

(11094.) BUILDING AND RELATED INDUSTRIES.—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 Northern, Wellington, and Otago and Southland Bricklayers' award, dated the 16th day of July, 1929, and recorded in Book of Awards, Vol. XXIX, p. 444; the Canterbury Industrial District Bricklayers' award, dated the 26th day of November, 1921, and recorded in Book of Awards, Vol. XXII, p. 1828; the New Zealand Carpenters and Joiners' award, dated the 4th day of April, 1935, and recorded in Book of Awards, Vol. XXXV, p. 248; the Northern, Taranaki, Wellington, Nelson, Canterbury, and Otago and Southland Painters and Decorators' award, dated the 3rd day of April, 1935, and recorded in Book of Awards, Vol. XXXV, p. 427; the Northern Industrial District Plasterers' award, dated the 9th day of July, 1930, and recorded in Book of Awards, Vol. XXX, p. 558; the Northern Industrial District Plasterers' (Fibrous) award, dated the 1st of June, 1936, and recorded in Book of Awards, Vol. XXXVI, p. 245; the Canterbury Industrial District Plasterers' award, dated the 4th day of August, 1921, and recorded in Book of Awards, Vol. XXII, p. 1258; the Otago and Southland Plasterers' award, dated the 20th day of May, 1935, and recorded in Book of Awards, Vol. XXXV, p. 612; the Wellington Industrial District Plumbers and Gasfitters' award, dated the 17th day of February, 1936, and recorded in Book of Awards, Vol. XXXVI, p. 28; the Canterbury and Otago and Southland Plumbers and Gasfitters' award, dated the 13th day of June, 1935, and recorded

in Book of Awards, Vol. XXXV, p. 702; the Northern Industrial District Electrical Workers' award, dated the 1st day of August, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 377; the Nelson, Westland, and Canterbury Electrical Workers' award, dated the 14th day of December, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1239; the Wellington Industrial District Electrical Workers' award, dated the 15th day of June, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 295; the Otago Electrical Workers' award, dated the 2nd day of October, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1037; the Southland Electrical Workers' award, dated the 3rd day of March, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 100; the Northern Industrial District (except Poverty Bay) Builders, Contractors, and General Labourers' award, dated the 31st day of July, 1926, and recorded in Book of Awards, Vol. XXVI, p. 589; the Taranaki Builders, Contractors, and General Labourers' award, dated the 23rd day of April, 1926, and recorded in Book of Awards, Vol. XXVI, p. 264; the Wellington Industrial District (except Hawke's Bay Provincial District) Builders, Contractors, and General Labourers' award, dated the 12th day of December, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1320; the North Canterbury Local Bodies' Labourers' industrial agreement, dated the 20th day of September, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 981; the North Canterbury Builders, Contractors, and General Labourers' award, dated the 12th day of March, 1926, and recorded in Book of Awards, Vol. XXVI, p. 90; the South Canterbury Builders, Contractors, and General Labourers' award, dated the 12th day of March, 1926, and recorded in Book of Awards, Vol. XXVI, p. 65; the Hawke's Bay Builders and General Labourers' award, dated the 10th day of July, 1928, and recorded in Book of Awards, Vol. XXVIII, p. 468; the Poverty Bay Builders, Contractors, and General Labourers' and Quarry Workers' award, dated the 2nd day of November, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 1034; the Christchurch Pumice-Concrete-Goods Makers' industrial agreement, dated the 11th day of October, 1926, and recorded in Book of Awards, Vol. XXVI, p. 964; the Canterbury Quarry Workers' award, dated the 1st day of June, 1926, and recorded in Book of Awards, Vol. XXVI, p. 368; Dunedin (Ten-miles Radius) Coal-yards Employees' award, dated the 24th day of April, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 412; the Dunedin Drainage District Licensed Drainers' agreement, dated the 14th day of October, 1926, and recorded in Book of Awards, Vol. XXVI, p. 987; the Dunedin

(Nineteen-miles Radius) Local Bodies' Labourers' award, dated the 14th day of February, 1928, and recorded in Book of Awards, Vol. XXVIII, p. 61; the Dunedin City Council Electric-power and Lighting Department's Labourers' (Waipori Falls Power-station Ten-miles Radius) award, dated the 28th day of August, 1928, and recorded in Book of Awards, Vol. XXVIII, p. 657; the Otago Harbour Board Labourers' industrial agreement, dated the 29th day of June, 1928, and recorded in Book of Awards, Vol. XXVIII, p. 532; and the Otago Harbour Board Mole Quarrymen and Labourers' industrial agreement, dated the 13th day of March, 1935, and recorded in Book of Awards, Vol. XXXV, p. 207. Mr. *P. M. Butler* for the labourers; Mr. *F. D. Cornwell* for Bricklayers' Federation, Painters and Decorators' Federation, and Wellington plumbers, plasterers, and electrical workers; Mr. *J. Moulton* for New Zealand Carpenters and Joiners' Association of Workers; Mr. *J. E. Jones* for Canterbury bricklayers; Mr. *K. Simpson* for Northern electrical workers; Mr. *J. Purtell* for Northern plasterers; Mr. *A. Black* for Canterbury electrical workers; Mr. *W. J. Mountjoy* for employers *re* labourers, bricklayers, plasterers, and carpenters and joiners; Mr. *D. I. Macdonald* for employers *re* painters and decorators, plumbers and concrete-goods workers.

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 thirty-one awards and industrial agreements above enumerated relating to the building and related industries.

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, seven applications made on behalf of sixty 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 workers affected by these applications are those engaged in the building industry—carpenters, joiners, plumbers, bricklayers, painters, plasterers, electrical workers, and labourers. The workers ask for a 40-hour five-day week.

The employers did not call evidence, but their advocates drew attention to the substantial rise in building-costs that must follow a restriction of the working-hours, plus a restoration of the rates of pay prevailing in 1931; and pointed out the inconvenience that may at times arise (more especially in winter-time, when days are short and weather is broken) through inability to carry on building operations on Saturdays.

The Act, however, is mandatory, and in the absence of reasonable evidence that “it would be impracticable to carry on the industry efficiently” with the reduced hours, an order for a 40-hour week must be made.

The various awards and industrial agreements will accordingly be amended by reducing the hours fixed therein to 40 per week, to be worked from Monday to Friday inclusive.

Corresponding orders will on 1st September, 1936, be made under the Factories Amendment Act, 1936.

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.

Dated this 1st day of August, 1936.

[L.S.]

E. PAGE, Judge.