

(11133.) CANTERBURY INDUSTRIAL DISTRICT STONEMASONS AND DUNEDIN OPERATIVE STONEMASONS.—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 Canterbury Industrial District Stonemasons' award, dated the 8th day of September, 1919, and recorded in Book of Awards, Vol. XX, p. 1017; and the Dunedin Operative Stonemasons' award, dated the 19th day of March, 1921, and recorded in Book of Awards, Vol. XXII, p. 446. Mr. *Jas. Roberts* for the workers; Mr. *W. E. Anderson* 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 stone and monumental masons.

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, three applications made on behalf of five 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.

We have carefully examined the evidence and the balance-sheets submitted to us regarding these applications, and have come to the conclusion that the employers have not established that it would be impracticable to carry on this 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 worker bound by either of the above-mentioned awards shall be 40, to be worked from Mondays to Fridays inclusive, and the awards will be amended accordingly.

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

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 8th day of August, 1936.

[L.S.]

E. PAGE, Judge.

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