

(11121.) WELLINGTON INDUSTRIAL DISTRICT BACON-FACTORY EMPLOYEES AND CANTERBURY BACON-WORKERS.—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 Wellington Industrial District Bacon-Factory Employees' award, dated the 19th day of December, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 681; and the Canterbury Bacon Workers' award, dated the 30th day of March, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 232. Mr. *Jas. Roberts* for Wellington workers; Mr. *H. G. Kilpatrick* for Canterbury workers; Mr. *W. J. Mountjoy* for the employers.

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 two awards above enumerated relating to the bacon-curing industry.

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.

Awards in this industry are in force in the Northern, the Wellington, and the Canterbury Industrial Districts, but not in other districts.

The hours fixed by such awards are 48 per week, but in Wellington the parties, by agreement, reduced the working-hours to 44 per week.

Even with a 48-hour week quite an amount of overtime is required to be worked in this industry.

For many years the Legislature has recognized that elasticity of working-hours in this industry is desirable, and has exempted bacon-factories from the restrictions of hours contained in the Factories Acts. The Factories Amendment Act of 1936 limits the exemption to male workers.

It is clear that Saturday work is essential in this industry.

In our opinion it is impracticable to carry on the industry efficiently on a 40-hour week.

We therefore make an order that the maximum number of hours (exclusive of overtime) to be worked in any week by any male worker over the age of sixteen years bound by either of the

above-mentioned awards shall be 44. In respect of females or male workers under the age of sixteen years, a 40-hour week will apply.

The awards 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 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 31st August, 1937.

Dated this 6th day of August, 1936.

[L.S.]

E. PAGE, Judge.

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