

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT.

(11105.) DUNEDIN CABLE TRAMWAY EMPLOYEES.—AMENDMENT OF INDUSTRIAL AGREEMENT.

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 an application to amend the Dunedin Cable Tramway Employees' industrial agreement, dated the 3rd day of October, 1932, and recorded in Book of Awards, Vol. XXXII, p. 327. Mr. *J. McTigue* for the workers; Mr. *J. F. B. Stevenson* for the employer.

JUDGMENT OF THE COURT, DELIVERED BY PAGE, J.

THIS is an application 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 industrial agreement above mentioned relating to the Dunedin Cable Tramway employees.

The statute 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 if the hours of work were thus limited.

The onus of proof of impracticability lies on the employer.

The company concerned in this application is the Dunedin and Kaikorai Tram Co., Ltd., which operates a cable-car service from Dunedin to the Kaikorai Valley. It operates under a deed of delegation from the Dunedin City Corporation, which provides, *inter alia*, for the fixing of rates of fares by Order in Council, and also provides that the company must maintain its service on six days of the week and may close down only on Sundays.

The employees at present work a 48-hour week spread over six days of the week.

We have closely examined the evidence that has been tendered, together with the balance-sheets of the company over a period of years.

In our opinion, the company has not established that it would be impracticable to carry on its operations efficiently on a 40-hour week.

An order must accordingly be made reducing the weekly working-hours (exclusive of overtime) to 40 hours per week.

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.

Dated this 7th day of August, 1936.

[L.S.]

E. PAGE, Judge.
