

(11122.) WELLINGTON GASWORKS EMPLOYEES AND CHRISTCHURCH GASWORKS EMPLOYEES.—AMENDMENT OF INDUSTRIAL AGREEMENT AND AWARD.

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 Gasworks' Employees' industrial agreement, dated the 15th day of July, 1931, and recorded in Book of Awards, Vol. XXXI, p. 166; and the Christchurch Gasworks' Employees' award, dated the 12th day of June, 1930, and recorded in Book of Awards, Vol. XXX, p. 340. Mr. *Jas. Roberts* for the Wellington workers; Mr. *L. Glover* for the Christchurch workers; Mr. *G. Wadham* for the Auckland and Birkenhead workers; Mr. *H. Thompson* for New Zealand plumbers and gasfitters; 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 award and industrial agreement above enumerated relating to the gas manufacturing and distributing 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, an application made on behalf of twenty-five 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 and distribution of gas.

Applications for relief have been filed by forty-seven gas companies or local bodies, but twenty-two of these operate small plants, each manufacturing less than 12,000,000 ft. of gas per year.

In respect of these small concerns representations are, we are told, being made with a view to having them excluded from the limits of hours fixed by the Factories Act, and their applications have been adjourned, and are not being dealt with in this judgment, the applications of the remainder having alone been heard.

Gas companies throughout New Zealand are encountering strong competition from electrical-supply authorities.

The manufacture of gas is, in general, a continuous process, and the operations go on for twenty-four hours per day right throughout the year, work being done in successive shifts.

The employers are not opposing the operation of a 40-hour week in respect of some of their workers, but they ask that, in respect of certain workers, namely,—

- (1) Men (including drivers) engaged in receiving, trimming, bunkering, or handling coal or ashes;
- (2) Complaints men;
- (3) Maintenance men; and
- (4) Shift men,

an extension to 44 hours be granted.

It is clear that, as to the first two classes, work on Saturdays is essential. The works are and must be kept open on Saturdays and work must go on then.

Every Saturday bunkers must be filled to enable work in the retort-house to proceed over the week-end.

Steamers with coal arrive and discharge at times on Saturdays, and drivers and yardmen must be ready to receive it.

Similarly, with complaints men, work must be carried out throughout Saturdays.

The public interest demands that complaints men should be available on Saturdays as on other days.

We think that, as to these two classes, it is impracticable to carry on the industry efficiently on a 40-hour week, and that an extension to 44 must be granted.

With regard to the third class—namely, maintenance men, the chief need of the employers appears to be that these men should be allowed to work on Saturdays at ordinary rates. Subject to that stipulation, a 40-hour week appears to be practicable.

The position of shiftmen is somewhat different from the foregoing.

In some places these men work six shifts of 8 hours each, a total of 48 hours per week. In others they work a shift on every day of the week, seven shifts of 8 hours each, a total of 56 hours per week.

The day's work of a shiftman is, in a sense, intermittent, in that, after the retorts are each hour charged and drawn, there is an interval before they are recharged. The practice has been for the men to take their meal, on the premises, in one of these intervals. At times, due to difficulties with the plant, the interval is short and the meal-time consequently hurried.

Such meal-time comes within and forms part of the 8-hour shift, and no deduction of working-time in respect of it is made. This is, we think, the practice followed in most industries where shifts are worked.

It is suggested by the employers that, to meet the compulsory statutory reduction of hours to 44 per week, shiftmen should work a shift of 8 hours on each of six days of the week, and that the meal-time should be fixed at 40 minutes, which should be deducted from the hours worked, leaving a net actual working time of 44 hours per week.

The work of a shiftman in these works, though intermittent in the sense above detailed, is hot and laborious.

Though the reduction of the hours of shiftmen from 56 hours and 48 hours a week respectively to 40 hours a week must entail additional cost, we think that it has not been shown to be impracticable to carry on this industry efficiently on a 40-hour week so far as shiftmen are concerned.

Orders will accordingly be made—

- (1) Reducing to 44 hours per week (exclusive of overtime) the working-week in respect of—(a) Yardmen and drivers engaged in receiving, trimming, bunkering, or handling coal or ashes; (b) complaints men.
- (2) Reducing to 40 hours per week (exclusive of overtime) the working-week of other workers, including maintenance men and shift men.

Work on Saturdays will be permitted.

Corresponding orders will on 1st September, 1936, be issued 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 Amendment 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 6th day of August, 1936.

[L.S.]

E. PAGE, Judge.

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