

(11170.) NORTHERN INDUSTRIAL DISTRICT (EXCEPT GISBORNE JUDICIAL DISTRICT) **CLEANERS, CARETAKERS, AND LIFTMEN.—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 Northern Industrial District (except Gisborne Judicial District) Cleaners, Caretakers, and Liftmen's award, dated the 6th day of April, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 122. Mr. *J. Purtell* for the workers; Mr. *W. E. Anderson* 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 cleaners, caretakers, and liftmen.

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.

We have carefully considered the evidence called and the submissions made on behalf of the parties, and we have come to the conclusion that it would be impracticable to carry on efficiently the work of liftmen on a 40-hour week, and we fix their hours at 44 per week.

As to cleaners and caretakers, we fix their hours at 40 per week.

Saturday work will be permitted in each of the three classes.

The award will be amended accordingly.

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 his working-hours.

This order shall come into force on the day of the date hereof.

Dated this 10th day of September, 1936.

[L.S.]

E. PAGE, Judge.