

**FACTORIES AMENDMENT ACT, 1936.—ORDER EXTENDING WORKING-HOURS IN RESPECT OF PORT CHALMERS MARINE REPAIR WORKS (UNION STEAM SHIP CO. OF NEW ZEALAND, LTD.)**

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Factories Amendment Act, 1936; and in the matter of an application for an extension of the limits of working-hours prescribed by section 3 (1) of the said Act.

Thursday, the 16th day of November, 1944.

IN pursuance and exercise of the powers vested in it by section 3 (5) of the Factories Amendment Act, 1936, this Court doth hereby order as follows:—

(1) That in respect of the factory of the Union Steam Ship Co. of New Zealand, Ltd., at Port Chalmers, known as the Port Chalmers Marine Repair Works, the limit of working-hours prescribed by paragraph (a) of subsection (1) of section 3 of the said Act is hereby extended to forty-four hours (excluding meal-times) in any one week.

(2) That this order shall come into force on the day of the date hereof and shall continue in force until the 10th day of February, 1946.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

This is an application by the works-manager (as occupier) of the factory known as the Port Chalmers Marine Repair Works for an extension to forty-four of the weekly working-hours prescribed by section 3, subsection (1) (a), of the Factories Amendment Act, 1936. The application is made pursuant to subsection (5) of section 3 of the same Act, and is opposed by the following industrial unions of workers:—

- New Zealand (except Northern Industrial District) Amalgamated Engineering and Related Trades.
- New Zealand (except Westland) Plumbers, Gasfitters, and Related Trades.
- New Zealand (except Northern, Taranaki, and Westland) Shipwrights and Boatbuilders.
- New Zealand Waterside Workers.
- United Boilermakers and Iron-ship Builders of Otago.
- Otago Branch of the Amalgamated Society of Carpenters and Joiners and Joiners' Machinists.
- Dunedin and Suburban General Electrical Workers.
- Otago Metal-workers' Assistants.
- Dunedin Painters.

The factory is engaged primarily in the repair and overhaul of ships.

Subsequent to the passing of the Factories Amendment Act, 1936, the Court decided that the weekly hours of work for workers engaged in ship repair work should not be limited to forty, but should be forty-four. The judgment of the Court is recorded in 36 Book of Awards 480, and a subsequent order extending the working-hours of factories engaged in ship-repairing is to be found in the same volume at page 566.

The Court is now requested by the several unions of workers to reverse its previous decision. Before such a course is taken, the Court must be satisfied that changes have occurred which justify the reversal.

It is true that important changes have taken place since 1936. Amongst these changes are the following:—

- (1) The country is at war, and the necessity for the prompt execution of ship repairs is more urgent than in 1936.
- (2) There is less skilled labour available to undertake such repairs than there was in 1936.
- (3) The Economic Stabilization Emergency Regulations are in operation, and the Court in making awards and approving of industrial agreements is required to have regard to the general purpose of these regulations, which is to promote the economic stability of New Zealand.

Having regard to the above changes, we can see no justification at the present time for reversing the previous decision of the Court; and the order applied for is accordingly made.

Mr. Monteith is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

#### DISSENTING OPINION OF MR. MONTEITH

I dissent because it has been proved that during both peacetime and wartime the applicant company has employed a large number of its employees on the forty-hour week. In fact, all its metal-workers' assistants for some years worked a forty-hour week. All the reasons set out by the majority applied then as now; but the applicant company still worked a forty-hour week, and all it means is that the applicant will get four hours' work at a cheaper rate.