

(11091.) WELLINGTON, CANTERBURY, AND DUNEDIN (FIFTEEN-MILES RADIUS) AND OAMARU (FIVE-MILES RADIUS) BUTCHERS.—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 for amendment of the Wellington Industrial District Butchers' award, dated the 2nd day of October, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 963; the Canterbury Butchers' award, dated the 20th day of December, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1368; the Dunedin (Fifteen-miles Radius) and Oamaru (Five-miles Radius) Butchers' award, dated the 29th day of October, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 560. Mr. *A. W. Croskery* for the workers; Mr. *J. Robinson* for the Canterbury workers; Mr. *W. E. Sill* for the Auckland 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 three awards above enumerated relating to the retail butchery and small-goods-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 656 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.

These applications relate to workers in butchers' shops and also to workers, making small-goods, in factories attached to such shops.

There are many hundreds of butchers operating in New Zealand and almost every one has some species of workshop or factory (some large and some small), where small-goods are manufactured, attached to or working in conjunction with his retail shop or shops.

The general considerations applicable to retail shops detailed in the judgment given in the grocers' case apply also to butchers; and, having regard to the highly perishable nature of the commodity that they handle, there are, in the case of butchers, stronger reasons against a reduction of hours and against the closing of butchers' shops on Saturdays.

In our opinion, it is impracticable to carry on this industry efficiently on a 40-hour week.

An order must be made fixing at 44 the maximum number of hours (exclusive of overtime) to be worked in any week in butchers' shops.

Saturday work will be permitted.

With regard to the factories in which the small-goods for butchers' shops are made, there appear to be a few isolated instances in which such factories are run by firms not themselves owning retail shops, who sell their products to the butchers and other retail shops. The vast majority of such factories, however, are attached to retail shops and form, in reality, part of the retail shop business. They supply their small-goods to the retail shops and draw their supplies of meat, &c., from such shops.

Both sets of workers—viz., those in butchers' shops and those in small-goods factories—at present work the same hours and are covered by the same awards.

The factory portion of the industry, regarded as a whole, is, in our opinion, an integral part of the retail butchery industry, and, for its efficient working, requires to observe the hours observed by butchers' shops.

Orders will be made accordingly for a 44-hour week in respect of such factories, with the right to work on Saturdays.

Corresponding orders will, on 1st September, 1936, be made under 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 Act, 1936, so that the ordinary rates 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, and will continue in force until the 31st August, 1937.

Dated this 5th day of August, 1936.

[L.S.]

E. PAGE, Judge.