

(11072.) CANTERBURY MANURE, TALLOW, ACID, SOAP, AND CANDLE WORKERS; AND OTAGO AND SOUTHLAND MANURE, TALLOW, ACID, SOAP, AND CANDLE MAKERS.—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 Canterbury Manure, Tallow, Acid, Soap, and Candle Workers' award, dated the 31st day of January, 1935, and recorded in Book of Awards, Vol. XXXV, p. 43; and the Otago and Southland Manure, Tallow, Acid, Soap, and Candle Makers' award, dated the 22nd day of October, 1925, and recorded in Book of Awards, Vol. XXVA, p. 974. Mr. *J. Tucker* for the workers; Mr. *D. I. Macdonald* 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 in so far as they relate to the soap-manufacturing industry only.

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, two applications made on behalf of eleven 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.

We have come to the conclusion that a 40-hour week should be observed, but that work should be permitted on Saturdays, and that, when a pan is being cast, workers employed in connection therewith may be required to work for a period of five hours without an interval for a meal.

Pursuant to section 21 of the Industrial Conciliation and Arbitration Amendment Act, 1936, we therefore make an order amending the above-mentioned awards by fixing at 40 the maximum number of hours (exclusive of overtime) to be worked in any week by any worker in the soap-manufacturing industry bound by either of such awards.

Work on any Saturday will be permitted.

Pursuant to section 3 of the Factories Amendment Act, 1936, an order will on 1st September be made extending to 5 hours the period that a worker, while engaged in work connected with the casting of a pan, may be required to work without an interval for a meal.

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 take effect on 1st September, 1936.

Dated this 8th day of July, 1936.

[L.S.]

E. PAGE, Judge.