

(11267.) FACTORIES AMENDMENT ACT, 1936.—ORDER EXTENDING WORKING-HOURS IN RESPECT OF **W. G. LOWE AND SON, AUCKLAND.**

In the Court of Arbitration of New Zealand.—In the matter of the Factories Amendment Act, 1936 ; and in the matter of an application under section 3 of the said Act by W. G. Lowe and Son for an extension of the hours of work fixed by that section. Mr. *W. E. Anderson* for the applicant ; Mr. *E. H. Burbidge* for the boiler-makers ; Mr. *J. Campbell* for shipwrights.

JUDGMENT OF THE COURT, DELIVERED BY PAGE, J.

THIS is an application made under section 3 of the Factories Amendment Act, 1936, by W. G. Lowe and Son, Ltd., Auckland, for an extension to 44 of the weekly hours of work fixed by that section.

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 work of the factory if the hours of work were thus limited.

The onus of proof of impracticability lies on the employer.

The position of the ship-repairing industry in relation to a 40-hour week was inquired into by the Court at Wellington, and the Court, in a reserved judgment, came to the conclusion that owing to the urgency of despatch usually required in ship-repair work, and to the necessity for permitting work to be carried out on Saturdays, a 40-hour week was impracticable in this industry.

The present applicant's main activity is ship-repair work, but they do also some boat-building. Their men are employed at ship-repair work in the aggregate for about eight months of the year, and at boat-building for about four months of the year.

We think that, following the Wellington decision, the applicants, in respect of their ship-repair work, are entitled to a 44-hour week, to be worked on 5½ days of the week.

In respect of their boat-building, they will work a 40-hour 5-day week (Monday to Friday inclusive).

Should a worker be employed for portion of the week on ship-repair work, and for portion of the same week on other work, his normal hours of work shall be 40 per week, but he may be employed at ordinary rates of pay on ship-repair work on Saturday morning between 8 a.m. and noon, provided that he does not thereby exceed 40 hours in that week.

This order shall take effect on the date hereof, and shall continue in force until the 31st August, 1937.

Dated this 19th day of August, 1936.

[L.S.]

E. PAGE, Judge.
