1909.

NEW ZEALAND.

LABOUR BILLS COMMITTEE

(REPORTS OF THE) ON THE SUNDAY LABOUR BILL AND THE SHOPS AND OFFICES ACT AMENDMENT BILL; TOGETHER WITH MINUTES OF EVIDENCE.

(MR. ARNOLD, CHAIRMAN.)

Reports brought up on the 21st December; Evidence brought up and ordered to be printed on the 24th December.

REPORTS.

SUNDAY LABOUR BILL.

The Labour Bills Committee, to whom was referred the above-mentioned Bill, have the honour to report that they have taken a considerable amount of evidence thereon, but as they consider there is not time this session to deal with the Bill they recommend that it be held over until next session.

SHOPS AND OFFICES AMENDMENT BILL.

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MINUTES OF EVIDENCE.

WEDNESDAY, 3RD NOVEMBER, 1909.

ELIJAH CAREY examined. (No. 1.)

1. *The Chairman.*] What is your name?—Elijah Carey.

2. What do you represent?—I am secretary of the local Cooks and Waiters' Union, and also a member of the Wellington Trades and Labour Council.

3. Do you give evidence on behalf of the Trades and Labour Council?—On behalf of my union particularly, and generally on behalf of the Council.

4. Are you the only representative of the Council?—I understood another representative was to come along.

5. Have you read the Bill before us?—Yes.

6. Would you like to make a statement with regard to it?—Yes. I should like to say that for years and years the workers of New Zealand have been advocating a measure similar to this. It was mentioned at the 1902 Conference, and since then it has been frequently before the various labour bodies, especially at the Conferences of the Trades and Labour Councils last year and also on this occasion. The people I represent are of opinion that, seeing such measures are enacted in other countries less progessive than is New Zealand, it is time that some steps were taken in the direction of giving the employees concerned one day's rest a week—namely, that they shall work only six days a week. My attention was drawn some two and a half or three years ago to the French Act on the subject, which does not go quite so far as Mr. Fisher's Bill, but which covers nearly every servant employed. The Act is contained in Volume i, page 185, of the Bulletin of the Labour Office, and will be found in the Labour Department here, which stocks these books. The 1st section in that Act provides that "No employee or workman shall be employed more than six days a week in an industrial or commercial establishment, whatever its nature, whether public or private, lay or religious, or even if it exist for the purpose of professional instruction or of benevolence. The above holds good of all branches of establishments. The weekly day of rest shall consist of not less than twenty-four consecutive hours." That measure was passed in the French Chamber of Deputies by something like 400 to 1 in 1906. Since then Italy has followed in that direction, and passed a measure a little more drastic than the measure I speak of. I find that in France it is provided that in certain cases employees belonging to different classes in an establishment get off in rotation, and included in the list of people to which the day may be given by rotation are employees in hotels, restaurants, hospitals, almshouses, asylums, lunatic asylums, dispensaries, newspaper offices, contractors for electric lighting, and several others. I will mention particularly hotels and restaurants because it is a trade in which I have worked. Previous to accepting the position of secretary to my union about two years ago I was working in the hotel and restaurant trade during the last ten or twelve years, in other countries besides New Zealand. Up till recently we have not been legislated for at all. Until the amendment of the Shops and Offices Act two years ago, whereby a half-holiday in every week was provided for, no consideration whatever was given to us. We approached the Arbitration Court in the matter of holidays, but the Court refused to deal with that, and suggested that it was a matter for the Legislature and not for the Court. The reference to this is contained in the addenda to our award. Amongst the men and women who work in hotels there are many who belong to the town in which they work and are married, and they feel very much that there should be some restriction in the number of hours they work. They consider that the employers could easily make arrangements whereby for one day a week at least they should not be at the beck and call of everybody. Our award provides for sixty-five hours a week in restaurants and tea-rooms in the case of male workers, and fifty-two hours for female workers, and for sixty-five hours in the case of all classes of hotel-workers. The Sydney workers in the trade applied to the Wages Board, and were able to justify their demand for restriction of hours to such an extent that the Wages Board agreed to give them not only the whole day asked for, but in places where the establishments opened six days a week and were not kept open on Sunday the employees were to be given a half-day off. I might say there are about twelve thousand workers in the trade in and about Sydney. We think it can hardly be argued that our trade is a languishing industry, or that it will not pay the employers to give us the privileges we are asking for. Considering the length of hours and stretch of day over which our work extends, we think we are entitled to some relaxation on one day of the week. Practically we start at from half past 6 to 8 in the morning, and finish at any time between 9 and midnight. Since we obtained an award from the Arbitration Court our conditions with regard to hours have improved, but they are a long way short of what is desired in New Zealand. In ordinary employment men work the eight hours straight off, but in our trade the employees are required to work at two, three, or four intervals during the time, so that they never have any time for themselves; it is practically all work and sleep. With regard to the half-day off, we are thankful to the Government and Parliament for giving us that; but it so happens that the employees have already worked eight or nine hours of the day before they get the half-holiday. In the case of ordinary hands they would only have to go back for two hours, so that the half-holiday only amounts to two hours' cessation of work. If the Government gave us the measure we desire, and that Mr. Fisher has introduced, it would not mean an extra expenditure of more than £3 per week to the large hotels or any hotel with a staff of forty-two servants.

7. How would it work out in the small hotels in the country?—In the country and in Wellington I have been speaking to several of the hotelkeepers, who say they will offer no opposition to it at all. There are many—especially the smaller ones—who are prepared, if the large hotelkeepers will fall into line, to give us the whole day's holiday per week. I think, too, the women workers, who represent at least two-thirds of the employees in the industry, should be protected. Women who have their home ties and home comforts to attend to should have the privilege we require in a separate day to themselves. We want to be able to say to ourselves on one day in the week that we have not got to go to work that day. We are quite prepared to work the hours we do now, provided it can be done in the six days instead of the seven. On general principles we think the old biblical law should be observed, and we believe it can be done in our trade and in some of the other trades upon which representatives are going to give evidence.

8. Can it be done over the whole twenty-four hours in one day—from midnight to midnight?—In most trades it would be from midnight until the morning following the next midnight, because there is only one man working after midnight, and in the restaurants no one. In oyster-saloons in the large cities many close all day on Sunday, and only open in the evening to oblige their customers. I believe the oyster-saloon keepers generally would be prepared to support the measure if it were made obligatory on all, and many only open now because they are afraid their customers might go elsewhere on other days if they did not open for their convenience on the Sunday. The men and women in our trade will not be satisfied until they get the holiday they think they are well entitled to, and they think the industry can well stand it. In connection with the Sydney arrangement, the hotelkeepers themselves had a meeting with other employers, and unanimously decided to abide by the award of the Wages Board with regard to the full day's holiday, and refused to appeal to the Industrial Court. The men and women in our trade there are now enjoying the privilege we are now asking for. I should like to say further that under the old Conciliation Board's award we worked under from 1907 to 1908 there was a provision whereby, in addition to the half-holiday weekly, the employees in the various establishments were given one Sunday a month in full. That agreement was upset by the Arbitration Court because of its invalidity, and when we approached the Court and asked for a re-enactment of the agreement in connection with holidays which had been in existence for a year and which was contained in the Conciliation Board's agreement, the Court suggested, and stated in its addenda, that it was a matter for the Legislature—that, seeing that the Legislature had enacted the holidays in the Shops and Offices Act, it was not for the Court to interfere. In Sydney it is very seldom that the hours of labour approach in length the hours prescribed in the Wellington and other awards. We are asking for this privilege not so much on behalf of ourselves as on behalf of the country workers. In the country the workers in our trade, because of their migratory nature, are almost incapable of organization. To give an instance of the way in which our people travel from town to town, during the last two years and a half there have been just on three thousand names passed through my books. There were 880 people in the first year.

9. How many are there on the roll now?—Roughly, we have three or four hundred live members. Our financial membership I expect will be about six hundred. The arrangement can be made with very little inconvenience to the employers, especially in hotels and restaurants, where the chief men in the kitchen or two or three in the dining-room could fall in when extra assistance is required, and it only needs a little bit of arrangement so that the holiday can be given without any great measure of inconvenience. It is remarkable that in countries like Herzegovina, the Argentine, and other places similar measures have been enacted to the one that we are asking for, and the hotel trade is particularly mentioned because in those places the café system is in full swing. The cafés are open for seven days, but the employees are given one day off in rotation. We see no reason why even milkmen should be exempted. Some people I know say it is impossible, where only one man is employed, to deliver milk; but we think the employer also is practically a wages-man and may not very often make so much as the man who delivers the milk, and in such a case he should take his turn on and do part of the work. Although he is running a small business, he should not be able to compete unfairly against the larger employer.

10. *Hon. Mr. Millar.*] I see by the Sydney agreement there are many exemptions. The hours are from fifty-eight to sixty-three—there is no unanimity?—The position is this: In Sydney the majority of the men have the privilege of sixty hours each.

11. Sixty-three?—That is in the kitchen. They are not deemed to be shop employees. They have had the hours reduced from seventy-seven to sixty-three.

12. In Queensland the hours are fifty-two to fifty-six, and in Victoria fifty-six to sixty?—Fifty-six to fifty-eight.

13. *Mr. Luke.*] Will not the Bill have the effect of reducing the number of small employers, and bring about a condition of things which will prevent anything like an expansion of individual effort?—In no instance have we had opposition from the small employer. It has always come from the large man.

14. You are speaking from the point of view of your own employees?—Yes.

15. You have to take the Bill as it is drafted here, and it will affect not only the small employer in your industry, but also the farmer. A small farmer may require to do a certain amount of cropping, and would there not be a difficulty in giving effect to the Bill in that respect, and also in places working a small tramway—say, in Napier or Wanganui?—My point is that if six men work on seven days they do the work of seven men in six days. We want to see a measure of this sort brought about because it will widen the chance of employment and employ more workers. I also think that, in common with all other measures for shortening the hours of labour, it will conduce to the productivity of the men employed.

16. You have been arguing from the standpoint of the big employer, and I rightly concede in reference to them that they can facilitate a good deal of what you ask for, although I do not agree with your figures. I certainly think the effect of the Bill, taking it all round, would be to reduce the efficiency of the individual and drive business into the bigger concerns, which I think would be detrimental to the interests of any country?—My answer to that is that there is a power behind the small individual driving him into the corporations, and the question of a six-day week is a mere flea-bite to that power.

17. *Mr. McLaren.*] You said you represented the local Cooks and Waiters' Union: do you also represent other workers?—Yes, I know I am not only representing the workers in the organization, but also the female workers who do not get the half-holiday in the country that they are entitled to.

18. In reference to this award of the Wages Board of Sydney, is this the clause: "One day's holiday shall be given in establishments open on seven days a week"?—Yes. There is a further provision that those who are working in six-day establishments shall also be given a half-holiday.

19. Are you making a request that there shall be one day off?—Irrespective of what goes to make the total week's work by legislation, which we prefer, or by award of the Arbitration Court, which we may seek later on. The employers may perhaps give evidence that in certain seasons of the year it would be impossible to give the employees the holiday—such as race week or Easter week, when there is a rush. Well, we are not at all pig-headed about it, and we agree that the convenience of the employer might be considered on those occasions, and are prepared at such times to agree that the weekly holiday shall be foregone for four or five times a year only; provided that the holidays are made up at the end of the year, and provision is made for the Labour Department being asked in the first place for a permit to suspend the holiday.

20. Do you make a claim that the twenty-four hours off shall be inclusive or exclusive of the half-holiday at present allowed?—I do not think Parliament would attempt to deprive those in our trade who already enjoy a whole Sunday off of the half-holiday they already enjoy. I think an amendment might be put in the Bill safeguarding the half-holiday at present enjoyed by those working only six days now. But the claim we make is for the majority of workers—because the majority in our trade, excepting in hotel-bars and a few tea-rooms, consist of men and women who work seven days a week. We should be very grateful if the Government and Parliament will give us the whole day we are asking for.

21. If the hotels were closed, would it affect your employment—would there still be as many employed in restaurant-work?—In the Windsor Hotel, the Columbia Hotel, and the Coffee Palace—which is a sixpenny restaurant—there are as many men employed as there are in any hotel, except perhaps in the three largest, and they are only new establishments.

22. Are there any instances where the employers at present concede the one day off?—No. In some cases the employees get a week's holiday a year, and in some cases where men have asked for a fortnight they have got it, but have had to pay for it. In my case I worked a whole 365 days in the year and never had one day off; and that is the position of many men. It is because of these hardships that many are leaving the trade, and join the tramway service or follow other occupations in which they can get a little relaxation from work.

23. *Mr. Bollard.*] How do you propose to deal with an hotelkeeper or restaurant-keeper who employs, say, thirty hands—how do you propose that the employees in such an establishment shall get off on the Sunday?—In an hotel employing thirty hands it would be divided into four departments. Upstairs there would be two or three housemaids to look after the rooms, in the kitchen there would be two or three men, and in the dining-room there would be several waiters. We know that two general hands would be able to do the cleaning-work now done by the waiters and cooks, and they could be employed at the present award wages of £1 5s. a week. In that case the cost would only be £2 10s. a week more.

24. How would you regulate it so that they each would have the Sunday off?—Sunday or Monday will suit us, or any other day. We only want the one day's holiday in the week. Any day other than Sunday would suit us.

25. *Hon. Mr. Millar.*] How can you say that in houses with thirty employees two men are going to do it?—It was said when the half-holiday was brought about that there would be difficulties. The dinner is the main meal, when all the men are required to be present, and it was said that that would mean extra employment, but we know that it has not meant extra employment.

26. You would have to have a relieving staff or extra hands kept in each department to enable the employees to get their holiday?—I could so arrange it that even in the largest hotel the employment of two extra hands would meet the case, and easily allow of the six-day week.

27. That is, one male and one female. They have no surplus hands now upstairs in hotels, and, say there are twenty rooms, who would do the rooms?—They are done now under the arrangement for the half-day without extra expense, so that it could be done without much difficulty in the way I have suggested.

28. Are you aiming at five and a half days' work a week?—I am not, sir.

29. You said you wanted the half-day as well?—Take, for instance, the case of barmaids. There are roughly from eighty to a hundred barmaids working in Wellington to-day—at any rate, sixty or eighty. Those girls at present get a half-holiday on one day during the week. On Sunday most of them have a good time, and are not required to work in the bar. Although the girls are not in my union it would not be fair for me to come here and ask for a six-day week and by getting that debar those girls from getting the half-day during the week which they have already. Provided the girls' interests are safeguarded, we should be satisfied for a good many years with the full day only.

30. *Mr. McLaren.*] You want the full day as the minimum?—Yes, we want the full day.

WILLIAM THOMAS YOUNG examined. (No. 2.)

1. *The Chairman.*] What are you?—I represent the Wellington Trades and Labour Council and the Australasian Federated Seamen's Union.

2. Do you represent the Wellington Council or the Executive?—I am a member of the Colonial Executive. I was a member of the New Zealand Executive, which has now been taken to Auckland.

3. Will you make a statement?—We understand the principle of this Bill is to concede to workers a full twenty-four hours' rest in each seven days. That principle is not very hard to indorse. I may say that the Bill was considered at the recent Labour Conference, and the principle of it was unanimously indorsed. In regard to the Bill itself, we know that the Sunday is prescribed as being from 12 noon on Saturday to 12 noon on Sunday.

4. *Mr. Fisher.*] It is afternoon–midnight?—According to the Bill it will not be legal for any person to do any work outside of what may be considered to be work of necessity or mercy; and included in the matter of work of necessity or mercy is work in connection with Divine service, "relief of sickness or suffering, including the sale of drugs, medicines, and surgical appliances; the continuance to their destinations of trains and vessels in transit when the Sunday begins, and work incidental thereto; the delivery of milk for domestic use." I would mention in this connection that there would be a good deal of contention as to work of necessity and as to what is a matter of mercy, and I think these words would cause a good deal of conflict and trouble. If something more definite could be put into the Bill it would be very much better. I indorse the evidence that has been given by Mr. Carey. He has all the details at his finger-ends that I do not possess, but I would like to point this out in connection with this particular matter: that a very large number of workers in New Zealand, such as shop-assistants, factory hands, and others, receive the half-holiday in each week and the Sunday in addition; but that right is not enjoyed by a very large number of other workers, and we take it that the object of the Bill is to extend that right to those who do not now enjoy it.

5. *The Chairman.*] Can you give us some instances in addition to that of the cooks and waiters?—I can give you that of the seamen. The seaman is a man who works fourteen days in each week. When I say "fourteen days in each week" I want to make myself perfectly clear. Pretty well all shore workers average something like eight hours per day. They get their sixteen hours' rest out of the twenty-four; but that privilege is not enjoyed by the seaman. On the average he works sixteen hours a day, and very often he works twenty-three hours out of the twenty-four. It has been in evidence before the Arbitration Court times out of number that seamen have worked seventeen and eighteen hours in the twenty-four, and after putting in all those hours have received 6d. or 1s. overtime. To show you exactly how that is brought about I will take the case of an intercolonial liner arriving at Auckland on Sunday from Sydney. She lies there on Sunday and Monday night, and leaves on Tuesday, and drops into Gisborne the following day. A day's work is done at Gisborne with all hands on deck. She leaves Gisborne the same day, is at sea that night, and arrives at Napier the following morning. Another day's work is done at Napier with all hands on deck. She leaves that afternoon, is all night at sea, and arrives at Wellington the following morning. Another full day's work is done in Wellington with all hands on deck. She leaves again that evening, is all night at sea, and arrives at Lyttelton the following morning. Another day's work is done at Lyttelton with all hands on deck. She leaves again that evening and arrives in Dunedin the following morning—Sunday. So you see that, with that vessel, from the time she leaves Auckland until she arrives at Dunedin it is a case of watch-and-watch all night, and the men working all day in port in addition. Take the case of an intercolonial liner arriving in Wellington from Sydney. The same principle of hours applies to that vessel, and the same with the vessel arriving at the Bluff every Monday from Melbourne. She arrives at the Bluff on Monday, and leaves in the afternoon, arriving at Dunedin on Tuesday morning. She remains overnight at that port and leaves on Wednesday, arriving at Lyttelton on Thursday and Wellington on Friday, and leaves again the same day for Sydney. There is no case I know of where these vessels are lying in port in the daytime where the full eight hours' work is not extracted from the men. That applies to a great many more vessels. You can take the case of the "Huia," the "Stormbird," and the "Arapawa," trading between Wellington and Wanganui in the coastal trade. Weather permitting, these vessels are in port all day; the sailors are working cargo the full eight hours in port. They invariably leave at 5 or 6 o'clock in the evening, and pop into port again at 7 or 8 o'clock the next morning in time to turn to again. Which is another instance of eight hours' work in the day and watch-and-watch at night.

6. Will you look at clause 4? Will you tell us how the boat could be worked under this Bill so as to give every man his twenty-four hours off once a week?—I think it could be arranged on board a vessel just as easily as it could be arranged in respect to any work on shore. There is no vessel engaged in the coastal or intercolonial trade of New Zealand that does not pop into port at least once in each week, and it would be quite competent when that ship is in port for the men to get the day off. Take the case of the vessel I have quoted arriving at Auckland on Sunday from Sydney. She leaves Sydney on the Wednesday, invariably about noon, and, weather permitting, arrives in Auckland, on the average, about noon on Sunday. It would be quite within the bounds of possibility to give the sailors, firemen, trimmers, and greasers the full Monday off, seeing that she does not leave Auckland until Tuesday at about 4 p.m. The vessel arriving at Hobart from Melbourne leaves the latter port every Wednesday, and leaves Hobart, under ordinary circumstances, on Friday, and arrives at the Bluff on Monday. She is in Dunedin on Tuesday. She has a full night at that port, and does not leave until Wednesday afternoon, I think, about 4 or 5 o'clock. In that case it would be quite competent to give the men a full twenty-four hours off. The same also applies to the vessel arriving at Wellington from Sydney. She leaves Sydney every Saturday, arrives at Wellington on Wednesday morning early, and leaves again on Thursday afternoon at about 4 or 5 p.m. In that case also it would be competent to give the men the full twenty-four hours off at Wellington.

7. So that each man could have twenty-four hours on shore once a week?—Yes. Now take the case of the "Arahura," engaged in the Wellington – West Coast trade. She leaves Wellington every Saturday; proceeds to Nelson, Westport, and Greymouth; arrives at the latter port on Monday morning; and in some cases she leaves again on the same tide, and in other cases does not leave until the p.m. tide. She arrives back at Wellington on Wednesday evening or early on Thursday morning. Generally she arrives at 6 or 7 on Wednesday evening and lies in Wellington until Saturday at noon. In that case it would be quite competent also to give the men the full twenty-four hours Now take the case of the "Mapourika," engaged in the West Coast trade. She leaves Wellington every Tuesday; proceeds to Nelson, Westport, and Greymouth; and returns to Wellington, in most cases, on Saturday evening—in some cases, but very rarely, on Sunday; and lies here until Tuesday afternoon. There is another instance where it would be quite competent to give the men the full twenty-four hours. It could also be done in respect to the colliers. Take the case of the "Canopus." She is mostly engaged in the trade between Lyttelton and Westport, and she usually makes, on the average, about two trips a week. It generally takes about two or two and a half days to discharge her under ordinary circumstances, but if there is a rush on she can be discharged much quicker; generally it is two and a half days. It would be quite competent to give the men a full twenty-four hours once in each week; and that applies to all the colliers that I know of. Now, with regard to the ferry-boats: The "Maori" arrives here on Sunday morning at about 8.30, and remains in port until Monday night at 8 o'clock. That is another instance where the men could be given the twenty-four hours; and that also applies to the "Mararoa," which leaves here at 11 o'clock on Saturday night and arrives in Lyttelton, weather permitting, at 12 noon on Sunday, on the average, and does not leave Lyttelton again until 6.20 on the Monday evening. As a matter of fact, there are very few cases indeed—none that I can think of at the present moment—where all seamen could not be given a full twenty-four hours' rest in each week. In view of the very large number of hours that these men work—as is well known to Mr. Millar—I think it is reasonable that something should be done in the direction of this Bill so as to give them a full twenty-four hours' rest. I may say this in addition: that there are many cases on record where men have gone to sleep at the wheel through being on their legs so long. Personally, I have been on my feet, when before the mast, twenty-three and a half out of the twenty-four; and that is not an isolated case.

8. *Mr. Luke.*] On account of bad weather?—No, just the ordinary running of the ship. When a vessel is at sea the men work under the watch-and-watch system. One watch will do fourteen hours and another ten hours in each twenty-four, which averages twelve a day. The geographical position of our ports is such as to permit of a vessel dropping into port in the morning, working all day, and proceeding to sea in the evening, dropping into the next port at 7 or 8 o'clock in the morning, and again working all day. That goes on up and down this coast year in and year out. This Bill permits a vessel to continue to her destination on the Sunday; practically that means that any vessel arriving in Wellington on Sunday and wishing to leave again the same day can do so. Now, I think, and my organization thinks, that the time has arrived when vessels should be prohibited from leaving port on Sunday. I believe that is the Victorian law. By the law of Victoria it is not permissible for any vessel to leave a port in that State on Sunday, and, so far as I know, the law works exceedingly satisfactorily to everybody concerned.

9. *The Chairman.*] Of course, we cannot legislate for that in this Bill?—No; but the Bill, I think, would permit of a vessel continuing to her destination on Sunday. A vessel's destination is the port where she turns round and retraces her steps, so to speak. If a vessel is bound for Auckland, Auckland would be her destination; but if she popped in here it would be permissible for her to leave again to continue her voyage to her port of destination. I could say something in respect to the tramways; but the secretary representing that body is present, and I do not wish to unnecessarily detain the Committee by duplicating the evidence. I should like to say this in regard to the delivery of milk for domestic use: Our union thinks that this concession should extend to those engaged in the delivery of milk, just as much as it extends to the baker, or the butcher, or to any other person. If any arrangements have to be made in any other occupation to meet the requirements of the Bill, then it is certainly clear that it is quite possible to make similar arrangements in regard to the delivery of milk. It is only a matter of getting another man or two who knows how to manage a horse, and to measure milk, and to knock at the back door of a customer and fill the jug, to meet the situation. I do not think there is anything further I wish to say in connection with the Bill, but I may add in conclusion that the bodies I represent, and also, I may say, the Labour Conference that recently sat in Wellington, very strongly and unanimously indorsed the principle of this Bill. Whether the whole of the Bill is correct as it stands at the present moment I am not going to say, but so far as the principle is concerned we recognise it as being a thoroughly good one, and we hope something will be done by the Legislature to put it on the statute-book.

10. *Hon. Mr. Millar.*] Do you not think the name of the Bill is an entire misnomer—"Sunday Labour"? There is no attempt made to prohibit Sunday labour at all; it is only an attempt to get one day off in the week. The evidence, at all events, is in that direction, but the Bill itself is in the direction of prohibiting Sunday labour?—The Bill does not prohibit Sunday labour.

11. It practically does—it makes it an offence. Look at clauses 5 and 6?—Clause 3 says, "Except in cases of emergency, it shall not be lawful for any person to require any employee to do on Sunday the usual work of his ordinary calling unless such employee is allowed, during the next six days of such week, twenty-four consecutive hours without labour." That is perfectly clear, so far as I can see. According to that clause it would be permissible for an employee to work on the Sunday, but if that were done the employer would be compelled to give him a full twenty-four hours clear from duty during the next six days.

12. It just struck me when you were talking about those vessels that seamen and firemen ought to get the whole day off. There must be some principle contained in the Bill. Would you say all the cooks and stewards should be entitled to the same thing?—I am not conversant with the system of work by the cooks and stewards.

13. I am only showing you what we should get up against. There are all the passengers and men on board the vessel to be considered, and there would be a great deal of noise about it?—I think the same thing can be done on board a ship as can be done in the hotels in the city.

14. You would get a larger staff?—Yes. At the present time the law compels the hotel and restaurant keepers to give their employees half a day each week. There might be a certain amount of inconvenience about that, but nevertheless the fact remains that the law is obeyed, and these people get the half-holiday. I have a good recollection of the great disturbance that was made through the columns of the Press and on the public platform about the proposal to grant a half-holiday to shop-assistants. To read and listen to it one would have thought a great eruption was going to happen in New Zealand; but the law was passed, and is now working satisfactorily to everybody concerned.

15. There are certain callings in life that necessitate labour for the benefit of other people—labour which cannot be regulated in the same manner as that mentioned. For instance, the domestic servants are barred here—the Bill would not apply to domestic servants. One has only to think of several callings where it is absolutely necessary that seven days' work a week should be done. Take the dairying as a case in point: you could not allow the cows to stand one day without being milked?—In New Zealand a large amount of the dairying is done by the small farmer and his wife.

16. I think it is going in the opposite direction—the farmers are getting more cows and employing milking-machinery?—They gradually grow, of course; but even in that occupation I do not see why they should not employ an extra man in order to meet the requirements of the Bill.

17. Has any one made any attempt in discussing the Bill to ascertain what the increased cost would amount to to carry it out?—No, it is a very difficult thing for us to arrive at such figures. It is only the employer who is in a position to tell us what it is going to cost him.

18. We can only go to a certain length in anything. Are you going to make the wages the same for six days as are paid for seven?—I think the principle of the Bill is in operation in some places on the Continent.

19. The conditions are altogether different there; we have a higher standard of living here. Wherever there is an enhanced standard of living the cost is much greater. There are so many exemptions that would have to be granted that I do not see how it can be done?—That may be so.

20. *Mr. Luke.*] Is it more arduous work to do watch-and-watch on a deep-sea voyage than in the coastal boats? You work four hours watch-and-watch—is the intercolonial work more arduous than deep-sea work?—Certainly it is. The man in a deep-water ship does not work any cargo at all.

21. He is getting continuous work all the same?—Yes. When the ship is lying in port he works his full time, but when at sea he gets watch-and-watch of four hours each.

22. In your opinion, you having been in the intercolonial trade, is that more arduous?—The work is not to be compared with the intercolonial and coastal trade.

23. I want to know how the work affects men in the intercolonial as compared with the coastal trade?—When everything is taken into consideration there is not a great deal of difference, but if there is a difference at all it is in favour of the intercolonial man, because on the coast the men work very laboriously all day at cargo. They stow the cargo in the hold and discharge it. This is especially the case in the small vessels.

24. You say you could make arrangements to deal with the delivery of milk; but you could not call any one in one day a week in the city to supply the milk?—I do not see why it could not be done.

25. If you had a milk-round in the city, and a man had to get a full day off one day in the week, where would you pick up a man who would fill the function for that particular day?—It is quite competent for one man to know all the rounds. He could be put on A round one day, B round the second day, C round the following day, and so on.

26. Will the Bill not have the effect of increasing the number of big employers and be detrimental to small employers, and so be against what we require in the way of individual effort?—I do not think it will, for this reason: that the half-holiday has been in operation for a considerable number of years, and that concession has not by any means reduced the number of small business men; on the contrary, they have very much increased.

27. If you take it from the shopkeepers' point of view I may concede it, but from the employers' point of view it has had considerable influence on business?—It is perfectly clear that the number of manufacturers in New Zealand has very much increased, and the Legislature, during the time, has imposed a number of restrictions Notwithstanding those restrictions, the manufacturers have increased, and I venture to think that if this Bill is put on the statute-book they will go on increasing.

28. *Mr. McLaren.*] In this Bill there are certain exceptions provided for. Is it the desire of the bodies you represent that the twenty-four hours free should be allowed in all cases and be applied whether it can be shown to be impossible and entirely impracticable?—We think that the principle of giving each worker twenty-four hours off in each week should be applied to every occupation.

29. You mean that you would not have any exceptions under the Bill at all?—None whatever.

30. Are you concerned whether the industries are on a small or a large scale so long as they are carried on satisfactorily?—It is a matter of indifference to me whether they are carried on on a large or a small scale so long as they are carried on on a satisfactory basis. Personally I am a very strong supporter of the small man.

31. Do you indorse the evidence of Mr. Carey, not that the number of weekly hours should be reduced, but that there should be one clear day free from work?—Yes.

32. If the same number of hours were worked by each employee, can you see where it is going to greatly increase the cost to the employer?—I do not see that it would increase the cost very greatly. Take the case that was quoted of the hotel. Say there are twenty-eight employees in any one establishment, and it is necessary for each one of them to get a full twenty-four hours off in the week. To do that it would mean four to be off each day, and that might mean the engagement of another four in order to relieve them; but I think the relieving work could be very well done by two.

33. With reference to the distribution of milk: Within your knowledge are there a large number of casual workers who do odd jobs in various kinds of work, and would that class of labour be available for taking up the running of milk-walks?—Yes, there are always a certain number of employees looking for work in connection with the delivery of milk who would be available to take up the runs of milkmen. But, as I said before, there is very little in learning a milk-run. As long as a man knows the streets or something of the city, he can go a round once with the man in charge of the run, and pick it up in one round. If there were six rounds he could learn them all in a week.

34. *The Chairman.*] Do you object to the delivery of milk being exempt from the Bill—it is exempted now?—Yes, certainly.

35. *Mr. Luke.*] Do you not think there would be considerable difficulty with regard to boats—because the engineer has to be considered as well as the fireman and greaser. Would there not be considerable difficulty in replacing such men, having regard to the class of labour?—No, I do not think there would be a great deal of difficulty. Most of the intercolonial liners carry five engineers. It would be quite competent, when the vessel is in Auckland, in the case I quoted, from Sunday until Tuesday, for half of them to be off for the full twenty-four hours between Sunday and Monday, and the other half later on; or it would be competent, and could be worked, for the whole of the engineers to be away from midnight on Sunday to midnight on Monday and the vessel's engines to be left in charge of one engineer. There is no work to do of importance.

36. But there are repairs sometimes going on?—They could be done in the course of the week on working-days.

37. It is necessary sometimes to open up the machinery?—It is not always necessary to open everything up. The vessel does not leave Sydney until the Wednesday after arrival on Friday, and if there was anything to be done it could be done while the vessel was in Sydney.

38. *Mr. McLaren.*] Do you agree with the exemption of domestic servants from this Bill?—No, I see no substantial reason why that class of worker should be excluded from the concession proposed in the Bill.

39. *The Chairman.*] Have the domestic servants a union here?—They have a union.

40. Are they federated with your council?—No.

WEDNESDAY, 17TH NOVEMBER, 1909.

WILLIAM LAUGHTON JONES examined. (No. 3.)

1. *The Chairman.*] What are you?—A seaman by profession, representing the Wellington Tramway Union just now. I might say I am representing the Wellington employees, although I am secretary of the Federation of New Zealand. The Federation has not yet considered the matter, therefore the evidence given now is simply from the union itself.

2. What is the membership of your union?—450-odd.

3. Has this Bill been considered by the union?—Yes.

4. And they authorised you to appear for them?—They have authorised me to appear before this Committee by resolution. They affirm the principle of the Bill, but considered they could not go far into it on account of the lack of machinery clauses. The union thinks that if the machinery clauses were put in and things were made clearer they would better understand the Bill, but they affirm its principle. What they are very much afraid of is that, in the event of the Bill being carried and becoming law, it might create a reduction in their wages, and they consider that that is the main thing they have to guard against. If the Bill could be made law without any great loss to them on their present wages, then they would be very pleased to see it passed. I might say that all the men for three consecutive Sundays are on duty, then on six alternate Sundays they are on duty again, so that during the greater part of the year their Sundays are occupied by work.

5. Do they get a day off during the week?—No, but they get paid not by the week, but by the hour; and the men consider that were it not for the extra emolument for the Sunday labour the job would not be worth having. If machinery clauses are put into the Bill by which the men will not lose pecuniarily what they are enjoying at the present time, then they are decidedly in favour of the Bill going through.

6. What do they suggest?—They did not go into that matter at all, because the Bill seemed to them to be lacking in machinery clauses. They did not attempt to put anything into shape. I suggested that a committee should be set up to draft something, and they agreed; but that committee will not meet until Monday week.

7. Do I understand that they have set up a committee to consider the Bill and make suggestions with regard to machinery clauses?—Not to consider the Bill, but to frame something that might be utilised.

8. With the object of bringing it before this Committee?—Yes. The union has already considered the Bill as it stands.

9. And they do not meet until Monday week?—That is so.

10. Could they not have met before?—They have one week on at night and one week off. The week they have off is when they are not on night duty, and are at liberty to go into the matter.

11. Your fear is that, the City Corporation having to employ more men so as to give all the men a day off in the week, the expenses will be increased, and may lead to a reduction in the wages?—That is what they think. I pointed out that they could not expect to get seven days' pay for six days' work.

12. *Mr. Glover.*] What is their pay now?—It runs into something like three guineas a week for motormen, and something less for the others. I pointed out that this Bill did not mean that they would necessarily not work on Sunday, but that they would get one day off in the week, and it would be ordinary labour pay that would be deducted.

13. *Mr. McLaren.*] What are the hours the tramwaymen work on Sunday? You said they worked three consecutive Sundays and then one alternate Sunday: do they work the whole Sunday?—From 10 o'clock in the morning. The first car runs at 10 o'clock.

14. *Mr. Poole.*] Do they run continuously until late at night?—I think there is only one car from each different terminus—the Sunday morning car—up to 1 o'clock, and from 1 o'clock they are running continuously. There are only a few men on up to 1 o'clock, but afterwards the cars are running every ten minutes.

15. *Mr. McLaren.*] Are they running the same number of cars on Sunday as on week-days?—I cannot say for certain, but Sunday is the biggest day, I understand.

16. Has the union considered clause 4 of the Bill, as to whether the tramways should be exempt?—That came up in the discussion, and they suggested that the tramways should be exempt, but that was not in my instructions. I suggested that it would be very bad on their part to suggest that tramways, as apart from other businesses, should be exempt. They instructed me to say that if the tramways should be exempt it might injure the chances of the Bill going through.

17. Is it the case that there are men standing by?—There are men standing by, but I do not think so on Sunday. They are supposed to have their full week-end apart from Sunday, and it is made up by what they call "call-back time," where men are relieved in the car or work like that.

18. They make up the week's work apart from Sunday?—Yes, they must make up nine hours a day.

19. *Mr. Glover.*] Do the trams run continuously on Sunday?—Yes, after 1 o'clock.

20. There is no cessation during church hours, as in Auckland?—No, they run continuously here.

21. *Mr. Poole.*] I suppose some of the casuals depend on the Sundays to get employment?—There are no casuals in our tramway service.

22. There are in Auckland, and they look to Sunday to make their little bit of money. Would the men expect to get paid time and a half for working on Sunday if they got a day off in the week?—Yes.

23. I think you will notice that the purpose of the Bill is to turn any other day in the week into Sunday, and the work on Sunday into that of an ordinary working-day for the men who may be called upon to work on that day: you think there is a danger that it would not be reckoned as an overtime day?—That is my impression, and I pointed it out to them. They consider it would be obviously unfair, even though they got a day off in the week, to be called upon to work for the time off on Sunday; for in other trades, where men do not work on Sundays—such as drivers and carters—if they work on Sunday they get time and a half. The tramwaymen consider that, in the circumstances, if they get the day off in the week, the reduction, if any, should only be at the rate of day-labour, and not at that of Sunday labour. That is the conclusion they arrived at.

24. The purpose of the Bill is to give every man the Sunday?—Exactly.

25. And if every man gets a day off and some have to work on Sunday, the natural deduction is that Sunday would be an ordinary working-day—that is the spirit of the Bill?—The tramwaymen do not approve of that aspect of it. They affirm the principle of the Bill, but if they work on the Sunday they desire to be paid time and a half, and will not go back on that.

26. *Mr. Hardy.*] They are prepared to work on Sunday provided they get time and a half?—Yes.

27. They are prepared to take their Sunday, but only want what is equal to ordinary time allowed for that?—Yes.

28. It is not going to be considered as Sunday at all?—No; they would get their Sundays in notwithstanding, as at present, but instead of getting extra time they would only get paid as ordinary time, as on a week-day.

29. *Mr. McLaren.*] Do the tramwaymen get anything equivalent to the half-holiday which is given to artisans, tradesmen, and labourers generally?—No, they get paid by the hour. If they work nine hours they get nine hours' pay.

30. They work nine hours for every day they work?—Not necessarily, but they have to do it under their award if required. Eight hours is the specified time, but nine hours are necessary, and the majority put the nine hours in.

31. *Mr. Glover.*] Do I take it that, if they took Sunday, for the sake of argument, on Wednesday, they would desire to get time and a half for that particular Wednesday?—No. In the event of their getting the Wednesday off and working the following Sunday, they consider they should get the usual wage for Sunday work—time and a half.

32. *Mr. Hardy.*] Is it the wish of the tramway people that they should get the half-holiday?—I cannot say. That was not discussed. I think they would take it if they could get it.

33. If paid by the hour they would lose the time?—Of course they would.

34. And, as the men have heavy expenses in a place like Wellington, they could not afford it?—No. The majority of the men are married, and their time is made up on the Sunday.

35. Is there a general outcry against extra hours, or would not the men like to make extra time?—Some of them would, but the great majority would not. The work is very arduous and trying to the nerves. Only yesterday a young man—he is single—who has been five years on the cars told me that he would not continue at the work on this account.

WEDNESDAY, 1ST DECEMBER, 1909.

ELIJAH CAREY examined. (No. 4.)

1. *The Chairman.*] Whom do you represent?—I am secretary of the Cooks and Waiters' Union, and have been appointed by the union to give evidence before the Committee in connection with the Shops and Offices Bill.

2. You have gone carefully through the Bill, I presume?—Yes. I want to say that the committee of the union, which consists of eleven officers, met last week and considered the Bill, and on Monday night last the union held a special meeting also to consider the Bill. I should like to say right at the outset that the union is very pleased at the introduction of this measure, and believes, if it can be modified by the Labour Bills Committee to suit some of the requirements of the union, it will be a boon to the employees working in the trade which it governs. We are glad of the Bill because it is the first time, excepting for the little bit of protection we had under the previous Shops and Offices Act, that we have had any protection at all for the class of men I represent, and we think that in that respect New Zealand has been behind the Commonwealth. The union, both in committee and in full meeting, have gone carefully through the Bill clause by clause, and have instructed that I alone should give evidence, for the reason that they want to expedite the passage of the Bill through this Committee, and hope to see it—as I say, with qualifications—put on the statute-book this session. I have been asked to draw the Hon. the Minister's attention to section 2 of the Bill. We think the definition there of "hotel" and "restaurant" might be widened so as to prevent possible evasions if the Bill eventually becomes law. The particular words used which we think might give certain places exemption from the Act are the words "in which meals are provided and sold to the general public." It has been the desire of this union and of every union in the trade to prevent unfair competition with licensed-hotel keepers by what are known as private hotels and private lodginghouses, and we think that in places like the Hotel Windsor and the Hotel Bristol, where people are regular lodgers and are supplied with meals week after week, they would not be deemed to be places "in which meals are provided and sold to the general public," and might be excluded by a technicality if the Bill became law. Why our union feel a little bit keen on the matter is because of the interpretation which has already been given of the Shops and Offices Act by the Department. The Department treated the Hotel Windsor as a restaurant because the general public may go there and obtain meals. We only ask that the clause may be a little bit widened so as to include private hotels.

3. You want all boardinghouses to come under it?—No. We are not foolish enough to ask the Committee to pass an Act to include, say, the widow and daughter who keep a boardinghouse with perhaps ten or twelve boarders. We recognise that it is difficult to know where to draw the line, but feel that something should be done to prevent the possibility of unfair competition with licensed houses. We know that in some private hotels as much or more is charged for board and as big a trade is done as in licensed houses, and if some regulation is not made it will be still harder for the licensed house to compete. Some twelve or fourteen private hotels have been started in Wellington during the past two or three years, and these have taken away trade which hitherto fell to the lot of the hotelkeeper to enjoy. Then, in section 3 we think the old trouble of what is a shop-assistant might again crop up. The position under the Shops and Offices Act—and I have stated this before—is that in a restaurant only those people who actually serve the meals—for instance, the waiters and waitresses—are deemed to be shop-assistants, and so it happens that the provisions of the Shops and Offices Act are legally deemed to cover only those men and women who serve the meals. There is this anomaly: that the girl behind the screen washing up dishes is not covered by the Act. Some of the girls (waitresses) are only working fifty-two hours a week, while the other girl can work as many hours as the employer likes. We contend that Parliament never intended this, but that is the construction put on the Act by the Law Department; and we suggest that the word "workers" shall be put in the Bill—"the assistants and workers employed therein." It has been a standing grievance with the workers in our trade that, although in the matter of the half-holiday most of the restaurant-keepers do not draw fine points, while some men employed in the kitchen get the half-holiday, there are others working for employers who get the last pound of flesh out of them and never give the half-holiday. It has created a lot of ill feeling, and it is thought that if that word, "workers," is put in it will prevent hardship.

4. What is the difference between a worker and a person employed?—I only give what Mr. Millar knows to be the construction of Crown Law Officers that people employed in the kitchens of restaurants are not deemed to be shop-assistants.

5. *Hon. Mr. Millar.*] Cooks are deemed to be shop-assistants, but a rouseabout in the yard is not?—I am glad to have your interpretation, but we have a number of cases where a different definition has been given.

6. I think it was settled by the Court?—No; we attempted to argue that if a man working in a restaurant kitchen was not a shop-assistant he was a factory hand, but you would not agree with that. That is the position.

7. I have no desire to exempt any one. It is intended to cover everybody employed in hotels? —I quite appreciate it if the section is intended to do that. To show that these technicalities do crop up, it is a moot question whether a rouseabout is an assistant and entitled to the half-holiday. The matter cropped up where a man employed as an outside porter had not had a holiday for a year, and in order not to cause hardship we agreed with the hotelkeeper that he would not draw any fine points in future and the man should have his holiday. It was contended that everybody except waiters and waitresses was exempted. The Crown Law authorities were of opinion that the kitchen of a restaurant was not part of the shop, and therefore all assistants employed in that part were not shop-assistants. That was the construction that has deprived us of the benefits of the Act for the last two years.

8. If my memory carries me back rightly, we had a case taken in Court?—We have always been asking you to take a test case. Now we come to section 5. When this clause was read out to the meeting and the executive, some of the men asked where its benefit came in. The position is this: If it were not for the anomaly I spoke of with regard to the restaurants and tea-rooms, every employee would be entitled to a fifty-two-hours week, and if a test case were taken, and it favoured us, it would apply to all assistants. We think the fifty-two hours should apply. The measure introduced by the Minister intends to extend the hours by eight a week for males and by four for females. We think in New Zealand, especially in the case of women and tea-room girls, that, after having enjoyed the benefits of the fifty-two hours a week for years and years, the Labour Bills Committee and Parliament should think twice before recommending additional hours to be served by these girls. We have tried in the four centres to get an award of the Court to obtain this, and the Arbitration Court, which has at times been inclined to override provisions put into the statute-book, agreed with the fifty-two hours, and in no instance has the Court overridden that fifty-two hours. In Dunedin, Christchurch, Auckland, and Wellington, where an award obtains, fifty-two hours is in force. And it is this Bill that proposes to increase those hours that particularly apply to females. For males we had a peculiar position in connection with this under the 1907 agreement, which was a recommendation by the Board. The Conciliation Board awarded sixty-five hours for waiters in restaurants, and that was in operation for a year. We submitted to the Department pretty frequently that it was not in the power of the Board to fix the hours in excess of those prescribed by the Act. Eventually the Department brought a case before the Court, with the result that Mr. Justice Cooper in the Supreme Court ruled that what was ordained in the Board's agreement was invalid and could not stand, and that the agreement was invalid. Now, under the agreement we enjoyed a Sunday off in every four, a half-holiday, and better conditions all round than we have now. At the time there were ten or eleven employers not bound by the agreement, and we created a new dispute with these eleven. When we appeared before the Arbitration Court Mr. Justice Sim stated that the probability was that Mr. Justice Cooper's decision rendered our agreement invalid and it was better to have all the parties attached. We knew that we should have difficulty in Court in getting an award equal to the agreement. The Court gave us an award, but took away the one Sunday in four and a good many other privileges, and reimposed the very sixty-five-hours condition which rendered our previous award invalid, so that we were no better off. I have been asked therefore to protest against the extension of hours to these people. We are already entitled to fifty-two hours' work, and I have to mention that only in the case of males in restaurants are those hours exceeded in our awards. I admit that until the agreement of 1907 and since then the women employed in hotels were not covered by any legislation restrictive of hours, except barmaids, who, I believe, were covered by the provisions in the Licensing Act which this Bill probably repeals. I was under the impression that what the Minister proposed to do in connection with this Bill was to make the hours fifty-six for males and fifty-two for females, and we were disappointed to find that extra hours were included in the Bill. We believe we are entitled to fifty-six for males and fifty-two for females, and I am instructed to ask the Committee to favourably consider this claim, because in every state in the Commonwealth—which is not deemed to be so progressive as New Zealand—the hours do not amount to the number mentioned in this Bill. For instance, in Queensland the hours for all similar trades, except chemists' assistants and barmaids, are fifty-three per week, and in the clauses having reference to restaurants and oyster-saloons there are special provisions dealing with overtime. By the Shops and Factories Act of Queensland, which governs restaurants and all licensed places, the workers are compelled to be paid overtime after 8 o'clock and up to 11, and after 11 there is an additional overtime rate provided. We are not complaining about the overtime provisions in the Bill, because we think they are splendid; but we think the Queensland Act should be a guide to help the Committee in arriving at a conclusion that the hours in this Bill are a little excessive. In West Australia, in 1904, the Early Closing Bill was amended so as to provide in all hotels and restaurants for fifty-six hours in the case of males and forty-nine a week for females. The Factories Act in Victoria gives power to the Governor in Council to regulate the hours under which certain employees in different classes of establishments are to work, and, probably about eight or nine months back, Sir A. Peacock, a Tory Minister, issued a Proclamation enacting that the hours should be fifty-two per week for hotels and restaurants. There was an outcry on the part of the employers, the result of which was that a compromise was effected making the hours fifty-eight for males and fifty-two for females. It will be noticed that the compromise was two hours less than is proposed here. We think the hours that have been obtaining here for years in the majority of the trades should remain as they are—fifty-two per week—especially in the case of females; and fifty-six is a fair enough number for men working in our trade, and we ask the Committee to consider that suggestion. With regard to subsection (*b*) of section 5, which is to the effect that an assistant shall not be employed "for more than ten hours (excluding meal-times) in any one day," the members of my union are

pleased to see that provision, because it happens very often that our men work thirteen and fourteen hours even under present conditions. Not only do they work that time, but it is spread over as long as sixteen and seventeen hours in the day. They start early in the morning and have a couple of hours off, and they have a couple of hours off in the afternoon, and then are kept on till 10 or 11 at night; and so they never have any relaxation except for an hour or so. There is a section in the Queensland Act that I should like the Minister to note, which provides that men should not be employed for more than a certain number of hours at one time. It means that if a man starts work at 6 o'clock in the morning he should not work longer than a certain hour at night; and it is also provided that there should be a certain period of a day during which he should not be at the beck and call of his employer, and we ask for the same provision, so as to prevent this often capricious and vindictive infliction of hours on the part of the employers.

9. *Mr. Hardy.*] Vindictive employers?—Yes.

10. *Mr. McLaren.*] You do not mean all?—I said "often." I think that in subsection (*d*) of section 5 there is a literary mistake: instead of the word "such," it should be "one." It reads, "At any time after two o'clock in the afternoon of *such* working-day in each week as the occupier in the case of each assistant thinks fit." That means one working-day. We agree that the employer should have the option of saying on what day his men should be entitled to go off. We are not asking for principles or conditions which would impose undue hardships on an employer. The employer might have a rush on on a particular day in the week, and he should have the right to say when the half-holiday should be given, provided the worker gets the half-holiday on one day in the week. With the overtime provisions, as I said before, we are especially pleased. I have not had time to go into the clauses which have been repealed, but I understand that they deal with the time of shop-assistants, and do not affect us. With regard to the section dealing with the hours of night-porters, these are especially pleasing, because of the technicalities which robbed night-porters in the past of the half-holiday. The position is this: that under the existing Act all persons working in hotels shall be deemed to be entitled to a half-holiday per week. The men took a case here against the hotelkeepers, and the Magistrate agreed with the hotelkeepers that the night-porters were not entitled to the half-holiday. The Department thought the clause did apply to night-porters, and took a case before the Court in Christchurch, where the Magistrate there also thought they were not entitled. The Department then took the case to the Supreme Court, and Mr. Justice Denniston agreed with the Department and the employees. Then the hotelkeepers, instead of giving the night-porters a half-holiday, took advantage of a technicality and said, "We will let them come to work at 12 midnight instead of 10 p.m. as usual." This provision, which gives them one clear day once a fortnight, is a splendid provision, and they are very thankful for it. With regard to section 7, I have never yet spoken to any worker in the trade who is not bitterly opposed to it, and we ask very earnestly that it shall be repealed. Section 7 proposes to allow the half-holidays to accumulate if the employee so desires. We are of opinion that if it comes to the point the worker will not have any say in the matter. I admit that the clause provides that "if the employee desires" they may accumulate.

11. *Hon. Mr. Millar.*] I have been asked to provide for that by every one of the head waiters throughout the country I have travelled in?—Yes; they are men, perhaps, who are inclined to take the opinion of the hotelkeeper. When our case came before the Arbitration Court in 1907 the hotelkeepers never sought to give evidence themselves, but got their head waiters to give evidence. Therefore I would ask the Minister not to pay too much attention to the opinions expressed by head waiters, but to listen to the expression of opinion by the men whom I represent.

12. In Canterbury the opinion of the men after a ballot of the union is somewhat against yours?—I venture to say that the Canterbury union agrees with me.

13. I have a letter here signed by John Barr, the secretary?—I am sure the Canterbury union will agree with me that if the provision is allowed to stand it would not be the worker who has the choice.

14. Can we not modify it so as to give the man the opportunity if he so desires? A lot of men say they would prefer to have the accumulated half-holidays, because many of them come here as comparative strangers and know nobody in the place, and if they could get a week off at a time it would suit them better?—It is a remarkable thing that men, after having the half-holiday, should say that it was of no benefit to them. We want to make the half-holiday inviolate, and we ask that New Zealand, above all other countries, should not put something into the Act to set aside the half-holiday. We say that after working seven days in the week a man is entitled to have some relaxation. We had under the award made in 1902 a provision which said that after every three months the workers in the trade should have two days' holiday, or payment in lieu thereof. The union lasted in vigour for a year after the award. After that the union was carried on by Mr. Vaney, who managed to get his returns into the Department according to the Act, and keep the union in existence until I came along. The two days' holiday was a delightful "put-off." In the case of one chef we found that he had never had the two days' holiday or payment in lieu thereof, and we brought a case and obtained the man's money. The men were not in a position to stand up for their holiday, and never got it. I worked for nine months under the old award at the Royal Oak Hotel, and was continually asking for the holiday. It suits the employer to have these holidays accumulate. In every State in Australia there never has been any outcry about the holidays. In Queensland and in every other State the half-holiday is given, and we ask why should section 7 in this Bill give this option. We have enjoyed the half-holiday for the last eighteen months here, and see no reason why it should be taken away from us. The men are migratory and do not stay, and many of the workers do not stay more than six or seven weeks in one place for some reason or other. This provision gives the employer the option of paying for the holidays, and some employers have time after time asked their men to stay on and be paid for the half-holiday, but the men have refused.

15. *Mr. Lake.*] The assistant has the right to demand his two days?—Yes, but in one case the men demanded it, and did not get it for two years. If I had demanded it I should have been dismissed, and if one man insisted on getting it his place would be made uncomfortable for him. I do not see, from the employers' point of view, that it would do them much good. It is bringing in contentious matter. The employers have bowed to the inevitable in the matter of the half-holiday, and this provision would make a lot of work for the Department. The half-holiday, which has been in existence in every State in Australia, and here for some time, should not be taken away from us. The next provision, with reference to wages and hours, is very necessary. We are working under an award of the Court, and I know that the men are working regular overtime every week. I know one hotel where the hours are seventy-seven per week for the men. The employer pays them a few shillings extra, and that is deemed compensation. The object of the award and the Bill would be defeated if this were not put in. We do not want overtime at all, and we think sixty hours, as proposed in this Bill, is quite long enough for the class of work we have to occupy ourselves in. With regard to the words "wages and overtime-book," we should like it to read "wages and time-book," as in the other Acts. Some of the employers might say that as their men do not work overtime it is not necessary for them to keep a book—"I have only got to keep an overtime-book, and not a time-book." Then the onus is thrown on the men to prove that overtime has been worked; but, if a book were kept, the book itself would prove that overtime had been worked.

16. *Hon. Mr. Millar.*] The book would be so formed that where the men worked overtime it would be shown. The cry has been that an undue amount of work has taken place. It has been the custom to keep a wages and overtime book, and we want all the shops brought in. We want to find out the proportion of young people to adults employed, and unless we have that put in it is impossible to get accurate information. You refer to clause 10, which does not apply to shop-assistants alone?—We should like it made "time," for the reason that some employers play on the word. I am instructed on this more than anything else to ask the Labour Bills Committee whether they cannot see their way clear, instead of giving us the half-holiday as proposed, to give us a whole day in the week. It is the very keen intention of this union and other unions, and even the Christchurch union too, that the whole holiday should be given. We see no reason why the men and women workers in hotels should not be granted one clear day a week. The Sydney award I read is very clear. Before the award was made in Sydney the management of the hotels themselves introduced the clear day, because in large places where forty or fifty people were employed they thought it was easier to get the men to work sixty hours in six days and then to give them a whole day off; and in places like the Hotel Australia, in Sydney, there are five men off every day. I have already given evidence on this point in connection with Mr. Fisher's Bill.

17. *The Chairman.*] Your evidence given in connection with Mr. Fisher's Bill will be taken in connection with this Bill?—I am pleased to hear that, and will not labour that matter now. The members of the Christchurch union were not asked whether they would prefer the Bill introduced by Mr. Millar and the six days in addition. I understand they were asked if they would favour the Bill as drawn by Mr. Millar on the one hand, or a Bill giving us the six days a week. We took no part in connection with this matter, but called a meeting by circular and had a fair attendance; and, so far as I understand them, the men are thoroughly disappointed that there is no provision in this Bill that gives them the whole day. So far as I am concerned, and so far as the more enthusiastic members of our union are concerned, we are not going to rest until Mr. Millar gives us such a provision. There is one other provision I should like to mention that has reference to the arbitration award. I understand from several employers themselves that Mr. Pryor, who is looking after their interest, is coming along to the Labour Bills Committee to state that by introducing this measure you are overstepping the Arbitration Act, and doing something that should not be done. When we had to approach the Arbitration Court a little less than two years ago we asked for things regulating our condition. The Court refused to have anything to do with the matter of holidays, and said it was a matter for Parliament to deal with. The paragraph at the bottom of the award is as follows: "The Court has not dealt with the subject of holidays in hotels, as that has been dealt with by Parliament in 'The Shops and Offices Act Amendment Act, 1907.'" The men are of opinion that, if the conditions already proposed by this Bill are proper, Parliament should say so, and it is not fair for Mr. Pryor to say that our case has had a thorough investigation before the Court. Such an investigation has never been given. In 1907 the matter was hurried, and we were not so prepared as we might have been. The awards in the other districts are merely compromises based on the Wellington award, and not awards of the Arbitration Court. In no instance except in our case was evidence taken by the Arbitration Court. The Court bases its decision, in Dunedin, Christchurch, and Auckland, on the Wellington award. When I went to Dunedin they said, "All right! we will give you the Wellington award"; and when I went to Christchurch the same thing happened: so that the award has been given more by way of compromise than anything else. In all countries and States the Governments have passed legislation affecting hotel employees. We do not say that Parliament should fix our wages or details as to the time of starting, but we do say that, in connection with the hours and holidays, and general regulation of the trade, it is the duty of Parliament to say what shall be the conditions. We are only organized in the four centres, and do not probably represent more than one-tenth of the trade, and so cannot get protection for all. We have tried to get a union in Wanganui; but it has never been stable enough to get into such a condition as to approach the Court. We ask that, whatever may be said by the other side as to the action of Parliament attempting to give us better conditions, it shall be disallowed and discountenanced. That is all I have to say about the Bill.

18. *Hon. Mr. Millar.*] I said just now that a cook had been held to be a shop-assistant. I have the case now, as reported in the *Labour Journal* for March, 1909: "F. H. Gibbons, hotelkeeper,

was fined £1, with costs 7s., for failing to grant a weekly half-holiday to a hotel-assistant. For failing to grant a weekly half-holiday to a chef he was fined 10s., costs 14s., and witnesses' expenses £1 2s. 8d." ?—We have never doubted that in hotels cooks were bound to get the half-holiday.

19. Then, if he is entitled to a half-holiday he must be a shop-assistant?—In hotels?

20. Yes?—I referred to restaurants. I say now that the Department have never been able to insist that a man or woman working in the kitchen of a restaurant should obtain the half-holiday, and there are dozens of restaurant-keepers now who are depriving their kitchen hands of that privilege.

21. What is the definition of "shop-assistant" in the principal Act?

The Chairman: "'Shop-assistant' means any person (whether a member of the occupier's family or not) who is employed by the occupier of a shop in or about the business of the shop."

22. *Hon. Mr. Millar.*] Mr. John Barr, speaking for the Canterbury men, asked me to read this letter: "Christchurch, November 5, 1909.—Hon. J. A. Millar.—DEAR SIR,—In connection with a deputation that waited on you a short time ago to solicit your support of a six-day week contained in Fisher's Bill, you doubtless remember that Mr. Carey, secretary of the Wellington Cooks and Waiters' Union, made a statement to the effect that the workers in the hotel business would rather work sixty-five hours and get one day in seven than accept the reduction proposed under your Bill—*i.e.*, sixty hours for men and fifty-two for women. Whilst wholly in sympathy with the six-day-week proposal, I doubted the correctness of Mr. Carey's statement, but was not in a position to contradict it. I, however, at the earliest opportunity returned to Christchurch, and put the two proposals before the Canterbury union, with the result that Mr. Carey's statement that sixty-five hours in six days was what the employees wanted was rejected by thirty to two. On my recommendation, however, it was decided to take a ballot of the members. That course was decided upon, ballot-papers in the form enclosed herewith submitted, and are now being returned, with the result that ten are voting for No. 1 proposal for every one for No. 2 proposal. I have suggested to the voters that they initial their voting-papers: some are doing so, some are not. One of the objects in asking that papers should be initialled was so that I might ascertain the position occupied by the respective voters. The result is that on examination I find that the few who are opposed to proposal No. 1 are all males, and are actually working not more than the sixty hours. You will see therefore that here is no supposition, but a clear evidence, that, so far as Christchurch is concerned, the proposal you intended to incorporate in your Bill is the proposal that is wanted. I have met some Wellington employees down here for the busy season, and they support No. 1. Your proposal *re* accumulation of holidays is going to meet with strong opposition, but there is a modification that I feel sure would be acceptable. That, however, I will leave, in the hope that I may see you about it when I return to Wellington." Mr. Barr informed me personally that my proposal was accepted almost unanimously. It was almost ten to one?—Even the whole letter and the ballot-paper does not discount anything I said. I think it is due to me to say that when I spoke on the deputation I said I believed that, if the workers had the choice of accepting the shorter hours of Mr. Millar's Bill or the clear day a week, they would prefer the whole day. You never suggested that you would give us the option of choosing your shorter-hour Bill, or a Bill giving us a six-day week; but for some reason or other the secretary of the Christchurch union divined that only such a choice was possible, and took a ballot. I wrote to the secretary of the Christchurch union suggesting the convening of a meeting, at which I would attend; but my letter was not answered. I also asked why in the ballot-paper only two propositions were put in. I asked why not put this proposition on the ballot-paper also: "Are you in favour of Mr. Millar's proposition, and also the six-day week?"

23. That is to say, sixty hours, and a full holiday in addition?—Yes.

24. I told you the Government could not accept Mr. Fisher's Bill, and that I had a Bill prepared and would introduce it?—Yes. We are glad of the Bill, but we ask why, if two-thirds of the members of Parliament are prepared to give us the full day, the Government cannot give us what we want.

25. We have to consider the interests of everybody, and we do not see our way clear to support the proposition?—The impracticability of the thing has been killed, because it has been proved to be workable on the Continent and in many other countries.

26. The Bill as first brought down was for a six-day week for everybody, which we considered to be absolutely impracticable in some trades. The provision in New South Wales is not generally applicable?—No, but I suppose it governs a radius of from twelve to fourteen miles of Sydney, and its operations affect some two thousand employers and twelve thousand employees.

27. Does the Act refer to all over Victoria?—Yes, so far as I am informed.

28. No, it does not. In New South Wales the whole of their labour legislation never extends beyond the County of Cumberland. It takes in Newcastle and Sydney, but does not apply to any other towns in the State?—That may be so.

29. You would not put the New Zealand climate against that of Queensland?—It is not fair to ask me that: I am a Queensland man.

30. *Mr. McLaren.*] About clause 2: You took exception to the words in line 12 referring to meals provided and sold to the general public for consumption on the premises. In this definition of "hotel" do you want to include boardinghouses?—It is very hard to draw the line. I have applied to have discretion used, and to select only those places which would be deemed to be private hotels, and so long as they are governed we shall be satisfied.

31. *Hon. Mr. Millar.*] You refer to places that are hotels in every sense of the word except that they have no license?—Yes.

32. It is places like the Hotel Windsor and Hotel Bristol; and the Bill is intended to cover all the defects in the present Act in that respect, and to bring all such houses under it?—Yes. We want the Bill so arranged that it will cover some of the private hotels which employ as many workers as a large number of the public hotels. Then there are the clubs. In Queensland, Western Australia, and Sydney all the club-assistants are included.

33. So that the definition would cover large boardinghouses unless they kept a common table? —Yes.

34. *The Chairman.*] With regard to overtime: Do I understand that, in addition to showing the wages and the overtime, you wish the book to be kept to show the time the assistants should work?—In our trade the hours the men are expected to work every week should be put down on a sheet—because the Department will agree with me when I say it is absolutely impossible to get at the accurate number of hours the men work.

35. *Mr. McLaren.*] With regard to section 7, in relation to subclause (5), "the occupier shall, within fourteen days . . . . allow to the assistant a holiday on full pay": Do the men in the trade move about very much?—The men shift about a good deal, but we say that, in the case of night-porters and other men who are not in a sufficiently stable position to better their condition, it would happen that some employers would have, say, four scullerymen in a year, and would consider that they need not give any of them any holidays at all in the three months, because all they would require to do would be to give them the option of monetary payment in lieu of the half-holiday. We want the half-holiday, especially for the married men, and we do not think that, having once given it to us, Parliament should put anything in the Bill to operate against it.

36. *Hon. Mr. Millar.*] A lot of the men want the money?—That is not so in my union. There are cases in which even the girls have refused the money, as well as the men.

WEDNESDAY, 8TH DECEMBER, 1909.

WILLIAM PRYOR, Secretary of the Employers' Federation of New Zealand, examined. (No. 5.)

1. *The Chairman.*] The Committee will hear what you have to say in connection with the Shops and Offices Bill and the Sunday Labour Bill?—Yes. Do I understand that you do not intend to touch the Factories Bill. There are one or two witnesses here interested in that, and if they are not wanted they can get away.

2. Do I understand you have some witnesses here from a distance?—Yes. We should like to take the Shop and Offices Bill first.

3. We have arranged to let you have the whole of the morning. Does the Federation represent, as far as these Bills are concerned, the retailers?—It includes all classes affected by the Bill. They are all connected with our Federation in one way or another. I am representing the employers generally.

4. So that in connection with the Sunday Labour Bill also you represent the restaurants and hotels?—Yes.

5. Will you make your own statement?—I would say that the provisions of the Shops and Offices Bill to a large extent override the provisions of the Sunday Labour Bill, and that we have based all our evidence on the Shops and Offices Bill. I am aware, of course, that the Sunday Labour Bill proposes to go further than the Shops and Offices Bill, and would affect other trades and industries. It would affect, for instance, freezing-works, dairy factories, tramway concerns, and other propositions which are absolutely compelled to work on Sundays, and I have to say quite frankly and without any disrespect that the provisions of the Bill seem to be so framed as to be absolutely impracticable. It would, we think, be so impossible to bring such a Bill into operation that we have not given much attention to it; but I am here to say that we oppose it totally. That being so, we will ask the Committee to take our evidence as referring to both Bills. With regard to the Shop and Offices Bill I am instructed by my Federation first of all to absolutely and most strenuously object to this class of legislation. The Federation is opposed to any legislation which overrides the Arbitration Court awards. We say that the Arbitration Act is framed for the purpose of, and the Arbitration Court is the tribunal set up by the Act for, controlling the industrial conditions of the workers; and, especially where by means of the Arbitration Court the conditions operating in any trade or industry have been inquired into, we say we should not be required to appear before the Conciliation Council or the Arbitration Court if, because the other side may not be quite satisfied with what it gets, it should have power to come before Parliament and ask for legislation overriding the decisions arrived at by those bodies. So far as the hotel and restaurant business is concerned in different parts of the Dominion it is controlled by Arbitration Court awards. In Wellington here some two years ago the Arbitration Court, after the Conciliation Board's recommendations had been declared null and void, went into the whole of the conditions—went into them very exhaustively, as I have reason to know, as I conducted the case for the employers. The union put into the box some forty or fifty witnesses representing every grade of worker, and after an exhaustive inquiry by a tribunal specially set up to deal with that class of case it gave its decision. Before it gave its decision the union approached Parliament and asked for legislation, with the result that between the time the case was heard and the time the award was given a Bill was put through giving the half-holiday to hotel and restaurant employees; and the memorandum in the award stated that the holiday question had not been dealt with by the Court in view of its having been dealt with by legislation. That, I take it, was not put there because the Court would not consider the question of holidays, but because it had been dealt with by legislation. Then, following on the Wellington award, other awards have been given, other agreements have been entered into in different parts of the Dominion; and we submit that no good reason can be advanced why legislation should now be introduced to override those decisions of the Court It seems to us absolutely unfair that the workers' unions should take all they can get by means of the Industrial Conciliation and Arbitration Act and then come to Parliament for extra concessions and secure provisions for overriding existing awards, as are asked for in

this Bill. The Federation claims that the industrial conditions such as are provided for in the Bill should either be dealt with under the Arbitration Act, or, if that course is not satisfactory to the workers, then that the Act should be repealed by Parliament. Let us know where we are. It surely appeals to all fair-minded people that it is anything but British fair-play for two parties to agree, as they do, to refer their differences to arbitration—to refer their differences to a Court provided by Parliament under an Act in which Parliament says that that Court's decisions shall be final—and then, because one side is not quite satisfied with what it has got, it may come along and take some other means of getting what it could not get in the regular way. I may say that very strong feeling indeed is felt by employers throughout the Dominion not only in connection with this Bill, but because we realise that if this sort of thing is conceded it is only a beginning. As a matter of fact, it is only within the last few days that I have been told that the Auckland Seamen's Union has either approached or is about to approach Government in order to ask for legislation to override the award made with regard to the extended river limits in the Auckland District; and I ask where we are going to get to if this sort of thing is to be permitted. To put the matter shortly, the demand of my Federation is that we should either have Arbitration Court awards or parliamentary legislation, but not both. So long as such legislation is proposed, so long shall we raise our voices against it.

6. Which do you prefer?—If the workers do not like the Arbitration Act we will help them to wipe it out. The restrictions that are being placed upon the employers and industries of this Dominion are beginning to be unbearable, and if we find in addition to the Arbitration Court awards such legislation as this, and more irksome conditions provided by such means as this Bill, then we say we are getting tired of it, and, if the workers are not satisfied with the Arbitration Act, let them be quite frank and say so, and we will easily wipe it out. We are prepared to meet them if it comes to a fight—and I do not mean "fight" in a wrong sense—but we are prepared to meet them on the floor of the House. We want to know where we are, for we must have either one tribunal or the other. Coming to the Bill, we submit that if legislation is necessary and the business is dealt with, the present Shops and Offices Act provides all the protection that is required. Two years ago, as I have said, the union approached Parliament and got the half-holiday, and we submit that nothing has occurred in the interim to justify the union coming and asking Parliament for altered conditions. What is the position with regard to hotels and restaurants? I take Wellington as the example. The Wellington award is the award on which all other awards are based, and what applies to Wellington I think applies equally to all the other centres. When, two years ago, the award came into force, it meant that the employers affected by the award had to alter their business to suit the conditions of the award. The half-holiday provision in the Shops and Offices Act was brought in about the same time, and it took some considerable time before the employers could settle down and get their business to work smoothly under the restrictions and conditions imposed. We know in our office the amount of trouble it caused, because in many cases we had to draw up time-tables and had to work our rotas for different classes of employment; but now to-day, after having got things into working-order, it is proposed within this short time to upset everything and put us in the same unenviable position again; and we have to do this, so far as we know, without one valid reason being offered for such alterations. I propose to go shortly through the objections we have to the Bill, and then the gentlemen present and Mrs. Spiller, who represent different interests and are representatives from different parts of the Dominion, will deal with the parts of the Bill that affect them most particularly. I will put in the schedule, so that the Committee may have before them eventually the whole thing in order. Section 2 of the Bill reads, "'Hotel' means any premises, whether licensed under 'The Licensing Act, 1908,' or not, in which meals are provided and sold to the general public for consumption on the premises, and lodging is provided for hire for the accommodation of persons who desire to lodge therein; and 'restaurant' means any premises in which are provided as aforesaid, but in which lodging is not provided for the accommodation of persons other than the occupier and his family and assistants, and includes a tea-room and an oyster-saloon." First of all, we should like to know how far this goes—what class of business the word "hotel" includes. The definition is a wide one, and it is quite possible under the definition to include anything right down to the private house where one or two boarders are kept, because even in these places meals are provided and sold to the general public for consumption on the premises, and lodging is provided for hire for the accommodation of persons who desire to lodge therein.

7. That is not intended?—But we have to go on what is in the Bill. Then I ask, if that is not so, where are you going to draw the line? You would have licensed hotels, recognised private hotels, the Hotel Windsor and Arcadia and other hotels of that description, then you would get down to private houses where meals are not sold but where boarders are kept. Are they to be included? If not, where are you going to draw the line? If they are to be included, where are you going to draw the line between private houses and the other places I have spoken of? You see the difficulties in the way, and these difficulties are being recognised by the Arbitration Court, which has restricted the application of these awards. And members say that this is not intended, and is not in the Bill; but, so far as the Bill goes, with such a provision as is here provided, the first thing that will be attempted will be to draw every class of boardinghouse within the provisions of the Bill. I submit that it is a very grave danger, and one that wants very careful consideration. If the Bill is to go through, we recognise that we must discuss it with you and endeavour to get the very best terms possible, and we are here for that purpose this morning. We ask that in section 2, after the words "lodge therein" in line 15, shall be added "where three or more assistants, exclusive of the members of the occupier's family, are employed." That would stop the operation of the Act where a certain number of assistants are being employed other than the occupier's family. I was saying a moment ago that the Court recognised the dieffiulty in drawing the dividing-line, and in connection with an application for an award *re* private hotels and boardinghouses generally, the Court says "that private hotels are only boardinghouses under

another name, and the award should only be made in connection with a particular class of boarding-house if it can be established with the class defined." The application was discussed, and the Court recognised the difficulty before it, and surely the difficulty is tremendously enhanced when Parliament starts out to deal with it without having before it the comment of those with whom the Court got into touch. We ask in addition that at the end of the paragraph the following words shall be added at line 20: "and also a shop carried on in conjunction with a restaurant." It is of course within the knowledge of members of the Committee that in many cases the shop and restaurant are part of the same business. The hands are interchangeable, and it would lead to no end of friction, and bother, and worry if one set of conditions were made to apply to these shops and another set of conditions made to apply to the restaurants. We ask further that housemaids should not be included as shop-assistants, nor should engineers attending electric plants and lifts be included in the term "shop-assistants." We want these two classes of workers exempted. The former are domestic servants.

8. *Mr. Fraser.*] How do engineers come in?—In the large hotels they have electric light plants and lifts. Those attending the former are domestic servants, and the latter are tradesmen. Section 4 provides that "Sections 3 to 6 of the principal Act shall not apply to hotels and restaurants or to the assistants therein." We ask that the first paragraph of subsection (2) of section 3 of the principal Act shall be retained, so as to exempt members of the occupier's family from the provisions of section 5—that is, dealing with the hours of work. The first paragraph of subsection (2) of section 3 reads, "The wife of the occupier of any shop and the members of his family shall not be deemed to be shop-assistants within the meaning of this section." Now, dealing with section 5, which is probably the most important in the Bill, after very long consideration we have decided to accept the provisions of subclause (*a*) so far as other than hotel-workers are concerned—that is, restaurants, tea-rooms,.and that sort of thing. If we can secure sixty-five hours in the case of all hotel-restaurants we offer that in the spirit of compromise.

9. *Mr. Glover.*] Male and female?—That is the provision now in the Arbitration Court award. We ask that subclause (*a*) of section 5 shall be altered to read, "(*a*) For more than sixty-five hours (excluding meal-times) in any one week in the case of hotel-assistants, nor for more than sixty hours (excluding meal-times) in any one week in the case of male assistants over sixteen years of age in restaurants, nor more than fifty-six hours (excluding meal-times) in the case of any other workers." I would like to point out in connection with the matter of reduction of hours that if the reduction of hours asked for in the Bill is acceded to it must immediately be followed by a corresponding reduction in the wages of the workers. There is no question about that. We are advised that even without any award we can pay a proportionate rate, and if we cannot succeed we can appeal to the Arbitration Court, and with every confidence. In section (*b*) we ask that "twelve hours"—of course, without any extension of the weekly hours that might be provided—be inserted instead of "ten" hours. Evidence will be given that it is absolutely necessary that considerable elasticity must be allowed to provide for occasional rushes of business. In boarding-houses and hotels is is impossible to arrange one's time. One steamer or train may bring in a hundred guests, and means by which they can be handled must be found. Paragraphs (*c*) and (*d*) we pass without comment; but with regard to holidays we ask for a new proviso, and that is that hotels and restaurants should be granted six weeks' exemption in every year from the provision relating to hours of work and holidays, provided overtime is paid for any time worked in excess of the daily or weekly number of hours prescribed for workers. The reason for this is that at rush periods, such as Christmas and New Year, and Easter week, race weeks, and gala days, provision must be made for extra work. Take Carnival week in Christchurch, for instance, and Show week in Palmerston North—there should be a certain number of weeks allowed, providing that if over a specified number of hours a week are worked overtime rates should be paid. It may be said that this would give the employees a free hand; but permits would have to be granted by the Inspector before the employer could take advantage of that provision. A further new proviso, I think, should go in here, and might be designated (*f*) of section 5. We ask that in case of exceptional circumstances the weekly holiday may be waived by payment of overtime, and such payment shall be accepted in lieu of the holiday. We notice that the wages and overtime book will provide any necessary check. That is to provide for absence—it may be through sickness, such as in the case of a considerable number of workers being down with influenza—and that could be regulated by the Inspector. With regard to subsection (*d*) of section 5, we ask that the word "working" be struck out in the second line. The hotels observe a seven-day week, and should be allowed to give the half-holiday on any day in the week. With regard to subsection (2) of section 5, we ask that the words "with the previous written consent of an Inspector" in the first and second lines should be struck out, and provision made that written notice of any extended hours shall be given to the Inspector within twenty-four hours of such extension of work being done. The extension of hours in this class of business often arises suddenly, when it would be impossible to notify the Inspector before the work is done. After 5 o'clock in a hotel or boardinghouse a tremendous rush for dinner may take place quite unexpectedly. The work must be done some how or other, and unless there is provision made for this you are putting the employers in a position where they may commit a breach of the Act when there is no way of observing it. We submit that that is a position they should not be put in. We ask that one of the provisions of the principal Act be embodied here. Section 6, subsection (3), of the principal Act—the last paragraph—reads, "Provided further that no payment for such extended hours as aforesaid shall be made to any shop-assistant whose wages are or exceed £200 per annum." We ask that that proviso should be put in here as well as applying to shops and offices generally. Then, with regard to subsection (4) of section 5, which reads, "Section seven of the principal Act shall extend and apply to the limitations imposed by this section," we ask that the word "not" should be inserted after the word "shall" in the first line, so that it alters the clause altogether; it makes it read "shall *not* extend and apply to the

limitations imposed by this section." Section 7 of the principal Act, subsection (*a*), reads, "The shop-assistants shall not be employed in or about the shop or its business during meal-times, or during the intervals for rest and refreshment." What is meant by "meal-times"? If you had such a provision as that it would lead to endless difficulty.

10. *Mr. McLaren.*] Has it?—No, it has not so far. But it is quite possible it may do. This Act is going to become very much more restrictive than the Shops and Offices Act, and if there is going to be legislation in connection with it we do not want to take any more risks than we can possibly avoid. Then, with regard to subsection (5) of section 5 of the Bill—"Sections eleven to twenty of the principal Act shall not apply to hotels or restaurants"—we ask that the words "and thirty-eight" shall be inserted after the word "twenty," so as to read that "Sections eleven to twenty and section thirty-eight of the principal Act shall not apply to hotels and restaurants." This must be struck out, because it would be quite an impossibility to work under it in this business. Section 38 reads, "In any proceedings against the occupier of a shop or office for employing any assistant in breach of this Act, the fact of an assistant being found in a shop or office shall be evidence that he was then being employed therein, unless the defendant satisfied the Court that the assistant was not being employed, but was there against the orders or without the knowledge, consent, or connivance of the occupier." In this business it applies in a way in which it does not apply in any other business, because the assistants in hotels and restaurants are always about the premises. Section 6 is objected to. That is dealing with the hours of work of night-porters and night-watchmen. If there is any provision made, we ask that the words "commencing at his usual hour for commencing work" in line 21 should be deleted, and the word "working" in line 22. "Working" under the Act is for six days, and as hotels work on seven days we claim that the proviso should apply to any other day. In section 7, subsection (1), we ask that the words "who so desires" in line 26 should be struck out. It reads "In lieu of allowing a half-holiday or a whole holiday as aforesaid, it shall be lawful for the occupier of an hotel or restaurant to allow to any assistant who so desires leave of absence on full pay at the ordinary rate for a period of seven days (including Sunday) in every three months." We submit that to give the option to the worker would be to simply take the control of the business, so far as holidays are concerned, out of the hands of the employer, and no business could be run on such terms as these. Supposing an employer decides on the weekly half-holiday and the employee desires the term holiday, there would be no end of confusion, and it would be impossible for any one to conduct his business on such lines. Then we ask that there should be inserted after the word "pay," in line 26, "but not including board and lodging." Immediately after an assistant goes out on full pay another assistant is put on to do his work, and his room is wanted, and we think the onus of providing board and lodging for both should not be imposed on the employer. Then we want to alter the word "seven," in line 27, to "three." This clause provides for a seven-days holiday every three months—that is, the half-holiday in the aggregate, giving the half-holiday and one more. But the employee who is working the weekly holiday works sixty-five hours each week. If he gets the term holiday proposed in the Bill he only works eleven months on a sixty-five-hour week, and the one month he gets on full pay, so that the employee who gets the term holiday is getting paid, as against the one who gets the half-holiday, who is not being paid; so that we say the aggregate weekly days should be cut in half when they get the term holiday on full pay. Subsection (2) of section 7 reads, "Notice in writing of any such arrangement, stating the name of the assistant and the date from which the arrangement is intended to have effect, shall be given by the occupier to an Inspector at least twenty-four hours before the arrangement comes into force." That is totally objected to as giving unnecessary trouble to employers, and it is unnecessary because all the information can be secured from the wages and overtime book—the particulars required in section 10 of this Bill. Subsection (3) of section 7 reads, "Any such arrangement may be terminated by the occupier at any time, or by the assistant on giving to the occupier seven days' notice of his desire to terminate the same." Now, to all business men such a proposal is absolutely impossible to consider. That an assistant who is employed on certain conditions shall have the right to go to his employer and say, "I have been getting the term holiday, but I am not going to take it any more," cannot be accepted. The employee must decide whether he is going to get the term or the weekly holiday, and to give any one employee the right to say whether he is going to have this, that, or the other is not possible to conceive of as being workable. We ask that all the words after the words "at any time" shall be deleted, and we ask this as a right, because the employer should have full control over his own business. Subsection (4) of section 7 is objected to because the wages and overtime book provides for everything. It does seem ridiculous to have these things duplicated, and employers put to all this trouble. It will lead to no end of trouble, friction, and bother. In subsection (5) of section 7, after the words "full pay," in line 41, we ask to be inserted the words "but not including board and lodging." Section 8 we ask shall be struck out. Employees themselves will see that it is absolutely impossible to apply that to any business—you simply cannot control it. The work comes in rushes, and it cannot be controlled, and therefore the clause is absolutely impossible. Section 10: We are not raising any objection to this, with the exception of subsection (*b*), "the kind of work on which he is employed." We ask that it shall read "the kind of work on which he was *usually* employed." Turning to the schedule, the amendment proposed in section 6, subsection (3), is to make work on a half-holiday illegal. Now, there are times when it is absolutely necessary to work on a half-holiday, and we say the power should be granted for a permit on the half-holiday or under exceptional circumstances, and one of our witnesses will probably give one or two cases where it is necessary that a permit should be granted. If you will take the proposed amendment of section 25 and section 37, you will find that both these deal with the same thing. They are proposed, probably, to prevent the employment of assistants beyond the ordinary hours prescribed by the Act, even when a requisition is in force granting an extension of the shop-hours; and are meant, we take it, to

nullify the decision of Mr. Justice Denniston in Picton. What would be the effect? Take one small portion of Wellington: from Veitch and Allan's corner along Manners Street to Willis Street there are fifty-one drapers' shops. Out of that fifty-one, forty-two would not be affected by this provision. They are running their businesses by means of themselves and members of their families. Nine of them are affected because they are employers of labour. We believe that in some of the forty-two shops bogus partners are arranged for. Those running large businesses are subjected to that competition, and if this clause were passed they could not remain open for the same time as their competitors in trade. Now, the businesses that are remaining open are not small businesses. I want to impress this upon the Committee. There are businesses carrying stocks worth from £5,000 to £8,000, and so doing a large trade. We expect to have Mr. Bush here from the Union Clothing Company, who will tell you that some of the businesses pay their whole expenses by the trade they do after the other business houses are closed. We think that Parliament should take upon themselves to close the whole of these trades at one time, although we admit that that will bring hardship upon certain people. Or, if Parliament allows an extension of hours by requisition, then it should give permission to those that employ assistants to do so in the evenings, at the same time safeguarding that no more than fifty-two hours in one week should be worked. This is a very serious matter. We submit it is absolutely unfair, wrong, and unjust that the Legislature should propose to penalise one small section of Wellington—and it applies to every place—to penalise these nine employers, and allow their competitors to remain open for the extended time. The amendment to section 50, we submit, is absolutely not required. The amendment is by omitting all words after the word "employment," and substituting the words "of any shop-assistant in feeding and tending horses used in the business of the occupier beyond the hours of employment provided by this Act, but not exceeding one hour per day." Now, section 50 of the principal Act provides that "Nothing in this Act shall render the occupier of any shop liable to any penalty in respect of the employment during the hours when the shop is required to be closed of any shop-assistant in feeding and tending horses used in the business of the occupier." In the great majority of cases throughout the Dominion the conditions of work for drivers of horses, in shops, are dealt with by the Arbitration Court awards. The fact is that no hard and fast rule can be laid down with regard to the time required for tending horses. The Court has given rates of wages to cover the time that is necessarily occupied in tending horses, and while an hour in some few cases may be considered sufficient, as one who has had very considerable experience in connection with the working of horses, and as an owner, I say that the man who says that one hour is always sufficient is not a horseman, and I am satisfied that horsemen, as such, would be the very first to object to such a proposition as this. But we say that, the Court having dealt with this matter—take carters, butchers, coal-merchants, and others throughout the Dominion—their conditions in the great majority of cases have been covered by the awards. And the Court realised that something extra is due for attendance on horses, because it has given a certain wage to the driver of one horse and a higher wage to the driver of two horses—not because of the extra work, because the man driving one horse sometimes does more than the man driving two horses, but because of the extra attendance required for two horses. The whole thing requires dealing with as circumstances arise. We submit that section 50 makes ample provision for attendance on horses. There is just another matter—the proposal to amend the Second Schedule in the principal Act by altering the hour set opposite to the trades or businesses of a dairy-produce seller and a florist, in the second column, from 1 p.m. to 10 p.m. Taking a dairy-produce seller, the hour of closing on one day is 1 p.m., on another day 10 p.m., and on other days 6 p.m. But if you make it 10 p.m. you will make it 10 o'clock on two days and 6 o'clock on four days a week. We suppose the intention is to do the same with florists. That is all I have to say in the meantime.

11. *Mr. Poole.*] What is your motive in making reference to the extended river limits in Auckland?—Just to say what I was informed.

12. Will you kindly state what was in your mind?—My motive was to show the danger of legislation such as this, which is proposed to override Arbitration Court awards. If you grant such legislation in the case of hotels and restaurant employees, then in common fairness you have to grant the same in every kind of employment. You cannot logically refuse to do the same thing for the seamen working in extended river limits when they are dissatisfied.

13. Of course you know that the extended river limits are going to be amended—provision being made in the Shipping and Seamen Act?—Yes.

14. Do you think any undue influence has been used to bring that in?—No, that has been done for altogether different reasons. I had not the Shipping and Seamen Bill in my mind at all, in any shape or form.

15. *Mr. McLaren.*] Is it within your knowledge that the seamen of this country have throughout applied for direct legislation in connection with their conditions?—I suppose, as a matter of fact, the Shipping and Seamen Bill is evidence of it.

16. That has been the case throughout, ever since the Arbitration Act came into existence?—I dare say it has.

17. With regard to the conditions affecting assistants in shops and offices, did the Act come into existence first, or the award of the Arbitration Court?—Generally speaking, the Act came into existence before the Arbitration Court awards, and the awards have been built more or less on the Shops and Offices Act.

18. You recognise that the Arbitration Court is not a legislative body?—I do not agree with you. I say it is a legislative body. It is making industrial legislation every day.

19. With regard to those who would be affected by legislation of this kind, what proportion of these shop-assistants is in industrial unions and comes under any award throughout the country?—I do not know what proportion is in industrial unions, but in each of our industrial districts

we have awards in operation, and if the conditions under which the employees are working are unsatisfactory it is a very small matter for the union in their district to apply for a new award.

20. My question is, what proportion of such employees throughout the country is there outside the unions and having no right of appeal to the Arbitration Court?—I cannot tell you; but I must add to that that there are industrial unions in operation in every industrial district—or practically in every industrial district—and therefore, if they have not got into unions, either the union officials have not been sufficiently active or the employees have no cause for dissatisfaction with their work; and if there is no dissatisfaction there is no necessity for this Act.

21. Are the shop-assistants in the small country towns to be affected by this legislation?—I take it that it applies to the whole country, from the wayback publichouse to the Empire Hotel or the Royal Oak Hotel.

22. Are those assistants in small country places members of industrial organizations?—I do not know. I say there is nothing to stop them from becoming members. The unions are established for them.

23. In section 2 you ask to add the words "where three or more assistants exclusive of the members of the occupier's family are employed." Would not that give large latitude?—You surely admit the necessity of keeping the cradles full, and do not want to penalise those who have large families.

24. In subsection (*b*) of section 5, is not what you are asking for extreme—twelve hours instead of ten hours a day?—The latest agreement made in hotels and restaurants provides that the hours of work for all classes shall not exceed sixty-five hours, but not more than twelve hours shall be worked in any one day.

25. What is the maximum in the other awards?—Eleven hours.

26. So you are asking us to interfere with the Arbitration Court awards?—You have set the example. If you take us on our own ground we say "Wipe it out—do not interfere with the Arbitration Court awards."

27. *Mr. Fisher.*] Have you any objection to the Sunday Labour Bill?—Yes, we have very strong objection. As we said before, we think it is impracticable with regard to industries that are compelled to work seven days a week, and I explained to the Committee that we had not gone very largely into it on account of this Shops and Offices Bill overriding it.

28. Are you aware that that is the law in Canada, France, Italy, and Germany?—I know there are similar laws in other parts of the world, but the conditions of those other countries would have to be taken into consideration when considering this.

29. Would you suggest that places like Switzerland and France, in which the tourist business is so enormous, can adopt it and we cannot here?—Those other countries have not got an army of inspectors such as we have here.

30. Do you not think if we passed the law it would be observed?—Yes, but I think it is impracticable.

31. Do you think the Bill is unworkable, say, in a city like Wellington, excluding pastoral and agricultural districts?—Anything is workable if expense is no consideration, but if you find in connection with one class of business that figures of a reliable house could be laid before you and made subject to the strictest accountancy that would prove that the restriction of one day a week in that business would mean, if not ruin, something like it, would you be prepared to go on with it?

32. Can you show that?—I think so.

33. Will you prove that?—I think so. Of course there are other objections, but that is one thing.

JAMES SYDNEY PALMER, Hotel-proprietor, Auckland, examined. (No. 6.)

1. *The Chairman.*] Are you a member of the Employers' Federation?—No. I am president of the Licensed Victuallers' Association.

2. You wish to give evidence on the Bill as showing how it affects your trade specially?—Yes.

3. You may make your own statement in your own way?—I have listened to all the evidence that has been given by Mr. Pryor, and the whole matter has been very carefully considered, and I practically indorse all that you have heard from Mr. Pryor. In practical experience I find that the continued introduction of legislation of the nature that is contained in this proposed Bill is very oppressive and very irksome. It is liable to create a feeling of unrest and irritation amongst at least a section of the employees. It makes our work more or less embarrassing, and our business generally, for some time past, and even now, is of a more or less embarrassing nature. Legislation of this character has a tendency, in my opinion, to bolster up protective ideas and notions with not the best class of worker, but with those who look to do as little as possible, and get as much as possible in return. It also has the effect of creating internal unrest. It is no uncommon thing for the employees in hotels nowadays to gather together, both in and out of working-hours, and institute a system of irritating agitation amongst one another; and for those reasons, and also the fact that this kind of legislation increases our expenditure considerably, I desired to put my views before you. There is no getting away from the fact that during the past year I am advised—and I also speak from experience—that the volume of business done has been reduced, and consequently the different businesses will not stand continual increases in order to meet and comply with regislation of this character. In Auckland we are working under an award which received consideration, and as one who assisted in the framing of that award I may say that there was not any occasion for us to go to the Arbitration Court. Employer and employee agreed mutually to the terms of the award. That award provides for a maximum of sixty-five hours. The duties of employees in hotels are not, in my opinion, on all-fours or identical with the duties that are performed in other businesses. They are necessarily more or less of an intermittent nature, and there is a considerable

time when most, if not all, employees are simply on the premises with practically no work at all to do. We are compelled to keep our business open and running for a very long time each day, and the conditions seem to me to warrant an adhesion to the number of hours that has already been provided for, and that has already been agreed upon by both employer and employee. As a matter of fact, I have got a staff of eight, and each one works to a definite time-table as nearly as possible. I cannot make it exact, but I make it as near as I possibly can, and, although sixty-five hours is the maximum time allowed, I do what I can to prevent them working that maximum time. But I find from practical experience, even then, that their time runs into anything from sixty-two to sixty-five hours. Then, again, with regard to the holiday aspect of the question, I must certainly add my protest to part of the wording of section 7. I would like to point out to you this: that in a hotel where, for example, there might be twenty employees, under this arrangement it appears to me that you might find yourself with half a dozen who would say "Look here, Mr. Palmer, I want a week's holiday every three months"; and the other portion might say, "Well, Mr. Palmer, I want half a day every week as usual." Very well, you make those arrangements. If I may use the term, you "make the punishment fit the crime," and you arrange the details of your business to make the necessary provision for that. Before it has been in operation for any length of time, one or other of that section, or part of both, come to you and practically have a right to demand to change that. And so you would be subject to chopping and changing about, solely at the caprice of the employee, and I certainly do not think that is a fair position to ask the employer or occupier to submit to. With regard to the giving notice in writing of these arrangements, I also think that that is most irksome, and quite unnecessary. We have our wages and overtime book, which is a necessary adjunct to the business affairs of a hotel, and which I quite approve of. That book is always open to inspection by the Inspector; and if it is not kept properly, then there is something wrong, and it should be put right. I think that book would cover everything that is asked for in the nature of an arrangement with the Inspector. I do not know that I need say anything further. As I have already said, Mr. Pryor has gone very fully into the matter, and I think I may rest content at entering my protest as I have already done.

4. *The Chairman.*] Would you mind giving us your opinion of the Sunday Labour Bill?—With regard to the Sunday Labour Bill, the conditions applying to hotels are such that I think it would be found to be impracticable. We are expected—in fact, we are practically compelled by law—to remain open, and if it is right that we should be compelled to give a twenty-four hours' or a day's holiday to each employee, I think it is only right and fair that an employer should also be permitted to have a twenty-four-hour holiday as well. The whole thing in that respect is one-sided, to my mind. Then, of course, there is the aspect of expense. It would naturally involve, as a corollary, an increase of the expense—and the expenses of running hotels now are very high, and in my opinion it does not leave any room for increases.

5. *Mr. Poole.*] Mr. Palmer, do you believe in labour legislation?—Yes.

6. You are in sympathy with it?—Yes, I believe in fair legislation.

7. Do you believe in an eight-hours day?—It depends upon the circumstances.

8. For general labour do you believe in an eight-hours day?—Where people are in continuous work, such as blacksmiths, or fitters, or labour of that character, then I say Yes; but where the conditions are different it is another matter altogether.

9. It is not of general application, you think?—No.

10. Do you believe in the half-holiday?—Yes.

11. For all employees?—Yes, I think that is a fair thing.

12. Do you think the employees in the hotels are responsible at the present time for the unrest created in the minds of the licensees?—Yes, to a great extent.

13. They are becoming more troublesome, are they?—Yes, but not the best of them.

14. Well, the worst of them. Describe them?—As I have already pointed out, I think, it is those who like to get as much as they possibly can for as little as possible.

15. You generally have a good number of "drifters"?—"Wasters" I call them.

16. "Wasters"—possibly they are. Do you know the reason why they are wasters?—I do not know.

17. Do you think the average industry is able to bear the restrictive labour legislation that is imposed at the present time?—I have not gone into that matter, and I am not able to express a definite opinion.

18. It is a question of profit, is it not? Will not the hotel business compare favourably with the average industrial enterprise in any city in the matter of returns?—I am not able to say; I have not had experience in other businesses.

19. Well, the profits are fairly good, are they not, in hotelkeeping? I am not anxious to disturb your feelings——?—I do not think that is a fair question.

20. I think it is. I want to get a comparative statement respecting industries and hotelkeeping?—I am not at liberty to say just at the present moment what the profits are.

The Chairman: I do not think that you can expect the witness to reply to that question. It is apparent, of course, that if the business was not paying they would not be in it.

21. *Mr. Poole.*] The position I am taking up is that, if the witness can prove that the business is not able to bear the strain of this legislation, there should be some consideration extended to him. That is my point?—I can go this far, and say that the profits are not as great as a great many people fancy they are.

22. You made a statement to the effect that the volume of business was considerably reduced?—Yes.

23. Are we to accept that generally?—I am advised so.

24. And do you think it is necessary, as an employer of labour, to utilise the services of your employees for seven days in the week?—It is absolutely necessary in the hotel business.

25. And you do not see any possible way of granting the holiday as suggested under this Bill—the term holiday, or other provision?—The quarterly holiday?

26. Yes?—I do not raise any strong objection to the quarterly holiday in lieu of the half-holiday, but I do say that I should have the right to fix that with the employee, and that it should be understood to be fixed so that I can arrange the details of my business to fit in with it.

27. If you consider it is desirable that a man should work for seven days in the week in the trade, without having even the option of the Sunday, or some part of the week, do you not think your opinion would be prejudicial to the existence of legislation that covers general industry, where they get a Sunday in the week, and have limited hours of employment?—We are forced into the position of having to keep open for seven days in the week, and under those circumstances we certainly cannot employ extra and special labour to meet one day. Supposing you have got a chef—a cook. You cannot afford to keep two chefs in order to give one a weekly holiday.

28. Do you not think it would be possible to handle the staff so that the employees would be able to get Sunday off?—It is quite possible to do almost anything, but the surrounding circumstances require to be considered.

29. Have you many boarders?—I have a few.

30. Have you a chef?—No, we have a cook.

31. I can see the difficulty with regard to having a responsible man in a very large kitchen, but in the smaller places I do not see the difficulty?—I take it legislation has got to provide generally for the conduct of hotels.

Mr. Poole: Yes, but when examinations are taking place it is necessary to try and cover every avenue of information.

32. *Mr. Fraser.*] I do not think the witness gave any evidence with regard to the effect of legislation overriding a decision of the Arbitration Court?—What I said was this: that Mr. Pryor went so fully into all that that it was unnecessary for me to say anything further.

33. You do not think it necessary to say anything?—No, I concur in what he said.

34. *Mr. Glover.*] Did I understand you to say (I may say I know something about this matter myself) that during the period that the employees are not so busily engaged they are actuated by a desire to create a feeling of unrest among the employees?—Very frequently.

WILLIAM JOHN WATERS, Proprietor of the City Hotel, Dunedin, examined. (No. 7.)

1. *The Chairman.*] You wish to give evidence on this Bill?—Yes.

2. Are you a member of the Licensed Victuallers' Association?—Yes.

3. Do you hold any office?—Yes, I am a member of the executive. I will read the following memoranda concerning proposed amendments to "The Shops and Offices Act, 1908," and their probable effect on licensed victuallers in particular: According to the present practice, no employee in a hotel works more than sixty-five hours per week. During a fair proportion of this time the employee is not actually working, but has merely to be on the premises in case any occasion for his services may arise, and, as employees usually reside on the premises, it is evident that, although their hours of employment are nominally sixty-five, they are really, in most cases, very much less. A reduction of hours of employment to sixty per week, and, in the case of females, fifty-six hours, would necessitate an increase in the staff, which, in view of the fact just mentioned, seems unreasonable. In a hotel with, say, sixteen or seventeen of a staff, such a reduction of hours would necessitate the employment of at least three additional hands. This, together with the increase in staff and wages consequent upon the recent arbitration award, means a very considerable increase in the expense of conducting a hotel, and, at the same time, means that there is less accommodation for boarders, room having to be found for the additional hands. If this reduction of hours is proposed with a view to putting New Zealand hours of employment on the same basis as Australian, it should be remembered that the work is heavier there, and, owing to climatic conditions, much more trying; also, as we understand, wages are lower there. The proposal that every employee should have one week's holiday every three months, if carried out, would completely revolutionise hotelkeeping business. To take an illustration, in a fair-sized hotel, an extra cook, and extra kitchen hand; in fact, an extra hand in each of the larger departments of hotel-work, as well as a casual hand or hands, would have to be engaged. This would entail not only the payment of wages for these hands and reduction of the accommodation available for boarders, as mentioned above, but also increased wages for those already employed, in accordance with the scale of wages embodied in the Arbitration Court award. Sixty-five hours are for those employed in the kitchen. My staff there consists of a chef, a second cook, and a third hand. The chef gets £3 5s. per week, the second cook £1 17s. 6d., and the third £1 5s. In order to keep up the efficiency of the staff, if the hours were reduced to sixty hours, it would necessitate another hand being employed in the kitchen. The moment that hand comes into the kitchen, the chef's wages go up from £3 5s. to £3 15s., the second cook goes up from £1 17s. 6d. to £2 5s., and the third remains the same, and there is the extra hand, who would get £1 5s.

4. *Mr. Fraser.*] That is according to the award?—Yes. If the hours were reduced I should have to put on another hand, for which it would cost me, as I have shown, £2 2s. 6d., to give those people reduced hours. In addition to that, of course, is the cost of their keep—that is, 15s. per week, as laid down by the arbitration award. That is the difference it would make to me in the kitchen if the hours were shortened. And the same would apply to an extent to the other branches of the house. That is an instance of how it would work.

5. How much do you say it would cost you extra?—£2 2s. 6d. per week increase in the kitchen alone.

6. Apart from keep?—Yes, that is in addition to the increase of wages that were granted by the arbitration award of 27 to 29 per cent. all round. From a consideration of these facts it will be evident that the proposed amendments would bear very heavily on all classes of hotelkeepers,

and would practically penalise those that make a specialty of providing accommodation for boarders and the travelling public. The arguments advanced above will be found, we believe, to be applicable as well in the case of restaurants and boardinghouses as in the case of hotels. Of course, from information I have gathered from other hotels I have ascertained, by their replies to my questions, that the position in their cases would be very similar to my own. The increases of wages at the time of the arbitration award all come to within a very small percentage of one another. Some are as low as 25 per cent., and some are as high as 32 per cent. And there are one or two cases in Dunedin where, even with the arbitration award, the people have found that they could not live; and there is one place in particular that has been closed up—a place that has been in existence for many years.

7. *Members.*] What place is that?—The Imperial Hotel, in Dunedin. It was a private hotel. It had to close.

8. *Mr. Poole.*] You have had a pretty considerable experience, have you not, in hotelkeeping?—Yes.

9. Do you find that the "drifters" attached to any business are much good?—I am sorry to say that there are a very great number of "drifters," as you call them—our term is "wasters." I have not had much experience with them. I think there have been occasions when I have had to give them short shrift.

10. Do you think they are cheap at any price?—What do you mean?

Mr. Fraser (to Mr. Poole): You mean "dear at any price."

Witness: I would not take them as a gift.

11. *Mr. Poole.*] That is just it. "Dear" at any price is merely an extension of the term in another way. The purpose of this Bill—clause 7—I think this clause was inserted for the purpose of considering as far as possible the requirements of the hotelkeepers by allowing the holiday to accumulate so that provision could be made for giving them the aggregate holiday, and thereby relieve the hotelkeeper. You consider this would be altogether against the interests of the trade—to allow the holiday to accumulate?—Yes.

12. With regard to the increased cost in the kitchen, there are a good many hotels that have not very much accommodation for boarders. Do you think that by making better provision for granting their employees holidays they would suffer to the same extent as the larger places where they have a larger staff in the kitchen?—I can only speak from my own place. I can accommodate from forty-six to fifty.

13. You are running a very large public place?—Yes.

14. But there are some places where a great deal of labour can be found attached to the bar and to the reception-rooms, and so on, where it would be possible to grant better concessions in holidays without inconveniencing trade?—I could not say. I have never been where there is a small staff.

15. I will put it in this way: The chief difficulty respecting holidays comes from the necessity for providing for boarders?—Yes. You must keep your place open for boarders. You cannot make any excuse to them. If they come to you they must be provided for—that is compulsory. If we are compelled to give a lengthened holiday and trade increases suddenly, even for one or two days, from an influx of visitors, it is very awkward.

16. Is it possible to discriminate between places which have a large accommodation for boarders and places which only do a bar business?—I could not say. The very small accommodation places are nearly always filled.

17. You are of the opinion that it would be impossible for a proprietor to bear the increased cost of the upkeep of the kitchen particularly?—Yes. In a case like mine, if you gave them either the reduced hours or the extended holiday, you must employ one more hand. You could not possibly do it without.

18. And you say you would not be in a position to bear that?—No. You could not keep up the efficiency without extra assistance. The boarders could not be provided for.

Table showing Increase in Wages consequent upon the Arbitration Court Award payable in a Typical Hotel in Otago.

	From.			To.		
	£	s.	d.	£	s.	d.
Head cook (three hands employed)	3	0	0	3	5	0
Second cook	1	10	0	1	17	6
Third cook	1	0	0	1	5	0
First waiter	2	0	0	2	10	0
Second waiter	1	5	0	1	10	0
Third waiter	1	5	0	1	10	0
Pantry hand	0	15	0	1	0	0
Night-porter	1	5	0	1	7	6
Day-porter	1	0	0	1	5	0
Housemaid	0	15	0	0	16	6
Second housemaid	0	15	0	0	16	6
Extra hand (called a "general hand")		...		1	5	0
	£14	10	0	£18	8	0

This shows an increase of almost exactly 27 per cent. If waitresses are employed the percentage of increase would be higher still. Head waitresses' wages have been increased from £1 to £1 5s., assistants' from 15s. to £1. Where three are employed this is an increase of 30 per cent.

JOHN BEVERIDGE, Proprietor of the Grand Hotel, Wellington, examined. (No. 8.)

Witness: I am a member of the Licensed Victuallers' Association executive. I should like to indorse, Mr. Chairman, what Mr. Pryor has said about legislative action overriding an Arbitration Court award. It is going to be very hard on us, this regulation, if it comes into law. When the Arbitration Court award was made, the Dominion was in a much more prosperous condition than now. We claim that at that time hotel employees had greater consideration than the employees engaged in other industries, in so far as that the concessions they got were very big concessions. At that time, with everything prosperous, we quite conceded that the employees should have a fair share of what was going. At that time the hours were reduced from seventy-two to sixty-five, and the wages were raised from £1 5s. to £1 7s. 6d. They had hours of overtime arranged and overtime rates arranged. We had the hours specified in which they should work, and they had board and lodging allowed them, and altogether they had a very fair award. Since then the conditions have altered very materially, and, if this Bill which it is proposed shall go through now should come into force, it is going to have this effect: that it will absorb to a great extent all the profits that some hotels are making. I say that advisedly. We would therefore ask that the existing state of affairs should be allowed to remain, for these reasons, as I said before: that when the Dominion was in a better position we conceded those reductions, and also for the reason that the cost of living now has risen so much, for this affects us very materially, and now that there is a surcharge it is going to affect us very much more. Further, our profits are cut down in so far as that on every case of spirits there is 8d. put on, and 16s. a hogshead on other things, and that all affects our profits.

The Chairman: Can you not give smaller nips?

Witness: No; unfortunately, we have to hand over the bottle. For these reasons we ask that the existing conditions be allowed to remain—that is, sixty-five hours covering all the conditions of the trade. Now, I am prepared to show from some figures I have here, Mr. Chairman, what it will cost in hotels such as I am conducting if the provisions of this Bill become law. I am taking my own hotel as an example of how the one holiday a week would work. And I may say that these are winter conditions. The summer conditions would result in much heavier charges.

Example if One Whole Holiday in One Week is granted.

The number of employees would be as under:—

	£	s.	d.
7 kitchen hands	15	15	0
4 pantry hands	5	5	0
9 dining-room hands	14	10	0
5 hall staff	4	10	0
6 usefuls and night-porters	6	15	0
6 housemaids and linen-maid	4	15	0
6 barmaids	9	15	0
3 clerks	4	0	0
1 barmaid	1	15	0
1 storeman	2	7	6
48 total staff, at a weekly wage of	69	7	6
Average weekly wage per head	1	4	8
Additional number of employees necessary			7
	£	s.	d.
Additional cost per week, 7 at £1 4s. 8.	8	12	8
Additional cost per year—			
Wages, 52 weeks at £8 12s. 8d. per week	448	18	8
Board and residence, 7 staff at 15s. per week for 52 weeks	273	0	0
Total	721	18	8

If term holidays be granted—say, seven days every three months—this means that for every eleven months' work each member of the staff receives twelve months' pay, viz.:—

	£	s.	d.	£	s.	d.
4 weeks' wages to 48 on staff, at £4 18s. 8d. per month				236	16	0
4 weeks' board and lodging at £3 per month				144	0	0
Plus Wages to relieving staff	236	16	0			
Board and lodging to ditto	144	0	0			
				380	16	0
Total				761	12	0

No man runs his business with more hands than he requires. If it takes forty-eight hands to run my business, and a whole holiday is to take effect—that is, a six-day week instead of a seven-day week—I must of necessity, to keep up the efficiency, augment the staff to the extent of seven more persons. If that is done, and the number of extra employees that I shall have to take on being seven to keep up the efficiency of the establishment, the additional cost of the seven, at £1 4s. 8d. per week, will work out at £8 12s. 8d. per week. So that the cost for the year will

be—fifty-two weeks at £8 12s. 8d., £448 18s. 8d., with the addition of board and residence to seven members of my staff at 15s. per week. I should like to mention here that 15s. per week at the price of commodities at the present time, cannot keep one of our staff, but I put it in at that because the union and the Arbitration Court agreed that that should be the rate—10s. for food and 5s. for lodging. So that I am now taking that low rate for seven of the staff for fifty-two weeks, and that works out at £273. Adding the two gives a total of £721 18s. 8d. for the year's upkeep of seven of an extra staff for my establishment. That is if they agree to give one full-day holiday per week. Giving the full day is going to cost all this. We have arranged our business to suit the half-day. We had great difficulty, I may say, in arranging our business to meet the holiday granted by the Legislature at the last dying hours of the session, under which circumstances we had no opportunity of lodging our protest against it. It became law in that way at the last moment of the session, and the employees were granted a half-holiday. While it was under consideration by the Arbitration Court the members of the Cooks and Waiters' Association were granted a half-holiday, and we were never asked about it. Then, when our businesses have become adapted to that, we are asked again to grant a whole holiday. This will necessitate, as I have said, a lot of expense and the upsetting of our business in order to rearrange it.

Then, Mr. Chairman, if the term holidays are granted—say seven days in the three months, as the Bill provides—this means that for every eleven months' work each member of the staff receives twelve months' pay. That is to say, each member of the staff receives one month's salary in excess of what he has worked for. That means four weeks' wages to forty-eight of a staff at £4 18s. per month—a total of £232 16s. Also four weeks' board and lodging at £3 (15s. per week) comes to £144. There is this further consideration: that there is no provision in the existing law whereby you can ask your chef, we will say, whose holiday comes due, that that chef shall take his holiday off your premises. So that if one of your staff decided to take his week's holiday to-morrow, he could say "I'm going to take my holiday out in bed." He can remain in his room, take his meals, and claim his wages, and we have got to supply accommodation for him, find his meals, and pay his wages. So, in addition to paying for his holiday we have got to add wages and board and lodging for his relief. The total expenditure thus works out at £761 12s. per annum in my case. Now, if you can say that I can do that and still have a profit, well, I will be content to hand it over to somebody else. As I mentioned before, this is carrying it out on my working winter staff. In the summer-time the amount will be further augmented. That will just show you what it means, gentlemen, in the way of holidays, and in the upsetting of house and staff. It is all very well to say "You can easily put some one else in his place." But a waiter is not ready to do anyone-else's business. A waiter, for instance, is not in a position to do hall-porter's work. Suppose the hall-porter is away for his holiday. A big Home steamer arrives, and we get twenty or thirty of the passengers, and they come along with their luggage and expect to receive proper attention. Who is going to touch that luggage? You cannot put a waiter on to attend to it. Hall-porter's duties require certain qualifications in the way of tactfulness, courtesy, &c. Putting another porter on in place of the man who is on holiday means money.

Now, I am taking my half-holiday arrangement here, to show what it means to me every day. On Monday 13 of my staff walk out, on Tuesday 6, on Wednesday 7, on Thursday 8, on Friday 8, and on Saturday I have 6 on holiday, making a total of 48 hands, averaging eight off daily every day of the week. That is, Sunday does not count as a working-day under the Shops and Offices Act. So that we have got to allow the whole of our staff to have their holidays from Monday to Saturday. On Sunday, when we could easily accommodate the members of the staff in the matter of a half-holiday, we are not allowed to do so, and consequently they are with us then, when we could easily let them away. Therefore it is very hard to work your staffs and arrange your business so that the people who pay shall get the attention they want.

One might say it is easy to get some one else to do the work, and pass the cost on to the public; but we cannot pass the cost on to the public—the public will not stand it. In that connection we are somewhat different from Sydney and the other colonies. In Sydney they have a large population to deal with, and better conditions in regard to employment of labour. There they have 1,200 businesses of caterers and hotels, with 12,000 employees, in the city and surroundings to draw from. Now, in the case of, say, a chef in the Royal Oak, and the Grand Hotel, and the Empire Hotel being likely to take their holidays in the same week, where could we get in Wellington three efficient men to supply their places? We have not the command of labour that they have on the other side. It is practically impossible. On the other side they can do it, and can pass the cost on to the public as we cannot do here. For instance, take the Cooks and Waiters' award from 1909 to 1912. The wages there paid are, waiters, £1 5s. per week of fifty-eight hours. In that connection I may mention that the Australia Hotel has raised the tariff from 12s. 6d. to 15s. Menzies' Hotel, in Victoria, has also done the same. Another institution I remember is Phfalert's Hotel, in Sydney, which, owing to the increased cost of wages, has done away with dinner at night, discharged all the waiters and substituted waitresses, give what they call a "high tea," deleted poultry and fruit, and saved the extra money they were paying owing to the increased cost. That speaks for itself. We have not got the command of labour, sir, to draw from if those conditions as to holidays are to obtain here.

I do not think there is anything more I can say, except that I might mention that my hotel is one of those that employ an engineer, and I think you will agree that it would hardly be possible to ask an engineer to take his holiday and bring in anybody else who did not understand the machinery. It is necessary that he should be there. He starts at night and works four or five hours. He also comes in the morning for an hour and has a look round. He is in charge of the lifts and electric lights. We apply for exemption for engineers on those lines: that they are necessary for the safety of the house and the public.

Housemaids, we contend, are domestics, and housemaids should be exempt from these hours. Sixty-five hours is what they are working under now, though we have no award for housemaids in Wellington. But the award in Dunedin was sixty-five hours, and therefore, as we have no award, I think we should have the right to remain under the same conditions. We have guests arriving at all times, and rooms have to be made up, and it is necessary to have them on duty. They work very well under the conditions. We have had no complaints from them, and I do not think it should be made to apply to them at all. They seem to me to be quite content. They have a good time. They get off in the afternoons to have a lie-down. They also get off on certain evenings. I think, therefore, that housemaids ought to be exempt from the provisions of this Bill.

Another point in relation to hall-porters. When we have to give hall-porters holidays we must get casual hands to do the duties pertaining to these positions. Now, a hall-porter is in a peculiar position. It is one that calls for a lot of tact and discrimination, and if we had to keep two the expense of two is too great. If we have to get any one in he may be able to lump luggage, but that is not the essential point. He has to meet all the conditions. And that same remark applies in connection with the night-watchman. You will all agree that a night-watchman in any hotel, large or small, is very essential. In addition to other duties, he carries out the very important duty of guarding the safety of the building in so far as fire is concerned. There is also the matter of leakage from bathrooms, where people leave taps running, and the night-watchman's duties are important in that respect, and therefore to ask us to grant holidays under those conditions to the night-porter and take on some one who is not interested in the building, and who does not know the run of the building or the conditions of the house, is asking a big thing, having regard to the safety of the travelling public. I think, gentlemen, that those arguments should appeal to you in that respect.

So far as we know, on the other side, in regard to employees, we do not know quite how things are working. Although this award has been made for cooks and waiters, it has only been in existence for a few months, and we are not aware that it is a success, and it might turn out not to be a workable thing. Moreover, the two cases I have given show that it has created a hardship, and the hotelkeepers have taken measures to redress that hardship by increasing their tariffs and deleting items from their tables.

1. *Mr. Poole.*] Have you had any request from your employees for the term holiday?—No, none.

2. Not from anybody?—No; in fact, they express no desire for it.

3. I am glad to hear that. You made reference to the increased cost under new taxation?—Yes.

4. Of course everybody who is interested in a business likes to see a fair margin of profit. Do you consider that there is a fair margin of profit?—No, I do not. I should be quite content to be a worker again under present conditions.

5. You made reference to the increased taxation on spirits: do you think it would be harder upon you to have taxation on food-supplies and spirits?—We have them on both now.

6. To a certain extent you have. My position is this: that where it is necessary to raise increased taxation, you have to choose between putting it upon the necessaries of life or upon the luxuries?—Exactly.

7. Some members thought it would be better to put the taxation on the luxuries?—I am not objecting in any way. I am only quoting as an instance how it affects us.

8. Would it hit you harder if the taxation were put upon spirits or upon food-supplies—Tea?—Well, we are not in a position to say. It has only been imposed a fortnight. I could not give the figures. Foodstuffs we all know have gone up. I am not in a position to say.

9. Do you find in your contracts—I do not know how you carry on: do you have contracts?—We do not have contracts.

10. Do you find a general all-round increase in the cost of material lately?—Yes; sugar has gone up recently.

11. Oh! To what extent?—A farthing in the pound.

12. Do you get sugar in large quantities or in broken parcels?—It all depends on what you call "large quantities."

13. You say sugar is going up, and people are not getting the benefit of the reduced taxation?—I would not say that generally.

14. We wanted you to receive that benefit?—I see.

15. Directly or indirectly, does your establishment receive any benefit whatever from the gift that was made under the tariff revision?

The Chairman: You had better put the question the other way: has the price of sugar increased?

Mr. Poole: I have got another question, if you will allow me to put it.

The Chairman: No, we are not considering the——

16. *Mr. Poole.*] The witness made reference to the increased cost by reason of the surtax. Do you derive any benefit from the gift made to the brewing industry by the removal of the duty from sugar in 1907?—That is a very wide question. I am not prepared to answer that.

17. Do you think that it is an offset to the surtax at the present time?—I should not like to say. I am not prepared at present to venture an opinion on that.

18. *Mr. Fraser.*] The question was asked whether the profits in hotels were adequate, having regard to the amount of capital invested?—No, it is not, in many instances.

19. Does the carrying-on of hotel business differ from that of any other business?—Very much so, in this respect: that we are bound by the licensing law. We have no option.

20. Is there not a certain risk attaching to the hotel business in consequence of continuously pending decisions in regard to local-option polls?—Exactly. We have no guarantee of stability. We cannot look ahead in any way.

21. Do you mean, then, that ordinary profit in such a risky business would not be considered a good profit—what might be considered a good profit in ordinary business would not be so considered in yours because of its inherently risky nature?—Yes, a proprietor of another business would naturally be satisfied with a lower profit than in ours. Even that profit would not be a profit on the capital invested in a steady business. I mean to say that the profits I may make under this new arrangement would not be considered in a settled business, even where they have twenty or thirty years to go, without risk of being forced to close up.

22. If the provisions of this Bill become law, the profits will be decreased very much?—There will be no profits. In many cases there will be none left. I would rather be a worker than an hotel-proprietor.

23. *Mr. Poole.*] Do you derive more profits from the bar than from the accommodation at your house?—I have had no profit from the house. I am on the debit side of the ledger as regards the house; and I do not think any hotel in this or any city can show a profit.

24. Are you aware that local option is not directed against your accommodation-house, but against your bar?—Yes.

Mr. Poole: I just wanted that to be understood.

JAMES GODBER, Restaurant-keeper and Confectioner, Wellington, examined. (No. 9.)

Witness: I do not know why it was necessary to put at the end of clause 2 "and also a shop carried on in conjunction with a restaurant," because I consider shops like the ones I occupy are restaurants, and, although I am not of a legal mind, still, I think it is considered to be so, especially as I have the authority of some of the leading members of the Labour Department in making a statement to that effect.

The Chairman: You object to those words?

Witness: No; it merely makes assurance doubly sure, so I think it is just as well that they should be inserted, because then there certainly cannot be any doubt at all about it.

With regard to clause 5, I am glad that Mr. McLaren is here. He raised the question of twelve hours being a long time for any employee to be worked in connection with restaurants. But he must know that you can only work them in that way once or twice in any one week. You must give them proportionate hours—shorter on other days. The reason twelve hours is necessary is because on our very busy days—Saturday, for instance, is always a very busy day—it requires the whole of our staff to compete with the business of that day—in fact, if it were not for the business of that day we should get no profits for the rest of the week, and therefore we want to have the privilege of working the assistants for twelve hours on the one day, or perhaps on the day before a holiday—before Christmas Day and New Year's Eve. We do not wish to infringe on the fifty-six-hour week, but we wish to have the word "twelve" inserted in the Bill instead of "ten." The other clauses have been dealt with by the other speakers.

I just wish to refer to clause 8. You heard Mr. Beveridge state just now that he has thirteen hands walk off on Mondays, and so many on Tuesday, and so on, and it will naturally occur to your minds that an alteration as regards the half-holiday is necessary. It is impossible to say when the half-holiday is to be fixed, because the half-holidays are altered every week in our business, and it is altogether unnecessary and unworkable, this clause 8. It is impossible for us to comply with these conditions. It would require as much assistance as could be given by those who have been retrenched from the public service of the colony.

Mrs. EMMA SPILLER, Waitangi Boardinghouse, Wellington, examined. (No. 10.)

Witness: I have been working under the Arbitration Court award for two years, losing money the whole time. I had to increase wages to about £3 per week. Now, if they bring in the Bill I am sure I shall have to go out of it.

(Mr. Palmer, by permission of the Chairman, asked the witness the following questions.)

1. How many boarders can you accommodate?—I think about fifty just now—fifty to sixty, as a rule. And my staff, as a rule, numbers ten, but it is at present eight.

2. You will not be able to carry on if this proposed Bill becomes law?—Oh, no! I could not. Business has resulted in much less profit than it did previously.

3. The conditions under which you are working would not permit of any further restrictions?—No. If there were any further restrictions I could not possibly keep it up.

4. *The Chairman.*] Have you had a conversation with other boardinghouse-keepers on the subject?—Yes, with a great many of those in Wellington who are in a large way.

5. And you express their views?—Yes.

6. Have any of them gone bankrupt?—Yes, the Albemarle has. The Columbia has changed hands four times.

7. *Mr. Palmer.*] Then the boardinghouse business in Wellington is in a deplorable state?—Yes, it is in a deplorable state.

8. *A member.*] You do not suggest, do you, that the present state of affairs was brought about by the law?—No, but there is no doubt about the position at present. I give my staff good hours. Why do they not protect us by seeing that the persons we employ are competent before they are allowed to come into the house? I got six cooks in a week, and none of them were competent; but you have got to pay them the money all the same.

The Chairman: You had better write to Mr. Pryor about that.

9. *Mr. Poole.*] Can you estimate the increased cost of running a boardinghouse now and before the Arbitration Court award?—Yes; my wages come to £3 a week more since the award.

10. Do you feel inclined to blame the award more than the general depression in trade for the present condition?—Yes, the depression is not so great a factor.

11. The depression has more to do with it *now*?—Yes, *now*. But from the first, after the award I really could not manage. It is about two years ago that the award was made, and ever since then things have been very bad.

12. How long is it since the award?—Two years ago.

13. And you say it is impossible to keep going under the present award?—If there is any increase in the cost I certainly cannot. I do not know how I am going to manage as it is, but I certainly cannot carry on if there is to be any increase.

14. *Mr. Fraser.*] You say that in consequence of the award your profits have decreased?—Yes, there is an increase in wages.

15. Is it possible to pass that on to the public by increasing your charges?—No, I cannot do that. They cannot afford to pay any more.

16. It might be said that you could easily recoup yourself, and I wanted your evidence on that point?—No, it would not be possible to recoup ourselves in that way. In fact, in many instances we do not get what we charge.

17. Then you cannot pass it on?—No. In fact, if we want to charge any more they say they will go to the hotels. They say there is a better table there—more variety.

18. *Mr. Glover.*] Do you think a contributing factor in regard to some businesses not paying is in consequence of people owning a considerable amount in bad debts?—No, I do not. Of late we have been very much more careful and do not make as many as previously, I assure you. We have to be most careful.

THURSDAY, 9TH DECEMBER, 1909.

THOMAS LONG examined. (No. 11.)

1. *The Chairman.*] What are you?—Secretary of the Auckland Hotel and Restaurant Employees' Union.

2. Has your union had a meeting to consider the provisions of this Bill?—Yes; the executive had a meeting, and then we called a special meeting of the union to deal with the matter. We went into it very carefully, and, while there are a good many of its provisions which met with our approval, we certainly thought the Bill as a whole would not be in the best interests of our people.

3. They have deputed you to express their views?—Yes. I was instructed by my union to compliment the Government upon bringing down a Bill which will give to a very large body of workers in this country a status they have hitherto not possessed. Section 2: I was instructed to endeavour to put as briefly as possible before you, and as strongly as possible, the necessity of making provision for employees in clubs. As far as we have been able to read the definition of "hotels" and "restaurants," it does not cover clubs, and we have a large number of our people employed at these clubs who have to work very long hours at small wages. There is nothing, so far as we can see, in section 2 which will apply to employees in clubs. We have some clubs in Auckland where the employees are only required to work reasonable hours, but I am sorry to say that we have others that I could name where the employees are called upon to work very unreasonable hours—from 6 o'clock in the morning till 12 o'clock at night is very common in not a few of them—and I hope the Committee will see the fairness of doing something for that class of worker. As you know, the Arbitration Court has refused in the case of the Canterbury Union, which took a case before it, to make an award for clubs, on the ground that the proprietors were not running the clubs for profit; so that legislation of this kind is the only hope we have of getting some restriction on the hours which employees in clubs have to work. In a judgment given by Mr. Justice Cooper with respect to shop-assistants in a refreshment-room it will be seen that he states in his decision that a waitress working in a refreshment-room—which means a restaurant—is a shop-assistant within the meaning of the 1904 and 1905 Acts. Now, according to section 5 of this Bill there is going to be an increase in the hours of waitresses in restaurants. That is a provision which I should certainly be sorry to see, and my people feel very strongly about such a thing as an attempt being made to increase the hours of women workers. The hours they have been working since the 1904 Act are fifty-two; and now, according to this section, their hours are going to be increased to fifty-six. This certainly appears to members of my union to be a most peculiar position for the Government to take up, seeing that there is a tendency throughout the whole world to decrease the hours of female workers. It would certainly be a retrogression, and therefore I am instructed to place this matter before you as strongly as I can. We certainly shall strongly protest against any increase in the hours of female workers.

4. In what number of the *Labour Journal* is that decision given?—No. 179, Vol. xvi. It was thought that the workers in restaurants did not come within the definition of "shop-assistants," and therefore that was a test case, or, rather, it was an appeal from the decision of the Magistrate to find out exactly what the law is upon it, and Mr. Justice Cooper states very distinctly in his judgment that a waitress is a shop-assistant. I do not think it is necessary for me to say anything more with respect to female workers, but I trust that when this Committee comes to review the evidence they will take into consideration the protest made by the Auckland Union, and I am sure a similar protest will be made by all the unions in the colony against any increase in the hours of work of our female workers. As far as female workers in hotels are concerned, this Bill is intended to decrease their hours by nine per week. What we should like to see is the hours made fifty-two and fifty-six.

5. *Mr. Fraser.*] Fifty-two for women and fifty-six for men?—Yes. At the present time, in the restaurants in the chief centres, they are covered by awards of the Court of Arbitration, and the hours are set forth there as fifty-two for women and sixty for men. So far as any benefit to be derived by workers in restaurants is concerned, the only benefit will be that all the other em-

ployees outside the waitresses in dining-rooms will get the half-holiday. That is about the only real difference, with the exception that the Bill is going to increase the hours of female workers in restaurants. The chief benefit to be derived in this Bill is in relation to employees in hotels. I notice that section 5, paragraph (*b*), provides that an assistant shall not be employed "for more than ten hours (excluding meal-times) in any one day." At the present time in hotels there is a considerable number of employees who have to work twelve hours and over per day, and we have always considered that twelve hours is a very long day. As a matter of fact, in some of our large private hotels, which come within the definition of section 2, there has been no restriction in the past at all. The employees had to work, in some cases that I know of personally, fourteen or fifteen hours. They had no half-holiday or consideration of any kind. There are some private hotels in Auckland with a staff up to twenty. The girls have to work from twelve to fourteen hours, and the men up to fifteen hours, at the present time. Attempts have been made to get awards to cover private hotels, but in each the Arbitration Court has refused to give an award. Therefore it is only by legislation that we are likely to get any redress from people who carry on this class of business. These private hotels enter into competition both with restaurants and licensed hotels. Section 6—provision for granting a weekly half-holiday to night-porters. This is one which my union is strongly in favour of. At the present time the night-porter is really only entitled to two hours: seeing that he does not go to work until 10 o'clock at night, his half-holiday is really from 10 o'clock till midnight only, and therefore there is only one night in the week when, instead of going on at 10 o'clock, he goes on at 12 o'clock. That is the only half-holiday in force that he has had in the past. The Bill proposes to give him twenty-four hours in a fortnight, and we feel that that fills the bill admirably, and we hope it will find its way on to the statute-book. Section 7: We are very strongly opposed to the aggregation or accumulation of the half-holidays. We consider it is a very dangerous innovation to allow the half-hoildays to accumulate. Considering the fact that our people never stop in one place longer than a few months except on some rare occasions, they are a class of worker who shift about a good deal, and we feel sure they would lose the benefit of this provision, and would practically be done out of their seven days in every three months. Knowing the practice of some of the hotelkeepers in Auckland, I can say that there would be many workers deprived of this benefit. We hope that the Committee will strike this out of the Bill, because it is not in the best interests of those it is intended to benefit. Although the Bill says that employees can enter into an arrangement with the employer as to the accumulation of the half-holidays, or he may give notice to the employer of the termination of that agreement, we who have a knowledge of this business know exactly how that would work out, and it would not be in the interests of the workers affected. As a matter of fact, at the present time the half-holiday—more especially with female employees in hotels—is of no benefit at all, because they do not get it. I know of a considerable number of cases where the employees, instead of getting away at 2 o'clock, do not get away until half past 3 or 4 o'clock, and it is therefore not a half-holiday at all. No doubt it was the Minister's idea when getting section 7 drafted to give a benefit, but I was instructed to protest very strongly against it being placed on the statute-book. Although notice in writing has to be given to the Inspector, and a lot of other procedure taken to safeguard the position, yet we know it would have the effect of robbing the employees. As a matter of fact, they would have to wait till the full three months before they could get any relaxation at all, and, considering that they start work at 5 o'clock in the morning in some cases and are working until 10 or 11 at night, with an hour or two free, it would be a monstrous thing to ask them to wait three months before they could obtain any relaxation. If the employer says he is going to give all his employees the seven days, they would have to go if they were not agreeable to accept the offer. It certainly is not in the best interests of the employers themselves in some of the very large houses. I was instructed to strongly protest against this section. With regard to section 8, I trust it will find its way on to the statute-book. Most of you will probably remember the case which was heard in Auckland before the Stipendiary Magistrate, the case of our union *v.* Morrison. It was over this same thing, and if the clause goes in it will prevent any recurrence of what took place at that time. I pointed out to Mr. Morrison that complaints were made to me that the employees were working longer hours than were specified in the award. He said they did not do anything of the kind, and I said, if that was so, why did he not put up on the wall the number of hours to be worked, so that all could see it, and so regulate the hours. He said it was absolutely impossible—it could not be done. As a matter of fact, at that particular time he had the hours of porters and cellarmen regulated in that way, but he said that as far as the women workers were concerned it was absolutely impossible. We gave him an opportunity of doing that before we took proceedings against him for breach of our industrial agreement, and on several occasions I recommended him to do it, but he said it was impossible while proceedings were pending. I do not know whose advice he acted upon, but he did as I first of all suggested to him, and at the present time he has the hours so arranged that each one of his staff knows exactly when he has to go to work, when to go off for meals, the half-holiday, and so on. So that the difficulty which he said obtained, he must admit now, does not cause him any trouble at all. If that had been done before, there would not have been any necessity for the legal proceedings, because the girls would have known exactly when they had to go off work, and if asked to work longer hours than those specified on the time-sheet they would have been paid overtime, and it would have been all right. The custom in the past, prior to unions being formed all over the Dominion, was for the hotel servants to go on and stop on. The employers, more especially the hotelkeepers, never thought their employees were entitled to any consideration at all. They seemed to think that they had a right to have their workers at their beck and call from early morning to midnight. It is the same in the private hotels, and this section 8 will be of very great assistance to our people in having the hours regulated so that they will be in the same position as other classes of workers of knowing at what time they have to go to work and what time they will be finished,

and when they are to get their half-holidays. The custom that obtains at the present time in some of the hotels in Auckland is for the servants not to know when they can go off for their half-holiday, but the employer will come along and say "You can have your half-holiday to-day"; or, if they are getting the same half-holiday for a number of weeks running, they naturally look forward to that day; there are cases where some of the young men and girls have made arrangements to spend the afternoon off, and after making all their arrangements the employers come along and ask them what day they had their last holiday; and perhaps they say "Last Monday," and then he says "You cannot go off to-day; you must go off some other day." The Inspector finds great difficulty in this respect when he comes along, when complants have been made that the staff has not been getting the half-holiday. He inquires whether the staff gets the half-holiday, and the usual thing is for the employer to say "Oh, yes! Come and ask the staff." He will say, "Is this the day when you should get your half-holiday?" and the person replying will say "Oh, no! I got mine yesterday." That is the way it has been evaded. The workers who have followed this occupation have received very little consideration from the employers, and are frightened that they will get dismissed if they mention the half-holiday. That is why a number of them do not get away until half past 3 or 4 o'clock on the half-day, when they should have knocked off work at 2 o'clock. We should like to see a clause put in this Bill making it an offence for a worker to work on the half-holiday. From our point of view we consider it would be useful in this way: that a servant could say to his employer, "This is my half-day off. I must go off at 2 o'clock, because if I am found working here after that I shall be liable to a penalty." Section 10, dealing with the wages and overtime book: We should like to see the word "overtime" struck out, to make it "the wages and time book." At the present time the wages and overtime book has to be kept under the provisions of the Conciliation and Arbitration Act. That only applies at the present time to employers who are bound by an award. I should just like to tell you how this book was kept in the case of one employer in Auckland—the employer I spoke of that we had before the Court. He produced the book before the Court, and was asked by the lawyer for the union who kept the book, and he said "My son." It appears that he kept the book in the first instance correctly according to the regulations for a fortnight, and after that it was evidently too much trouble for him to keep it correctly, and he ceased to keep it in the form prescribed by the Act and regulations, and we know for a fact that there was no entry of the hours worked by the staff at all. When the trouble commenced they dated the book back and entered up sixty-five hours, and then sixty-five, sixty-five, and so on, and the Magistrate remarked that the hours each day varied, but there was no variation after that—the hours were sixty-five every day in the book, and the hotelkeeper had to admit that his son was away from business and in the meantime he had charge of the book himself. He also admitted that he did not enter up the time in the book at the time, although he paid the wages, and it came out that the son entered the time up before he went away, and when he came back again he brought the book up to date. The girls swore positively that there were no hours in the book at all at the time they saw it, and that they must have been put in subsequently to their signing for their wages. Of course if that is the way the books are going to be kept it is nothing less than a farce. It certainly will not meet the case and do what it was intended to do—to be a check on sweating, which we know has been going on, and which we know continues to a considerable extent at the present time. We trust that this provision for the overtime-book will be struck out altogether, and that the regulations which will be framed to deal with this Act will lay it down very strictly with regard to the manner in which the book has to be kept. I do not think it is necessary for me to take up any more of the time of the Committee. I would just like to strongly impress on members of the Committee again how serious a matter it would be to increase the hours of our women workers, considering the fact that our girls are the future mothers of the nation. We think it would, from a national standpoint, be a serious matter to increase the hours of female workers.

6. Has your union considered the Sunday Labour Bill?—Yes.

7. Have you anything to say with regard to it?—So far as my union is concerned we are extremely anxious to see the six-day-week principle brought into operation. We think that, seeing that nearly all other classes of workers have one day off in seven, there cannot be any sufficient reason shown why workers in restaurants, hotels, and boardinghouses—I am speaking from our point of view—should be called upon to work seven days a week. More especially do our remarks apply in respect to the half-holiday. We know at the present time that our workers are not getting the benefit of the half-holiday to the extent they have a right to expect, and this Sunday Labour Bill, which would give them one full twenty-four hours off, would certainly be a decided step in the right direction. The half-holiday at the present time is so open to abuse that, so far as the Auckland union is concerned, we have decided to go on working and agitating all the time until we get this six-days-a-week principle placed on the statute-book. We intend to keep at it because we consider we have a right to ask for what is fair, and just, and reasonable, and we consider that there is no possibility of a good case being put up against us. I took back with me a subleader which was in the *Dominion* newspaper the morning after our deputation waited upon the Minister, and I read it out to members of the union. No doubt you have seen it. You will remember it says that our class of workers in other countries are in possession of this one-day holiday in seven, and that it certainly does not redound to the credit of democratic New Zealand that we are behind the times in that respect.

8. But is that the fact? We do not take what we see in the newspapers?—That is so, but Mr. Carey has all the facts in connection with it. We have a considerable number of people in our union who travel backwards and forwards from Sydney, and who certainly find it a great hardship when they come over here, because they are only working fifty-six hours over there and are getting the one day off per week. We intend to hammer away in connection with this matter until we get the six-day principle on the statute-book.

9. *Mr. Fraser.*] Are you satisfied with the award of the Arbitration Court in regard to the employees referred to in this Bill?—No, not by any manner of means.

10. Apparently, from your evidence, I should judge that you consider even the award itself is not maintained—it has been broken and evaded?—Yes.

11. What are the objections you have to the award itself—the chief ones?—The chief objection is to working female employees sixty-five hours a week.

12. Is that the award?—Yes, in the four chief centres, and the union considers it a monstrous state of affairs that women should be called upon to work sixty-five hours on seven days a week year in and year out.

13. With regard to clause 7, I understood you to say you object strongly to that clause because the aggregation of holidays is liable to lead to imposition upon the employee by the employer?—Yes.

14. You would rather they should simply have the half-holiday as they now have than to have the holidays all together at the end of every three months?—Yes, certainly for such a long period as three months.

15. Would a shorter period suit you?—One full day a fortnight would be better. It is too dangerous a principle to set up.

16. I understood you to say that was manifested in the case of a man who was probably not occupied the full three months. If he left his employ and did not wait therefore for the accumulation he would have no holiday?—No, he would get paid at the rate of 9d. per hour overtime, and we consider that the payment is no equivalent—that the holiday is much better for his physical and moral welfare than payment for it.

17. *Mr. Glover.*] It might be a serious thing for people carrying on business to have these seven days off. Would the existing state of affairs—the half-day a week—suit better so far as the unions are concerned?—We are certainly prepared to leave things as they are rather than to have the aggregation of holidays.

18. You would rather retain the present clause than have something else?—We would rather have section 23 of the present Act remain as it is than have section 7 of the amending Act.

19. You do not like that clause 7?—No, we strongly disapprove of it.

20. *Mr. Poole.*] Do you think that the hotel and restaurant business can bear the weight of the industrial legislation so well as the ordinary industrial enterprises?—Considering the fact that hotelkeepers expect to get not less than 70 per cent. profit from the returns of the bar trade up to as high as 120 per cent., I think that should be a sufficient answer to the question. From a monetary point of view they are certainly in a position to stand legislation that would tend to place the workers in a better position, and to pay another one or two employees in addition to their present staff.

21. We have been told that the hotel business would not stand the increased expense incurred by this legislation. Do you believe that?—No, I do not. Of my own knowledge, I know that the business is a real good one.

22. A profitable one, you mean?—Yes, a profitable one. If not, you would not find people running about to invest their money in that particular trade.

23. You believe in the eight-hour principle as much as possible?—Most undoubtedly.

24. You believe in the weekly half-holiday?—Yes, but I am strongly in favour of the full holiday.

25. Would you say that people who strenuously oppose the improvement of the condition of the employees were in sympathy with the interests of the workers?—Certainly not.

26. Do you consider that £1 5s. a week, the average pay, is a satisfactory wage for a hotel staff?—No, I certainly do not. As far as we are concerned, we are going to keep on endeavouring to lift up our workers, and get better wages and conditions for those down on the bottom rung of the ladder.

27. What is the accommodation like in most hotels for employees?—There are some hotels in Auckland where the staff have really good accommodation, but there are others where the workers are called upon to sleep in places not fit for a dog. If you would like me to mention particular cases I brought under the notice of the Labour Department I will do so.

28. You need not mention the names of the hotels?—Complaints have been made to the union by a staff in a certain hotel in Auckland, and I laid the complaint before the Labour Department with a view to getting certain points settled as to what was suitable lodging according to the award. The accommodation in this particular house was anything but suitable, and the Inspector in Auckland got into communication with Dr. Purdy, the District Health Officer, and got him to inspect this particular house. I had reported this house by letter to the Health Department myself, and the reply I got was that complaints had very often been made about this particular house. The Inspector and Dr. Purdy went along, and the result was that I got a communication to the effect that certainly the lodgings were not considered suitable. As a matter of fact, there were five girls sleeping down in what was practically a cellar, with a urinal on one side and a pig-tub under their bedroom window; and every girl who had slept there any length of time—and there had been a considerable number—had been taken seriously ill. The owner of this house promised to get new quarters for them. They were putting up additions to the premises, and the staff were to be quartered upstairs. The additions have since been finished for a considerable time, and the staff still sleep down below. The week before last a girl took ill, and they sent for the doctor; but they carried her from downstairs and put her upstairs, so that the doctor would not see the room in which she had been sleeping. Girls would rather pay 5s. a week out of their wages in order to get better accommodation, but we say that the hotelkeepers should give them 5s. additional to their wages according to the award.

29. With regard to section 7, have you any idea who suggested this term-holiday arrangement?—I have no idea. It certainly did not emanate from us.

30. And you would be delighted to have it struck out?—Extremely pleased.

31. You have some very unsatisfactory employees in restaurants and hotels?—In what respect?

32. A section of the employees are unsatisfactory?—Well, considering the conditions under which these employees have worked for years and years, we find them a very difficult body of workers to handle; but the aim of the unions in the chief centres of the Dominion is in the direction of lifting up their social status and trying to get them to have a little more self-respect than they have had in the past. The conditions under which they have lived and worked tended to make them lose their self-respect.

33. We have heard them termed "wasters": have you found them to be wasters?—We have in Auckland as fine a class of people as you would meet. With regard to that term I should be very sorry to hear any one make use of it.

34. *Mr. McLaren.*] Does the term "drifter" mean the same as "waster"?—As far as I can understand Mr. Poole's definition of "drifter," it means one who is changing about from place to place.

35. *Mr. Hardy.*] That was not the definition given yesterday?—I was not here yesterday. Our men change about from hotel to hotel, and drift back sometimes to the first hotel they were employed at.

36. *The Chairman.*] Is it not a fact that men who are floating about from place to place are sometimes spoken of as "wasters"?—I should be very sorry to hear any of my people spoken of as "wasters."

37. *Mr. McLaren.*] Section 2, giving the definition of the word "hotel": Are there many of your workers employed in private hotels?—Yes, we have a considerable number of them in Auckland that are working in private hotels.

38. Are the conditions of the assistants in private hotels regulated at all at the present time?—There is no regulation at all at the present time—no half-holiday.

39. What, on the average, is the number of assistants engaged in private hotels in Auckland?—Well, the largest one has twenty on the staff.

40. What would the smallest have?—The smallest one that could be termed an hotel would have four, I think, of a staff. It would be termed a private hotel. In Rotorua I might say there are a considerable number of private hotels: there is one house where in the season I think there are some twenty-five of a staff.

41. Do you consider that this definition of "hotel" would cover a private boardinghouse? It means "any premises, whether licensed under 'The Licensing Act, 1908,' or not, in which meals are provided and sold to the general public for consumption on the premises." Would that cover private boardinghouses?—To our mind, it is not so clear as it ought to be.

42. *Mr. Fraser.*] Should it?—Most undoubtedly.

43. *Mr. McLaren.*] But does it cover private boardinghouses?—We are not very sure of that, but we should like to see it so worded as to make it perfectly clear.

44. You want it to cover every class of boardinghouse?—There is no reason why they should be working under no restrictions whilst licensed houses with whom they are in competition are working under restrictions.

45. You do not want private boardinghouses to be in competition with the licensed hotels?—No.

46. At the end of this section it has been suggested that after the words "oyster-saloon" there should be added "and also a shop carried on in connection with a restaurant." That is, where a shop is carried on in connection with and attached to a restaurant. Do you think that should be included in the definition, and that the assistants working in the shop should be covered as well as those in the restaurant proper?—Yes. We have some of our girls working as shop-assistants in tea-rooms and pastrycook-shops. They are working in the shops all the time.

47. In section 3 it has been suggested that housemaids should be excluded from the definition of "shop-assistants." Are housemaids at the present time protected in the matter of hours in the hotels?—Yes, so far as Auckland is concerned, also so far as Dunedin and Christchurch are concerned, but not Wellington. At the present time, in the matter of hours and wages, there is no protection whatever in Wellington for housemaids.

48. They have a measure of protection in Auckland, Christchurch, and Dunedin, but not in Wellington?—Yes.

49. You consider they should be covered by legislation?—Most undoubtedly.

50. Section 5: The hours of females under the Act at present are fifty-two?—Yes.

51. Are there hours stipulated for males in the Shops and Offices Act?—Yes; as far as a waiter is concerned, he comes within the definition of the shop-assistant. Therefore their hours are fifty-two.

52. So that at the present time the hours—fifty-two—are fixed for shop-assistants under the Act, and waiters?—Yes.

53. It has been suggested that in subclause (*b*) of section 5 the ten hours there provided should be altered to twelve hours a day. What, from your experience, would be the effect of working excessively long hours on the physique and *morale* of the workers?—My experience, especially of this class of worker, is that it tends to degrade them—they are worn out by these excessively long hours, and cannot make the best possible use of whatever little relaxation they have. It is certainly against their interests, physical and moral, to be asked to work excessively long hours, and twelve hours, in my opinion, is too long for any worker to have to work on any one day, and more especially so far as female workers are concerned.

54. Does it lower the standard and efficiency of the workers?—Undoubtedly. It has always been our boast here in New Zealand that the worker does as much work in eight hours as he does in other countries in ten and twelve.

55. In subsection (5) of section 7 it says, "Where any such arrangement is terminated as aforesaid, or where the employment of any such assistant is terminated from any cause, the occupier shall, within fourteen days after such termination, allow to the assistant a holiday on full pay." That is, the aggregation of holidays shall be allowed within fourteen days after the termination of the employment. Would that be at all practicable?—No, it certainly would not. Surely a mistake has been made in asking that a holiday shall be given fourteen days after the termination of employment.

56. *Mr. Fraser.*] You have had some experience in the working-up of these cases between the employers and the employees, have you not?—Yes.

57. And some experience of the working of the Arbitration Court?—Yes, considerable experience.

58. Do you think the establishment of the Arbitration Court has been of benefit to the workers on the whole?—It has undoubtedly to certain classes of workers, but there are other classes of workers to whom it has been of very little benefit.

59. *Mr. Luke.*] You would not like to see it abolished?—I do not think the time has arrived when it should be abolished.

60. *Mr. Fraser.*] You know what the law of the Arbitration Court is—that there are decisions which are final, are they not?—Yes.

61. Do you approve of the Court's decisions being final?—There are certain times when we do not approve of them being final, and when we should like to carry the matter further.

62. You cannot have both; you must decide whether they are to be final or not?—It is fair all round.

63. Do you think it is final if you disagree with an award and begin to agitate for legislation by Parliament? I want to know what your views are on this matter. Do you not see the danger that, if there is constant interference with the Court by Parliament, the value of the Court will cease to exist, and the end of it will not be far off?—I look at these things from another point of view.

64. It is valuable for us to know?—My point of view is this: that we as workers consider we have the right to go to the Legislature of the country and ask for a redress of grievances irrespective of whether there is an Arbitration Court in existence or not. We have a right to ask for beneficial legislation for large bodies of workers.

65. Irrespective of what the award of the Court might be, and even though it might traverse an award arrived at by the Court?—The award arrived at is only for a stated term.

66. But during that term?—It is going to make the work lighter so far as the Court is concerned. So far as the hours are concerned, they will not have to deal with that. They will only have to deal with the wages and conditions.

67. My question is, do you think Parliament should interfere with an award during the term of its existence? Should the workers have the power to come to Parliament and say, "We break that award and want altered conditions"?—My answer to your previous question is sufficient. So far as we are concerned, we consider we are not dealt with by the Court in a manner that we have a right to expect—that is, in a fair, reasonable, and just manner. If we consider we have not been dealt with like that by the Court, we consider that we have a right to come and ask Parliament for legislation in the direction of giving us some beneficial conditions, say, in the reduction of hours. As far as we know, the Court never would reduce the hours, as it considers that sixty-five hours are all right. Our opinion is that we have only to ask the people of the country if a girl should work so many hours as sixty-five a week, to get redress.

68. *Mr. Luke.*] Assuming that any fresh legislation is enacted, is it your opinion that that should take place subsequent to the giving of an award?—At the present time, so far as our people are concerned, the awards have about expired.

69. You would not expect that in fresh legislation it would affect present awards during their currency?—I think my answer to Mr. Fraser covers that.

70. *Mr. Fraser.*] In extreme cases you think you would still be entitled to appeal to Parliament?—Yes.

71. *Mr. Luke.*] Do you desire that fresh legislation should be enacted, and, provided that that fresh legislation should not affect you, that it should override an existing award by the Arbitration Court?—Personally speaking, our Auckland award is not in existence.

72. But when there is an award?—The opinion I might express here might not be the opinion of my union, so that I do not know that I should be justified in giving my personal opinion on the matter.

73. *Mr. McLaren.*] Do you think an Arbitration Court award should come in and override an Act of the Legislature, as is done in the case of the hotel and restaurant employees?—No, I certainly do not think so.

74. *Mr. Hardy.*] You said you would try by every possible means to uplift your fellow-workers. Now, in the event of an award not being satisfactory, and you ask us as representatives of the people to pass legislation in order to uplift the masses, what would you say to that?—Certainly, if there is no possibility of getting anything tangible from the Court it would be right.

75. And if the Court still maintains the sixty-five hours you would come to Parliament while the award is in existence and ask for a law that will vary it?—My answer is this: that any man who is a father would never like to think that any of his children would be called upon to work such outrageous hours as sixty-five per week.

76. In the event of the Court giving an award, and that award not pleasing your union or yourself, you would ask Parliament to pass legislation that would vary it?—We would ask Parliament to pass legislation that would be beneficial, but it might not run counter at all.

77. When an award is given and is not satisfactory, will you come to Parliament and ask us to vary that award?—Yes, undoubtedly I would recommend my people to do that.

WILLIAM PRYOR, Secretary, New Zealand Employers' Federation. (No. 12.)

Witness: I should like to put in a copy of a series of resolutions passed at a meeting of the proprietors of hotels, boardinghouses, and restaurants, held at Napier on the 29th November, 1909. Mr. A. C. Barnes, the chairman of the meeting, who signs the resolutions, was here yesterday morning, but had to go away. The point about the resolutions is that they were carried without any influence from the representative gathering which had been held in Wellington previously. The following are the resolutions:—

Resolutions passed at a Meeting of Proprietors of Hotels, Boardinghouses, and Restaurants held at Napier on the 29th November, 1909.—Shops and Offices Amendment Bill.

I. "This meeting enters a most emphatic protest against Parliament framing legislation which will override awards of the Arbitration Court. The Arbitration Court is a Court set up by the Government especially to deal with labour matters and its varying conditions in different districts, and this meeting is strongly of opinion that any legislation the Government deem it necessary to pass in labour matters should be made subject to agreements and awards of the Court now in force or to be made in the future."

II. Clause 2: "The definition of 'hotel' is considered to be far too wide, and should be confined to hotels and the larger boardinghouses, in which paid servants are kept."

We would point out in this connection that the present wording of the clause might be read so as to include every family who takes in a boarder. Surely this can never be intended?

III. Clause 4: "Wives and families of occupiers should be exempt from hours-of-work clause of the Bill."

As the hotels and boardinghouses are the homes of the wives and families of occupiers, it would be practically impossible for an Inspector or any one else to say if the wives and families are working for the house or themselves at any particular time. Such a clause could only lead to vexatious quibblings.

IV. Clause 5, subclause (2): "This section *re* obtaining Inspector's written consent for overtime is impracticable and vexatious."

It was pointed out at the meeting that in hotels and boardinghouses the only necessity for overtime would probably be on arrival of late trains at night, when to obtain the Inspector's permit would be impossible. The Bill provides for a wage and overtime book being kept, in which all overtime worked would be entered. Where, therefore, is the necessity for a permit?

V. Clause 5, subclause (4): "Section 7 of the principal Act could only be applied to hotel, &c., servants at great inconvenience and probably friction."

It was pointed out that even on the half-holiday hotel servants are entitled to their meals on the premises, and to make a hard and fast law that these servants during their meal-hours should do nothing for the good of the house (with or without occupiers' consent) would probably lead to endless citations for frivolous breaches.

VI. Clause 7: "Strongly object to assistants having the power to say which method of granting holiday shall be adopted; this should rest with the proprietor only."

The proprietor must run his business to suit the convenience of his clients and the public, and therefore in order to enable him to arrange the business to the best advantage he must have the sole option of saying how it is to be run.

VII. "The Bill should contain a clause making its provisions operate subject to awards of the Arbitration Court."

A. C. BARNES,
Chairman of the Meeting.

Napier, 2nd December, 1909.

ABRAHAM BERMAN examined. (No. 13.)

1. *The Chairman.*] What are you?—Tobacconist, in Wellington.

2. You wish to make a statement?—Yes. A requisition was signed by the tobacconists of Wellington, and went through the usual form to the Minister of Labour, and it became law, that every tobacconist's shop should be closed at 8 o'clock. Before we signed the requisition we were given to understand that if any person sold tobacco and kept open the shop till 10 minutes past 8 he would be breaking the law and would be prosecuted. At the present time a lot of Chinamen are selling tobacconists' goods, and we cannot stop them because it would require an army of Inspectors to do so. We would ask the Committee to insert a clause in this Bill that the Minister of Labour promised us, in connection with the amendment of the Shops and Offices Act, and he stated that you would be open to take evidence for that purpose. What we ask for is only what is fair and just—that if any person sells tobacco, whether he is a Chinaman or not, he must not sell after 8 o'clock. What we want is not that the Chinaman must not sell tobacco, but that he must close his shop at 8 o'clock if he does so, otherwise the provision would be useless, because they are now practically getting our trade and we are barred from selling after 8 o'clock. We asked Parliament to license us, and that is to fine us. Fruiterers sell tobacco as a side line, and, if I, as a tobacconist, kept fruit, the Labour Department would say, "That is a side line, and you cannot do it." The moment I do that I am breaking the law. But the Chinaman does that, and he is not considered to be breaking the law. That is an unjust law, and we should like it amended.

3. The Chinese have been prosecuted, have they not?—Yes, but the more your prosecute them the more they sell.

4. If they were licensed to sell tobacco, would it not be more easy for the Labour Department to watch them?—It would not be much better, but we would ask for an amended Act in such a direction that they must close their shops if they sell tobacco. If there was a license we should like that too.

5. One could understand them being compelled to close; but, if they break the law now, one could imagine them breaking the law if they had a license?—Yes. On Wednesday afternoons they break the law. They partition the shop off, and on one side have fruit, and sell tobacco as a side line. They put a newspaper in front of it and say it is covered up, but that is not right. We ask that if they sell tobacco they must close their shops on Wednesday afternoons

R. J. SHAKES, Tobacconist, examined. (No. 14.)

The Chairman: Where is your business situate?

Witness: In Manners Street. At the present time we are labouring under a very unfair disadvantage on account of the larger number of people that are selling our goods. The goods we sell, and out of which we make our living, the people we complain of sell as a side line, and when our business is closed at 8 o'clock they continue to sell these goods. We know that restaurants, and hotels, and fruiterers, who are open after 8 o'clock, do a good trade in cigarettes, tobacco, and pipes. In fact, I know that in some hotels—I do not know that they keep tobacco—they have a stock of these goods. We do not wish them to stop selling the goods, but if we could get them to close their shops in the same way as we do that would get over the difficulty. Either they would have to close or not sell the goods. We do not want to have any monopoly, but only want to put them on the same footing as we are on at the present time.

W. GILBERT, Tobacconist, examined. (No. 15.)

The Chairman: Would you like to make a statement?

Witness: I would just like to say, Mr. Chairman, that this is a question which has been worrying us a good deal. I was instrumental, with another, in getting up a requisition which was signed by the tobacconists. We were in favour of closing at 8 o'clock, because before that we closed at 10 o'clock or 11 o'clock or at any time. We thought it would control the trade, but unfortunately it does not affect it while shopkeepers who are stocking our goods keep open. To get over that difficulty we induced the Minister of Labour to put a clause in the amending Bill making it a penal offence for people to sell after 8 o'clock; but that has had practically no effect. Although we have had prosecutions, we know that people have bought goods up to 10 o'clock, and I have seen them selling wholesale. It is a living with us, and with these other people it is only a side line, and we ask you to do something that will help us out of this difficulty. I believe you would do so if you thought it could be done. We do not know whether it could be done by registration, but we would like these people made to close their shops at the same time as the tobacconists. Whatever is done, we hope that we shall be placed in as fair a position as Chinamen or other people who are selling the goods. As far as the hotels are concerned, we know that most of them stock cigars, and we do not want to interfere with them to any extent. Some do not stock cigarettes, and I do not think their selling of tobacco amounts to very much; but there are some shops that sell tobacco and cigarettes and other lines, and I say we should be protected against those people after we have closed.

1. *Mr. Luke.*] Do you not think, Mr. Gilbert, it would be violating the principles of a considerable section of the public whose principles we have a right to safeguard as those of other people, if we close down the sale of tobacco absolutely, and leave the hotels open to sell tobacco and cigarettes? Will that not drive a large number of our young people into hotels who would not patronise them in any other way?—I should not like to do that. We recognise that in some hotels the young fellows often choose to take a cigar in the place of a drink. I think the hotels should not be restricted in the sale of cigars. If that could be done I believe it would practically do what we want. I think the hotelkeepers would do that, because I have spoken to one about the matter.

2. You think the hotels should be allowed to sell tobacco and cigars?—Cigars only.

3. *Mr. Poole.*] One of the witnesses stated that he knew of hotels where cigarettes, cigars, and pipes were being sold. I should like to ask if it is his opinion that the hotels which are taking that comprehensive view of the tobacconist business are not to all intents and purposes tobacconists?—I should say they are, but the trouble is that we want to get a definition of "tobacconist."

4. Do you not think, if pipes were being sold as well as tobacco and cigarettes, they would be tobacconists?—Taking pipes, you quite see that it is a fancy-goods line, because fancy-goods people sell them. It is not exclusively a tobacconists' line.

5. Subsection (8) of clause 25 of the Act says it shall not be lawful to sell cigars at any time if a shop is closed on requisition made under that section; so that you see that you have the protection of the law if we can get it into force?—The only way I can suggest is that the shops should have to close. The difficulty is that the Inspector cannot go round to every shop in any one night. He may get a few, but he cannot get a conviction. When a young man goes in to buy cigarettes, the men who are selling these side lines know the Inspector, and are very careful.

6. Do you know that the sympathy of the Legislature is with you?—Yes, but they do not go far enough. If these people are going to sell our goods after we close, then it is not fair to us.

WILLIAM DEVINE examined. (No. 16.)

1. *The Chairman.*] Where do you reside?—At Palmerston North.

2. What is your occupation?—I am an hotelkeeper and president of the Licensed Victuallers' Association.

3. And you represent the country associations here this morning?—Yes.

4. They have, of course, considered the Bill?—Yes.

5. And you wish to represent their views?—Yes. As far as possible I must indorse what previous speakers have said with regard to the new Bill brought before the House, and condemn it in many respects as being a most unworkable Bill as far as the country hotels are concerned. I take exception to clause 5, where we intend to provide a new proviso with regard to the extension clause. In the country, and Palmerston North particularly, during the year we have about eight weeks when we are exceedingly busy. The first two are given up to shows. There are two racing meetings, and then there are a military tournament, gold club meetings, and a polo tournament, and during the time of these meetings we are always forced to employ extra hands. In the country we are placed at a great disadvantage in not being able to get men at the time who are suitable, and it would be a very good thing for hotelkeepers if we were able to retain our own hands and to pay them overtime instead of giving them the holidays, rather than to get new hands from Wellington, on account of their unsuitability. If we do get them we have to pay them for the one or two days they are employed, and, in addition, pay their train fare and extra wages, which our business does not warrant. The extra business is actually over in two or three days, and these are the days sometimes on which we have to give our hands the half-holiday. We have to replace them, and very often the men who are sent to us from registry offices are not very reliable at times. For these reasons I say the hotelkeepers in the country would much prefer the privilege of paying their servants overtime during those weeks of exemption from work. So far as the employees in country hotels are concerned, they are not dissatisfied with the present conditions, although not under an award. They have never objected in any way or asked for an increase in wages or extra overtime. Dealing with Sunday labour, I think it would be very unfair to ask the country hotelkeepers to close their hotels on one day in the week, for this reason: Under the licensing laws licensees are compelled to keep their houses open at all times for the convenience of travellers. We have them coming through Palmerston North at all hours of the night in motor-cars, and trains are coming in at all hours. If this Sunday Labour Bill were to come into force it would mean that the employers would be asked to cater for the travelling public, and it would be impossible for any employer to do that himself. I have a staff of twelve servants, and it would be impossible for me to do their work myself. That is all I have to say.

6. *Hon. Mr. Millar.*] Are you working under an award?—In Palmerston North, no.

7. You have no award at all?—We give our staff the usual weekly half-holiday, and do not work them more than sixty-five hours per week.

8. You are practically working in accordance with the terms of the Wellington award?—Yes, practically.

9. Do you pay them overtime if they work over sixty-five hours a week?—Yes, if they work overtime we pay them for the overtime.

10. Are you aware that the hours worked in the hotels in New Zealand are far in excess of those worked in the hotels in Australia?—No, but I should like to point this out: that, so far as the country hotels are concerned, we have to keep our staff going whether we have work for them or not, and we should not be warranted in keeping them all the year round were it not that we had the heavy weeks I referred to. Some of our staffs do not work forty hours a week.

11. You think that the reduction of the working-hours to sixty would practically make a very big inroad into the profits made in the trade?—Yes, the business would not stand it unless you gave us a sliding scale, and allowed us to pay for the number of hours they are called upon to work.

12. Do you think the ground landlords of the hotels could afford a reduction in their ground-rents?—I think so.

13. *Mr. Luke.*] Do the servants get any intermittent periods of rest?—Practically speaking the housemaids in the country have every afternoon off, except when it is their turn to be on. They have an hour to work between half past 6 and half past 7 in the evening, and in the slack time, when there is little business doing, their work is finished every day at 11 o'clock. But of course one has to be about the premises. If there are two housemaids kept, one has to relieve the other.

14. There are periods of rush in your business?—Yes.

15. You cannot put it on a normal basis?—No.

16. *Mr. Poole.*] Have you had any request, as president of the Licensed Victuallers' Association, for the term holiday as contained in clause 7 of the Bill?—None whatever. Our staffs in the country are all perfectly satisfied with the Act in existence at the present time.

17. Do you think that, if this clause were put in out of consideration for travellers in rush times, it would be impossible to give the staff the weekly half-holiday?—Yes.

18. Do you think the clause has been inspired by that idea?—I am certainly in favour of this exemption clause going in.

19. What hours on the average per day do your servants work?—In slack times not more than seven hours per day.

20. In the busy times what hours do they work?—In busy times they work sixty-five hours a week.

21. But on any one day what is the maximum number of hours?—They have a rest in between. Breakfast is put on in the morning, and if there are not many people in the house it is over from about half past 9 to 10. Then, if any of the staff are anxious to get away they can get their dining-room ready in about an hour and be finishd at 11. They have three hours.

22. What is the maximum number of hours they are on duty from start to finish?—It would be from six and a half to seven hours.

23. I mean the maximum number?—Not more than eight hours. That is, as far as the dining-room staff is concerned.

24. Then it would not be a hardship on you to fix the clause so that not more than ten hours should be worked in any one day?—It would be a hardship, because if we did not get this exemption we should have to increase our staff.

25. But you said they did not work more than eight hours in any one day—that is, for the dining-room staff. Now, what is the maximum number of hours for the other members of your staff?—About seventy hours in the kitchen.

26. When do you begin to pay them for overtime—after the maximum number of hours per day, or is it after they have put in seventy hours?—If they work over seventy hours we pay them for the extra hours they work.

27. As overtime?—Yes.

28. Then you do not comply throughout with the conditions of the Wellington award?—As near as possible.

29. You are not bound by that award in the country?—No. The practice is to pay them overtime after sixty-five hours have been worked. I misunderstand the question.

30. I asked you when you began to pay them overtime, and you said, after they had worked seventy hours?—I meant after sixty-five. If they work up to seventy hours I pay them for five hours over.

31. *Mr. Luke.*] Have you an electric engineer employed in your hotel?—No.

MARSHALL JOHN DONNELLY examined. (No. 17.)

1. *The Chairman.*] What are you?—Licensee of the New-Zealander Hotel, Manners Street, Wellington.

2. Are you a member of the Licensed Victuallers' Association?—Yes. As a matter of fact I am treasurer of both the Wellington and the New Zealand Licensed Victuallers' Associations.

3. Make your own statement, please?—I do not wish to go over the ground already covered by Mr. Pryor and Mr. Beveridge. I will confine myself to one or two clauses in the Bill and state how they will affect my own particular hotel. With regard to the question of night-porters getting the whole twenty-four hours off, I consider it impracticable. It would be impossible for me to give my night-porter twenty-four hours off, because I keep only one, and it is, in my opinion, the most responsible position in the house. With me the night-porter turns to at 10 o'clock at night. He has the keys of the house and the bars. It is his duty to wash out and get everything clean and ready to open again in the morning. He has to clean the boots and watch the house to guard against fire, and admit boarders who arrive after hours, to call people for the early trains, and all that sort of thing. Well, if he had twenty-four hours off from the time of starting work at night it would really mean thirty-eight hours, as he would not work from 8 a.m. one day until 10 p.m. the next. According to the Bill he would not be allowed to start work again for twenty-four hours from the usual time of commencing, or at 10 o'clock at night. Now, it is almost an impossibility to get a good reliable man to relieve a night-porter. In fact, a licensee could not trust a strange man to relieve him. There is no one in the house to take his place, and it would really mean taking a man on specially for that one night, and any one knows that you could not place the keys of the house in the hands of a man you do not know. He might turn out to be a burglar, and even the lives of the occupants of the hotel would be in his hands. My night-porter does not want any change—in fact, he has a very good time. But I do not see how it is possible to let a night-porter off where there is only one kept, and my business would not run two. With regard to the housemaids and reducing their hours to fifty-six, that, in my opinion, is impracticable also. Although the housemaids do not work half the time they are on duty, still they have to be there in case they are required. We have guests leaving by the trains and steamers at night, and almost immediately after they leave others arriving. We have to wait until departing guests leave, and then have the rooms put in order for those coming after them, and it is therefore almost impossible to have the number of hours reduced in the matter of the housemaids. We consider them to be domestics. In my case most of my staff have been with me for two years and upwards, and they have all expressed to me their desire that there should be no change made. I give them every chance to do their own personal work in my time, provided they are present when their services are required. The same thing applies to the kitchen hands. The barber comes in in the morning and shaves my cook, and I suppose there is not an afternoon passes without the whole of the staff being off for a couple of hours. They come back again in time to get the dinner ready. I have a first-class staff and give them every concession, and I am sure that if I required them to do a little extra work they would do it willingly. I have had occasions when a barmaid has left, and the housemaid has come down and worked in the bar for me. I am sure that if they were to be tied down in the matter of hours it would be a great hardship to all of us. I understand from Mr. Millar that the term holiday is to come out of the Bill. Personally I would like the half-holiday to remain as it is at present, because we went to considerable trouble in regulating the staff to the number of hours we are now working, and if we had to go over it all again we might probably not be able to fix matters up so well. Of course, if the number of hours is reduced I think it would be only a fair thing that the rate of wages should also be reduced. We are not making the pot of money we are credited with doing—in fact, some of us are just struggling along at the present time. We have had a very bad run lately. If such a thing as the term holiday were put in the Bill, personally I would rather pay the wages in lieu of it, because it would upset my staff, and I am sure the employees would prefer to have the extra pay. I might state that I am representing the views of the smaller hotelkeepers—that is, the second-grade first-class hotels. They object strongly to the proposals contained in the Bill, but it was not thought necessary to bring half a dozen witnesses from each class of hotel, and I represent my class. I do not know that I have anything more to say. The matters I have spoken of practically affect my business.

4. *Hon. Mr. Millar.*] You said it was impracticable to reduce the number of hours: do you know that in every State of Australia not more than fifty-two hours a week are worked. In New South Wales it is compulsory, where it is a seven-day house, to give one day off in the week to every

employee in Sydney and a radius of ten miles of Sydney?—The difficulty is got over to a certain extent where they have a large range of employees to draw on. We cannot reckon on the trade here.

5. With regard to the night-watchmen, by law you have to give them the half-holiday at the present time?—Yes.

6. How do you manage that?—The half-holiday is practically from 10 to 12 o'clock at night.

7. That is what the Court has ruled?—Yes. In my case I have to stand by from 10 to 12 p.m. to let in the boarders until he arrives.

8. *Mr. Glover.*] You said that the night-porter is the most responsible person in your employ?—Yes.

9. Does that employee get a commensurate amount of wages for the work he discharges?—Yes, he gets £1 10s. a week and found. That is pretty nearly equal to £3 a week.

10. Do you give this individual any holiday—a week or a fortnight?—No.

11. Then the only holiday he gets is through the day?—He is off from 8 o'clock in the morning until 10 o'clock at night, and on one day a week until 12 o'clock at night.

12. What is the minimum wage paid in a second-grade first-class hotel?—The lowest wage I pay is to one of the housemaids, 15s. a week and her keep. The other housemaids get £1. It depends upon the work they have to perform.

13. Do you think all the proprietors in the second-grade first-class hotel trade treat their employees so well as you do in your establishment?—Yes.

14. Do you think it would be the average?—Yes, I think so. From inquiries I have made I find these concessions are given to them.

15. You have heard no expressions of dissatisfaction?—No, only expressions of satisfaction, and no wish for any change.

16. *Mr. McLaren.*] With regard to night-watchmen or porters: You say they occupy very responsible positions?—Yes, considering they have the lives of the guests in their keeping.

17. What would the board of those men cost when they are out of employment in Wellington?—I suppose they would not be able to get board and residence under £1 a week. Then it would be only ordinary board and residence at that price.

18. What did you mean by your answer to a previous question, when you said it would cost £1 10s.?—In my own house they get the same table as is supplied to guests, and it would cost them at least £1 10s. a week for similar fare.

19. Do you think it a fair thing that men carrying out such responsible duties should be limited to two hours by way of a half-holiday each week?—As I have already stated, they have time off from 8 o'clock in the morning until 10 o'clock at night. I have heard no expressions of dissatisfaction about it. Under the old law we had to give a week every three or six months. My porter did not want it. He came to me and asked me to pay him in lieu of the holiday. The employees say that if they were away from the house it would cost them more than they earn, and they would also be losing their pay, and, as they do not want the holiday, they do not want to be sent away.

20. Are some of those men single?—Most of them are single that I have had in my employ.

21. *Hon. Mr. Millar.*] Does your night-porter, so far as your knowledge goes, make anything outside the £1 10s. a week you pay him?—He gets tips, sir.

22. *Mr. W. Fraser.*] When you say that the night-porter is the most important servant in the hotel, do I understand you to mean that the position requires a trustworthy man—a man whom you could not replace by half an hour's notice?—Yes. We might have to try half a dozen men before we could get a suitable one. He must be a trustworthy and sober man. Sometimes, when a night-porter leaves, the licensee may take on three or four men, and while they are going through this probation he has himself to be up at night to see if the man he has put on is sufficiently trustworthy to hold the keys of the house.

DANIEL O'CONNOR examined. (No. 18.)

1. *The Chairman.*] Where do you come from?—The South Island, but I am at present in business in Cuba Street, running the Grand Central Private Hotel. In reference to this new Bill and the hours of night-porters, I might say that I do not work my night-porter the same number of hours as other hotels. I do not start my man until 11 o'clock. He works but sixty-three hours per week. It would be very inconvenient to have to give him a day or several days off, and would upset the whole arrangement of the house. With regard to reducing the hours from sixty-five to sixty for male workers in the house, we find it quite a narrow pinch now to get the work done in the sixty-five hours, and any reduction would be a very serious consideration with us. Under the present Arbitration Court award, which was made in a time of prosperity, we were granted sixty-five hours; and now, when the times are very much worse than they were two years ago, you want to reduce the hours. I know the times are bad, because in my last venture I lost £500, and so I am able to speak from very sad experience. The same remark applies to housemaids and waitresses. My housemaids are working at the present time about sixty-two to sixty-three hours a week. Any reduction on that, I think, would be a very unfair thing to the guests arriving at all hours of the day and night. There are no hours specified in the present Arbitration Court award for housemaids, although we do not work them more than sixty-two or sixty-three hours a week. If these new hours are insisted upon and get on to the statute-book, it will mean an addition of two or three hands to my staff. I employ about fifteen now. We should have to give them more hours off in the afternoon and put others in their place. Another thing is that owing to the hard times so many houses have changed hands, and some of the proprietors have gone through the Bankruptcy Court—notably the proprietor of the Albemarle Hotel. The Columbia Hotel has changed hands several times since it has been built—only two years back.

2. *Mr. Glover.*] Is it a fact that in a good many of the hotels the housemaids are used as waitresses?—They are paid extra for that. In my house I engage them to be housemaid-waitresses, and I pay them 5s. a week extra for that. I pay them £1 a week for only doing waiting when the ordinary waitress is taking the half-holiday.

3. In a great many cases I have noticed that the housemaids usually come down and do the waiting?—That may be, but in a good many cases they are engaged as housemaid-waitresses. When the occasion arises in my place I get them down three times a week, and I pay them 5s. a week more for that.

4. *Mr. Poole.*] Are your housemaids going all the time, or is it a case of "stand by"?—They are practically finished from 3 o'clock to 6 o'clock.

5. They are not working?—No. They come on at 6 in the dining-room, and the other housemaids go round the guests' rooms, when they have about an hour's work to do. Practically the housemaids' work is finished at 3 o'clock in the afternoon.

6. *Mr. McLaren.*] What do you mean by standing by? Are they liable to be called on at any time?—Yes, when the guests are arriving and going away. The guests pay for their rooms up to after dinner, and then when they are going away other guests are coming in.

7. *Hon. Mr. Millar.*] You are opposing the provisions of this Bill making the hours sixty per week?—Yes.

8. Are you aware of your present position?—We are working sixty-five hours at the present time.

9. Are you aware that at the expiration of the existing award you have to come down to fifty-two hours?—I should be sorry.

10. Read the Act—"The Industrial Conciliation and Arbitration Amendment Act, 1908," section 74—(1.) "The provisions of an award or industrial agreement shall continue in force until the expiration of the period for which it was made, notwithstanding that before such expiration any provision inconsistent with the award or industrial agreement is made by any Act passed after the commencement of this Act, unless in that Act the contrary is expressly provided. (2.) On the expiration of the said period the award or industrial agreement shall, during its further subsistence, be deemed to be modified in accordance with the law then in force." In other words, the Court is bound to give its award in accordance with that existing law?—I think our award expires next year. It simply means that we shall have to go into the Bankruptcy Court.

11. That is the law as it stands. The power of the Court is limited, and it has to give any award in accordance with the existing law; so that, unless you get the hours fixed by statute in the meantime, you will have the hours fixed at fifty-two. The existing award runs until its term finishes: after it finishes, the Court cannot grant any other number of hours. Unless an alteration is made in the Shops and Offices Act now you will have to expect the fifty-two hours?—I was not aware of that.

MONDAY, 13TH DECEMBER, 1909.

THOMAS BUSH examined. (No. 19.)

1. *The Chairman.*] Where do you reside?—In Wellington.

2. And you are——?—Clothier and mercer.

3. Are you a member of the Retailers' Association?—No, I am a member of the Employers' Association.

4. And you wish to make a statement with regard to this Bill from their standpoint?—Yes. With regard to the present Shop Hours Bill, we think it is most unfair and unjust to a section, at any rate, of the traders who are carrying on business now. The original intention of the Early Closing Bill was to protect and allow very small shopkeepers to remain open after 6 o'clock at night. If my memory carries me back correctly, the poor struggling widow was affected when that Bill was first brought in. The closing of shops after 6 o'clock has gone clean away altogether, and, so far as late shopping is concerned, it has been going ahead by leaps and bounds. If you go back to this city ten years ago, where you found then one shop remaining open after 6 o'clock there are now thirty. It is only a question now of bringing about partnerships to evade the Act. I can instance one case, at any rate, in Cuba Street, where there is a shop run by a family, and I should say there would be a stock carried in that shop, at any rate, worth from £5,000 to £6,000. It is a drapery place. We certainly do not look upon that as a small shop. If that is right, then I rightly claim that the businesses we are running may be termed small shops, and that we have a perfect right to keep open. With regard to section 25, subsection (10), of the Act, there was a decision given by Mr. Justice Denniston at Picton laying it down that an employer can keep his hands employed for fifty-two hours a week and use his own discretion as to what hours of the day he may keep them. I claim that that is only a fair and reasonable thing. I think that under the existing circumstances shopkeepers should be allowed, so long as they do not exceed the fifty-two hours a week, to employ their assistants during any hours in the day they choose between 8 o'clock in the morning and 10 o'clock at night. Three-fourths of the shops in this city, so far as that class of business is concerned, are now kept open. I think the Shop Hours Act treats us unfairly and unjustly. Take a business like ours: it is only a question of making our assistants partners, and defying the law. It can easily be done. You can appoint your junior partners and go on to-morrow. I have been a struggling shopkeeper for the last fourteen years in this city, but I have always been an advocate of short hours. It has become so general with regard to people keeping open after we close on Saturday and other nights that we shall have, sooner or later, to adopt some means of keeping open ourselves to protect our business. I heard one man boasting

the other day that he made his expenses through the business he did during after-hours, and this shows how late shopping is being extended by leaps and bounds.

5. You think it would be better to widen the scope than to pass this compulsory closing: have you thought of that question?—Yes. Personally, I think the larger number of us would be in favour of closing at 6 o'clock. We have come to certain resolutions—part of the association, at any rate—in the soft-goods trade. I think the last two suggestions would get over the difficulty. One is that there should be only one proprietor for each shop, which would prevent two or three partners being in the shop together after hours. It would prevent people opening now from extending their business after 6 o'clock, and I think it is the object of the Legislature to prevent late closing.

6. *Mr. Hardy.*] That would still favour the widow, and help her to extend her business?—She would still be protected. Any of you gentlemen have only to walk through the city after the proper hour for closing at night to see the large number of business places that are kept open.

7. *Mr. Fraser.*] The evidence you have been tendering is not so much in regard to this Bill as to the Shops and Shop-assistants Act?—I referred to Mr. Justice Denniston's ruling in a certain case.

8. But the whole gist of your remarks does not affect this Bill—it has reference to complaints you have to make as to the present law?—Yes, and the alterations made in it by the present Shops and Offices Bill, which are rather tying us up a bit closer.

9. Would it be possible at all to classify the shops, so that any one desiring to open would have to go before a particular tribunal to be classified, and, once the classification was fixed upon, any one wanting to extend the hours would have to appear before the tribunal for a decision?—I hardly think it is within the bounds of possibility to classify the different classes of shops.

10. We classify them now—those who may keep open after 6 o'clock and those who may not?—You are classifying them now by compelling every shopkeeper to release his assistants at 6 o'clock in the evening. Supposing there are two or three, or four or five, partners in the business—and I can instance the case of a grocer who went over to the other side of the street to run another business; they leave their own employ, and then start in business after hours. Our last suggestion is that the shopkeeper should be allowed discretion in keeping his hands working from 8 in the morning till 10 at night, providing he does not work them more than fifty-two hours a week. With all our competitors open surrounding us, we should have the privilege of keeping our doors open too.

11. What is the other alternative?—To have one registered proprietor of the shop.

12. There must be a tribunal to give him the registration?—Yes, the Labour Department.

13. On what evidence would they register him—that he alone was working in the shop, or what?—The evidence that he was the one owner of the shop. For instance, Mr. Brown goes into business, and he is the owner of that shop, and would be registered.

14. *Mr. Hardy.*] You spoke of allowing an employer to get his hands to work at any given time providing he did not exceed the fifty-two hours?—Yes.

15. Would not that encourage the employers to keep extra hands, and by that means get round the Act so as to enable them to keep them later at night?—If the Act says that the employer can use his discretion in doing so up till 10 o'clock. I can only say there is a ruling by a Judge of the Dominion to the effect that we can keep our hands going a reasonable number of hours providing we do not exceed the fifty-two hours. I take it that the amendment we now have before us closes that up altogether. This is the decision given in connection with the Picton case. [Decision read.] His decision was that the shopkeeper could employ his hands after 6 o'clock provided he did not exceed fifty-two hours.

16. Is your proposal made with the idea of keeping the shops open in order that you may face those already in the field?—I want to find out ways and means by which we could make people close at a reasonable hour.

17. *The Chairman.*] The position, so far as I can see it, is that the law provides that an assistant must leave work at 6 o'clock on certain evenings of the week, or at 9 o'clock on the late night, with half an hour allowed in which the goods may be taken in. In clause 25 of the Act it is provided that by requisition they can close at 7 o'clock at night. Then comes the question, have the employers to leave off work at the time specified in another clause? and the Judge says "No." The amendment now proposed deals with the question of closing by requisition?—That is so.

18. *Mr. Hardy.*] Your evidence is given with the object of compelling the shopkeepers, with the exception of widows, to close at 6 o'clock?—Or one of the registered proprietors of the shop. That really would prevent and in a measure modify the whole thing.

19. *Mr. Fraser.*] How would it affect the man who was carrying on a shop with his son and daughter, or his wife or somebody else?—That is just the trouble. A man sometimes can run a very large business with his family, to the detriment and hardship of some one else next door who has not a family. We are proposing that there shall be only one person in the shop, and the same person all the year round, so that they shall not change the individuals from partner to partner—that there should be one registered proprietor, and one only, who should remain in the shop after 6 o'clock.

20. *Mr. Bollard.*] I understand you to say you believe in early closing—at 6 o'clock?—I do.

21. And that, if shops are kept open after 6 o'clock, one person, and one only, shall be allowed to remain in the shop and shall be the registered owner?—That is so.

22. With regard to the fifty-two hours, could not a man so arrange his hands that he could keep his shop open every night until 10 o'clock, and then not work them more than fifty-two hours?—Yes, if allowed. But I understand the Labour Department is only waiting to bring a test case before the Court.

23. What about the Judge's decision?—Mr. Grenfell and myself waited on the Hon. Mr. Millar, Minister of Labour, who told us he was going to consult the Crown Law Officers with regard to Mr. Justice Denniston's ruling, but I do not know what has occurred since. No one likes to be brought before the Magistrate and be made a butt of, and we are waiting for some reply from the Labour Department as to what ground they are going to take up in regard to the matter.

24. Assuming that the law were such that you could employ your hands up to 10 o'clock at night by arranging that not more than fifty-two hours a week should be worked, would not that really defeat the real objects of the Shops and Offices Act?—It would not mean employing the assistants longer hours, but it would mean that the shops would remain open later.

25. Do you not think it would lead to abuses?—The Act as framed has been leading to abuses, and the abuse has been going on and extending every year. In fact, the Act has become a farce as far as its provisions apply to us. You have only to go through the streets of Wellington at night to see it.

26. But I am speaking with regard to this alternative of yours to work your hands up to 10 o'clock?—Personally I would rather see the 6-o'clock movement protected; but if the assistants are not allowed to come back after 6 o'clock we shall have to make them junior partners. We do not want to go into the Bankruptcy Court, but if we desire to protect ourselves we shall have to do something of that sort.

27. *Mr. Fraser.*] Which alternative do you prefer?—I prefer the early closing and the one proprietor.

28. *Mr. McLaren.*] Do you think it would bring about a more general standard with regard to closing?—I think so. There are many shops open now, and it tends to create a night trade.

29. *Mr. Fraser.*] You think it is unfair to you to be compelled to close at 6?—Yes.

30. *Mr. Fisher.*] Have you read the Sunday Labour Bill?—I did not know there was such a Bill in existence.

HERBERT HENRY TOMPSITT examined. (No. 20.)

1. *The Chairman.*] You reside in Wellington?—Yes.

2. And your business?—Draper. I am manager of Te Aro House. I have not much to add to what Mr. Bush has said. He seems to have voiced the feelings of myself and a great many more people in Wellington in regard to this matter. With regard to one point, that of members of the family being employed to work at night, I know it has occurred and is still occurring where men employed in business have members of the family to continue the work of the staff from 6 o'clock until the business closes. That, we contend, is unfair trading in its worst form. I do not know that there is anything I can add to what Mr. Bush has said; but for myself—and I believe I am voicing the views of a great many more—I would strongly prefer closing at 6 o'clock.

3. How many employees are employed in your establishment?—About eighty.

4. Do they commence at 8 o'clock in the morning?—At half past 8 and 9, by arrangement.

5. And leave at 6 o'clock at night?—Yes.

6. And on the late night at half past 9?—Nine o'clock.

7. If this suggestion that has been made were put into law, and one person were registered as the proprietor of the shop, how would it benefit your establishment?—It would mean that a great many shops that can only be kept open with one or two men would have to close. The man employing members of his family would have to close down.

8. It would not benefit you?—No, but it might reduce the evasions of the Act.

9. So far as your establishment is concerned you would rather have the universal closing?—We should strongly prefer it. It would make the trade more even and fair.

10. *Mr. Fraser.*] You told us of the method of working in some of the shops: is it possible that a man in a small shop would have, say, two of his sons working in a large drapery establishment until 6 o'clock and that they would then go back and work for their father up to 10 o'clock?—It might occur.

11. And you want to prevent that?—Yes. It is quite possible they would not start working at 6. The man might have a paid staff, and then after 6 o'clock he could employ the members of his family.

12. That is what I mean—members of the man's family can come in and keep the shop going?—Yes, that is done now.

JOSEPH DWYER examined. (No. 21.)

1. *The Chairman.*] You are——?—Proprietor of the Club Hotel, Wellington. I wish to speak about how this Bill affects me in this particular hotel. With regard to the provision for fifty-six hours a week for housemaids, that, to my mind, is clearly unworkable, because the girls, while working that length of time, are not engaged in hard work. They are simply kept on duty to answer bells and get a cup of tea for people who come in late after their ordinary work is done, and therefore it is quite unreasonable to cut the hours down to such a margin. They are simply standing-by a good deal of their time. With regard to the night-porter, if we have to take on a stranger every fortnight to allow the night-porter to go off, it will mean placing the care of the house in the hands of a man whom perhaps we have not sufficient confidence in, and in a house like mine, which is a wooden house, there would be great risk of fire. I want a man on whom we can depend when the people in the house are asleep, and to ask me to let my porter away every fortnight and to bring in a man I know nothing about I think would be clearly dangerous. In cutting the hours down I should have to employ the extra labour of three men, and it would make

a difference in wages and the cost of keep of £340 a year. I can safely say that my business is not one able to stand such an extra charge as that. We have a business to carry on without any security about it, because it might end at the next election, and it is not fair to cripple us to such an extent, and that is what I think this Bill would do.

2. *Mr. Bollard.*] I understood you to say it is not impossible to carry out the provisions of this Bill with regard to the servants, but the expense would be so great that you would have to close up?—That is so. We have passed through exceptionally quiet times in the hotel business for some time past, and if the business does not improve there are many of us who will not be able to pay our way, and if you pass a Bill like this we shall not be able to stand it.

3. Can you not "pass it on"?—No, that is out of the question, clearly. People, after staying with us for a day or two, always ask for a reduction.

4. *Mr. McLaren.*] What hours a week are the housemaids on duty at the present time?—By taking it daily we can get at it better. They start about half past 6 in the morning and work until half past 2. During that time they have breakfast and dinner. In the afternoon one stays on and the other goes off. I have two.

5. With regard to the one that stays on after half past 2, to what hour does she continue?—Until 6 o'clock, and then she goes and has her tea and finishes for the evening. The other then comes on and sits down and perhaps reads or sews until 10 o'clock; but she may be called to get a can of water or something of that kind. They each get every second Sunday off.

6. How long has your night-porter been employed with you?—He has been two years acting as day-porter and now nine months as night-porter.

7. Are these men changed very often?—No, not very often. All my employees have been with me a good space of time.

8. You have a fair knowledge of the conditions in hotels generally?—Yes.

9. Do men in this class of employment move about to any extent?—So far as concerns myself, no. My chef has been with me four years.

10. I speak generally?—I cannot say, but friends that I know keep their employees a good length of time.

11. You said that the passing of the Bill would mean an increase in the number of your staff, the financial burden of which you could not bear?—That is so.

12. Do employees in your trade have any consideration given to them—do you share the profits with them at all?—No. If prohibition were carried in Wellington at next election I should have no profits at all, and they would have to go without their wages.

13. Are you not asking them to share your losses when you ask for certain conditions to be restricted?—I am asking that the restrictions be left as they are. My employees, I think, would answer that they are perfectly satisfied with the way they are treated, if they were asked.

14. *Mr. Fisher.*] You said that your housemaid was employed from 6.30 a.m. till half past 2 in the afternoon?—Yes.

15. And that when one was off from that time the other one would be employed from 6.30 a.m. to 6 at night?—Yes, including the time for the three meals, when it is her turn; but she only does a little reading and sewing, except for a call occasionally.

16. Still, she is continuously under your orders?—Yes, but there is no arduous employment about it. She has practically finished work at half past 2.

17. Can you tell me, roughly, how many guests you have staying with you during the year?—No. My house has gone down to six resident boarders. At other times it rose to between thirty and thirty-five, and it clearly shows that the servants we have have not much to do.

18. You have considered the Sunday Labour Bill, and you consider it would mean the employment of three additional assistants and would amount to £340 a year?—Yes.

19. Have you no chance of passing that on to your guests?—I charge 6s. a head per day now, and they would not stand it. They would go to the private hotels.

20. Is not the real cause of the trouble due to the fact that you are paying too much rent?—If you get it down to bed-rock I suppose that is so.

21. But you would not have to pay this increase; the landlord would have to pay it?—I have a lease now for five years, and, if I cannot get something out of it, what is the use of it to me?

SYDNEY KIRKCALDIE examined. (No. 22.)

1. *The Chairman.*] You are a partner of the firm of——?—Director of the firm of Kirkcaldie and Stains (Limited), and I also come as a representative of the Employers' Association. In the first place I may say that it is felt by the Employers' Federation that this Shops and Offices Bill as brought down now, being so distinctly at variance with the Industrial Conciliation and Arbitration Act, requires more than ordinary notice. The bringing-forward of such a Bill as this can only be taken as evidence that the Arbitration Act has failed in its intention. This Bill is evidently promoted to secure for a certain section of the community different conditions of labour from those the Arbitration Court has already definitely decided upon. We feel that if this sort of thing is allowed to continue, and if employers who enter into recognised obligations under the Arbitration Court have to submit themselves to all the provisions which Parliament thrusts upon them overriding the Arbitration Court's decisions, we shall never know where we are. We are quite prepared to accept either one or the other—either Parliament or the Act—but we cannot have both. That is manifest; otherwise we come back to this position: that labour may use the Arbitration Act for what it is worth, taking all the advantages they can get, and then, having obtained the maximum under that Act and not being satisfied, they can then appeal to Parliament. We suggest that Parliament should adopt one course or the other—it should either stick to the Act,

or abolish it, and frame conditions for the several industries itself. As employers, it does not matter to us which course is adopted so long as we know that there is one fixed rule in existence. In the Bill here I find that the principal portion deals with trades that I have no interest in, but in the schedule there are one or two suggested alterations in the present Shops and Offices Act which call for some comment. In section 6, subclause (3), it is proposed to amend the original Act by inserting the words "nor on any half-holiday." The effect of that is to restrict an employer of labour from working an employee on the statutory half-holiday, no matter what circumstances or conditions may arise.

2. *Mr. Hardy.*] Such as stocktaking?—No, not such as stocktaking, but such as rebuilding and removing as a result of a fire or damage by water. At the present time, although there is no provision permitting the employment of an employee during the half-holiday, there is no prohibition against it, and in the past we have applied for a permit to the Labour Department. We have not got the permission, but we have had a sort of tacit acknowledgment that no notice would be taken of it if we did so. During the past twelve months we have been engaged in rebuilding operations in connection with our own premises, and it has been necessary to remove several of our departments a number of times. We have applied on one or two occasions for permission to employ our assistants on the statutory half-holiday, and before we could do this we had to get Ministerial permission. Now, what we say is this: that the conditions of trade are such that there are occasions when labour on the statutory half-holiday is absolutely necessary, and, while we are not going to make it general, we ask that the Labour Department be given permission to allow working on the statutory half-holiday when the conditions justify it. We do not ask to be exempt from any restrictions; but if these words are included the Department could not grant permission. I think, if Mr. Tregear himself reads the clause with these words in he will find that by the law he is tied up; and if Messrs. Kirkcaldie and Stains had a fire, and applied for permission to employ their assistants, the Labour Department would say, "You must close at 1 o'clock on Saturday, and you must let your employees go." I am suggesting that the administration of this should be left to the Labour Department. I have to refer briefly to the evidence of two previous witnesses with regard to the hour of closing. The Shops and Offices Act provides fixed hours of labour from 8 o'clock to 6 o'clock on five days of the week and from 8 o'clock to 1 o'clock on one day of the week. Clause 25 gives permission to the majority of those engaged in a certain class of business to apply for amended hours on requisition, and that has been done in Wellington, with the result that the closing-hours have been altered from 8.30 to 6 o'clock on five days of the week and from 8.30 to 9.30 p.m. on Saturday nights, and, of course, 1 o'clock is provided for the day of the half-holiday. Personally this does not affect me, but it is felt by certain people in the trade that there is a distinct hardship thrust upon them in so far as that the smaller men can keep their shops open by combination or by partnerships, or by employing members of the family, while other firms have to close on account of probably the magnitude of their premises or the diversity of their departments. The Employers' Federation have decided to recommend—(1) the fixing of a statutory closing-hour for all shops in each trade or business; (2) the repeal of the provision relating to closing by requisition; (3) failing the adoption of the previous proposal, that provision be made that each business shall for the purposes of this Act be registered in the name of one person as the occupier, and that such registered occupier shall be the only person who can, after the ordinary closing-hours of shops in a similar trade or business, lawfully keep a shop open or carry on the sale of goods; or (4) that the occupiers of shops shall have the right to employ assistants during any time between 8 a.m. and 10 p.m., provided the weekly limit of fifty-two hours is not exceeded. We recommend the first proposal as being the most acceptable—the fixing of the closing-hours for all classes of business—and we want the second clause—that is, the repeal of the provisions with regard to the closing by requisition. With regard to the last proposal, we say it is only fair, if shops are to be allowed to remain open, that all employers should be placed on the same basis, and, provided a man does not work his employees more than fifty-two hours in one week, he should be entitled to regulate their employment to the advantage of his business. I think that is all I have to say.

3. *Mr. Glover.*] Do you not consider that would kill the small man who has perhaps a wife and daughter who assist him?—We have allowed the proprietor himself to keep open. We say that it leads to abuse when a combination of two or three partners under the present condition of things can remain on the premises after the closing-hour.

4. I am alluding to the wife and daughter?—The same position arises with regard to the wife and daughter as the partnership interest.

5. *Mr. Bollard.*] Are you in favour of the man regulating his assistants by keeping open to 10 o'clock?—I am in favour of closing at 6 o'clock.

6. *Mr. McLaren.*] Are you aware that the Arbitration Court has refused to fix the conditions where the matter of the half-holiday has been dealt with by Act of Parliament?—I think it is one of the duties of the Arbitration Court to deal with all matters which have been dealt with by Act of Parliament, which should give it the right and privilege to settle disputes which Parliament reckoned would be more difficult for itself to do.

7. You are working under the Cooks and Waiters' award in one of your departments, are you not?—Yes.

8. You know that the Court has not dealt with that in the same way that Parliament dealt with it in the Shops and Offices Act?—Yes.

9. If the Court then refused to deal with matters provided for by statute law, where would the conflict come in?—I think the Industrial Conciliation and Arbitration Act covers all the requirements, and if the Court is set up it has to comply with all the requirements.

10. Was not the Shops and Offices Act in existence before any of these awards of the Arbitration Court?—Yes.

11. I understand you to say that, provided the staff is not worked more than fifty-two hours in the week, the hours per day should be left to the arrangement of the parties?—Yes. The Shops and Offices Act, as framed, incorporates restaurants. I am not speaking about those. That is a side issue with us.

12. *Mr. Fraser.*] Have you ever published that resolution—the third part of it?—I do not think so.

13. Has it been communicated to the Shopkeepers' Association?—I do not think we recognise that association. I think the Employers' Federation regards itself as the governing body. I am interested in no other association.

14. Can you give us roughly an idea of how many shopkeepers want that time made later?—I could not.

15. Would you say it was a small number?—I should say a large number; generally speaking, the employers are like the employees, they prefer to get the work done at 6 o'clock.

16. You think that a large number of those keeping open after 6 o'clock would be glad to close if the 6-o'clock hour was made general?—Yes. The present position is a snowball movement really.

17. *Mr. Hardy.*] Would you repeal those words "for more than nine hours, excluding the hours for meal-times," in the Shops and Offices Act?—If Parliament adopted the fifty-two hours, the only restriction would be the restriction for meals.

18. Would you desire to work your employees longer than nine hours in one day excepting on the one day?—We should not.

19. Therefore, as far as you are concerned, you would not desire to have this repealed?—No.

20. Then why do you want that fifty-two-hours arrangement if this were not repealed?—If you allow the fifty-two hours, a man may start at 10 o'clock and finish at 8 o'clock at night.

21. Would that not encourage those men who desire to do away with extra men in order to keep open longer at night?—Yes, it would.

22. Then you want us to do a wrong in order to bring about a right?—Yes.

WILLIAM PRYOR re-examined. (No. 23.)

1. *The Chairman.*] You desire to make a further statement?—Yes. I should like to say, in connection with a remark made by the Hon. the Minister of Labour the last time we met here, to the effect that we must either accept this Bill or come under the fifty-two-hours provision of the Shops and Offices Act by reason of the operation of section 74 of the Industrial Conciliation and Arbitration Act, that we have further considered that matter. I intimated at the time that I could not agree with Mr. Millar's interpretation, and since then the employers have met and gone into that phase of the question; and I may say right here and now that we are prepared to take all the responsibility relating to what section 74 may do to us without the Bill being made law as proposed at the present time. We found on going into the matter first that hotels were not affected by the present Shops and Offices Act except in so far as the half-holiday to the assistants was concerned; but if this Bill were to become law, then it means that hotel-assistants become shop-assistants within the meaning of the Act. Section 23 is the clause in the Shops and Offices Act affecting hotel-assistants. Then, further, we find that subsection (4) of section 6 of the Shops and Offices Act, which reads as follows: "This section shall operate subject to the provisions of this Act and to any award of the Court of Arbitration"—we find that that section specifically gives the Arbitration Court power to make different hours from those provided by the Act. While feeling certain of that in our own mind we took the opportunity of consulting Mr. Skerrett with regard to the whole position, and Mr. Skerrett advises us as follows. He says, "It is clear under 'The Shops and Offices Act, 1908,' that it is competent for the Arbitration Court to fix in an award different hours of employment to the hours of employment defined by section 6 and the previous award, by virtue of subsection (4) overriding the provisions of the Act." "With regard to section 74 of the Amended Arbitration Act, I think it is clear that it is a general Act dealing with all awards which may be made under the provisions of 'The Industrial Conciliation and Arbitration Act, 1908,' and, further, that there is no express repeal of the provisions of the Shops and Offices Act and of the Factories Act"—there is a similar provision in the Factories Act—"which make the provisions of the Act as to hours of employment subject to awards: the repeal could only be an implied repeal. But the rule is that a general statute affecting general matters should not be construed as a repeal of special enactments. Moreover, it will be seen that subsection (2) of section 74, if it applies, only says that the award is to be deemed modified in accordance with the law then in force. Now, the law then in force—that is, at the expiry of the term for which the award was made—is subject to the award, and there is therefore, clearly enough, no consistency between an award modifying an award under the Shops and Offices Act and the provisions of the Shops and Offices Act. I am clearly of opinion, therefore, that from the date of the expiry of the period fixed by the existing awards and until the newer award or industrial agreement is made, the award will continue in force as to hours of employment. I am further of opinion that, in any future awards made by the Arbitration Court under the law as it at present stands, the provision of the award as to hours of employment will override the hours of employment fixed by the provisions of 'The Shops and Offices Act, 1908.' It is to be observed that hotels are recognised as being only within the provisions of the Shops and Offices Act for the purpose of assuring the assistants the half-holiday, and for no other purpose. I have assumed that restaurant-keepers are now within the provisions of the Shops and Offices Act."

2. *Hon. Mr. Millar.*] That is Mr. Skerrett's opinion?—Yes. You will see from it that he is clearly of opinion that the view you expressed is not correct; and if we were to submit to come

under the provisions and the conditions proposed in the Bill, we should be submitting to hotel-assistants being dragged in as shop-assistants, and to the restricting conditions for every restaurant-assistant. We do not feel disposed to do either one or the other. We are quite prepared to accept the Minister's challenge if we are challenged—I am not using the expression in an offensive way—and take all the risks under the law as it at present stands.

3. I am quite prepared to give you the challenge?—That is, to take out the reference to hotels and restaurants?

4. I am prepared to knock out the provisions which the Crown Law Officers say will bring in the fifty-two hours—which they say limits the powers of the Arbitration Court to the statute law. I want it decided, because, if that clause of the Act does not do it, then it must be made to do it. The Arbitration Court is never going to be granted power to override what the higher Court of Parliament has done. Parliament fixes the laws, and no Court can override statute law. So far as this Committee is concerned, I do not want to be blamed hereafter. I am quite prepared to say, "Let the matter be decided." But if you do get the fifty-two hours you have to get it in the terms of the award. I am advised to this effect. I could quite see how impossible it is to ask the hotels to work only fifty-two hours, and therefore I was prepared to split the difference from sixty-five?—It seems a fair thing to all parties concerned that your offer should be accepted.

5. It is not only this case that is affected, it is all other cases. When the Court refused to give an award in accordance with the bank-to-bank clause in the case of the miners, the question was put to the Crown Law Officers, and they drafted a law which provided that the Arbitration Court could not override statute law. If the Committee, without arguing the matter any further, is agreeable, I am quite prepared to strike out every clause of the Bill up to "Miscellaneous"?—We are prepared to take it at that.

6. Neither the Arbitration Court nor any other Court shall get power to override statute law?—The employers generally say that Parliament has advisedly relegated certain powers to the Arbitration Court, and we say we must know where we are—we must have either the Arbitration Court or Parliament to settle the matter. I submit it to you as a fair proposition that it is absolutely unfair that any party should have the right to take advantage of the machinery of the Arbitration Court, to have their case discussed by a tribunal set up under that Act, and then, because one side is dissatisfied with the decision arrived at, it should have power to come along and have the matter dealt with by Parliament.

7. *Mr. Hardy.*] You do not approve of it?—We are absolutely opposed to it in any shape or form, and, if the clause Mr. Millar refers to does what he says it does, then on behalf of the employers I enter my strenuous opposition. There is more real resentment being felt by the employers of the Dominion over provisions of this kind than is perhaps believed. The bank-to-bank clause was mentioned, and the construction that was proposed to be put on section 74 of the Industrial Conciliation and Arbitration Act. There is a stronger feeling shown in connection with that than on anything else that has come before us since I have been an executive officer of the Federation. But we are prepared to accept the position as stated, and if that is agreed upon there is no need to go further.

8. *Hon. Mr. Millar.*] It is a matter for the Committee to decide, but, as the Minister in charge of the Bill, I am perfectly prepared to strike out all the clauses referred to. I shall be guided by the Crown Law Officers, and I repeat that, as far as I am concerned, I will never give the Arbitration Court power to alter a Factory Act or anything else. It is too late to come at this time and day and say the Court has power to alter the law.

9. *Mr. McLaren.*] You have given us portions of Mr. Skerrett's opinion. I noted that one portion you read out was somewhat to this effect: that the Court may provide different hours from those in the Act. Now, I want to get the questions you put to Mr. Skerrett, because an opinion very often depends upon the form in which the question is put?—We brought to Mr. Skerrett's attention the Shops and Offices Act, section 6, subsection (4); and section 74 of the Industrial Conciliation and Arbitration Act; also section 23 of the Shops and Offices Act. We asked him first whether hotel-assistants came within the Shops and Offices Act; and, secondly, did section 74 repeal the power given to the Court by section 6, subsection (4).

10. What was in your mind, that the Court might provide for different hours and then be subject to the limits provided by the Act?—This cuts both ways. Take the Factories Act. We have an Arbitration Court award giving forty-two, forty-three, forty-four, or forty-five hours. If your construction is correct, then the factory hands could be compelled to work forty-eight hours.

11. *Hon. Mr. Millar.*] The Court, when hearing fresh demands, cannot in any award exceed the hours laid down in the Shops and Offices Act. You have an award now. That award must hold good until such time as a new award is made?—That is not what you put before us. You directed our attention to what section 74 did at the expiration of the period for which the award was made.

Hon. Mr. Millar: I referred to the currency of the award. An award takes its course until a new award takes its place. When an application is made for a new award, then the Court cannot exceed fifty-two hours a week.

JOHN BARR, M.L.C., examined. (No. 24.)

1. *The Chairman.*] You are a member of the Legislative Council?—I appear as secretary of the Canterbury Hotel and Restaurant Employees' Union.

2. Has your union considered this Bill?—Our union considered this Bill at a special meeting called for the purpose, but prior to the meeting members of the union received copies of the Bill, so that they would have an opportunity not only of considering it at the meeting, but of considering it in the various establishments in which they were employed.

3. And did they instruct you to come here and give evidence on their behalf?—By special resolution passed at the special meeting they instructed me to give evidence, knowing that I was conversant with the whole subject as secretary, and, further, because it would save time, and not necessitate half a dozen others coming up. Had it been deemed necessary we could have had a dozen more giving evidence the same as has been done by the employers for some time; but that would only have been a repetition, and a weariness to the flesh of the Committee.

4. Will you make a statement?—My statement is that the union has approved entirely of the principles contained in the Bill, although in a few details they differ. They consider that it will benefit not only the members of their particular union, but close on eight thousand other employees engaged in this industry throughout the Dominion who at the present time, and for a considerable time to come, cannot be organized, and therefore cannot be in a position to defend themselves. That, of course, refers to those who are engaged in places such as are covered by the Bill outside of the four chief centres of Auckland, Wellington, Christchurch, and Dunedin. Only in those centres, with the exception of Rotorua, are there organized unions. To emphasize the benefits that will accrue from this Bill, I just desire to read an extract from a letter sent me by an employee in a country hotel. I do not desire to give the name of the hotel in evidence, but am quite willing to give it to any members of the Committee. The employee says, "True, the house is as clean as a new pin from top to bottom, but, as the house does what is considered a good trade, I don't think the cook should work 105 hours per week for 30s., and the waitress the same hours for the sum of 16s. per week. The housemaid starts at 6 a.m., and works, or has to be on hand, till 9 p.m., every day for £1 per week." I may state that I have had quite a number of letters to the same effect, but I considered that probably one would be sufficient, as the one I have read is exactly similar to the others I have received. My union considers that there can be no hardship entailed in this matter, taking into consideration the Sydney award, where, in a city much larger than the cities here, the following provision prevails: that the employees have six days a week—in a few exceptional houses they have seven days—with a full half-day in each week: and in respect of public holidays they have the following provision—and I state this in support of the holiday once a fortnight—for hotel-porters and watchmen. The Sydney clause reads thus: "Public Holidays: Every employee who has worked on public holidays during the first six months from the time of his entering employment shall be entitled to two days' holiday, on full pay, and on completion of the following six months shall be entitled to three such days, in lieu of such holidays worked, and so on in successive years of employment: Provided that an employee who leaves the service of an employer after four months from the time of entering such service, for any reason other than discharge for misconduct, shall be entitled to an extra half-day's pay for each holiday worked. The public holidays referred to in this clause shall mean New Year's Day, Anniversary Day, Good Friday, Easter Monday, Prince of Wales's Birthday, Eight Hours Day, King's Birthday, Christmas Day, and Boxing Day." That is the provision that holds good in Sydney, and I use it as an argument against any contention that this holiday every two weeks is not workable. And I would further support that contention by pointing out that in a past award of the Wellington union the following provision existed, and was found to be workable for a number of years: "Clause 9. Two days' holiday on full pay shall be allowed to each employee every three months if he shall have been so long in the employer's service, and the holidays may be on such days as may be mutually agreed upon between the employer and his employee." It is fair to state that all the employees were covered by that award—kitchen hands, waiters, pantrymen, day and night porters, and casual labour—and that applied not only to hotels, but to restaurants. The union hopes that the Bill will go through this session, because they have been looking forward to it for some considerable time. I should like to deal with a few of the principal clauses that are of the greatest importance to the employees in the industry. Clause 2 we think the most important clause in the Bill, inasmuch as it makes a definition of what is a "private hotel." The Canterbury union has cited the proprietors of private hotels before the Court, and the Court has asked us our definition of "private hotel," and we have given both the dictionary definition and our own. Our own definition was to this effect: that we considered a "private hotel" to be an establishment that provided lodgings for the general public and, in addition, did a restaurant business, inasmuch as the dining-room was open to any one, even though not resident in that particular hotel, to obtain meals. On the last occasion we cited eleven before the Court, and we also brought in as evidence the fact that the owners of such establishments in Dunedin had voluntarily agreed to a set of conditions, and those conditions were asked to be put into force in Christchurch. We think this clause imperative, and that it should go through embodying this definition. In connection with this clause also we see that it covers all employees engaged in any hotel, irrespective of their occupation. We agree to that, because at the present time there are some employed as liftmen—not engineers. In Christchurch there is one hotel which keeps an engineer; but we do not trouble about him because he comes under the Engineers' award. But in that hotel they have a liftman who is a member of our union. The lift is not used continuously, and he makes himself generally useful, so that in addition to being the liftman he acts as a general hand. We hope also the clause will cover housemaids, as we know that at the present time, while some hotelkeepers work their housemaids not more than is contained in this Bill—that is, fifty-six hours—other hotelkeepers work them considerably more: in fact, they work them more than the sixty-five hours allowed by the award, and almost as much as the country hotelkeeper I before referred to. Those hotelkeepers who do not work their housemaids more than fifty-six hours—if they work them as much—do so in this manner: If they do their work in the morning up to, say, 11 o'clock, in some cases they get off for a spell, but in the majority of cases after half-past 2 they are practically off all the afternoon. Then they come in and clean things up, and some of them are free at 9 o'clock, while some are off in the evening, according to the nature of the business. Some girls get off in the evening and others in the afternoon. So we consider that if some hotels—and the best hotels in

Christchurch do it—can do that, there is nothing to prevent the lesser hotels doing it. In the larger hotels there is more actual work for the housemaids because there are so many boarders and guests coming and going, while the small hotels are mostly drink-shops, and have very few boarders. One thing, however, in this clause 2 has been omitted, we think. We do not see any reason why clubs should not be brought under it. It is a standing disgrace to members of clubs that some of their employees are allowed to work as late as 2 o'clock in the morning. We endeavoured to bring clubs under our award, but the Court held that it could not be done, because they were not run for private profit. That might be so directly, but indirectly the members of clubs derive considerable benefit. But, whether or not, they cannot be called private houses the same as domestic premises, whether they employ housemaids or not, seeing that they employ a considerable number of assistants, there ought to be some legislation to limit the number of hours. We hope earnestly they will be dealt with under this Bill. In connection with clauses 3 and 4 we have no objection to offer. Objection is made to clause 5, increasing the hours of workers in restaurants and tea-rooms. We consider this absolutely unnecessary at the present juncture, taking into consideration that the restaurants in Christchurch work even less than fifty-two hours in some cases, and we should like the sixty and fifty-six hours to apply only to hotels, whether licensed or unlicensed, and a proviso put in stating that the hours for restaurants should be either fifty-six or fifty-two, or we have no great objection to sixty and fifty-two, but we object most strenuously to increasing the hours of the women to fifty-six. I have a table here I want to put in, but I do not think it would be fair, seeing that it was given to me in confidence, to publish the name of the establishment, although I have no objection to members of the Committee getting the name. This table is for a staff of nine workers, and shows the manner in which they work in this particular restaurant:—

Table of Working-hours.

A, B, C, and D.	E, F, G, and H.
Monday, 9 to 7.30.	Monday, 9 to 2.30, 7.30 to 11.30.
Tuesday, 9 to 2.30, 7.30 to 11.30.	Tuesday, 9 to 7.30.
Wednesday, 9 to 7.30.	Wednesday, 9 to 2.30, 7.30 to 11.30.
Thursday, 9 to 2.30, 7.30 to 11.30.	Thursday, 9 to 7.30.
Friday, 9 to 7.30.	Friday, 9 to 2.30, 7.30 to 11.30.
Saturday, 9 to 11.30 p.m. (two hours off for meals).	Saturday, 9 to 11.30 p.m. (two hours off for meals).
Sunday, off all day.	Sunday, 5 to 10.30 p.m.
Meal-hours in week, 9.	Meal-hours in week, 9.
Half-holiday, 6 hours.	Half-holiday, 6 hours.
Total hours' work, 46½ hours.	Total hours' work, 52½.

Staff to reverse working-hours each week. M. to act as relief waitress, working fifty hours a week.

Half-holidays.—Monday, H, A; Tuesday, E, B; Wednesday, F; Thursday, G, C; Friday, D, M.

There are no housemaids employed in this restaurant.

5. *Mr. Bollard.*] Who cleans up in the morning?—They do that before they leave at night. Another reason why we do not want the fifty-two hours altered is that there would be some little conflict with pastrycooks. In some of the shops pastrycooks are employed, and their award provides for fifty-one hours, not more than ten hours being worked in any one day without overtime being paid for. There is only a difference of one hour a day now, but if one party was going to work fifty-six and the other party fifty-one hours there might be some trouble, especially seeing that the pastrycook is practically assisting the general cook. It may be said that this reduction is unworkable, but I might say the same plea was put forward when we met the employers in conference in connection with the shop conditions. It was held then that it would mean an increased staff, but in no place has there been an increase. It has even been found that the enforced reorganization of the shops has been beneficial. In one of the principal places in Christchurch we have had no trouble whatever because it proved beneficial, for, where they had at one time two men in the pantry, now they only have one working a portion of his time in the pantry, and that meant an increase of pay for one man. The award makes it £1 10s. for the first man and £1 5s. for the second—that is the minimum wage. But what happened in this shop was that they took the head man out of the pantry and gave the second man his wages, £1 10s., and now this head man takes second place in the pantry, inasmuch as he goes back at stated periods of the day and assists; and when there is a rush on. No reduction has been made in his wage. He is now what might be termed a "relief man." He relieves in the bar, helps the hall-porter, and is here and there throughout the establishment. So that there has been no increase in that shop—in fact, if anything, there has been a decrease. In another establishment in Christchurch—I am only quoting the largest at the moment—they have the duties set out for every individual, and the plan acts in the same manner as in the restaurant I referred to. They are not referred to by their names, but as No. So-and-so, and the one who is working certain hours to-day takes up other hours the following day. Every minute of the day is accounted for, and there is a schedule for the kitchen staff, for the hall-porter, steward, head porter, second porter, wine waiter, and buttons, and the full sixty-five hours are taken. I made inquiries as to whether it was possible to work sixty hours, and I was informed there was no trouble about it. There was a little shifting off here and a little shifting off there as far as the men are concerned; and, as for the women, they do not believe they work sixty hours at the present juncture, or anything like it. I put in a copy of the working regulations of that place.

Hours of Kitchen Staff.

Second cook,—

Monday, 7 to 2, 5 to 7.30	9½
Tuesday, 7 to 2, 4.30 to 7.30	10
Wednesday, 7 to 2, off	7
Thursday, 7 to 2, 4.30 to 7.30	10
Friday, 7 to 2, 5 to 7.30	9½
Saturday, 7 to 3, 5 to 7.30	10½
Sunday, 7.30 to 2, 5 to 7	8½
	65

Start at 3.30 in week when off on Sunday.

Third cook,—

Monday, 7 to 2, 4.30 to 7.30	10
Tuesday, 7 to 2, off	7
Wednesday, 7 to 2, 4.30 to 7.30	10
Thursday, 7 to 2, 4.30 to 7.30	10
Friday, 7 to 2, 4.30 to 7.30	10
Saturday, 7 to 2, 4.30 to 7.30	10
Sunday, 8 to 2, 5 to 7	8
	65

Start at 3.30 in week when off on Sunday.

Kitchenman,—

Monday, 6 to 2, 5.30 to 7.30	10
Tuesday, 6 to 2, 5.30 to 7.30	10
Wednesday, 6 to 2, 6.30 to 7.30	9
Thursday, 6 to 2, 6.30 to 7.30	9
Friday, 6 to 2, off	8
Saturday, 6 to 2, 5.30 to 7.30	10
Sunday, 7 to 2, 5 to 7	9
	65

Start at 5.30 in week when off on Sunday.

Sculleryman,—

Monday, 7.30 to 2.30, 5 to 8	10
Tuesday, 8 to 2.30, 3.30 to 8	11
Wednesday, 7.30 to 2.30, 5 to 8	10
Thursday, 7.30 to 2.30, 5 to 8	10
Friday, 7.30 to 2.30, 5 to 8	10
Saturday, 8.30 to 2.30, off	6
Sunday, 8.30 to 2.30, 5 to 7	8
	65

Start at 7.30 in week when off on Sunday.

Serveryman,—

Monday, 7 to 2, off	7
Tuesday, 7 to 2, 5 to 7.30	9½
Wednesday, 7 to 2, 5 to 7.30	9½
Thursday, 7 to 2, 5 to 7.30	9½
Friday, 7 to 2, 3.30 to 7.30	11
Saturday, 7 to 2, 4 to 7.30	10½
Sunday, 8 to 2, 5 to 7	8
	65

Start at 4 in week when off on Sunday.

Hall Porter.

Monday, 8 to 12.30, 1 to 2, 6 to 10	9½
Tuesday, 8 to 12.30, 1 to 5.30, 6 to 9	12
Wednesday, 8 to 12, 1 to 5.30, 6 to 9	12
Thursday, 8 to 12.30, 1 to 5.30, 6 to 8	11
Friday, 8 to 12.30, 1 to 5.30, 6 to 8	11
Saturday, 8 to 12.30, 1 to 2, off	5½
Sunday, 9.30 to 1.30	4
	65

Alternate Sundays, 1.30 to 5.30.

Steward.

Monday, 7.30 to 2.30, 4.30 to 7.30	8½
Tuesday, 7.30 to 2.30, 4.30 to 10	11
Wednesday, 7.30 to 2, off	5½
Thursday, 7.30 to 2.30, 4.30 to 7.30	8½
Friday, 7.30 to 2.30, 4.30 to 7.30	8½
Saturday, 7.30 to 2.30, 4.30 to 7.30	8½
Sunday, 7.30 to 2.30, 4.30 to 7.30	8½
	59

Head Porter (day).

Monday, 6.30 to 12, 1 to 2, 3.30 to 7.30	9½
Tuesday, 6.30 to 12, 1 to 2, 3.30 to 7.30	9½
Wednesday, 6 to 12, 12.30 to 4, 6 to 7.30	9½
Thursday, 6 to 12, 12.30 to 7.30	11½
Friday, 6 to 12, 12.30 to 2, off	6½
Saturday, 6 to 12, 12.30 to 2, 6 to 10	10
Sunday, 1 to 10	8
	64½

Alternate Sundays, 6 to 2.

Second Porter.

Monday, 7 to 12, 12.30 to 2, off	6
Tuesday, 7 to 12, 12.30 to 2, 5 to 9	10
Wednesday, 7 to 12, 12 to 5, 5.30 to 7.30	11
Thursday, 7 to 11.30, 12.30 to 2, 5.30 to 10	10
Friday, 7 to 12, 12.30 to 5, 5.30 to 7.30	11
Saturday, 7 to 12, 12.30 to 5, 5.30 to 7.30	11
Sunday, 7 to 1.30	6
	65

Wine Waiter.

Monday, 7.30 to 12.30, 1 to 2, 3 to 5.30, 6 to 9	11
Tuesday, 7.30 to 12.30, 1 to 3.30, 4.30 to 5.30, 6 to 8	10
Wednesday, 7.30 to 12.30, 1 to 2, 5 to 10	10½
Thursday, 7.30 to 12.30, 1 to 2, off	5½
Friday, 7.30 to 12.30, 1 to 2, 3 to 5.30, 6 to 8	10
Saturday, 7.30 to 12.30, 1 to 2, 3 to 5.30, 6 to 8	10
Sunday, 7.30 to 2	6
	63

Alternate Sundays, 1 to 10.

Buttons.

Monday, 8 to 12, 12.30 to 5, 5.30 to 8	10½
Tuesday, 8 to 12, 12.30 to 2, off	5
Wednesday, 8 to 12, 12.30 to 4.30, 5.30 to 8	10
Thursday, 8 to 12, 12.30 to 5.30, 6 to 8	10½
Friday, 8 to 12, 12.30 to 2, 5 to 10	10
Saturday, 8 to 12, 12.30 to 5, 5.30 to 8	10½
Sunday, 1 to 7.30	5
	61½

Alternate Sundays, 8 to 2.

Night-porters.

10 to 8, less three-quarters of an hour for supper (9¼) .. 64¾

Hours of Dining-room Staff.

A.

Monday, 7 to 12, 1 to 2, off	6
Tuesday, 8 to 12, 1 to 2, 2.30 to 8	10½
Wednesday, 7 to 12, 1 to 2, 6 to 11	11
Thursday, 8 to 12, 1 to 2, 6 to 10	9
Friday, 7 to 11.30, 1 to 2, 2.30 to 8	11
Saturday, 8 to 12, 1 to 2, 5.30 to 10	9½
Sunday, 8 to 12, 1 to 2, 5 to 8	8
	65

B.

Monday, 8 to 12, 1 to 2, 2.30 to 8	10½
Tuesday, 7 to 12, 1 to 2, 6.30 to 11	10½
Wednesday, 8 to 12, 1 to 2, off	5
Thursday, 7 to 11.30, 1 to 2, 2.30 to 8	11
Friday, 8 to 12, 1 to 2, 6 to 11	8
Saturday, 7 to 12, 1 to 2, 6 to 11	11
Sunday, 9 to 12, 1 to 2, 2.30 to 7	8½
	65

C.

Monday, 8 to 12, 1 to 2, 6 to 11	10
Tuesday, 8 to 12, 1 to 2, off	5
Wednesday, 8 to 12, 1 to 2, 2.30 to 8	10½
Thursday, 8 to 12, 1 to 2, 6 to 11	10
Friday, 8 to 12, 1 to 2, 6 to 11	10
Saturday, 8 to 12, 1 to 2, 2.30 to 8	10½
Sunday, 9 to 12, 1 to 2, 5 to 10	9
	65

Head Waiter.

Monday, 7 to 2, 5 to 8	10
Tuesday, 7 to 2, 5 to 8	10
Wednesday, 7 to 2, 5 to 8	10
Thursday, 7 to 2, 5 to 8	10
Friday, 7 to 2, 5 to 8	10
Saturday, 7 to 2, off	7
Sunday, 8 to 2, 5 to 7	8
	65

Hours for Staff Meals.

	Bkfst.	Dinner.
Housemaids	8	12
Barmen	8	12
Liftman	8	12
Buttons	8	12
Barmen	9	1
Engineer	9	12.30
Hall porter	9	12.30
Second porter	9	12
Bar porter	9	12
Night-porter	8	..

That, as I have stated, deals with the large houses. With the smaller houses there is little or no trouble. Their staff is small, and many of them are wise enough to do exactly the same as regards regulating of hours. I know one house which has gone to the trouble of having a set of conditions put in an elaborate frame and hung up. When an employee is engaged he is brought in and shown the working-conditions. It is an establishment which has two in the kitchen, one housemaid, and one barman—four employees. The employer himself works, and the mistress assists the housemaid—they are working employers. There is another place where there are only two, and I know another where there are only three—two girls and a porter—employed. However, few of these places keep a night-porter, because they do not depend upon boarders at all; they depend to a great extent upon the bar, and a cook is kept chiefly for cooking for the staff. Subsections (2), (3), and (4) of section 5 we take no exception to, and trust they will not be altered in any possible way, unless it be to substitute 1s. for 9d. in subsection (3). Subsection 5: We recognise that this makes the Bill operative, but if it goes any further by eliminating any other section of the principal Act it will be liable to destroy the good intended by the Bill. Clause 6 deals with night-porters. The small houses do not employ night-porters, but we have to recognise that there are a number which do. The question arises as to how they are going to get their holiday off. Now, I have in the provisions of an old Wellington award shown what has been done in the past, and it can be done in the future. In many instances there is not a great deal to be done by the night-porter after, say, 1 o'clock in the morning, for then he is on as a watchman in most places. Where a night-porter is dismissed, the employer generally or very often takes on his duties up to a certain hour in the evening, a few hours beyond the closing-hour, and one of the staff has to go on earlier in the morning, and if there is any night-porter's work, such as boots or general, to be done, he has to do it. If he is a day-porter he leaves a little earlier in the day to make up for the time he has worked in the morning. This works at the present time in cases where the hands are changed, because it is the custom with employers when a man goes—although we provide for forty-eight hours' notice—to pay him for the forty-eight hours and get rid of him at once. When that can be done for the convenience of the employer at the present juncture we cannot see why it cannot be done continuously. With regard to the one day a fortnight, I have already pointed out what is done in Sydney. It may be argued that there the places are very big. But where there are not two night-porters there are generally two day-porters, and these porters do not chop and change. They have to be honest, sober, hardworking, experienced, and decent men, and it is not to the interest of the employer to dismiss them; and members of the Committee can easily see that there is much more than one man about the place who is fit to fill this responsible position of night-porter, for it really is a responsible position in the majority of cases, as he has the keys of the establishment and can go anywhere and everywhere. We hope this provision will be made law, for this reason: that night-porters have been working year in and year out with only two hours as their half-holiday from 10 to 12 on some night in the week. There has been no evidence from Christchurch employers with regard to clause 7 of the Bill. The Christchurch employees agree with the principle of this clause, but not with the clause as it stands. Therefore they are in

agreement with the rest in their desire to have it struck out. But they consider that provision ought to be made for accumulating holidays that are due in the various race weeks. This must be done, or almost every hotelkeeper in Christchurch will be hauled up. There is scarcely a single hotelkeeper who cannot after each race week be hauled up for a breach of the Act. It is not workable. Let me illustrate: I may be asked to send five unionists along during these times, and I can only send two. Every corner of the house is filled with guests, and every employee is working "at top" with hardly a minute to spare, and great difficulty is found in getting away. Some employers manage to creep through it and give their employees the half-holiday, but others cannot. What we want is that the holidays shall be worked off according to certain conditions—that during four weeks in the year the half-holidays shall be worked, and the employees get a full day the following week. It has been done, I may state. In the case of permanent employees they should be allowed the full holiday, and in the case of casual employees they should be allowed extra remuneration for the half-holiday they cannot get. But the law must be guarded by the previous consent of the Inspector of Factories under the Shops and Offices Act. We believe this would prove suitable not only to the employers but to the employees of Christchurch. There is no tipping nowadays at all worthy of the name, except during these particular race times. The thing is dying out, and I have evidence to this effect from members of the union. Where at one time a man might get £1 he does not get half a crown now.

6. *Mr. Bollard.*] That is not my experience?—It is true there are exceptions, but I am pointing out what is the general rule. With regard to the other subsections of clause 7, while the proposal would be of convenience to all concerned, we cannot get a big crowd of employees to fill in these particular times. What we propose with regard to clause 7 is that "The usual half-holiday or whole holiday as aforesaid may, with the previous written consent of the Inspector of Factories, be worked according to the following conditions: (*a.*) The usual weekly half-holiday or fortnightly whole holiday shall not be worked twice in succession, and not more than four half-holidays or whole holidays shall be worked in any one year. (*b.*) Every assistant working a full week without receiving a half-holiday, and on whose behalf a permit has been received to work on such half-holiday, shall on the next succeeding week receive a whole holiday, such whole holiday to be on the day set apart for the usual half-holiday. (*c.*) The provision contained in subsection (*b*) shall not apply to assistants employed as casual assistants and whose casual employment may extend beyond one week but less than two weeks. In such case where a half-holiday has not been granted the assistant shall receive, in addition to his or her usual wage, a sum equal to one shilling per hour for the five hours constituting a half-holiday, or an additional half-day's pay, whichever be the greater. (*d.*) Every night-porter or night-watchman working fourteen days without receiving a whole holiday according to the provisions of clause 6, and on whose behalf a permit to work on his usual holiday has been obtained, shall receive, in addition to his usual weekly wage, an additional day's pay, or one shilling per hour for every hour worked, whichever be the greater." It is true there may be some difficulty in one or two big houses in Wellington in giving the full holiday, but I am inclined to think that difficulty would be found to be more imaginary than real. We hope that in clause 8 provision will be made to have this notice put up where all assistants can see it, because we have dining-room people who are never in the kitchen for any length of time, and some employers put it up in the office, where employees have no right to be unless at very odd moments. There is just one other point I wish to refer to. We are of opinion that the question of wages should not come in, considering the present low standard. The wages for married and single assistants are as low as £1 a week according to the award, and where there is no award in existence the wages are as low as 15s., and even lower. Therefore we submit the question of wages should not come in. I have to thank members of the Committee for having so patiently listened to me.

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