

A joker on the high seas

This is the fifth of an occasional series from Mark Wilson, the Southlander sailing the Speight's pub to London.



AFTER three weeks without land and with cabin fever building by the day, anticipation of a night out in Panama is the carrot that keeps the lads ticking over. The song *One Night In Bangkok* comes to mind after our schedule was revised to allow for only one day in Panama City before we bust it up the Panama Canal. With one of the highest crime rates in the world, Lindsay's big arm cannons will be looking a lot more attractive than they do when you're trying to get him into a paddling pool on deck with four other guys.

On Sunday we thought Panama would be the last land we would be seeing for quite some time. Arne, the captain, took advantage of the fact our satellite was down and all e-mails had to go through the ship's satellite and played a devious trick on us.

We were led to believe that due to a communication error between New Zealand Customs and our shipping company no one had

declared the Ale House or our precious cargo of Speight's kegs to United States customs and as a result we would be refused entry on arrival. He told us he had been instructed to cancel both the New York and Bahamas stopovers and return the ship along with us, the beer and the Ale House to the Netherlands where it could be re-declared to gain entry into the United Kingdom. This would take 31 days.

Needless to say, after 25 days at sea, thinking we'd have only one day on land before backing up for another whole month slugging it through the Atlantic storm season was a daunting proposition. Luckily, before anyone really spat the dummy, Arne let us in on the gag but he gave us plenty of time to contemplate living off just two hours of broken sleep a night and eating only what we could scrounge up in Panama for 31 days.

Good work Arne but you still have 35 more days with us so you better not have peaked too early. Just ask Saul what happened to his lights in fourth year at uni.

After sweating it out in the searing sunshine since Samoa we were brought quickly back to earth with a weather change, five days ago, which resulted in us rocking and rolling again. Our view of the sun has been blotted out by heavy cloud and the decks have turned back into an ocean spray slip-n-slide. I must admit to feeling some slight comfort with lower temperatures, which meant I could wear a top again for the first time since Samoa.

Action on board over the last week has



Bowled at sea: Crew playing deck cricket.

revolved around the Speight's Great Beer Delivery Film Festival. After having a camera in my face for the last five weeks it was a nice change to turn the tables and be the one shooting the footage. If the censors don't get too carried away there should be some amusing amateur footage being posted on the website soon.

After it took me five hours to make a three-minute movie with acting only marginally better than Paris Hilton's last home video efforts, I can fully understand why it took more than three years to make *Lord of the Rings*.

As I write this (on Tuesday, boat time) I'm

starring down the barrel of the Southland Rugby flag, which we have hanging in the bar. Luckily, I just managed to get the results from the Northland game before the satellite went down — great win lads. I also received all the animated e-mail banter the boys back home had been sending round in anticipation of Stag Day 2007 against the Bay of Plenty in a few weeks (do you guys not have work to do?). I'm gutted to be missing that trip but I'm sure you will all have a beer for me up there and the Stags will run out winners. I will be in New York and I'm sure there must be somewhere that shows rugby . . .

SCANNING THE SOUTH

Dairy times dollars

By LYNLEY DEAR

When I was a child, cows were cows, examples of well rounded vowels. Long-lashed eyes all melancholic, a creature pastoral, bucolic. Cows said moo and chewed the cud. They stood four square in grass, (or mud). Bovine creatures, not much to tell us, (but featured in poems by our own Ruth Dallas*)

Cows made milk by eating grass, but now those simple days have passed. Sheep make wool and bees make honey, cows still eat grass – but they make money!

Dairy farmers still get up early but now they smile, – are never surly, for the cow, no matter how you tune it, has become a "dairy unit". Thanks to double turns and udders a tired economy recovers. Millions of dollars and millions of litres from these bovine herbage eaters.

So with milky millions ever nearer all dairy farmers thank Fonterra. **"Milking Before Dawn" by Ruth Dallas, born Invercargill, 1919.

Don't jump to conclusions in employment matters - ask and ask again

WORK TO RULE

MARY-JANE THOMAS



FOR some reason airline pilots seem to argue an awful lot with their employers (and vice versa). Mr N is a first officer flying Dash 8Q300 aircraft for Air Nelson Limited for the past 13 years. He is required under the Civil Aviation Act to hold a medical certificate. If he

doesn't hold the certificate the employer is able to suspend him without pay.

In December 2005 Captain G became aware of two incidents involving Mr N, which led him to conclude that Mr N was under stress. He arranged an informal meeting with Mr N to find out what was happening, determine the situation and what help could be provided. Captain G suggested Mr N visit his doctor for a blood pressure check and take a couple of weeks off. Mr N agreed to the proposed break.

After the discussion Captain G contacted the Air New Zealand medical officer. The doctor recommended a stand-

down period of one month. Meanwhile, Mr N went to his doctor, who reported that his blood pressure was normal. Captain G then advised Mr N by e-mail (no good can come of using e-mail in these situations) that he was standing him down for a minimum four-week period and that he required Mr N to obtain a new medical certificate before returning to work.

Mr N said he was "totally sandbagged" by this. Worse was to come. Captain G contacted Mr N's doctor and maintained at the hearing that the GP told him that Mr N was suffering from depression. Captain G rang the Civil Aviation Authority (CAA)

and advised them of the stand-down and said it was due to depression and that Mr N was receiving "psychiatric counselling". CAA withdrew Mr N's medical certificate. At the hearing Captain G maintained that the information he received from the GP was that Mr N was receiving counselling for depression or a stress-related condition. The GP said he did not say to Captain G that Mr N was having counselling of any sort.

The authority member found that there was no doubt that Captain G had acted in good faith. However, the captain had got it quite wrong when he gained the

impression that Mr N was suffering a psychiatric or psychological illness. The problem was compounded by the fact that Captain G did not meet with Mr N but rather sent an e-mail to him advising about his stand-down period.

Mr N successfully argued that his employment had been unjustifiably disadvantaged when the employer supplied information to CAA, which was wrong particularly when all the captain had to do was check with him before going to the CAA and he would have found out that he had made an error. Mr N was awarded \$5000 compensation because of

the emotional suffering he underwent.

The same themes come through time and time again in cases.

w Do not do anything until you know all the facts. You are far better to ask and ask again than jump to conclusions.

w Don't communicate such important matters via e-mail.

Seminar: I will be giving a free seminar on employment law in the evening on October 1. E-mail Kendyl at Venture Southland to book your place (kendyl@venturesouthland.co.nz) or call 2111400.

w Mary-Jane Thomas is a partner at Preston Russell Law.

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