

(11114.) WELLINGTON INDUSTRIAL DISTRICT FLAX-MILL  
EMPLOYEES.—AMENDMENT OF AWARD.

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 Wellington Industrial District Flax-Mill Employees' award, dated the 28th day of June, 1927, and recorded in Book of Awards, Vol. XXVII, p. 534. Mr. *F. Cornwell* for the workers; Mr. *T. O. Bishop* for the employers.

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 award relating to the flax-milling 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, an application made on behalf of thirty-one 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.

Flax-millers have been experiencing some lean years, and all the firms as to which evidence was given before us have been carrying on at a loss.

Regarded purely from the financial aspect, it is impracticable for them to carry on efficiently on a 40-hour week.

Certain essential processes in connection with the treatment of flax appear to require work to be carried on during six days of the week. A 5-day week is difficult to apply to this industry.

We think that a case for relief has been made out, and 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 above-mentioned award shall be 44, and the award will be amended accordingly.

Work on Saturdays will be permitted.

A corresponding order will, on 1st September, 1936, be issued under the Factories Amendment Act, 1936, in respect of each factory concerned.

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.

Leave is reserved to the parties to apply for a variation of this order in the event of a material rise occurring in the export price of flax.

Dated this 18th day of August, 1936.

[L.S.]

E. PAGE, Judge.