

(11134.) CANTERBURY TANNERS AND FELLMONGERS AND OTAGO TANNERS AND FELLMONGERS.—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 Tanners and Fellmongers' award, dated the 1st day of July, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 629; and the Otago Tanners and Fellmongers' award, dated the 7th day of February, 1925, and recorded in Book of Awards, Vol. XXVA, p. 45. Mr. *H. G. Kilpatrick* 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 the *fellmongering 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, four applications made on behalf of twelve 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.

The evidence satisfies us that it is impracticable to carry on this industry efficiently on a 40-hour week.

Work on Saturdays is essential.

Fellmongeries are among the industries that are exempted from the restrictions of hours fixed by section 3 of the Factories Amendment Act, 1936.

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, in so far as they relate to the *fellmongering industry*, shall be 44, and the awards 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 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 6th day of August, 1936.

[L.S.]

E. PAGE, Judge.