

(11082.) NEW ZEALAND (EXCEPT MARLBOROUGH) MOTOR MECHANICS AND CANTERBURY CYCLE 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 New Zealand (except Marlborough) Motor Mechanics' award, dated the 19th day of October, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 506; and the Canterbury Cycle Workers' award, dated the 10th day of March, 1926, and recorded in Book of Awards, Vol. XXVI, p. 58. Mr. *A. Black* for Wellington workers; Mr. *A. W. Croskery* for Canterbury workers; Mr. *D. I. Macdonald* for 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 motor and cycle assembling, repairing, and servicing 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, ten applications made on behalf of 1,495 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 concerned in these proceedings include motor mechanics in general garages employed in ordinary repair work, petrol-service-station attendants, mechanics employed by passenger and goods transport companies to service the vehicles of these companies, mechanics employed by cycle and motor-cycle dealers, and mechanics employed in assembly plants assembling new cars.

In respect of the last named (those employed in assembly plants), the employers have agreed to a 40-hour week spread over five days.

In respect of petrol-service-station attendants, the parties have agreed to a 44-hour week spread over six days.

In respect of the remaining three classes (motor mechanics in general garages, motor mechanics employed by transport and service-car firms, and mechanics employed by cycle and motor-cycle dealers), the workers ask for a 40-hour week spread over five days, and the employers for a 44-hour week spread over six days.

The main ground for the employers' application is the widespread public need for the servicing, adjusting, and repairing of motor-vehicles on each week day, including Saturday morning, and the main controversy in the case centred round the question of Saturday work.

There are, we are told, over two hundred thousand motor-vehicles on the roads.

It is shown that the majority of the large army of private owners use their cars more at the week-end than at any other

time during the week, and adjustments, cleaning, oiling, greasing, battery charging, minor repairs, and other servicing are required frequently on Saturday morning to make the cars ready for the road. So commercial men, travellers, and others, returning to their headquarters at the week-end, require their cars attended to on the Saturday ready to start on the road again on Monday.

Carriers, goods transport operators, taxi-drivers, and other commercial vehicle owners, earning their living from the transport industry and having no mechanics of their own, require their repairs effected promptly and cannot afford to have their vehicles held up.

Saturday morning is one of the busiest days in the ordinary motor mechanic's establishment.

The docking of cars is an activity also undertaken by some motor-garage proprietors, and the demand for this accommodation is greatest on Fridays and Saturdays.

Transport service proprietors operating passenger service cars, goods transport lorries, omnibuses, and the like, and employing motor mechanics to do their own repairs and servicing, have a like need for work to be done on a Saturday.

Similarly, cycle and motor-cycle shops, open on a Saturday, require the services of their mechanics particularly on a Saturday.

In our view, Saturday work is essential to the efficient carrying on of this industry.

The remaining question concerns the length of the working-week.

In our opinion it has not been shown to be impracticable to carry on this industry efficiently on a 40-hour week provided that work on Saturdays is permitted.

The awards will accordingly be amended as follows:—

1. In respect of workers in motor-car assembly factories, to a 40-hour week, eliminating work on Saturdays.
2. In respect of workers in petrol-service stations, to a 44-hour week, with the right to work on Saturdays.
3. In respect of all other motor mechanics and of cycle mechanics, to a 40-hour week with the right to work on Saturdays.

A corresponding order will on 1st September, 1936, be made under section 3 of the Factories Amendment Act, 1936.

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.

The order in respect of petrol-service stations will continue in force for one year.

This order will take effect as from 1st September, 1936.

Dated this 23rd day of July, 1936.

[L.S.]

E. PAGE, Judge.
