

(11080.) WELLINGTON (TWENTY-FIVE-MILES RADIUS) BAKERS AND PASTRYCOOKS AND THEIR LABOURERS; AND OTAGO AND SOUTHLAND BAKERS AND PASTRYCOOKS AND THEIR LABOURERS.—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 (Twenty-five-miles Radius) Bakers and Pastrycooks' and their Labourers' award, dated the 6th day of August, 1935, and recorded in Book of Awards, Vol. XXXV, p. 773; and the Otago and Southland Bakers and Pastrycooks' and their Labourers' award, dated the 24th day of September, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1024. Mr. *E. Watson* for the workers; Mr. *F. A. Jarrett* 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 baking 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, twenty-five applications made on behalf of 639 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 industry concerned in these applications is the baking of bread, together with, as a subsidiary activity, the baking of small-goods.

The prices payable by bakers for flour and the prices chargeable by them to the public for bread have been fixed by the Minister of Industries and Commerce, pursuant to the provisions of the Board of Trade Act, 1919.

We think it is clear from the evidence adduced before us that, unless the margin between the cost payable by bakers for flour and the price obtainable by them for bread were increased beyond the present figure, it would be impracticable for them to carry on this industry efficiently on a 40-hour week.

Apart, however, from the question of cost, there are other features connected with the industry calling for consideration.

Bread-baking is an activity which, to meet the normal requirements of the public, must be carried out on six days of the week.

To compress into the limits of a five-day week the baking of bread sufficient to meet the needs of the public is, therefore, unworkable.

Nor is it practicable to reduce to any substantial extent the number of hours per day that are required to complete the processes incidental to the turning out of the batches of bread. It takes time to prepare the bread for baking and time to bake it.

The processes include the mixing and setting of the doughs (which is usually carried out on the night preceding the baking), the knocking-down, kneading, recovery time, scaling, first and second proving, filling of oven, baking, and drawing.

The processes are repeated for a second batch, and at the end of the day's baking time is required for cleaning up, greasing tins, &c.

On Saturdays the processes, in the aggregate, take a longer time for the reason that a double supply, to last over Sunday, must be baked.

We have closely examined the estimates of the time necessary to carry out the foregoing processes, and have come to the conclusion, upon the evidence submitted to us, that to spread a working-week of 40 hours over six working-days would give insufficient time each day to complete the processes incidental to the production of bread in the average bakehouse.

This difficulty might possibly, in the case of a few bakeries where large staffs are employed, be met (at an increased cost) by working the staffs five days a week and employing, on a system of rotation of the days of work, some additional labour to perform the work on the sixth day, but in the case of most bakeries such a system could not be employed.

The great majority of the 800 bakeries operating in New Zealand are small concerns with small staffs, 85 per cent. of the bakeries manufacturing, we are told, under 2,000 loaves per week each. In all such cases, to work the employees a five-day week and to endeavour to carry out the baking on the sixth day with casual labour would be unworkable, and the smallness of these businesses would not warrant the permanent taking-on of an additional man.

For these reasons we are of opinion that it would be impracticable to carry on this industry efficiently on a 40-hour week, and that the applicants are, therefore, entitled to relief from the provisions of the statute.

We therefore make an order that the maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by either of the above-mentioned awards shall be 44, and the awards will be amended accordingly.

A corresponding order will on 1st September, 1936, be issued under the Factories Act in respect of each factory concerned in these applications.

Work on Saturday will be permitted.

This order will come into force on 1st September, 1936, and will continue in force until 1st September, 1937.

Dated this 21st day of July, 1936.

[L.S.]

E. PAGE, Judge.

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