the view from below can also enable the historian to interpret the documentary records in a new light, by drawing attention to the issues of most consequence to the man or woman on the job.

Unfortunately most published research in New Zealand labour history is much closer to Zeitlin's ideal, and has interpreted labour relations from an institutionalist perspective.² Other than a few recent studies, very little research has been done into the labour process or the consciousness and experiences of working

*I gratefully acknowledge the advice and comments of Jeanine Graham, Jack Vowles, Peter Gibbons, and Erik Olssen.

1 Jonathan Zeitlin, 'From Labour History to the History of Industrial Relations', *The Economic History Review*, XL, 2 (1987).

2 For example, James Holt, *Compulsory Arbitration in New Zealand: The First Forty Years*, Auckland, 1986; Eric Fry, ed., *Common Cause: Essays in Australian and New Zealand Labour History*, Sydney, 1986; and for the extensive body of work by Bert Roth on the trade union movement see Pat Walsh, ed., *Pioneering New Zealand Labour History: Essays in Honour of Bert Roth*, Palmerston North, 1994.

people.³ Published research into labour relations on the waterfront has largely reflected the same narrow focus. Industrial conflict on the wharves, and notably its climax in 1951, have been defined almost solely in terms of a challenge to state arbitration, part of aberrant behaviour on the part of 'militant' workers influenced by syndicalist or socialist ideology.⁴

Certainly the wharves were a source of continual conflict for the first half of this century. Between 1915 and 1951 the waterfront industry was second only to mining in the number of industrial disputes. Following turmoil on the wharves over the Award negotiations in the late 1930s, the Waterfront Control Commission — later the Waterfront Industry Commission — was established. The Commission incorporated the institutional arrangements of collective bargaining which had been central to the arbitration system since 1913, and which had operated on the wharves in the 1920s and 1930s. But its establishment gave employers and workers easier access to procedures for handling disputes and a measure of representation on the structures of conciliation and arbitration. Initially, during World War II, conflict did diminish on the waterfront,⁵ but once the emergency was over, disputes escalated rapidly again.⁶ Why did arbitration fail to contain the conflict and what light can 'history from below' shed on the question?

Evidence collected from oral sources helps to answer these questions. Forty interviews were recorded with watersiders and employers with experience from the 1920s until 1951 in the ports of Auckland, Wellington and Lyttelton.⁷ Drawing upon the interviews and supporting documentary evidence, this article argues that industrial conflict on the wharves grew out of the labour process itself and that the structures of arbitration failed, or were unable, to address the fundamental causes of the conflict. The ordinary waterside workers and their union were not, on the whole, opposed to the principle of arbitration, despite widespread media and political interpretation at the time to that effect. It is unfortunate that historians have uncritically accepted the contemporary judgement, and it indicates a weakness of the institutional approach to labour relations.

The main feature of the waterside workers' oral testimonies is the vivid descriptive detail concerning the work. Loading, unloading, and the problems of

3 See Erik Olssen, 'Railway Workers and Scientific Management', in John E. Martin and Kerry Taylor, eds, *Culture and the Labour Movement*, Palmerston North, 1991, pp. 128-41; John E. Martin, *The Forgotten Worker: the Rural Wage Earner in Nineteenth Century New Zealand*, Wellington, 1990.

4 As Michael Bassett puts it in *Confrontation '51: the 1951 Waterfront Dispute*, Wellington, 1972, p. 11, 'Differing attitudes to arbitration were at the core of the 1951 upheaval . . . Many of the workers involved saw it as part of an international struggle by working men to introduce a new and more just system of bargaining between capital and labour.' Also see Keith Sinclair, *A History of New Zealand*, Middlesex, 1980, p. 287. The exception is P.N. Pettit, *The Wellington Watersiders: the Story of their Industrial Organisation*, Wellington, 1948.

5 *Appendices to the Journals of the House of Representatives* (AJHR), 1945, H-45, p. 75.

6 AJHR, 1945-1950, H-45.

7 Anna Green, 'Battling on the Job: the Struggle for Control on the New Zealand Waterfront, 1915-1951', Ph.D. thesis, University of Auckland, 1989. This study focuses upon the three major ports of Auckland, Wellington and Lyttelton.

specific cargoes recurred constantly. The watersiders also remembered their work in almost entirely negative images. Both loading and unloading the ships were described as physically exhausting and sometimes dangerous, involving heavy weights and awkward cargoes in poorly lit, badly ventilated, confined spaces subject to extremes of heat and cold, dirt, dust and fumes. A Lyttelton watersider spoke for many of those interviewed when, in response to the question 'what was it like working on the waterfront?', he replied 'I don't want to be skiting, but it was bloody hard work'.⁸

The heavy weights that the waterside workers had to carry recur frequently in the testimonies. There was relatively little mechanical equipment on the wharves and despite handling the most cargo, Auckland was the least well-equipped of all the ports.⁹ Auckland watersiders remembered the improvements in wharf equipment that came with the arrival of the American troops during the Second World War.¹⁰ The Americans introduced the watersiders to jitneys, which were flat-top trailers pulled by run-abouts, fork lifts and pallets. Until that time cargo was landed on to barrows, described as: 'Huge old barrows which weighed four or five, six hundredweight each. Great big hardwood things they were, with big iron wheels on them. And two, sometimes three men to a barrow; the sling would come out of the ship's hold and be landed on the barrow . . .'.¹¹ Wellington was considerably better equipped than Auckland. Since 1880 the Harbour Board had operated as a wharfinger, and this active role led to a more efficient operation of the port.¹² In the port of Lyttelton the Railways Department acted as wharfinger since all cargo landed was transported by rail, there being no road access to the port.¹³ These differences in the degree and type of cargo-handling equipment within the three ports are significant, for many of the disputes arising out of the conditions of work arose at Auckland, the least well-equipped of all the ports.

Until 1917 employers determined the weight and constitution of slings. But in that year nine conditions were inserted in the Agreement that included various restrictions, and the most important of these was that the amount discharged to a truck or barrow on the wharf was not to exceed 12 hundredweight.¹⁴ This limitation did not mean easy labour: an Auckland watersider recalled men pulling 12 hundredweight of cargo on a hand truck along a broken, bumpy wharf

8 Interview 290, 22 February 1986. Tape recordings of all interviews cited in this article are held by the author. Interviews have been numbered to preserve the anonymity of individuals.

9 AJHR, 'Report of Royal Commission of Inquiry into the Waterfront Industry', 1952, H-50, pp.128-29.

10 Interview 230, 2 July 1984; interview 080, 5 November 1985; interview 340, 3 May 1984.

11 Interview 150, 9 October 1984.

12 AJHR, 1952, H-50, p.132.

13 W.L. Townsend, 'From Bureau to Lockout: Lyttelton Waterside Workers, 1920s to 1951', MA thesis, University of Canterbury, 1985, pp.30-31.

14 *New Zealand Waterfront Employers' Association (NZWEA), Industrial Agreement with the New Zealand Waterside Workers' Federation Industrial Association of Workers*, Dunedin, April 1917, pp.56-57. (The NZWEA archives have been transferred to the Alexander Turnbull Library (ATL), Wellington.) Under the Industrial Conciliation and Arbitration Act formal agreements could be reached after conciliation, and if this process failed then either party could approach the Arbitration Court for a binding Award.

from eight in the morning until ten at night, 'with the result you'd be working like horses'.¹⁵ However, the limited intervention by the Arbitration Court on sling weights did not end the disputes over the issue, for the employers constantly sought to regain their lost authority. Control over sling weights was one of many complaints on a list presented in 1937 by the shipping companies to Peter Fraser, then Deputy-Prime Minister and Minister of Marine.¹⁶

The men remembered questioning the weights at times, and seeking verification that the maximum weight was not being exceeded. One Lyttelton watersider described a specific incident concerning potatoes:

We were sending 3000 tons of potatoes to Auckland and she was taking them in. And I was working on her and getting potatoes and landing them, and had to carry them in under the decks and that, and stack them right up. And as we got too high to throw them up, because we were carrying them on our shoulders . . . then we'd build the floor up a bit more and build up another stack. And we were walking on potatoes, carrying these sacks of potatoes, and towards the end of the first day we thought, these potatoes are very, very heavy. We exercised an option that we had demanding a weight, so they weighed six sacks out of each of twenty trucks and they averaged 259 lbs a sack. And we were carrying those, and walking on sacks of potatoes, you can imagine what that was like, eleven and a half hours for three consecutive days. It was tough that one. I think that's why I'm so short, it pushed me down a lot.¹⁷

And an Auckland watersider also observed:

There might be eight bags to a sling; well, those eight bags might go half a ton and fifty-six pounds. Well, you see, the boss was getting fifty-six pounds extra out of you all the way. By Christ, they were back-breakers. So you'd say, I'm bloody sure this truck load's too heavy — got them to put it over the weighbridge. Well, you put it over the weighbridge and you could force him to take a bag out. But you were fifty-six pounds under then. Far better fifty-six pounds off your back because the boss wasn't pushing or pulling it.¹⁸

On the job, foremen appear to have tried to encourage larger slings, and one watersider recalled an incident with a foreman on the Wellington wharf over precisely this issue:

So a fella, chap and I were working together, we were both young fellas then. We found a case about as long as this settee and about as high. I lifted one end of the case, 'it'll weigh about twelve hundredweight', and it weighed about twelve hundredweight. So I said, . . . 'it'll do us for a sling'. The foreman said, 'hey, young fella'. I said, 'I think he's talking to us but we'll ignore him'. 'Hey, young fella', he said, 'put a bit more cargo in, put a bit more in that sling'. 'There's enough in there'. 'Put a bit more in there'. We weren't putting any more in. 'If you don't put a bit more in there', he said, 'you know what's going to

15 Interview 090, 11 October 1984.

16 Deputation of New Zealand Shipowners' Federation to Hon. P. Fraser, 27 April 1937, Walter Nash Papers, 1159, National Archives (NA), Wellington.

17 Interview 110, 24 February 1986.

18 Interview 060, February 1987.

happen, don't you?' 'No', I said, 'I don't know'. Then some old fella said, 'now listen you, leave those boys alone', he said, 'get out of it or you'll be here on your own'. So the foreman went up the ladder two at a time, and left us there. That was back about 1937.¹⁹

The case of sling weights is one of the few interventions by the Arbitration Court into the labour process: it gave the waterside workers a limited degree of control on the job in specific circumstances. But the work remained physically arduous, with weights set at the maximum possible for one or two waterside workers to handle. The work remained dominated by the lifting and pushing of heavy weights both within the hold and on the wharf.

A significant amount of the watersiders' work was either unloading bulk cargoes with pick and shovel in the hold, or loading export produce into the freezer. The Arbitration Court had long recognized the need for some compensation for the exceptionally unpleasant cargoes the watersiders had to handle. Differential rates for dirty, dangerous or awkward loads had existed from before the First World War: these were applied to cargoes such as frozen meat, and bulk shipments of guano, phosphates, sulphur, and basic slag.²⁰ However, in 1924 the watersiders succeeded in having an additional clause inserted into the Award which allowed them to seek additional hourly pay for 'specially dirty work'.²¹ This clause ultimately led to constant negotiations and conflict over the rate of pay for working with the worst cargoes.

Descriptions of working on these jobs, along with coal and cement, dominated the memories of the waterside workers. Such cargoes were not only unpleasant: watersiders were also convinced that they caused long-term damage to their health. A waterside worker told the 1922 Court of Arbitration hearing about discharging manures: 'It is rotten; it is very injurious to health I should say. As a matter of fact, I was working one particular ship about 1914; it was bag manure, and we were all suffering. One man started coughing and spitting and it gradually got round all of us; one man was taken with diarrhoea; we all came off the job.'²² Dust was the worst problem.²³ A Wellington wharf superintendent's book from the 1940s is full of descriptions of dusty cargo: coal dust, red oxide dust, manganese ore dust, and lime dust where he 'could hardly see the men'.²⁴ A bulk cargo used as agricultural fertilizer, phosphates, was shovelled by hand into skips; one watersider recalled that 'you'd look like you fell into a bin of flour . . . but, oh it was dusty'.²⁵ The union succeeded in having milk provided for the

19 Interview 310, 22 November 1985.

20 NZWEA, *Wellington Wharf Labourers' Union, Industrial Agreement, From December 19, 1913 to December 18, 1916*, Wellington, pp.4-5.

21 NZWEA, *New Zealand Waterside Workers' Award, 1924-1926*, Wellington, p.23.

22 NZWEA, Arbitration Court Hearing, 1922, Vol. 8, p.1270, ATL.

23 Interview 080, 5 November 1985; interview 210, 15 June 1982; interview 040, 9 June 1982; interview 230, 5 May 1982.

24 Wharf Superintendent's Contact Book, 27 February 1945. Rueben Holroyd Papers, MS 403, ATL. See entries concerning dust: 1 June 1944; 10 October 1944; 29 January 1945; 2 February 1945; 15 February 1945; 18 February 1945; 19 February 1945; 2 March 1945; 12 April 1945; 20 July 1945; 23 July 1945.

25 Interview 080, 5 November 1985.

men working slag and wheat; this was believed to prevent the dust from cutting the men's lungs:²⁶ 'On wheat we had to drink a cup of milk every half hour or something, on account of, you'd start to bleed . . . it was bulk stuff you know, but the dust was sharp, you know. Something in the dust was sharp and it would get you, your bronchial tubes, and unless you drank milk quite often it would bleed.'²⁷ Basic slag dust was considered to be the worst, for it contained particles of steel. The effects of exposure to slag were discussed at the annual conference of the New Zealand Waterside Workers' Federation (NZWWF) in 1916. A delegate from Auckland remarked that: 'At times it is impossible to see the men through the cloud of dust; shadowy figures can just be discerned flitting backwards and forwards . . . it is easy to tell a man who has had to handle much basic slag; he always has a barking cough.'²⁸

Between 1925 and 1928 a committee under the auspices of the Conciliation Commissioner's office, considered the methods and hazards of handling basic slag. James Roberts, secretary of the NZWWF, cited evidence from Holland and Germany, where pneumonia arising from handling basic slag was classified as an occupational disease. The New Zealand Department of Health preferred to rely upon the evidence of the British authorities who argued that there was no way of distinguishing pneumonia caused by handling basic slag from pneumonia arising from other causes. They also expressed reluctance about devoting resources to the problem. The committee finally advocated palliative measures, the strongest of which was the use of double bags with four lugs to minimize damage and leakage in handling. It also recommended that the government instruct the Department of Health to investigate the effects of working basic slag. Nothing effective was done by either the Department of Health or the Arbitration Court and men continued to 'melt away like snow' upon the arrival of a shipment of basic slag.²⁹

If all agreed that slag was the worst, they did not think coal much better. Many of the men expressed a dislike of working with coal, both because of the dust and because it was a difficult and exhausting job. As a Wellington watersider observed, it was 'murderous . . . you couldn't see in the holds because, black dust you know. And if you got a piece of coal out, the face'd fall down, your legs were all cut to pieces.'³⁰ Working coal could also entail problems with awkward spaces, poor lighting and little ventilation, as this description by an Auckland watersider suggests:

We did a lot of bunkering jobs which was quite arduous. The coal used to be loaded into hulks and taken alongside the ship . . . You were down in the bunkers and you trimmed

26 Interview 230, 5 May 1982.

27 Interview 040, 9 June 1982.

28 Roberts' Papers, NZWWF, B 27, Victoria University of Wellington (VU), Report of Conference, 1916, p.10.

29 'Workers' Compensation Act: Basic Slag', Minutes of meetings held in Conciliation Commissioner's office, 10 July 1928 and 23 July 1928, Labour Department, 18/3/10, NA.

30 Interview 160, 29 November 1985.

31 Interview 090, 11 October 1984.

to what they called the coffin which would take you to the lower bunker. And, of course, when you were down below trimming that coal you had to keep the light; the only light you got was from that entrance at the top, so if the coal got ahead of you, your light was blocked out. You had a very poor illuminated lamp which wouldn't show two feet, but with the result that you were, as you were finishing off, you were sort of lying on your stomach more or less trimming coal. You'd be on your knees, you know, and then at the finish, side on, you know, one knee you'd be sweeping the coal back to that coffin.³¹

Working coal became a source of conflict when it was particularly dusty, as recorded by a Wellington wharf superintendent during the war:

The dust is terrible, the men have hosed it down, but it didn't make a bit of difference. Every time the rata grab is lifted it pours out like sand, and the trimmers get showers of dust on them. Leary got Capt. Martin down and he offered them 2d per hour extra, the men refused this. I watched the grab working for over half an hour and the dust is terrible, the trimmers being smothered in coal dust. Decision 6d per hour over and above trimming rate as from 3 p.m., until this coal is discharged, and it is well worth it, I haven't seen the likes of it.³²

The freezing chambers required to ship New Zealand's perishable primary produce to Britain created another occupational hazard for the waterside workers. In Auckland, for example, the ratio of refrigerated to non-refrigerated cargo between 1928 and 1947 was roughly 60% refrigerated to 40% non-refrigerated.³³ From the time of the 1917 Agreement a minimum temperature of ten degrees above zero had been stipulated for commencing work in the freezers.³⁴ There is widespread evidence that the watersiders found working in the extremely cold temperatures of refrigerated holds very unpleasant. Even when work was scarce, the men made it clear that they were reluctant to do it. Asked in 1922 whether the men liked freezer work, a wharfie replied, 'Certainly not . . . it is a case of necessity with me. I have a wife and family to support and I have to do it.'³⁵ Some men developed cramp from the cold and exertion and had to come out of the freezer.³⁶ Younger watersiders observed the effect upon the health of the older men:

You used to have to be careful when you were in the freezer. You could have got damage to your kidneys, like the cold you know, round your back. They say . . . there were people, I used to see one or two bent up, the old fellows when I first went on that. Freezers done that to him, you know, damaged his back. Like the cold, you used to have to keep your kidneys well wrapped. Word was passed on . . . so we used to have to wrap a couple of scarves around our middle.³⁷

32 Wharf Superintendent's Contact Book, 1 June 1944, Holroyd Papers.

33 Auckland Harbour Board, *Statement of Accounts and Returns*, Auckland, 1948, pp.75-76.

34 NZWEA, NZWWF, *Industrial Agreement*, April 1917, Dunedin, p.50.

35 NZWEA, Arbitration Court Hearing, 1922, Vol. 8, p.1208.

36 Interview 190, 26 February 1986; interview 140, 10 May 1985.

37 Interview 080, 5 November 1985.

Apart from a brief and unsuccessful experiment providing jerseys in the 1920s, no protective gear was provided for working in the freezers, other than sacking to wrap around the feet. This was to prevent damage to the carcasses upon which the men were walking.³⁸ Although the minimum temperature for the freezer was established by arbitration, no special working conditions were applied to those who had to spend lengthy hours in sub-zero temperatures. An Auckland stevedore, reflecting on the causes of labour conflict on the waterfront, remarked: 'Well, firstly, I think for an employer to expect, which they did expect, in the first place, twelve men to go down below in a freezer and stay down there for four hours is shocking . . . , as an employer I say that, you know, it's terrible.'³⁹

As well as being unhealthy, the waterfront was considered to be a dangerous place to work. Although the occupational hazards of waterfront labour have been recognized elsewhere, the preoccupation of the New Zealand watersiders with the dangers of their job has not been explored.⁴⁰ Cargoes such as timber and steel were difficult to secure and could collapse, killing or injuring the men in the hold. Both the employers and the workers recognized the risks. An Auckland stevedore described the process of unloading steel, concluding 'now you can't tell me . . . that it's not dangerous to have six men down below there with steel, perhaps four ton of steel, flying around . . . '⁴¹ An Auckland watersider recalled that when working with steel 'it was so easy for there to be a movement, like when the ship's gear was coming out a sling might hit against the side and cause a loosening . . . '⁴² Two of those interviewed had close relatives killed at work: Pat Heffron's father was killed on the wharf by falling telegraph poles and Ginty Tyro's brother-in-law was killed by a collapsing sling of sleepers. Several of those interviewed reported seeing men killed on the job. In the following example a man on the wharf was killed by a collapsing sling of poles: 'I stood alongside two fellas, they got killed alongside me. One was on a ship that was discharging telegraph poles from Australia, on a wire sling . . . and the wire, not the wire but the block of the yard arm winch gave way as the telegraph poles were coming down on the wharf and they hit this fella, Rogers was his name. Incidentally, he was a member of the band I told you about, watersiders' band. Killed him on the spot.'⁴³ Removing the hatches could also entail significant risk.⁴⁴ The hatches

38 NZWEA, Arbitration Court Hearing, 1922, Vol. 7, p.1006; NZWW Award, 1922-24, p.53.

39 Interview 180, 24 September 1984.

40 R. Bean, 'Custom, Job Regulation and Dock Labour in Liverpool, 1911-1939', *International Review of Social History*, XXVII (1982), p.278; Malcolm Tull, 'Blood on the Cargo: Cargo-handling and working conditions on the waterfront at Fremantle, 1900-1939', *Labour History*, 52 (1987), pp.15-29.

41 Interview 180, 24 September 1984. In a subsequent interview (28 September 1984), he remarked: 'if I ever heard anybody outside the waterfront criticise the wharfies I used to stick up for them, oh yes, always. Because people working outside the waterfront wouldn't have a clue about what wharfies do, how dangerous a job it is. It's just dangerous walking down the wharf.'

42 Interview 090, 11 October 1984.

43 Interview 230, 5 May 1982.

44 Interview 340, 3 May 1984; interview 070, 20 September 1984; interview 080, 5 November 1985.

were heavy, of varying widths and about ten feet long. To remove them a man had to balance precariously on the beams and lift one end. Any unexpected movement in the process could push the man down into the hold, a drop of at times forty or fifty feet. Such operations were particularly difficult in the rain or wind, or if the hatches were poorly maintained, as was the case in a major dispute in 1948 on a chartered vessel called the *Mountpark*. The Union Steamship Company refused to allow the watersiders to lift the hatches by mechanical means, maintaining that hand labour would be faster. A special meeting of the Disputes Committee, convened by the government and presided over by the Chief Justice of New Zealand, Sir Humphrey O'Leary, found that the concerns of the watersiders had been justified:

When the hatches were stripped, some were found to be too long, some too short, iron bands at the ends were broken and projecting, handgrips were inadequate, many hatches were warped and rolled when walked on, and the markings necessary for the correct replacement were either not there at all or obscure and difficult to see I find further that reasonable men were entitled to refuse to handle them. In taking off and replacing hatches, the workers must at times walk or stand on them. This is particularly so when putting them in position. If hatches do not fit properly, they may well go down, precipitating the worker below.⁴⁵

The NZWWF was constantly involved in litigation with the shipping companies concerning financial compensation for the dependents of waterside workers killed or disabled on the job. Over the years the secretary of the Federation attempted to acquire accurate statistics about the number of accidents on the wharves, since no agency had the responsibility to collect such information. It reflects upon the negligent attitude of successive governments and the employers that no comprehensive statistics on the number and type of accidents on the waterfront were compiled in New Zealand until 1937, the Marine Department having been given the responsibility in 1935 under the General Harbour Regulations. Even then, the Marine Department figures have to be regarded with considerable scepticism for the following reasons. The employers were required to notify the superintendent of Mercantile Marine of 'any accident causing death or serious injury to any person engaged in loading or discharging or handling cargo or coal', but the employers were left to decide what constituted serious injury.⁴⁶ In 1938, following a departmental reminder about the regulations, the number of accidents reported soared to 826; the following year the number dropped to a mere 243.⁴⁷ The Royal Commission of 1951 was aware of the inconsistencies, pointing out that after 1940 the Marine Department figures did not remotely correspond with the records kept by the Waterfront Commission. In 1950, for example, 2,059 unionists were on compensation for injury at some

45 NZWEA, *Mountpark* Dispute, 1948, Removal of Hatches, Decision of Emergency Disputes Committee, pp.1539-1543.

46 Marine Department, AJHR, 1937-38, H-15, p.14.

47 AJHR, 1939, H-15, p.14.

stage during the year, while the number of accidents reported by the Marine Department was only 256.⁴⁸

A study compiled at the University of Otago for the Port of Lyttelton in 1950 found that roughly a third of all watersiders in the three main ports would be on accident compensation at some period during a year.⁴⁹ Both this study and the Marine Department figures, which include a breakdown of the causes, suggest that the most common injury resulted from being struck by falling or swinging loads, or from handling cargo (cuts to the hands, crushed feet).⁵⁰ The watersiders remembered the common injuries, particularly the 'busted shoulders, busted backs', or a 'foot smashed'.⁵¹ Furthermore, on average three or four men died each year on the waterfront between 1937 and 1950, with 1945 being the worst year when eight men were killed, five of them from falling into the holds of ships.⁵² Despite this appalling record of accident and death, little was done by the ports, employers or the Arbitration Court to improve the situation, either by the provision of training in cargo-handling techniques or other safety measures.⁵³

Evidence given to the Royal Commission in 1951 by officers from the Department of Health was highly critical of both the amenities and safety provisions at the ports. First aid clinics had opened in 1949 on the Wellington and Lyttelton waterfronts, but Auckland still lacked such a basic facility. Dr Douglas Kennedy, District Industrial Medical Officer in Christchurch, found that health and welfare provisions on the waterfront did not comply with the standards found in other industries.⁵⁴ This included the failure to provide basic amenities, such as hot water and showers, and the means to dry working clothes. The report of the Royal Commission into the Waterfront Industry in 1952 stated categorically that the waterside workers must be accorded equal treatment with other workers: 'Waterside work is an essential and honourable calling, and men who engage in it must, if they are to be kept in it, be treated with equal respect in all regards as are workers in other callings. They are often called upon to work among dirty cargo, and they should be provided with means of cleaning themselves and of keeping their clothes clean, so that on leaving their work they may mix freely and comfortably among their fellow-citizens.'⁵⁵

Long working hours increased the danger of accident and injury on the waterfront. Watersiders were required to work overtime in a way that applied to

48 AJHR, 1952, H-50, p.157.

49 A.W. Lewis, 'Waterfront Injuries Occurring on the Lyttelton Waterfront', M.B.Ch.B. thesis, University of Otago, 1950, p.23; Waterfront Industry Commission, Auckland (WIC), Royal Commission: Proceedings, 1951-1952, Vol. 42, p.7234, Auckland Maritime Museum.

50 Annual Reports, 1937-1941. AJHR, H-15.

51 Interview 350, 12 February 1987; interview 110, 24 February 1986.

52 AJHR, 1937-1950, H-15.

53 The NZWWF had to fight in the 1920s to retain the hatchman, whom the watersiders considered essential to warn the men in the hold of incoming slings; see Arbitration Court Hearing, 1922, Vol. 8, pp.1257, 1282; NZWWF, Agreement, April 1917, p.59; NZWW Award, 1922-1924, p.52.

54 WIC, Royal Commission, Proceedings, 1951-1952, Vol. 16, p.2709; see also evidence of Dr Caroline Brown, District Industrial Medical Officer for Wellington, Vol. 42, p.7256.

55 AJHR, 1952, H-50, p.156.

no other industry. Since 1912 the ship had been the job, and the watersider was expected to work it until finished, whatever the overtime required. Between 1918 and 1939 the set working hours for watersiders remained constant: from 8 a.m. to 10 p.m., or midnight to finish a ship; and on Saturday from 8 a.m. to 5 p.m., or 6 p.m. to finish a ship. This entailed being available for 68 hours a week, 44 hours of ordinary time and 24 hours of overtime. During the War night shifts were reinstated, but once the emergency ceased these were abolished, along with ordinary Saturday afternoon work.⁵⁶ Following the establishment of Labour Bureaux in the ports from 1937 onwards, and the implementation of an equalization of hours scheme, the men gained the right, as individuals, to refuse overtime. Nonetheless, the hours worked by a watersider's gang were still credited to him, and the amount he could have earned taken into account for assessing the weekly-guaranteed wage.⁵⁷ The expected availability of waterside workers was unique in New Zealand industry, and the process of arbitration failed to protect watersiders from the detrimental consequences of this situation.

Although the scheduled working hours on the waterfront remained constant in the inter-war years, the actual working week of the watersider could vary enormously. The work diary of Stan Radcliffe in Lyttelton which covers the years 1937 to 1942, illustrates both the fluctuations in weekly hours and longer hours worked during the early years of the war.⁵⁸ Radcliffe's average weekly hours in 1942 were, however, rather lower than those recorded by the Waterfront Commission in Wellington.⁵⁹ A succession of twelve-hour working days was not unusual when men were working a vessel to completion. Weeks of continuously long hours would coincide with the peak season for loading export produce.

After the War continuous work became the norm, particularly in the large ports. The average weekly hours never dropped back to the levels that had prevailed in the 1920s and 1930s. In 1947 on the Auckland and Lyttelton waterfronts the men were averaging 50 hours per week, and in Wellington 46 hours per week.⁶⁰

How then did the Arbitration Court respond to the lengthy working hours? In 1936 the Court had refused to apply the forty-hour week legislation to the waterfront. Mr Justice Page decided that a forty-hour week on the waterfront would not spread the work more evenly and provide more leisure time for the workers, and it would entail increased costs. He therefore refused the application.⁶¹ James Roberts, the Federation's secretary, was furious, and he told his executive: 'I know I am voicing the opinion of all the delegates here when I say that in the light of past experience it would be suicidal for us to submit a dispute

56 *ibid.*, p.37.

57 *ibid.*, p.175. From 1947 waterside workers at both the main and secondary ports received a minimum general wage of £5 per week; Green, 'Battling on the Job', p.210.

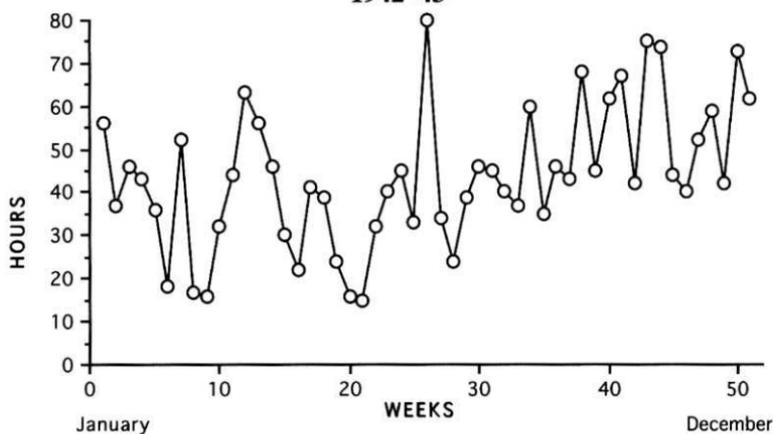
58 Stan Radcliffe, Working Diary, Lyttelton, 1937-1943, in possession of Anna Green.

59 *Dominion*, 24 September 1942 reported evidence given by A.E. Bockett, secretary of the Waterfront Commission, that men on the Wellington waterfront were working between 50 and 65 hours a week, concluding that 'it was not unusual for some men to work 84 hours in one week'.

60 *Dominion*, 27 November 1947.

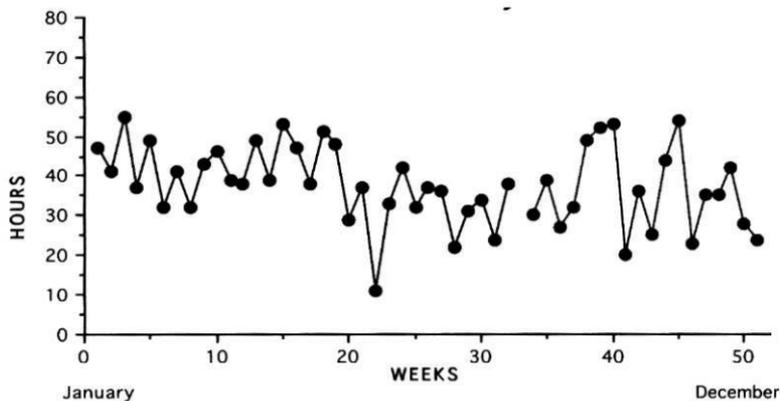
61 *Dominion*, 12 August 1936.

Radcliffe Diary: Hours Worked Per Week 1942-43



Means=43.92 Standard Deviation=16.34
Minimum=15 Maximum=80

Radcliffe Diary: Hours Worked Per Week 1937-38



Means=37.58 Standard Deviation=9.98
Minimum=11 Maximum=55

to the Court of Arbitration, for we know we would not get justice from that institution.⁶²

Such sentiments had long had wide currency on the waterfront, and the men continued to take direct action to redress what they considered to be the worst problems. During 1943 the watersiders, beginning with Lyttelton, simply decided to cease work at 9 p.m., and at 5 p.m. on Saturday and Sunday. Despite the fury of the employers, the Waterfront Commission then accepted these changes.⁶³ After the war was over, debate continued about methods to decrease the lengthy hours worked on the waterfront, but with no success. Proposals to implement a shift system on the wharves foundered on the shortage of labour in associated industries, such as the railways and freezing works, which would have needed to work similar shifts.⁶⁴

The watersiders remember, then, exhausting, dirty work with long hours and a high risk of accident. It is not surprising that the oral testimonies tended to mythologize the strength and independence of the men, and this raises certain interpretative issues concerning oral history. The importance of myth in oral testimony has been demonstrated in the work done by oral historians over the past decade or so.⁶⁵ The very characteristics of oral testimony that once scandalized empiricist historians, the subjective nature of the testimony and its 'unreliability', are now precisely those aspects that fascinate the new generation of oral historians. Memories reveal the dominant myths that inform the individual's self-representation. Myth, as used by oral historians, tends to a broad definition, best summarized by Raphael Samuel as 'a metaphor for the symbolic order, or for the relationship between the imaginary and the real'.⁶⁶ Some oral historians have been persuaded that 'real experience is subsumed by the symbolic framework'.⁶⁷ Awareness that memories are constructed around and within pre-existing cultural and cognitive frameworks, however, should not blind us to the experiential evidence they may contain. As Natasha Burchardt found in her study of the memories of stepchildren, 'reality is more various, less tidy than myth. Time and again real personal experience breaks through, sometimes negating the myth, taking the story in unexpected directions and finally giving its own substance to every life story.'⁶⁸

Luisa Passerini found the self-representations of those whose identities were primarily derived from work to be the most complex of all her sources.⁶⁹ There

62 VU, NZWWF, B46, 9 September 1936, p.26, Roberts Papers.

63 9 December 1943; NZWEA, Annual Report, *Dominion*, 1943, p.4, ATL.

64 AJHR, 1949, H-45, p.9; AJHR, 1952, H-50, 1952, p.176.

65 Raphael Samuel and Paul Thompson, eds, *The Myths We Live By*, London, 1990; Alessandro Portelli, *The Death of Luigi Trastulli and Other Stories: Form and Meaning in Oral History*, New York, 1991; Luisa Passerini, 'Work Ideology and Consensus under Italian Fascism', *History Workshop Journal*, VIII (1979).

66 Raphael Samuel, 'Myth and History: A First Reading', *Oral History*, XVI, 1 (1988), p.15.

67 Luisa Passerini, *Fascism in Popular Memory*, Cambridge, 1987, p.60.

68 Natasha Burchardt, 'Stepchildren's Memories: Myth, Understanding and Forgiveness', *The Myths We Live By*, p.249.

69 Passerini, *Fascism in Popular Memory*, p.42.

is no doubt that within the oral testimony of the waterside workers the ideal and the real are bound up together. In terms of the ideal, the myth pervading waterfront testimony is visible through the choice of nicknames on the waterfront. I have explored this aspect of waterfront culture in another place, and will only summarize it here.⁷⁰ The nicknames used by the watersiders represented a double-edged sword, both creating an internal world of waterfront humour and knowledge while acting simultaneously as a device to control behaviour. The nicknames themselves often reminded waterfront workers of their less-than-desirable physical or behavioural characteristics, or of incidents that reflected negatively upon the individual. The myth of the good worker can therefore be seen, as it were, inversely. The positive characteristics included physical size and strength; the capacity for hard work; sobriety, honesty, reliability and loyalty. However, the nicknames may also paradoxically express an admiration for those who defied the imperatives of the labour process. Both these aspects are present in the following example, taken from the Wellington waterfront:

One night a chap [the employer] rang up to say that one of the chaps down the hold, he said, was not doing his work. He was just sitting down, and all the other chaps were going like hell to keep these grabs going, you know, for, to get the coal out, you know. So I went down and the Boss was there, and the Boss came over and he said, 'I'd like you to come and watch this', so I went over and had a look and here's this joker sitting down, and the coal, the other chaps were right down. And I said, 'what's the matter, you gone to sleep?' 'Oh no', he said, 'I'm alright'. I said, 'why aren't you doing your work?' He said, 'I am', he said, 'I'm working it by gravity', he said. 'When they get down all this coal'll fall down and I won't have to shovel it.' So they called him Gravity Jack after that.⁷¹

There can be little doubt that many of the components of the 'good worker' myth on the waterfront arose out of the nature of the job. Strength, sobriety, and co-operation were all perceived to be essential for the heavy labour that the loading and unloading of ships entailed. However, the myth did not always correspond with other remembered behaviour.⁷² Spelling (the taking of rests on the job), gliding-away and go-slows were well-established informal practices on the waterfront, informal responses to the heavy labour and long hours, but deplored by contemporary commentators. It was these practices that came to dominate the public perception of the waterfront and helps to explain the hostility towards the watersiders in 1951.⁷³

History 'from below', however, reveals the fundamental problems underpinning labour relations on the waterfront. Conflict on the waterfront arose

70 Anna Green, 'The Double-Edged Sword: Nicknames on the New Zealand Waterfront, 1915-1951', *Oral History*, XIX, 1 (1991), also published in John E. Martin and Kerry Taylor (eds), *Culture and the Labour Movement*, Palmerston North (1991).

71 Interview 160, 29 November 1985.

72 Anna Green, 'Spelling, Go-Slows, Gliding Away and Theft: Informal Control over work on the New Zealand Waterfront, 1915-1951', *Labour History*, 63 (1992).

73 Green, 'Battling on the Job', pp.137-67.

constantly out of the nature of the work.⁷⁴ How then did state arbitration and conciliation, and later the Waterfront Commission, address the fundamental problems on the wharves? Both these organizations were only able to make very limited interventions into the labour process, the reasons for which will be elaborated in a forthcoming study. Despite the increasing complexity of the Awards covering the waterfront, each organization tended to address the symptoms rather than the causes of the problems.⁷⁵ Their solution was frequently a penny or two extra an hour, whereas a Lyttelton watersider recalled of a particularly obnoxious cargo, 'no one would want one of those jobs, not even for a pound an hour'.⁷⁶ Little was done to shorten the long hours worked by the men or to improve health and safety on the waterfront. There was no universal provision of first aid despite the high accident rate. No training was received by the ordinary watersider, nor any protective clothing. Nor did the port authorities, particularly in Auckland, seem greatly concerned to acquire up-to-date equipment, some of which would have mitigated the arduous nature of the work and possibly reduced the need for the men to work quite so much overtime.⁷⁷ In the end, it was cheaper to use a casual, expendable labour force. The nature of the work is fundamental to our understanding of the consciousness of the waterside workers. It helps to explain why, in the face of almost universal opprobrium, particularly from the late 1930s onwards, they persisted in confronting the employers and perceiving the conflict-resolution mechanisms of the state as largely ineffective. Oral history records the perspectives and experiences of working people and enables labour historians to understand the work from the viewpoint of those who actually did it. Contrary to the assertions of Jonathan Zeitlin with which this article began, there is no doubt that the central dynamic of labour-relations history on the waterfront derived from the labour process and the inability of the institutions of the state to effect fundamental change. In their struggle to achieve safe working conditions on the waterfront the waterside workers were forced to fight on the job, and thereby incurred the wrath of the employers, government, and the public at large. Despite the views of New Zealand labour historians the arbitration system, at least in this industry, was virtually irrelevant to these issues. The watersiders deserve to be rescued 'from the enormous condescension of posterity'.⁷⁸

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74 Green, 'Battling on the Job', p.204.

75 The 1917 Industrial Agreement contained 46 clauses governing work on the waterfront; by 1947 the Order of the Waterfront Industry Commission contained 93 clauses.

76 Interview 270, 23 February 1986.

77 AJHR, 1952, H-50, p.176.

78 E.P. Thompson, *The Making of the English Working Class*, Harmondsworth, 1968, p.13.