

(12249.) NORTHERN INDUSTRIAL DISTRICT **BOILERMAKERS, IRON AND STEEL SHIP AND BRIDGE BUILDERS.**—AMENDMENT OF AWARD.

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 an application for amendment of the Northern Industrial District Boilermakers, Iron and Steel Ship and Bridge Builders' award, dated the 1st day of November, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1138. Mr. *H. W. Mayo* 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.

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.

The parties have agreed to a 40-hour 5-day week in this industry, but have left to the Court the framing of a suitable provision to cover workers engaged on ship-repair work. In respect of such work a 44-hour 5½-day week has already been allowed by the Court.

We therefore make an order amending the award as follows:—

1. Clause 2 of the award is hereby repealed, and the following clause is substituted therefor:—

“*Hours of Work.*

“2. (a) Except as hereinafter provided, the hours of work shall be 40 per week, to be worked from 8 a.m. to 5 p.m. each day from Monday to Friday inclusive.

“(b) The hours of work for workers engaged on ship-repair work shall be 44 per week to be worked from 8 a.m. to 5 p.m. each day from Monday to Friday inclusive and from 8 a.m. to noon on Saturday.

“(c) If a worker is employed for portion of the week on work other than ship-repair work and for portion of the same week on ship-repair work his hours of work shall be 40 per week, but Saturday work from 8 a.m. to noon on ship-repair work will be permitted in such week provided that the 40 hours is not thereby exceeded.”

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

[L.S.]

E. PAGE, Judge.

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## ERRATA.

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At page 515:—

*For* "Northern Industrial District Bagmakers award, dated the 5th day of February, 1935, and recorded in Book of Awards, Vol. XXXV, p. 9", please *read* "Northern Industrial District Bag-makers award, dated the 31st day of March, 1936, and recorded in Book of Awards, Vol. XXVI, p. 156".

At page 871:—

Please *insert* immediately before the words "E. Page, Judge", the words "Dated this 28th day of October, 1936".

At page 1039:—

Section 40 of the Statutes Amendment Act, 1936, should *read* "Section 39".