

(11116.) WELLINGTON (TWENTY-FIVE MILES RADIUS) LADIES' HAIRDRESSERS' ASSISTANTS.—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 (Twenty-five Miles Radius) Ladies' Hairdressers' Assistants' award, dated the 24th day of September, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1080. Mr. *L. J. Clarke* for the workers; Mr. *W. J. Mountjoy* 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 award above mentioned relating to female hairdressers.

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 general considerations relating to retail businesses, as set out in earlier judgments of this Court are, in the main, applicable to the present case.

The needs of the public require a working-week similar to that in retail shops.

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

Work on Saturdays is obviously imperative.

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.

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 her working-hours.

This order will come into force on 1st September, 1936.

Dated this 8th day of August, 1936.

[L.S.]

E. PAGE, Judge.

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