

(11062.) WELLINGTON (TEN-MILES RADIUS) AERATED WATER EMPLOYEES AND CHRISTCHURCH (TWENTY-ONE MILES RADIUS) AERATED WATER WORKERS.—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 Wellington (Ten-miles Radius) Aerated Water Employees' award, dated the 12th day of August, 1920, and recorded in Book of Awards, Vol. XXI, p. 1261; and the Christchurch (Twenty-one Miles Radius) Aerated Water Workers' award, dated the 15th day of February, 1924, and recorded in Book of Awards, Vol. XXV, p. 18. Mr. *J. Read* and Mr. *B. Martin* for the workers; Mr. *W. J. Mountjoy* 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 forty hours per week of the working-hours fixed by the two awards above enumerated relating to the aerated-water-manufacturing industry.

In conjunction therewith, upon the terms detailed in the judgment of the Court given in the application 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 eighty factory occupiers for an extension, to forty-four, 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 forty 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.

Some seven hundred workers are engaged in New Zealand in the manufacture of aerated waters, in addition to those engaged in the delivery and distribution of them.

The hours at present worked in this industry range from forty-nine in summer to forty-four in winter.

The amount of the output of the various aerated-water factories is largely dependent on the season of the year and on the weather conditions prevailing.

In the height of a dry summer the output at its peak is stated to be more than six times greater than in the depth of winter. In summer the manufacturers thus have difficulty in coping with their orders, whilst in winter their staffs are not fully occupied.

We have given careful consideration to the evidence called and the submissions made by the parties, and are of opinion that some modification of the hours fixed by the Industrial Conciliation and Arbitration Act and Factories Act should be granted to these firms.

We make an order that, during the period from 1st November to 30th April in each year, the maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by any of such awards shall be forty-four, and that during the period from 1st May to 31st October in each year the maximum number of hours (exclusive of overtime) to be worked in any week by any such worker shall be thirty-six.

Work on a Saturday will not be prohibited.

The awards 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 Industrial Conciliation and Arbitration Amendment Act, 1936, so that the ordinary rate 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 1st September, 1937.

Dated this 7th day of July, 1936.

[L.S.]

E. PAGE, Judge.