

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT.

(10505.) OTAGO AND SOUTHLAND SHOP-ASSISTANTS (OTHER THAN IN THE SOFTGOODS, BOOT AND SHOE, FANCY-GOODS, LEATHER FANCY-GOODS, HARDWARE, CROCKERY, BOOKS AND STATIONERY, FURNITURE AND FURNISHING, BUTCHERY, GROCERY, CHEMISTS, AND TOBACCONISTS TRADES).—ORDER FIXING MINIMUM RATES OF WAGES FOR FEMALE WORKERS.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Otago and Southland Amalgamated Society of Shop-assistants (other than Butchers', Grocers', Chemists', Tobacconists', and Hairdressers' Assistants) Industrial Union of Workers of the one part, and J. and W. Abbott, and other employers, of the other part.

Monday, the 28th day of August, 1933.

WHEREAS a dispute has been created between the Otago and Southland Amalgamated Society of Shop-assistants (other than Butchers', Grocers', Chemists', Tobacconists', and Hairdressers' Assistants) Industrial Union of Workers of the one part, and the employers of shop-assistants not covered by any other award in the Otago and Southland Industrial District of the other part: And whereas a Conciliation Council appointed to investigate the said dispute has not arrived at a settlement thereof and has not adopted a proposal that the said dispute should be referred to this Court for settlement: And whereas the Commissioner has duly notified the Clerk of Awards that a settlement has not been arrived at: And whereas an application has been duly made by the Clerk of Awards at the request of the said union of workers representing the female workers in the said industry for an order fixing the minimum rates of wages to be paid to such female workers: And whereas the Court has heard the parties to the said dispute and has considered the subject-matter of the said application: Now, therefore, this Court doth hereby, in pursuance and exercise of the powers vested in it by section 7 (5) of the Industrial Conciliation and Arbitration Amendment Act, 1932, and of every other power in that behalf thereto enabling it, order that the rates of wages for female workers in the said industry shall be as set out in the schedule hereto: And this Court doth further order that this order shall operate and come into force on the 28th day of August, 1933, and shall continue in force until the 28th day of February, 1934.

[L.S.]

F. V. FRAZER, Judge.

THE SCHEDULE ABOVE REFERRED TO.

The rates payable to female shop-assistants prescribed by the Shops and Offices Act, 1921-22.

MEMORANDUM.

It is doubtful whether the Legislature intended an order under section 7 (5) of the Industrial Conciliation and Arbitration Amendment Act, 1932, to be made in cases in which no award or industrial agreement had previously been in operation. However, the reference in that subsection to a notification under subsection (4) relates to a notification under subsection (3), and such a notification must be given in all cases in which a settlement of a dispute is not arrived at, whether an award or industrial agreement has theretofore been in existence or not. The Court therefore considers that an order should be made, if applied for, without any regard being had to the existence or non-existence of an award or industrial agreement immediately before the creation of the dispute. The Court is confirmed in this view by reason of the fact that, if the contrary view were taken, it would not be competent for a new order to be made under subsection (5) in a case coming under subsection (4), in which an order had been previously made. There is nothing in the language of subsection (5) to indicate that the Legislature intended that only one order should be made in a case coming under subsection (4), and that upon its expiration all regulation of wages of female workers should cease; and such a construction is not in accordance with the general tenor of the legislation. It therefore follows that, whether an application under subsection (5) following upon a notification under subsection (3), is or is not accompanied by the cancellation of an existing award or industrial agreement, the Court is required to make an order.

In the present case the Court had no evidence before it on which to assess a scale of wages, and accordingly adopted the rates set out in the Shops and Offices Act, 1921-22.

F. V. FRAZER, Judge.