

(11078.) NORTHERN, TARANAKI, WELLINGTON, NELSON, CANTERBURY, AND OTAGO AND SOUTHLAND FURNITURE TRADE EMPLOYEES AND THE WELLINGTON INDUSTRIAL DISTRICT UPHOLSTRESSES.—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 Northern, Taranaki, Wellington, Nelson, Canterbury, and Otago and Southland Furniture Trade Employees' award, dated the 19th day of August, 1935, and recorded in Book of Awards, Vol. XXXV, p. 892; and the Wellington Industrial District Upholstresses' award, dated the 8th day of September, 1926, and recorded in Book of Awards, Vol. XXVI, p. 836. Mr. *Jas. Ferguson* 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 40 hours per week of the working-hours fixed by the two awards above enumerated relating to the furniture trade.

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, six applications made on behalf of thirty-four 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 workers covered by these awards are cabinet-makers, casket-makers, upholsterers, chair and frame makers, machinists, wood-carvers, turners, polishers, pianoforte-makers, picture-frame makers, and wire-mattress makers.

In these industries, as in many others, there is a shortage of skilled operatives.

Ample work is offering, all the factories are working to their utmost capacity, and the manufacturers are having difficulty in coping with their orders.

The institution of a 40-hour week must entail some reduction in output, but we think it has not been established that it is impracticable to carry on efficiently this industry, or the work of any of the factories in question, on a 40-hour week.

An order must therefore be made, pursuant to section 21 of the Industrial Conciliation and Arbitration Amendment Act, 1936, 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 bound by either of such awards.

Rates of pay prevailing on 1st September, 1936, will be adjusted in accordance with subsection (3) of section 21 of the same Act, 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.

Dated this 17th day of July, 1936.

[L.S.]

E. PAGE, Judge.

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