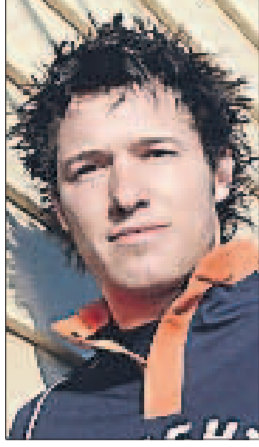


Getting to know Panama

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



Sightseeing from afar: Mark Wilson having a Speight's outside the Ale House as the ship travels through the Panama Canal.

AFTER 26 long days at sea, the sight of the first island in the haze on the Panama horizon was possibly a moment to rival Eion Crossan's 50m crossbar-skimming penalty kick to sink the French in 1989.

The heat in and around Panama along with the hazy humidity were immediate features of our approach, along with being constantly passed by enormous container ships, which you would swear would be slower than us due if only to the fact they were so massive. But no, they charged on past the Lida like we were standing still.

We may have been in sight of Panama City's impressive high-rise skyline but one last agonising wait was still to come. After hearing about six different stories from customs, the port authority and the captain, we came to the conclusion that we would never actually be getting off the Lida and were destined, just like the prisoners of Alcatraz, to simply watch as those on the land went about their exciting dry-land lives.

The novelty of simply seeing land wore off about as quickly as Caleb Ralph's rugby ability.

So, after sitting looking longingly at the city for eight hours, yarning about what we might do if we were actually ever to set foot on land, we finally rustled up a water taxi to ferry us to shore, despite not having cleared customs. So, yet again, we enter another country without any customs checks or visa stamps.

However, unlike Samoa, we eventually had to be signed in properly. At about 3am we finally got set free from the confines of the hotel and we headed out with the help of Alberto our guide to a few local hot spots.

We ended up in a karaoke bar down some dodgy little street and in our festive mood thought we could give the locals a whipping on the microphone. Our dreams of glory on the stage were short lived. After hearing one song we decided that we were well and truly out of our depth and decided to adopt a spectator

role. It was honestly the best hour of karaoke I have ever heard. No one in New Zealand could ever hope to compete with what we were seeing — not even Richard (Ronan) Black, a winner of multiple distinguished karaoke titles in and around Southland, had nothing on these guys and gals, who would have dominated *NZ Idol* six times over. We somehow bridged the language barrier to obtain a taxi back to the hotel and decided that the pool should get a special showing of the Speight's issue Speedos. We had a great time firing up some bombs and dives into the pool.

The next morning the team assembled in the lobby and to everyone's surprise we had a full muster just in time, a lot like the Verses boys on a Saturday morning.

In 35-degree heat we took on a very interesting tour of the city taking in the older colonial parts before a tour of the Panama Canal museum. Jamie was on top form and made a few donations to the local economy with a coin lollie scramble to a group of local kids. Tim, as he tends to do, picked up an illegal looking shirt to go with his filthy moustache which he's been growing since Samoa.

After lunch we headed back to port to board the Lida and head up the canal. As we have come to expect, the trip through port security was a debacle and after dodging out-of-control container trucks on a

narrow road and passing through about 500 brand new Toyotas, we made it back to our beloved-berated Lida. Despite our passage through the canal taking place at night, the Panama Canal is an amazing experience, operating as it did when it first opened in 1914.

You ascend through three gravity-operated locks and through a massive man-made lake before dropping through another three locks and emerging in Colon, a city which is basically a port 10 times the size of Bluff. Things came to a bit of a stand still there though due to Hurricane Felix, plus our satellite set on fire during the passage and needed a few repairs.

We all enjoyed the extra day in Panama (except for the insane driving) and had a chance to shop, which is Jamie's favourite pastime.

Tim and I were like lost lambs in the massive shopping mall and our greatest achievement was finding a supermarket to get some air freshener for our stinky room and some stain remover to try and clean our rust-covered clothes.

We are now plugging our way through the stinking hot Caribbean towards the Bahamas and with the longest leg behind us, London is looming a lot larger on the horizon. Add to that the Stags' recent hot form and all I'm lacking now is a good Southland frost to cool me off.

The party consulting needs to listen

WORK TO RULE
MARY-JANE THOMAS



THE employees in this matter were all employed by Office Max in a variety of sales roles throughout the South Island.

The dispute arose when Office Max wanted to change the commission structure.

The employees, who took the matter to the Employment Relations Authority, said the change affected them to their disadvantage.

They asked the authority to make an order requiring Office Max to pay them commission in terms of their individual employment agreements.

They also sought an award of penalties for breaches of good faith by the employer.

In around December 2004, Office Max commenced a review of commission structures and during the course of 2005 undertook a process of consultation with staff.

The new commission structure was introduced on April 1, 2006 and a number of employees gave notices of personal grievances. Office Max changed its mind and returned all of the employees back to the old commission structure.

Office Max said because it promptly changed its mind none of the employees had suffered disadvantage or financial loss.

The authority first asked whether the process, adopted by the employer in implementing the proposed change, was fair and reasonable.

What came out before the authority was that although employees were encouraged to talk to their managers if they had any questions the employees said that they were frustrated because the managers appeared to have little or no information about the proposed new scheme.

Additionally, many of the employees felt that there was little point in discussing it with their managers because Office Max was intent upon introducing the scheme anyway.

At the investigation meeting the employees produced a schedule that showed, under the new commission proposal, employees stood to lose between \$6904 and \$25,640.

The authority member concluded that despite the "consultation process" there had been no reasonable opportunity for employees to have proper input into the proposal.

It also seemed plain there was no realistic prospect of the employees having any meaningful input into the nature and extent of the proposal.

The authority went further still and said that it appeared the new commission scheme was a decided outcome and the consultation process was no more and no less than a sham and was in breach of the good faith obligations under the Employment Relations Act.

The authority then asked: was consent from the employees required in any event?

Office Max argued while consultation was required, agreement by the employees was not.

The employees argued Office Max could not make unilateral changes to remuneration.

Different employees had different employment agreements.

Some employment agreements provided "management reserves the right to change commission structures as required for the best interests of the company".

Other agreements said "changes to the framework (pertaining to commission) will be fully negotiated with the employee".

At the end of the day the authority found even if the employer could make a unilateral decision, the consultation process had been completely and fatally flawed and decided in the favour of the employees.

Each employee was awarded the sum of \$6000 compensation for the way the employer had handled the whole thing.

Moral of the story — consultation means the party consulting listens to the other side. It doesn't mean the employer has already made its mind up about what it is going to do and asks the other side because something says it has to.

W In line with my post baby-fat regime, I have decided to get fit and therefore Preston Russell Law is running the second annual Gulp, Grind and Gallop triathlon. For all ages and levels, \$2000 spot prizes, check out website for details www.prlaw.co.nz and keep October 28, 2007 free.

W Mary-Jane Thomas is a partner at Preston Russell Law. She is always interested in ideas for articles. E-mail her at Mary-Jane.Thomas@prlaw.co.nz

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