

(6867.) WELLINGTON (TWENTY-FIVE-MILES RADIUS) OPERATIVE BUTCHERS.—ORDER AMENDING AWARD.

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of the War Legislation and Statute Law Amendment Act, 1918; and in the matter of the Wellington (Twenty-five-miles Radius) Operative Butchers' award dated the 8th day of December, 1919, and recorded in Book of Awards, Vol. xx, p. 1333; and in the matter of an order amending the said award dated the 27th day of December, 1920, and recorded in Book of Awards, Vol. xxi, p. 2324.

UPON reading the application of the union party to the said award filed herein on the 15th day of February, 1921, and upon hearing the duly appointed representatives of the said union and of the employers parties to the said award, this Court, having regard to all the relevant considerations and being of opinion that it is just and equitable to amend the said award, and by virtue and in exercise of the powers conferred by the said Acts and of every other

power in that behalf enabling it, doth hereby order that the said award shall be amended in manner following, that is to say—

1. The said order dated the 27th day of December, 1920, is hereby cancelled, and this order is substituted therefor.

2. Subclause (a) of clause 1 of the said award is hereby deleted, and the following provision is substituted therefor:—

“(a.) The hours of work for all workers shall not exceed forty-eight per week, to be worked between the hours of 7 a.m. and 5 p.m. on four days of the week, with not less than one hour for dinner on each day. On Saturdays the hours shall be worked between 6 a.m. and 5 p.m., with not less than half an hour for breakfast and one hour for dinner. On Wednesdays the hours shall be worked between 7 a.m. and 12 noon. In shops where the weekly half-holiday is taken on Saturday the hours for Wednesday shall be worked between 7 a.m. and 5 p.m., with not less than one hour for dinner, and the hours for Saturday shall be worked between 6 a.m. and 12 noon, with not less than half an hour for breakfast.

“(b.) Notwithstanding the above, a worker may be employed at any hour to supply shipping: Provided that if the time so occupied is in excess of the hours provided under the Shops and Offices Act, overtime shall be paid as hereinafter provided.”

3. Clause 2 (b) of the said award is hereby deleted, and the following provision substituted therefor:—

“(b.) The minimum rates above prescribed shall be increased by a bonus of 14s. per week unless and until the Court shall otherwise order.”

4. Clause 3 of the said award is hereby deleted, and the following provision substituted therefor:—

“3. All time worked outside or in excess of the hours specified herein shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.”

5. The following subclause shall be added to clause 5 of the said award:—

“(e.) The minimum wages prescribed in subclause (a) of this clause shall be increased by a bonus of 6s. per week unless and until the Court shall otherwise order.”

6. The words and figures “12.30 p.m.” appearing in clause 7 of the said award are hereby deleted, and the words and figures “12 noon” are substituted therefor.

7. This order shall operate and take effect as from the 1st day of July, 1921.

Dated this 13th day of June, 1921.

[L.S.]

F. V. FRAZER, Judge.

#### MEMORANDUM.

The union applied for an all-round increase in the rates of wages fixed by the award, to bring the Wellington rates into line with those payable under more recent awards. The Court has no

power to amend the rates of wages fixed by an award, except in accordance with the War Legislation and Statute Law Amendment Act, 1918. It was decided by the Court, on an application to amend the Dunedin Carters' award, that where, owing to changing conditions, the rates of wages fixed by an award might require alteration, such alteration could not be made by the Court without the consent of both parties to the dispute in respect of which the award had been made (Book of Awards, Vol. iii, p. 586). In the present instance the workers have received the cost-of-living increases awarded by the Court to date, and there is no power under the War Legislation and Statute Law Amendment Act, 1918, to alter the rates except in accordance with the movements in the cost of living. The Court has occasionally made such alterations in the past, when the granting of general increases was not opposed, but in this case the employers opposed any increase being granted during the currency of the award. It has to be borne in mind that, owing to the varying dates on which awards for different districts expire, some unions must necessarily be at some times a little in advance of the general rates and at other times a little below. The arguments used by the union at the hearing of the present application would be relevant at the hearing of a dispute when a new award was being applied for, but must for the present be treated as irrelevant.

The Court has amended the award in respect of hours of work and overtime. This has been done under the authority of the War Legislation and Statute Law Amendment Act, 1918.

A request for the fixing of compulsory closing-hours for butchers' shops has been declined. The Court has previously held that it has no jurisdiction to insert such a provision in an existing award, but can do so only in making a new award.