

SHOPS AND OFFICES ACT.

The agitation evoked by section 3 of the Act of 1904 (closing shops in the chief towns at 6 p.m.) died away on the amending Act of 1905 becoming law. The new Act has been generally accepted everywhere with a sense of relief and acknowledgment that the best has been done which at present can be done to legislate on an exceedingly difficult subject, and one traversed by so many conflicting interests. A measure which should at once guard the interests of thousands of shop-assistants, meet the approval of proprietors of large establishments in main thoroughfares, and yet do no injustice to struggling owners of small suburban shops, is one which would tax the wisdom of any legislative body. There is little doubt that the less statutory enactment is brought to bear on the closing of shops (but only on regulating the hours of assistants) the better the position, while the onus of compelling any establishment to be actually closed is thrown on the majority of shopkeepers themselves—such a course is the only safe path of action visible at present.

Requisitions have been received from thirty-eight places desiring early closing at certain hours. Some of these requisitions are for all shops; but, especially in the large towns advantage is taken of the provision allowing closing to be determined by trades.

It has been considered an important matter that statistics should be obtained concerning the number of male and female shop-assistants in the colony; also how many of these are under the age of twenty-one years, &c. For this purpose schedules have been sent out under the Labour Department Act requiring occupiers of shops to fill in the information asked for in the schedules. The papers which were issued have not yet been returned complete in time for this report, but next year it is hoped that the return will be as complete as that relating to factories.

There have been informations laid against shopkeepers who declined to close in response to gazetted requisition, and took advantage of technicalities to defend their action; but, generally, they have been compelled to fall into line with the majority of those in the same trade.

I respectfully recommend that when an amendment of the Act is projected a clause should be inserted defining the scope of the trades mentioned in the schedule at the end of the Act, as a fruiterer or fishmonger is already defined.

Another suggestion is that an overtime-book should be provided in every shop employing assistants. This book is arranged for in regard to offices, but not in shops under the present Act. The result is that it is almost impossible for an Inspector to ascertain if the overtime worked by shop-assistants has been noted and paid for. Such a record would prevent misunderstandings, and allay a feeling of silent irritation which exists when it is known that overtime has been worked, but when an employer does not produce such a record and an assistant prudently objects to give in his account of the time worked.

The cases brought to Court under the Shops and Offices Act number 127. Of these 117 decisions were in favour of the Department, six cases were dismissed, and four withdrawn.

Interesting decisions under the Act are as follows:—

A fruiterer at Dunedin was fined for keeping his shop open on the half-holiday, he having a varied stock, including seeds, &c., and thus not being a fruiterer under the definition of the Act. (*Labour Journal*, 1905, p. 424.)

A bank-manager at Nelson was fined for failing to produce extra-time book when requested by the Inspector. (*Labour Journal*, 1905, p. 520.)

A Chinese grocer at Masterton was fined for not closing in accordance with a gazetted requisition. The defence was that an "alien" could not be an "occupier," but this was not sustained by the Magistrate. (*Labour Journal*, 1905, p. 720.)

A Chinese grocer at Blenheim was fined for the same offence as the last noted. He offered also the same defence. (*Labour Journal*, 1906, p. 215.)

An Austrian in Auckland was prosecuted for working assistants in a restaurant more than fifty-two hours per week. In this case the hours worked by one shopman were 116 hours in a week. The fines and costs amounted to £29 15s. 8d. (*Labour Journal*, 1905, p. 987.) A further claim was afterwards made for overtime, and £40 paid without going into Court. (*Labour Journal*, 1906, p. 22.)

An auctioneer and a draper at Kimbolton, near Feilding, were charged with having conducted an auction sale on the statutory half-holiday. The draper was fined, he being the "occupier" of the shop. (*Labour Journal*, 1905, p. 1043.)

Two Chinese storekeepers of Wellington were prosecuted for keeping assistants after prescribed hour of closing. In one case the Magistrate held that the assistants were partners. Case dismissed. (*Labour Journal*, 1906, p. 22.)

In Auckland a Chinese restaurant-keeper was fined for employing two waitresses more than fifty-two hours per week—viz., from seventy to seventy-five hours. (*Labour Journal*, 1906, p. 214.)