

(11081.) CANTERBURY LIME AND CEMENT WORKERS; AND OTAGO AND SOUTHLAND LIME, MARL, AND PHOSPHATE 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 Canterbury Lime and Cement Workers' award, dated the 27th day of August, 1926, and recorded in Book of Awards, Vol. XXVI, p. 882; and the Otago and Southland Lime, Marl, and Phosphate Workers' award, dated the 23rd day of November, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 1057. Mr. *P. Butler* for Canterbury workers; Mr. *J. Roberts* for Otago and Southland Lime and Cement Workers and Milburn Lime and Cement Employees' Union; Mr. *W. E. Anderson* for employers; Mr. *J. Mulcare* for West Coast Farmers' Co-operative Lime Co.

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 lime-manufacturing 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, twelve applications made on behalf of twenty-three 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 involved in these applications is the manufacture of lime—namely, carbonate of lime and shell lime (for agricultural purposes) and burnt lime (for agricultural and industrial purposes).

The hours at present worked vary in the different districts and in the different factories from 56 per week (on shift work) to 48 per week (on day work).

The manufacture of agricultural lime is largely seasonal, though the seasons vary somewhat in the different localities, and it is estimated that from 75 per cent. to 80 per cent. of the output of the various factories is manufactured and sold in the busy season of six months.

The manufacture of shell (agricultural) lime is a continuous process, which necessitates the keeping of the furnaces going and the machinery working day and night each day of the week for a period of six months on end.

The manufacture of burnt lime (for agricultural and industrial purposes) is, similarly, a continuous process.

The employers who are manufacturing agricultural lime, both carbonate of lime and shell lime, agree to work a 40-hour week during the slack season of six months, but they ask for an extension of the working-week to 44 hours during the rush season of six months.

Those manufacturing burnt lime ask for a 44-hour week throughout the year.

Most of the factories, though not all of them, manufacture both agricultural lime and burnt lime.

Considerable evidence was taken on the hearing of these cases.

Keen competition exists in this industry, and many of the factories are, under present conditions, experiencing some difficulty in carrying on.

Some of them are handicapped by the limits of time during which they may use, at payable rates, the electrical power for their crushing-machines.

In respect of the manufacture of both burnt lime and shell lime, work on Saturdays is essential to the efficient carrying-on of the industries.

Upon a careful review of the whole evidence, we are of opinion that, under present conditions, it is impracticable to carry on this industry efficiently on a 40-hour week and that the applicants are entitled to the relief asked for.

In the case of workers employed in work incidental to or connected with the manufacture of burnt lime, we make an order reducing to 44 per week the hours of work fixed by their respective awards.

In the case of workers employed on work incidental to or connected with the manufacture of carbonate of lime or shell lime, we make an order reducing to 44 per week, during the busy six months and to 40 per week during the remaining six months, the hours of work fixed by their respective awards.

Employers will be required to notify the Inspector of Awards in their district, before commencing the 44-hour week, the six-monthly period selected.

Corresponding orders will on 1st September, 1936, be issued under the Factories Amendment Act, 1936.

We make an order in respect of all shift workers in lime-factories, extending from 4 $\frac{1}{4}$ to 8 hours the period of work without an interval for a meal, with the understanding that all workers shall, as in the past, have their meal at a convenient time during the shift, and that the interval so taken shall be paid for as part of the shift.

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.

Work on Saturdays will be permitted.

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

Dated this 22nd day of July, 1936.

[L.S.]

E. PAGE, Judge.