

## ARREARS OF WAGES.

Amounts totalling £2,940 9s. were collected by the Department's officers on behalf of workers who had been underpaid the wages prescribed by awards and the various Acts, while further amounts of such arrears, totalling £2,794 0s. 1d., were paid by employers, at the instance of the Inspectors, directly to the workers concerned: total, £5,734 9s. 1d.

## WORKERS' COMPENSATION ACT.

The following cases have been heard and determined by the Court of Arbitration during the last seven years: 1926, 60; 1927, 99; 1928, 99; 1929, 101; 1930, 123; 1931, 175; 1932, 133; 1933, 138.

The more important decisions, with a digest thereof, are published in "New Zealand Workers' Compensation Cases," which is issued annually by the Department.

During 1933 a decision of considerable importance to employers and workers was given by the Judicial Committee of the Privy Council on an appeal from judgments of the Court of Appeal of New Zealand in proceedings brought to determine the liability of employers in respect of the deaths of or injuries to their workmen which occurred on the occasion of the Hawke's Bay earthquake of the 3rd February, 1931. In regard to the cases brought before the Privy Council it had been agreed before the Court of Appeal that the deaths and injuries were caused by "accident" and were in the course of employment, the only question for determination being whether the accidents arose "out of" the employment. It was contended on behalf of the employers that the risk of injury due to earthquake is a "community risk" and that a worker cannot say that an injury caused by such a happening arises out of his employment unless he can show that the nature of his employment exposed him more than other members of the public to the danger in question. The Judicial Committee, however, held that if a workman is injured by some natural force such as lightning, the heat of the sun, or extreme cold, which in itself has no kind of connection with employment, he cannot recover unless he can sufficiently associate such injury with his employment. This he can do if he can show that the employment exposed him in a special degree to suffering such an injury. But if he is injured by contact physically with some part of the place where he works, then, apart from questions of his own misconduct, he at once associates the accident with his employment, and nothing further need be considered. So that if the roof or walls fall upon him, or he slips upon the premises, there is no need to make further inquiry as to why the accident happened.

This decision caused employers and insurers considerable perturbation in view of the possibility of disastrous earthquakes occurring during working-hours in the more thickly populated areas, and as a result of a compromise provision was made in section 56 of the Finance Act, 1933 (No. 2), restricting the maximum aggregate liability of insurers in cases where compensation is payable under the Workers' Compensation Act by any indemnified employers for personal injury by accident to any workers arising out of and in the course of their employment, if such injury has been caused by accident due directly or indirectly to earthquake. The maximum liability referred to is not to exceed £50,000 in respect of injuries resulting from a single earthquake or from any of a series of earthquakes occurring within any period of seven full days. Where the total liability of the insurers would in any case, except for the legislation, exceed £50,000 the aggregate liability of the several insurers is to be apportioned according to their premium incomes, and where the aggregate liability of the insurers is less than the total liability insured against by the employers, the amount of compensation payable is to bear the same proportion to the full amount of compensation as £50,000 bears to the aggregate amount of all valid claims made in respect of compensation for accidents due to the earthquake or series of earthquakes.

## SHEARERS' ACCOMMODATION ACT.

All necessary inspections under this Act were previously carried out by the Inspectors of the Agriculture Department, but for economic reasons no inspections have been made during the year.

## SCAFFOLDING AND EXCAVATION ACT.

During the year 3,360 notices of intention to erect buildings and scaffoldings and to commence excavations were received, and 9,007 inspections were made.

There were no prosecutions.

The number of accidents to workers during the year ending 31st December, 1933, is 44 (of which 1 was fatal). Of the 44 accidents, 37 were of a minor nature. It should be mentioned that the total includes not only accidents to workers on scaffolding or in connection with gear or excavations, but also all other accidents occurring in connection with building operations. Taking into consideration the hazardous nature of the work and the number of workers involved, the number of accidents due to falls from scaffolds, ladders, or roofs is small—viz., 14. The numbers according to occupations are: Labourers, 11; carpenters, 19; painters, 4; bricklayers, 1; unclassified, 9.

The cases in respect of which information as to the time lost and compensation paid is available—viz., 35 and 41 respectively out of the 44 accidents—show that a total of 840 days were lost and compensation to the amount of £1,219 5s. 7d. was paid.

The following are particulars of the fatal accident reported: A painter was engaged in painting a wall near a power-driven hoist, when the jersey which he was wearing caught on a revolving shaft.

The following fatal accident to a person other than a worker was also reported: A master painter who was working on a Humphrey bracket scaffold was fatally injured when, owing to a faultily bored hole, the eyebolt at one end drew out and he fell to the ground.