

(11106.) DUNEDIN TRAMWAY AND OMNIBUS 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 Tramway and Omnibus Employees' industrial agreement, dated the 27th day of May, 1932, and recorded in Book of Awards, Vol. XXXII, p. 51. Mr. *J. Robinson* for the workers; Mr. *W. H. McKenzie* (Tramways Manager) for Dunedin City Corporation.

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 above-mentioned industrial agreement relating to Dunedin Tramway Workers.

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.

This application affects the Dunedin City Corporation Tramway workers other than tramway officials covered by the Dunedin Tramway Officials' industrial agreement, dated the 30th day of April, 1930, and recorded in Book of Awards, Vol. XXX, p. 535.

Mr. McKenzie, for the Dunedin City Corporation, intimated at the hearing that the Council agreed to a 40-hour week for all workers, but the Council desired the right to retain Saturday as a working-day.

In our opinion, the evidence establishes the necessity for retaining Saturday as a working-day.

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 the Dunedin Tramway and Omnibus Employees' industrial agreement shall be 40, and the agreement will be amended accordingly.

Saturday work will be permitted.

Rates of pay prevailing on 1st September, 1936, will be adjusted in accordance with subsection (3) of section 21 of the said Act 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 the 6th day of August, 1936.

[L.S.]

E. PAGE, Judge.

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