

(11173.) **NORTHERN INDUSTRIAL DISTRICT FLOUR-MILLS EMPLOYEES; AND CANTERBURY FLOUR, OATMEAL, AND PEARL-BARLEY MILLS EMPLOYEES.—AMENDMENT OF AWARDS.**

In the Court of Arbitration of New Zealand.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of applications to amend the Northern Industrial District Flour-mills Employees' award, dated the 5th day of July, 1921, and recorded in Book of Awards, Vol XXII, p. 1055; and the Canterbury Flour, Oatmeal, and Pearl-barley Mills Employees' award, dated the 3rd day of July, 1929, and recorded in Book of Awards, Vol. XXIX, p. 386. Mr. *W. Moxam* 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 flour, oatmeal, and pearl-barley milling 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, seven applications made on behalf of twenty 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 parties have agreed on the following provisions:—

- (1) That the hours of work shall be 40 per week to be worked on 6 days of the week.
- (2) That the conditions relating to an interval without a meal set out in clause 1 of the respective awards shall apply in respect of the factories concerned.
- (3) That the 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.
- (4) That for the purpose of adjusting rates of pay in accordance with the last preceding clause the calculation is to be based on the assumption that a 48-hour week was provided for in the said awards.
- (5) That clause 4 of the said Northern Industrial District Flour-mills Employees' award shall be amended pursuant to the provisions of section 92 (1) (c) of the Industrial Conciliation and Arbitration Act, 1925, by deleting the rates of wages set out therein, and by substituting therefor the rates provided for in clause 4 of the said Canterbury Flour, Oatmeal, and Pearl-barley Mills Employees' award.

The said awards will accordingly be amended to give effect to the above agreement.

A corresponding order will, on 1st September, 1936, be made under the provisions of the Factories Amendment Act, 1936.

This order will come into force on 1st September, 1936, and will remain in force until superseded by a new award or awards.

Dated this 28th day of August, 1936.

[L.S.]

E. PAGE, Judge.
