(11079.) WELLINGTON INDUSTRIAL DISTRICT COACHWORKERS AND OTAGO AND SOUTHLAND COACHWORKERS.—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 Industrial District Coachworkers' award, dated the 23rd day of June, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 599; and the Northern, Wellington, Canterbury, and Otago and Southland Coachworkers' award, dated the 2nd day of September, 1930, and recorded in Book of Awards, Vol. XXX, p. 605 (in force in respect of the Otago and Southland Industrial District only). Mr. *C. H. Chapman* 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 coachbuilding industry.

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, eight applications made on behalf of twenty-one 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 evidence shows that in this industry all the factories are working to their utmost capacity, and, notwithstanding the working of considerable overtime, are having difficulty in coping with their orders.

The hours at present worked (exclusive of overtime) are 45 and 47 a week.

There is in this industry, as in many others, a marked shortage of skilled labour. Several of the employers concerned in the present applications have, for months past, advertised throughout New Zealand and Australia for panel-beaters, sheet-metal workers, painters, and improvers, but without success.

Though the introduction of a 40-hour week must, under present conditions, curtail the output of these factories, with a consequent increase in cost, we are unable to hold, on the evidence placed before us, that it has been shown that it would be impracticable to carry on efficiently the 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.

Work on Saturdays will not be prohibited.

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 15th day of July, 1936.

[L.S.] E. PAGE, Judge.