

FEATURES

Vindictive Mother Nature

This is the 10th “blog” from Mark Wilson, the Southlander sailing the Speight’s pub to London.

**S**LEEP on land is precious — at sea it’s gold. Our bunks out here are no bigger than Southland’s share of favourable refereeing decisions in last year’s quarter-final against Waikato, harder than finding a car park in Queens-town and for some reason have no sides. Are we not at sea . . . ? Who overlooked this glaring design fault?

Due to the rarely working air-con the temperature in the cabins ranges from a toasty 26degC to an unbearable 33degC, add to that the irregular groaning of the strained steel that holds the aging Lida together, with the constant whine of the engine, and you have ideal conditions for insomnia.

As we have travelled across the world the sleep patterns on board have been one of the great variables, with the only constant being lack of sleep. James sleeps from 8am to 1pm each day when the cabin temperature is at its lowest. I tend to stick to the up-at-7am-or-8am-wake-up regardless of what time I went to sleep, while Tim’s alarm is set for a constant 10am but he indulges in plenty of day-time kipping.

We are all tired constantly and sleep is tough to come by, so when we got hit by one last vicious storm four days ago we were in no position to absorb three days of zero sleep. Needless to say things have been pretty edgy and very irritable, with zombie-like bodies creeping around at all hours groaning about the constant rolling and searing heat of the cabins.

Not ideal preparation for London. It was like the Atlantic read my last column and decided to give us a beating as punishment. Who would have thought of Mother Nature as vindictive?

Although not as big as the waves in the Pacific, the closeness of these waves (or duration) caused havoc as we rolled violently from side to side for two days.



**Cheers:** Mark Wilson (left) and new crew member Steve Nichol, of Middlesmarch, enjoying a Speight’s on the Atlantic.

The other downside was that we managed to average just 6 knots (11kmh) over the whole storm. Unfortunately this means less time to lap up the sweet smell of land as we await our customs clearance in Eng-land before charging up the Thames to make the final delivery of this well-travelled brew of Speight’s Gold Medal Ale to Tim and all of our other mates in Lon-don.

At least it was not as bad as the Pacific storm where we were going backwards for a time and some of us were thinking that if it was going to be like that the whole way we were going to die.

In addition to holding us up, the storm put paid to a few of the final activities we had planned and led to the implementation of survival tactics once more. So now the weather is on the mend and we are meant to sight land for the first time in the next few days, the mood has lifted and we are trying to work out how to cram all the action into the last few days.

We thought we better carve our names under the tables, get a few last pictures together in the bar, drink straight from the beer taps and maybe even have a camp out in the bar just to say we did it.

Seriously though, I don’t think anyone will miss the Lida when it’s gone. It hasn’t been the most glorious or comfortable

mule — it leaks, it squeaks, it rolls, it smells and it has a bad tendency to have lap top and satellite-crippling power surges.

But it has got us and the Alehouse almost safely to London and provided the catalyst for many a great memory. I think a better ship would have lessened the experience and decreased the challenge.

What I think we will all miss, though, is each other’s company when we all go our separate ways after a rowdy few weeks in London. The team was a good unit.

We couldn’t have asked for better, a great bunch of lads — everyone from Marty, who joined us for the Samoa to Panama leg, to Derek who is currently on board, have really added to the journey and we have formed some good friend-ships.

So in four days we will set foot on land and be free of our floating confines. I don’t think I will ever moan about having to walk anywhere again, give me open space to roam.

Hopefully all going to plan the Stags beat Wellington at the concrete castle and I get to sit down and watch a semi-final in the Alehouse in London next weekend, and who knows, if they make the final I may be on a plane home to watch. Good luck lads.

Probationary period must be in agreement

WORK TO RULE

MARY-JANE THOMAS



**M**R W came home to Christchurch after his big OE. He spent several months searching for just the right job and in March 2005 accepted a position as a salesperson. He moved to Auckland and started work on April 1, 2005. No written employment agreement was ever entered into.

Within a few months his employer had come to the conclusion Mr W’s work left a lot to be desired. He was failing to generate business, was not fostering good relationships with clients, and had cost the company \$4500 in personal internet use (through downloading music) that he had not repaid.

To make things worse, he hadn’t repaid \$135 of other personal work charged on account and to top it all off had crashed a

company car causing it to be impounded by the police.

Mr B met Mr W twice — on July 11 and August 11. Mr B did explain his concerns to Mr W but he did not explicitly tell Mr W his job was in jeopardy. Mr B thought that was obvious but Mr W said he had no idea his employment was at risk. He thought Mr B was given feedback as part of the induction and training process.

Mr B thought the parties had agreed there would be an initial six-month trial basis. Partly in reliance on this, when he saw no improvement after the meeting on August 11 he decided to dismiss Mr W.

Mr W raised a personal grievance.

Was there a probationary period? There was no doubt in letters and e-mails between the two before Mr W was employed the employer talked about a six-month period after which his Mr W’s per-formance would be reviewed. However, as I have said on several occasions, if you are going to have somebody on a probationary period it needs to be specifically stated in a written employment agreement. No written agreement — no probationary period.

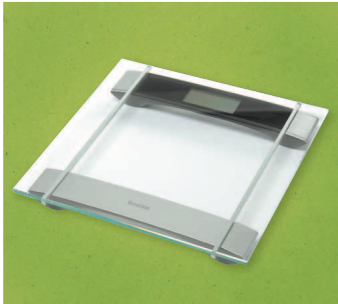
Because it was never explicitly put to Mr W the meetings of July 11 and August 11 were disciplinary in nature they did not amount to a proper opportunity to be heard to answer the alleged poor performance. The employer also failed to give Mr W clear and specific warnings. The dismissal was procedurally unfair.

A warning means an employer tells an employee if they do not improve their performance they may end up losing their job. An employer must be brutally honest — anything less will not do.

The authority concluded Mr W had experienced embarrassment because his employment was terminated unjustifiably but also considered he contributed to the situation by failing to repay or at least start to repay his excessive personal internet use.

Taking that into consideration he was awarded modest \$3500 compensation together with lost wages of approximately \$1100.

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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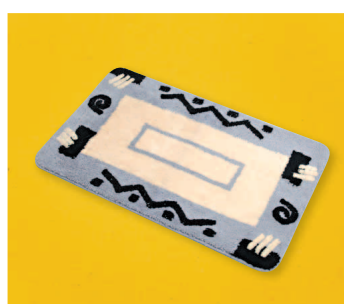
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