

(11093.) CANTERBURY AND OTAGO AND SOUTHLAND MANURE, TALLOW, ACID, SOAP, AND CANDLE WORKERS. — AMENDMENT OF AWARDS.

In the Court of Arbitration of New Zealand.—In the matter of the Industrial Conciliation and Arbitration Amendment Act, 1936; and in the matter of applications to amend the Canterbury Manure, Tallow, Acid, Soap, and Candle Workers' award, dated the 31st day of January, 1935, and recorded in Book of Awards, Vol. XXXV, p. 43; and the Otago and Southland Manure, Tallow, Acid, Soap, and Candle Makers' award, dated the 22nd day of October, 1925, and recorded in Book of Awards, Vol. XXVA, p. 974. Mr. *H. G. Kilpatrick* for the workers; Mr. *D. I. Macdonald* for the employers.

JUDGMENT OF THE COURT, DELIVERED BY PAGE, J.

THESE are applications made under section 21 of the Industrial Conciliation and Arbitration Amendment Act, 1936, for a reduction to 40 hours per week of the working-hours fixed by the two awards above enumerated relating to *by-products-manufacturing industry*.

In conjunction therewith, upon the terms detailed in the judgment of the Court given in the applications relating to the footwear-manufacturing industry, the Court is considering, under section 3 of the Factories Amendment Act, 1936, two applications made on behalf of fifteen factory occupiers for an extension, to 44, of the weekly hours of work fixed by the latter statute.

Each of the two statutes requires the hours of work to be fixed at 40 per week unless, in the opinion of the Court, it would be impracticable to carry on efficiently the industry (or, as the case may be, the work of the factory) if the hours of work were thus limited.

The onus of proof of impracticability lies on the employer.

The industry involved in these applications is the manufacture of by-products from the remains of sheep, cattle, and other animals.

The materials used consist of heads, feet, bones, fat, condemned carcasses, runners, and offal, which are collected daily from the butchers' shops and from the abattoirs, conveyed to the factory, and there rendered down by various processes, from which are produced fertilizers, meat-meal, bone-meal, and other products.

It is clear that work in this industry must proceed on a Saturday.

Butchers' shops have to be visited both on Friday nights and Saturday mornings to collect the materials.

Some employers are under contract with local bodies and municipalities to remove daily (including Sundays and holidays) the materials and refuse from the abattoirs.

When the materials reach the factories the process of rendering down must be put in hand at once.

The demands of public health require that there should be no delay in dealing with this quickly perishable material.

Runners, in particular, rapidly deteriorate and lose their value unless promptly treated.

Freezing-works, which, both at the buying and the selling end, are, to some extent, in competition with these by-product factories, are exempt from the limitation of hours fixed by the Factories Act.

Sausage-casing factories are similarly exempt.

The hours at present worked in this industry are 48 per week, and even with those hours overtime is, on occasions, necessary.

In our opinion it is impracticable to carry on this industry efficiently on a 40-hour week.

We therefore make an order that the maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by either of the above-mentioned awards, in so far as they relate to the by-products-manufacturing industry, shall be 44, and the awards will be amended accordingly.

A corresponding order will, on 1st September, 1936, be issued under the Factories Amendment Act, 1936, in respect of each factory concerned in these applications. A further order will be made extending to five hours, with the consent of the men

concerned, the period that may be worked without an interval for a meal where such extension is necessary to complete the day's work.

Work on Saturdays will be permitted.

Rates of pay prevailing on 1st September, 1936, will be adjusted in accordance with subsection (3) of section 21 of the Industrial Conciliation and Arbitration Amendment Act, 1936, so that the ordinary rates of weekly wages of any worker shall not be reduced by reason of the reduction made in the number of his working-hours.

This order will come into force on 1st September, 1936, and will continue in force until the 31st August, 1937.

Dated the 5th day of August, 1936.

[L.S.]

E. PAGE, Judge.

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