

1924.
NEW ZEALAND.

RATES OF PAY AND CONDITIONS OF WORK OF RAILWAY EMPLOYEES

AS REPRESENTED BY THE AMALGAMATED SOCIETY OF RAILWAY SERVANTS
(REPORTS OF BOARD OF INQUIRY INTO).

Laid on the Table of the House of Representatives by Leave.

REPORT I.

SIR,—

Wellington, 23rd August, 1924.

In pursuance of the notice of appointment and order of reference directed to us, dated the 13th day of June, 1924, whereby we were appointed and authorized to inquire into and report to you whether in our opinion any, and, if so, what, alterations should be made in the rates of pay and/or the conditions of work in operation in respect of members of the Second Division of the staff of the Government Railways Department (other than employees of the Locomotive Running Branch), having due regard to the public interest and the maintenance of the Government Railways as a business concern paying a reasonable interest on the capital cost thereof, we have the honour to report as follows :—

The Board commenced its sittings at the Supreme Court House at Wellington on the 16th June, 1924, and heard evidence and argument on behalf of the Department and the Amalgamated Society of Railway Servants.

Mr. H. H. Sterling appeared for the Department, and Mr. M. Connelly appeared for the Society. The Board continued its sittings until the 25th June, 1924, and from that date until the 14th July, and from the 16th to the 23rd instant, it deliberated in committee on the several matters submitted for consideration. The Amalgamated Society of Railway Servants presented seventy-one claims, and the Department presented six claims, for the consideration of the Board. The seventy-seven claims have been disposed of as follows :—

CLAIM 5 (A.S.R.S.): *That leading line-erectors be classified and receive the same rate of pay as leading signal-erectors.*

The departmental advocate intimated that there was no objection to this claim being granted when the classification was being reviewed. The Board recommends accordingly.

CLAIM 7 (A.S.R.S.): *That on all statutory holidays tablet-porters be paid from first booking on duty till finally booking off.*

The Board cannot make a recommendation in regard to the claim as it stands, but recommends that tablet-porters shall not be booked off duty for any period of less than one hour on statutory holidays.

CLAIM 9 (A.S.R.S.): *That all casual quarrymen and ballast-pit employees be paid for wet weather, and be treated in all respects in the same way as surfacemen.*

The Board recommends that where these men travel to and from their work by ballast or other train, and no work is done on any day by reason of wet weather, such men shall be paid travelling-time (including waiting-time between the outgoing and returning trains) to and from their place of work on such day; and that where work has been commenced on any day, and is suspended on account of wet weather, the men, if ordered to stand by, shall be paid for the time they are standing by; but so that, in any case, they shall not be entitled to receive more than a day's wages for any day.

CLAIM 14 (A.S.R.S.): *That all overtime rates be computed on the schedule rate of pay.*

The Board recommends that all overtime rates be computed on the classified hourly, daily, or weekly rates of pay, as the case may be.

CLAIM 16 (A.S.R.S.): *That double time now granted for Sundays and departmental holidays be computed on the schedule rate of pay.*

The Board, while not making a recommendation in the precise terms of the claim, recommends that the rates for Sundays and departmental holidays be computed on the classified rates of pay.

CLAIM 23 (A.S.R.S.): *That where any member is booked off for less than eight hours at his home station between shifts, he be granted three hours' standing-time. (Regulation 115.)*

The Department's advocate intimated that no objection would be offered to adding to Regulation 115 (2) (b) (i) the words "Provided, however, that when a guard is booked off for less than eight hours between shifts he shall be granted two hours' standing-time." The Society's advocate stated that this would be satisfactory. The Board recommends accordingly.

CLAIM 25 (A.S.R.S.): *That standing-time at foreign stations as dealt with in Regulation 115 be defined.*

The Board recommends that Regulation 115 (2) (a) (ii) be deleted, and the following provision substituted therefor:—

"When such guard is booked off duty for rest, under such circumstances as to entitle him to payment of night allowance, he shall be paid three hours' standing-time, at his ordinary rate of pay, if the period for which he is booked off duty is less than eight hours; and if such guard is booked off duty during a shift he shall be paid standing-time at his ordinary rate of pay for the time booked off up to four hours; but in neither case shall such standing-time be taken into account for the purpose of computing overtime."

CLAIM 26 (A.S.R.S.): *That the working-hours of all shunters shall not exceed six per shift.*

The departmental advocate stated that the hours of shunters at busy stations were, as far as possible, restricted to eight daily. In view of the nature of the work performed by shunters, the Board is of the opinion that every effort should be made to equalize their daily hours at stations where the work is heavy and continuous, and recommends accordingly.

CLAIM 30 (A.S.R.S.): *That all time between 10 p.m. and 6 a.m. be counted as continuous, and no deduction made for meals.*

The Board has dealt with employees, other than shunters on night shift, under claim 29, and recommends that shunters on night shift between 10 p.m. and 6 a.m. be given time off during their shift for a meal: such time not to exceed half an hour, and if less than half an hour to be treated as continuous time worked.

CLAIM 31 (A.S.R.S.): *That the winter period for gangers and surfacemen be extended from 15th September to 15th October.*

The Board recommends that this claim be granted.

CLAIM 34 (A.S.R.S.): *That gangers and surfacemen in suburban areas be granted Saturday afternoon as their weekly half-holiday.*

The Board recommends that, instead of these employees being granted a day off every month, they be granted, if the majority of the gang so desire, alternate Saturday afternoons off. This can be so arranged as to ensure that half of each suburban gang will be on duty for the full day every Saturday, so that the line will not be left unwatched for an unduly long period.

CLAIM 37 (A.S.R.S.): *That the Division Barrier existing as between the First and Second Divisions of the Railway Service be removed.*

The Board recognizes that in a classified service, such as that of the Railway Department, specialization of duties commences from the beginning of a member's service, more especially as between the work of the First and Second Divisions. Hence it is apparent that any scheme for modifying the conditions on which members of the Second Division can be promoted to the First Division must of necessity apply only to junior members. We do not suggest that, so far as adult members are concerned, the general nature or standard of the examination should be altered in the direction of reducing its value as a test. We are, however, of the opinion that the matter of providing further facilities for promising members, more particularly junior members, of the Second Division to qualify for promotion to the First Division is worthy of consideration, and we recommend that it be referred to a special committee comprising representatives of the Department and the Amalgamated Society of Railway Servants. This Board has not had the material before it to enable it to make any concrete recommendation for the amendment of Regulation 49.

CLAIM 44 (A.S.R.S.): *That the matter of tarring and painting viaducts in the various districts, be considered.*

The Board recommends that the tarring of viaducts be paid for as dirty work. The Board also recommends that where, owing to high winds, employees engaged in painting viaducts are unable to perform their work without getting their clothing more than ordinarily dirty, they be considered for payment of dirt-allowance.

CLAIM 45 (A.S.R.S.): *That Regulation 67, subclause (b), be amended to include all gangers.*

The departmental advocate intimated that this claim was not objected to. The Board recommends accordingly.

CLAIM 46 (A.S.R.S.): *That where gangers and surfacemen are taken off their ordinary lengths to perform special work they be paid travelling-time each way.*

The departmental advocate intimated that this claim was not objected to. The Board recommends accordingly.

CLAIM 47 (A.S.R.S.): *That all gangers be brought within the provisions of Regulation 92.*

The departmental advocate intimated that this claim was not objected to. The Board recommends accordingly.

CLAIM 53 (A.S.R.S.): *That the latter portion of Regulation 41 be given effect to.*

The departmental advocate stated that the Department gave effect to the regulation. The Board is of the opinion that an employee should be notified at the earliest opportunity of any adverse report, so that he may have time to correct any fault. The Board therefore recommends that the regulation be construed with the utmost liberality.

CLAIM 58 (A.S.R.S.): *That the present restrictions governing privilege tickets as applied to members' children be removed.*

The departmental advocate intimated that the Department was willing to delete the second sentence of Regulation 154, but that this amendment should not affect Regulation 159. The Board recommends accordingly.

CLAIM 61 (A.S.R.S.): *That where any dispute arises between the Society and the Railway Department, whether out of the interpretation of any agreement or any other matter, such dispute shall be referred to an independent tribunal, consisting of equal representation from the Department and our Society, with a chairman to be mutually agreed upon, the decision of such Board to be final until a new agreement is made.*

This claim, as formulated, embodies the principle of a Whitley Council, with exceedingly wide powers. The report of the sub-committee of the Inter-departmental Committee on the application of the Whitley Report to Government Establishments, submitted to the Imperial Parliament in 1919, was to the effect that Whitley Councils in the Civil Service must of necessity be merely consultative and advisory. If given wider functions the Councils would usurp those of the Minister, whose control of the service must remain unimpaired, subject only to ultimate parliamentary control. The Board is accordingly of the opinion that the claim, in its present form, cannot be given effect to. We think, however, that section 9 of the Government Railways Amendment Act, 1921, provides machinery for the setting-up of a Board to inquire into matters on which the regulations are silent, or concerning which there is a difference of opinion regarding the interpretation of the regulations. With one dissentient (Mr. Mason), we recommend the setting-up of a Board from time to time to consider such matters as may be referred to it, and to report thereon to the Minister.

CLAIM 64 (A.S.R.S.): *That the practice of paying off casuals at one place and re-engaging them at another be discontinued.*

This claim is intended to cover the case of casual hands employed on ballast gangs and line gangs who are transferred from place to place without the continuity of their employment being broken. The Board recommends that in such cases these men be paid for travelling-time between station and station, provided the amount paid in respect of wages and travelling-time shall not exceed a day's wages for any one day. This recommendation does not imply that the Department is to be restricted in any way in its right to determine a casual employee's engagement, or that any allowance beyond payment of travelling-time is to be paid to any casual employee so transferred.

CLAIM 68 (A.S.R.S.): *That where any large number of men are employed a suitable dining-room be provided.*

It is understood that the Department is in sympathy with this claim, and is giving effect to it wherever possible. The Board recommends that funds be made available for continuing this work as circumstances permit, more particularly when new buildings are being erected or existing buildings altered.

CLAIM 6 (Department): *That the maximum proportion of apprentices to journeymen in Railway workshops be increased.*

This is a matter not covered by the regulations. It is unreasonable to fix a uniform proportion of apprentices to journeymen for all trades, and the proportion limited by the awards of the Court of Arbitration differs for the different trades. The Board recommends that instructions be given that the proportion of apprentices to journeymen in each trade shall be so regulated as to ensure a sufficient number of tradesmen being trained for the Department's requirements, without leaving an unabsorbed surplus, but that in no case shall the proportion exceed the maximum fixed by the current trade awards or the current general orders made under the Apprentices Act, 1923, by the Court of Arbitration for the different trades.

On the following matters the Board has no specific recommendation to make, though some of them are the subject of brief comment:—

CLAIM 2 (A.S.R.S.): *That all members of the Second Division of the Railway Service receive pay-dockets each pay-day, indicating how their wages have been computed, and details of deductions made.*

No recommendation.

CLAIM 4 (A.S.R.S.): *That leading hands in large yards be paid 6d. per day extra.*

No recommendation.

CLAIM 6 (A.S.R.S.): *That the wages of men classified in the schedules of the Classification Act as "other leading hands" be increased by 6d. per day.*

No recommendation.

CLAIM 18 (A.S.R.S.): *That time worked on departmental holidays be not used in computing the week's pay.*

No recommendation.

CLAIM 24 (A.S.R.S.): *That all Traffic members be allowed ten clear hours off duty before again being booked on.*

No recommendation.

CLAIM 28 (A.S.R.S.): *That, in view of tablet-porters' hours being forty-eight and fifty-six respectively, their time be counted as continuous without deduction for meals.*

No recommendation. This matter has been dealt with under claim 29.

CLAIM 33 (A.S.R.S.): *That the hours and conditions of the Railway refreshment-rooms staff be reviewed.*

No recommendation.

CLAIM 40 (A.S.R.S.): *That the definition of "member" in Regulation 1 be defined as "Any person who has been employed in the Railway service for a continuous period of three months or more."*

No recommendation.

CLAIM 48 (A.S.R.S.): *That Regulation 73 be applied to tablet-porters.*

No recommendation. The departmental advocate stated that the Department applied this regulation to tablet-porters. The real question is as to what is sufficient time for a meal. Tablet-porters are generally provided with houses in close proximity to their stations, and the question can be settled only by considering each case on its merits.

CLAIM 49 (A.S.R.S.): *That Regulation 71 be reviewed.*

No recommendation.

CLAIM 50 (A.S.R.S.): *That the Minister's veto in connection with the findings of the Railway Appeal Board be abolished.*

No recommendation.

CLAIM 51 (A.S.R.S.): *That any member who has been fined £2 or less, or has been punished in any other way, be permitted to have his case heard by the Railway Board of Appeal, provided that he deposits the sum of £10 as evidence of good faith, such sum to be forfeited if the appeal is dismissed.*

No recommendation.

CLAIM 52 (A.S.R.S.): *That all casuals have the same right of appeal as other members of the service.*

No recommendation.

CLAIM 54 (A.S.R.S.): *That the spirit and intention of Regulation 166 be given effect to.*

The Board is of the opinion that the provisions of Regulations 165 to 172 (inclusive) are sufficient to ensure justice being done to an employee charged with misconduct or a breach of the regulations. An employee should be given full and explicit particulars of any charge made against him, and if he denies the charge he should be given the right to an impartial inquiry conducted according to recognized judicial principles. This is provided for in the regulations referred to. If the regulations are interpreted in accordance with the principles of natural justice, they contain all that is necessary to ensure that an employee against whom a charge is made shall be given a fair trial before he is found guilty and punished.

CLAIM 55 (A.S.R.S.): *That the General Manager's right of selection be considered by the Board.*

No recommendation.

CLAIM 56 (A.S.R.S.): *That the chairmen of all departmental inquiries be members of the legal fraternity.*

No recommendation.

CLAIM 63 (A.S.R.S.): *That all members be granted the right of retiring from the service on superannuation after thirty-five years' service, or on their attaining the age of fifty-five years.*

No recommendation. The Act at present empowers the Minister, in a proper case, to allow a member to retire before completing the full period of service. To give an unconditional right of earlier retirement, as set out in this claim, would place an undue burden on the Superannuation Fund, and would affect the whole Public Service.

CLAIM 65 (A.S.R.S.): *That the departmental method of dispensing with casuals of long service be considered.*

The departmental advocate [stated that a long-service casual was not dispensed with on attaining the age of sixty-five years if his report showed that his health and conduct were good and his work satisfactory. The Board agrees that this practice is reasonable, and has no further recommendation to make. It is understood, of course, that the Department is not restricted in any way in dispensing with casual employees for whom no further work can conveniently be found.

CLAIM 70 (A.S.R.S.): *That, as the wages of Railway employees depend largely upon the profits earned by the Railway Department, the members of the Second Division be given some representation in the management thereof.*

No recommendation.

CLAIM 71 (A.S.R.S.): *That all tradesmen be eligible for the same avenues of promotion.*

No recommendation.

CLAIM 72 (A.S.R.S.): *That the duties of night-watchmen throughout the Railway service be defined.*

No recommendation. It is impossible to define, in general terms, a night-watchman's duties, which differ according to the class of premises on which he is employed. The Board can only say that the substantial nature of his duties should be considered when a question arises as to whether he is to be classified as a labourer or a night-watchman.

CLAIM 5 (Department): *That the words " and horse-drivers " be deleted from Regulation 91.*

No recommendation.

The following claims were withdrawn by the Society's advocate :—

CLAIM 19 (A.S.R.S.): *That where any guard or assistant guard is away from his home station on duty on any day or days he shall not be booked off duty, with a consequent loss of pay, but work should be provided for him.*

CLAIM 22 (A.S.R.S.): *That special Sunday duty under the regulations be defined.*

CLAIM 27 (A.S.R.S.): *That all shunters be booked on in sufficient time to enable them to get a grip of the work before commencing duties.*

CLAIM 32 (A.S.R.S.): *That all gangers and acting-gangers be allowed two hours per week in addition to their ordinary time for making up time-sheets and answering correspondence.*

CLAIM 43 (A.S.R.S.): *That all hut allowances be increased to 3s. per night.*

CLAIM 57 (A.S.R.S.): *That the qualifications for annual leave and free pass for those casuals who are intermittently employed be based on an average of twenty-four hours per week per year.*

CLAIM 59 (A.S.R.S.): *That the restriction governing passes as applied to a member's family as a result of leave being overdue be removed.*

CLAIM 60 (A.S.R.S.): *That Regulation 141 be reviewed and amended in the direction of preventing sick and other leave interfering with a member's retiring-leave.*

No claims numbered 66 and 67 were presented to the Board by the Society.

The foregoing covers all the matters on which the members of the Board, while not necessarily unanimous on every item, were able to report as a whole, without recording individual expressions of dissent or comment. Mr. Mason, however, expressly dissociates himself from the recommendation of the Board in regard to the Society's claim 61.

The members of the Board were unable to agree on a recommendation in respect of the remaining matters, and the views of the different members are appended hereto.

We have, &c.,

F. V. FRAZER.	JAS. MASON.
WM. SCOTT.	M. J. MACK.
HIRAM HUNTER.	

The Hon. the Minister of Railways, Wellington.

REPORT II.

SIR,—

Wellington, 23rd August, 1924.

In pursuance of the notice of appointment and order of reference dated the 13th day of June, 1924, whereby we, with Messrs. H. Hunter and M. J. Mack, were appointed and authorized to inquire into and report to you whether in our opinion any, and, if so, what, alterations should be made in the rates of pay and/or the conditions of work in operation in respect of members of the Second Division of the staff of the Government Railways Department (other than employees of the Locomotive Running

Branch), having due regard to the public interest and the maintenance of the Government Railways as a business concern paying a reasonable interest on the capital cost thereof, we, the undersigned, have the honour to report as follows :—

CLAIM 1 (A.S.R.S.): *That the forty-four-hour week hitherto existing in the Railway service be reinstated without any reduction in the present weekly rates of pay.*

CLAIM 1 (Department): *Regulation 107: The words "and employees in the Traffic Branch (other than night-watchmen)" to be deleted. This means the abolition of "night rate" to this extent.*

WORKSHOPS AND WORKS STAFFS.—With one dissentient (Mr. Mason) we recommend that Locomotive, Signalling, and Maintenance workshops employees and works men be given the choice of two alternatives :—

- (a.) A forty-four-hour week, with overtime at rate and a half for all time worked in excess of eight hours on each of the first five days of the week and four hours on Saturday. The hourly rates of wages to remain as at present, and a guarantee to be given of forty-four hours' pay weekly.
- (b.) A forty-eight-hour week, with overtime at rate and a half for all time worked in excess of eight hours and threequarters on each of the first five days of the week and four hours and a quarter on Saturday. The hourly rates of wages to remain as at present, and a guarantee to be given of forty-eight hours' pay weekly.

We recommend that a secret ballot of the men concerned (excluding apprentices and juniors) be taken at as early a date as possible. It is recommended that the ballot be taken under the supervision of the Department of Labour.

In these two alternatives we recommend a substantial increase in the overtime rates, and recommend the taking of a ballot, for the following reasons :—

- (a.) The claim as formulated asks for a forty-four-hour week, with forty-eight hours' pay. As the majority of the Board cannot recommend an increase in the rates of pay, which is necessarily involved in the claim, it is thought that the men concerned ought to be given an opportunity of saying whether they are still in favour of a forty-four-hours week.
- (b.) A forty-four-hour week is generally established in New Zealand for tradesmen and their assistants, and, though we recognize that Railway conditions differ widely from those obtaining outside the service, we do not desire, in the circumstances, to depart from the principle, unless the men agree.

MAINTENANCE (PERMANENT-WAY).—We recommend that line and relaying gangs work forty-eight hours per week at the present rates of wages. Overtime at rate and a half to be paid for all time worked in excess of eight hours on any day, except where, in accordance with the present practice, longer hours are worked during the earlier part of the week in order to finish the week's work sooner. Members of line gangs to commence and cease work at the appointed time, and to be paid for travelling-time, at the ordinary schedule rate, for the distances for which they now receive a time allowance, and to be given one day off per month.

TRAFFIC AND STORES STAFFS.—We recommend as follows :—

- (a.) Traffic staff—excluding employees covered by paragraphs (b) and (c)—and Stores staff to work forty-eight hours per week, with overtime rates for all time worked in excess of forty-eight hours in any week or ten hours on any day. Overtime to be paid for at rate and a half, and any time paid for as overtime over the day not to be taken into account in computing overtime over the week. No night rates to be payable.
- (b.) Tablet porters to work forty-eight and fifty-six hours as at present, with overtime payment at rate and a half for all time worked in excess of these hours. No night rates to be payable.
- (c.) Crossing-keepers, bridge-keepers, night-watchmen, female waiting-room attendants, and messengers to work same hours as at present, with overtime payment at rate and a half for all time worked in excess of these hours. No night rates to be payable.

CLAIM 3 (A.S.R.S.): *That all way and works men be paid travelling-time going to and returning from their work at week-ends.*

We cannot make a recommendation in the terms of the claim, but recommend that the following proviso be added to clause 21 of the recommendation dated the 23rd June, 1920, of a former Board of Inquiry: "Provided also that, subject to the above restrictions, such employees shall, wherever possible, be allowed to leave the work on Friday evenings, if the week's work has been completed, in order to visit their homes for the week-end."

It is understood that the Department will instruct its respective foremen and leading hands to exercise a reasonable discretion in fixing the hours of work, so as to enable employees to obtain the full benefit of this provision.

CLAIM 8 (A.S.R.S.): *That gangers and surfacemen in the Maintenance Department be paid from trolley-stand to trolley-stand.*

We recommend that all the employees in each gang be required to start work at the same time at the place where work is to be commenced for the day, and that they all cease work at the same time, the starting and ceasing times being those fixed for the ordinary day's work; and that, in lieu

of a time allowance being granted, a travelling-allowance at the ordinary schedule rate be paid for the distances for which these employees now receive a time allowance: travelling-time not to count for overtime. This is in accordance with an offer made by the departmental advocate.

CLAIM 10 (A.S.R.S.): *That shunting-gangs in large yards be composed of not less than three classified shunters.*

We have no recommendation to make.

CLAIM 11 (A.S.R.S.): *That where there are three men or less continuously employed in shunting operations, they be classified as shunters, and paid accordingly. (Regulation 91.)*

We have no recommendation to make.

CLAIM 12 (A.S.R.S.): *That Regulation 107 be amended to provide for payment of time and one-half for all time worked between 6 p.m. and 6 a.m., such penal rate not to be taken into consideration when computing the guaranteed week's pay.*

We have no recommendation to make. This matter is dealt with under the heading of claim 1, which has been treated comprehensively, so as to embrace hours, night rates, and overtime.

CLAIM 13 (A.S.R.S.): *That Regulation 113 be amended to provide for payment of time and one-half for all time worked in excess of eight hours, between 6 a.m. and 6 p.m., such penal rate not to be taken into consideration when computing the guaranteed week's pay.*

We have no recommendation to make. This matter is dealt with under the heading of claim 1, which has been treated comprehensively, so as to embrace hours, night rates, and overtime.

CLAIM 15 (A.S.R.S.): *That tablet-porters be paid for overtime on the same basis as all other members of the Second Division of the Railway Service.*

We have no recommendation to make. This matter is dealt with under the heading of claim 1, which has been treated comprehensively, so as to embrace hours, night rates, and overtime.

CLAIM 17 (A.S.R.S.): *Regulation 114: That where a member is finishing or commencing a shift on Sunday, such member be paid a minimum of four hours at Sunday rates for any time worked less than four hours. Sunday time in all cases to stand by itself, and not to be taken into consideration when computing the guaranteed week's pay.*

We have no recommendation to make.

CLAIM 20 (A.S.R.S.): *That booking men off at their home station be abolished.*

The departmental advocate intimated that a minimum of two hours (including a meal-hour) was considered a reasonable minimum. We recommend accordingly.

CLAIM 21 (A.S.R.S.): *That any member called on duty on any one day shall be paid for a minimum of not less than four hours' work.*

We are unable to make a recommendation in terms of the claim, for, with a guaranteed week's pay it is sometimes impossible to avoid booking a man on for a short period in order to make up the required time. We recommend, however, that the duty schedules shall, as far as practicable, be so arranged as to avoid unduly short periods of booking on.

CLAIM 29 (A.S.R.S.): *That meal-hours be definitely fixed as follows: Breakfast, 7 to 8 a.m.; lunch, 12 to 1 p.m.; tea, 5 to 6 p.m.; with only one booking-off in any one shift. The minimum meal-time to be thirty minutes and the maximum one hour.*

We recommend that employees the greater portion of whose hours of duty is between 7 a.m. and 7 p.m. shall not be booked off for more than two meal intervals during their shifts, and, except where the exigencies of the service render it impracticable, the second of such intervals shall commence not less than three hours or more than five hours after the commencement of the first. Employees the greater portion of whose hours of duty is between 7 p.m. and 7 a.m. shall not be booked off for more than one meal interval during their respective shifts, such interval to be as nearly as practicable in the middle of the shift. A meal interval shall be not less than half an hour or more than one hour, and if it is impracticable to give an employee a full half-hour for a meal, his time shall be booked as continuous. Shunters on night shift to be dealt with under claim 30.

CLAIM 35 (A.S.R.S.): *That crossing-keepers' and bridge-keepers' hours and conditions be placed upon the same basis as tablet-porters', and paragraph 2 of Regulation 105 be amended accordingly.*

We have no recommendation to make.

CLAIM 36 (A.S.R.S.): *That special runs be abolished.*

We have no recommendation to make.

CLAIM 38 (A.S.R.S.): *That sawmill, house-factory, refreshment-room, and Lake Wakatipu staffs be placed on the D.-3 list.*

We have no recommendation to make. The regular employees on the Lake Wakatipu staff are already on the D.-3 list.

CLAIM 39 (A.S.R.S.): *That the classification of "grinder" be inserted in the schedules of the Classification Act.*

We have no recommendation to make. A man working a grinding-machine should be classified according to the class of work he is performing.

CLAIM 41 (A.S.R.S.): *That the status of casual hands be considered with a view to having them placed on the permanent staff after five years' service.*

We are unable to make a recommendation in terms of this claim. The departmental advocate stated that, in practice, casual tradesmen in the workshops, if eligible, are appointed to the permanent staff after three years' casual service.

CLAIM 42 (A.S.R.S.): *That temporary transfers be abolished, with a view to paying single men night allowance for six weeks, as provided for by Regulation 67.*

We have no recommendation to make. This case is provided for under Regulation 69.

CLAIM 62 (A.S.R.S.): *That all employees who are eligible to be appointed to the permanent staff be permitted to pay superannuation contributions into a Suspense Account, such money to be transferred to the Superannuation Fund upon their being appointed to the permanent staff.*

We have no recommendation to make. The same object can be attained by a casual employee paying the amount of his contributions into the Post Office Savings-bank, or by paying a similar amount to the Society when paying his subscriptions to the Society. In the event of his being appointed to the permanent staff he will then have a fund available for purchasing his past service, and will receive interest in the meantime.

CLAIM 69 (A.S.R.S.): *That where a departmental doctor certifies that any member is incapacitated through sickness or accident, full pay be allowed for all time off duty as a result of such sickness or accident.*

We have no recommendation to make.

CLAIM 73 (A.S.R.S.): *That machinists be classified and paid at the same rate as tradesmen.*

We have no recommendation to make. A special-grade machinist is classified at the same rate of pay as a minimum-grade tradesman, though he is not a tradesman. The work done by different machinists covers all the gradations from unskilled work to highly expert work, though its range is necessarily limited to what can be done on machines. The Department's classification provides for a grading of machinists, but the grading can be carried out only by persons having an intimate knowledge of the work done by the individual machinists.

CLAIM 2 (Department): *Regulation 110: First sentence to be deleted. Subject to this amendment, Regulations 110 and 111 to stand, but time paid for at extra rate thereunder is not to be taken into account for the purpose of calculating overtime on the week.*

We recommend that the following words be prefaced to the first sentence of Regulation 110: "Where payment of an extra rate is specially authorized on account of the nature of the work"; and that the following words be added at the end of the same sentence: "but otherwise ordinary rates shall be paid for such time." We do not recommend that the claim be granted as formulated, because it is recognized that some regular night-work (e.g., work in the Lyttelton Tunnel) should carry a special rate, and has carried that rate for many years. The deletion of the first sentence of the regulation would take away the authority at present given for such payments, but the addition of the words suggested by us would enable the management to authorize payment at the special rate in cases in which it was considered to be justified.

CLAIM 3 (Department): *Regulation 114: Time worked as part of ordinary week's work when shift runs into Sunday (whether at the beginning or end of the shift) not to count as Sunday time, but to count as part of the week's work.*

We make no recommendation in regard to this claim as formulated, but we recommend that time worked on Sunday as part of the ordinary week's work, when commencing or finishing a shift, be paid for at rate and a half instead of at double rates; time worked on Sunday by employees specially booked on duty on that day to be paid for at double rates, as at present.

CLAIM 4 (Department): *Regulation 125: Days mentioned in this regulation for which double rate is paid not to be added to annual leave. Day not to be added to annual leave if member is given one whole shift off duty, such shift being one finishing or beginning on a day mentioned in the regulations.*

We recommend that any employee required to be on duty on any of the holidays referred to be given the option of (a) being paid at ordinary rates for the time he is actually on duty on such holiday and having a day added to his annual leave, or (b) being paid a minimum of six hours' pay at double rates, in which case a day shall not be added to his annual leave.

We desire to add the following comments in regard to the matters covered by the foregoing recommendations:—

HOURS AND OVERTIME.—We are of the opinion that a forty-eight-hours week is necessary to ensure efficiency in the branches of the Railway service coming within the scope of our inquiry, with the

possible exception of the workshops and works staffs. Mr. Mason is of the opinion that even this exception should not be made, and accordingly does not subscribe to it. The Court of Arbitration for several years past has prescribed a forty-four-hours week for workers in trades in which the work is of a continuously strenuous nature, more particularly the skilled trades, and a forty-eight-hours week for other workers. Outside of the workshops and works staffs the Railway employees with whose conditions of work we are concerned come within the latter category.

We are further of the opinion that payment of overtime rates in respect of all time on duty in excess of eight hours in any day is unwarranted. In industries where the work is continuous over the twenty-four hours of the day, and where the nature of the business necessitates the shifts being of unequal duration, it is customary to fix a limit (usually ten hours) to the daily number of hours that may be worked, or to fix a span of hours (from eleven to fifteen) within which the daily number of hours must be worked, or to fix both a limit and a span. Overtime rates are payable only in respect of time worked in excess of the number of hours so fixed as the daily limit, or outside of the span of hours during which the day's work is to be performed. In the case of the Traffic and Stores staffs, it is unnecessary to fix a daily span of hours, for the existing regulations are sufficient for the purpose; and it appears to us that the fixing of a daily limit of ten hours is reasonable in view of the conditions of Railway work. The provision of a forty-eight-hours week, with overtime rates for all time worked in excess of ten hours in any day or of forty-eight hours in any week, safeguards the employee against being required to work without overtime-payment longer than an average of eight hours daily, and tends to restrict the maximum daily hours of work to a number approximating to that average. It may be mentioned, in passing, that in many industries there is no daily limit of hours, the provision of a weekly limit of forty-eight hours meeting all requirements. An exact eight-hours day is unworkable in a transport service such as the Railway service, and necessarily involves a largely increased wages-bill disguised as overtime. It may be taken as axiomatic that a fair and reasonable daily or weekly number of hours of work, ascertained by reference to the nature and conditions of the particular employment and by comparison with available standards, should be paid for at ordinary rates of wages, and time worked in excess of that number of hours should be paid for at overtime rates. The nature and conditions of the employment in the case with which we are dealing render it fair and reasonable that the day's work should average eight hours, and unreasonable and impracticable that it should be exactly eight hours. Hence overtime rates should be paid only in respect of time worked in excess of forty-eight hours weekly, which is equivalent to an average of eight hours on six days of the week. In order that the extreme daily number of hours should not unduly exceed the average, the provision of overtime rates after a maximum of ten hours has been worked on any day has been recommended for the Traffic and Stores staffs generally, with certain exceptions that have been specially referred to.

We have recommended the discontinuance of the payment of a special night rate. It is not customary to pay overtime rates to workers outside the Railway service for shift-work that has necessarily to be performed all round the clock. The wage fixed for these workers covers an allowance for the necessary conditions of their employment. We have, however, recommended an increase of the general overtime rate from rate and a quarter on 44/48ths of the schedule rates of pay to rate and a half on the full schedule rates of pay. This is in accordance with the usual practice prevailing outside the Railway service, and is a compensation to the men for the withdrawal of the night rate.

WAGES AND CONDITIONS GENERALLY.—We have had an opportunity of comparing the wages and conditions of the New Zealand Railways employees with those of the employees of the Australian Railways system, and are satisfied that the comparison is all in favour of New Zealand. A comparison of New Zealand Railways wages and conditions with those obtaining in industries in New Zealand in which similar classes of workers are employed is also in favour of the New Zealand Railways employee. No body of hourly or daily workers outside the Railway service possesses such advantages as payment for public holidays on which no work is done, annual leave on full pay, free passes, privilege tickets, free carriage of provisions to isolated stations, a liberal superannuation scheme, and, above all, continuity of employment and a guaranteed week's pay each week. All these advantages are enjoyed by the Railway workers, many of whom also have the benefit of cheap housing, while few workers outside the service have even one of these advantages. These all have a definite money value. Further, the actual money wages paid to Railway employees have been brought into conformity with the increased cost of living. The present minimum rate of 1s. 9³/₄d. per hour represents an increase of 61·2 per cent. over the minimum rate payable in 1914, and the value of improved conditions and other concessions granted since 1914 places the Railway worker on a better standard than in pre-war years. The weekly wage rates show a similar increase, for the present weekly hours are in no case longer than those worked in 1914. It was contended that the rates fixed by the Court of Arbitration were minimum rates, and that workers often received substantially higher rates, whereas the classified rates of Railway employees were standard rates. This is true, but an examination of the classified rates discloses that they are higher than the corresponding minimum rates of the Court of Arbitration, and are probably as high as, if not higher than, the general level of wages prevailing in industries governed by awards of the Court. The present building boom and the scarcity of tradesmen have raised carpenters' wages for the time being, at all events in the cities and some of the larger towns, to an unusually high level, but in the iron and leather trades there is much unemployment, shortened hours are being worked, and wages tend markedly towards the award minima. The classified rates of the Railway Department, however, are framed without regard to boom or slump conditions prevailing outside the service, and afford a fair reward for the work performed. For these reasons and having regard to improved conditions granted since 1914, we have found ourselves unable to

recommend the granting of an increase in the hourly rates of wages, which is necessarily involved in claim 1 of the Society.

Mr. Mason expressly dissociates himself from the recommendation of the majority of the Board in regard to the taking of a ballot of the workshops and works staffs on the question of the weekly hours, and a separate memorandum is annexed in which he expresses his views on this matter, and also in regard to the recommendation of the Board under claim 61 (A.S.R.S.).

We have, &c.,
F. V. FRAZER.
WM. SCOTT.
JAS. MASON.

The Hon. the Minister of Railways, Wellington.

REPORT III.

SIR,—

Wellington, 23rd August, 1924.

In conformity with the order of reference dated 13th June, 1924, wherein we were appointed and authorized to inquire into and report to you whether in our opinion any, and, if so, what, alterations should be made in the rates of pay and/or the conditions of work in operation in respect of members of the Second Division of the Railway Service, other than those in the Locomotive Running Branch, and having due regard to the public interest and the maintenance of the Government Railways as a business concern paying reasonable interest on the capital cost thereof, we, the undersigned, have the honour to report as follows:—

Claims 19, 22, 27, 32, 43, 57, 59, and 60 were withdrawn by the advocate for the Society.

Upon claims 2, 4, 6, 18, 24, 28, 33, 40, 48, 49, 50, 51, 52, 54, 55, 56, 63, 65, 70, 71, 72, and departmental claim No. 5, no recommendations are made.

Upon claims 5, 7, 9, 14, 16, 23, 25, 26, 30, 31, 34, 37, 44, 45, 46, 47, 53, 58, 61, 64, 68, and departmental claim No. 6, recommendations have been made.

The Society did not present any claims numbered 66 and 67.

In so far as the claims enumerated above are concerned, whilst we do not necessarily agree upon the conclusions arrived at on every claim, we are able to concur without recording our individual expressions of dissent or comment. We are, however, unable to agree with the findings of a majority of the Board regarding claims 1, 3, 8, 10, 11, 12, 13, 15, 17, 20, 21, 29, 35, 36, 38, 39, 41, 42, 62, 69, 73, and departmental claims 1, 2, 3, and 4.

The statements of claim and reasons for dissent are set forth as under:—

SOCIETY'S CLAIM NO. 1: *That the forty-four-hour week hitherto existing in the Railway service be reinstated without any reduction in the present weekly rates of pay.*

DEPARTMENTAL CLAIM NO. 1: *Regulation No. 107: The words "and employees in the Traffic Branch (other than night-watchmen)" to be deleted. This means the abolition of "night rate" to this extent.*

A majority of the Board recommends as follows:—

"WORKSHOPS AND WORKS STAFFS.—With one dissentient (Mr. Mason) we recommend that Locomotive, Signalling, and Maintenance workshops employees and works men be given the choice of two alternatives:—

"(a.) A forty-four hour week, with overtime at rate and a half for all time worked in excess of eight hours on each of the first five days of the week and four hours on Saturday. The hourly rates of wages to remain as at present, and a guarantee to be given of forty-four hours' pay weekly.

"(b.) A forty-eight hour week, with overtime at rate and a half for all time worked in excess of eight hours and three-quarters on each of the first five days of the week and four hours and a quarter on Saturday. The hourly rates of wages to remain as at present, and a guarantee to be given of forty-eight hours' pay weekly.

"We recommend that a secret ballot of the men concerned (excluding apprentices and juniors) be taken at as early a date as possible. It is recommended that the ballot be taken under the supervision of the Department of Labour.

"In these two alternatives we recommend a substantial increase in the overtime rates, and recommend the taking of a ballot for the following reasons:—

"(a.) The claim as formulated asks for a forty-four hour week with forty-eight hours' pay. As the majority of the Board cannot recommend an increase in the rates of pay which is necessarily involved in the claim, it is thought that the men concerned ought to be given an opportunity of saying whether they are still in favour of a forty-four-hours week.

"(b.) A forty-four-hours week is generally established in New Zealand for tradesmen and their assistants, and, though we recognize that Railway conditions differ widely from those obtaining outside the service, we do not desire in the circumstances to depart from the principle unless the men agree."

We concur with this recommendation so far as it goes, but are of opinion that in addition to the foregoing these men are entitled to an increase in wages of 62 per cent., as shown by the Government Statistician's figures, or 7s. 3d. per week, over the basic rate in the Railway service in 1914.

MAINTENANCE DEPARTMENT.—A majority of the Board recommends as follows :—

“That line and relaying gangs work forty-eight hours per week at the present rates of wages. Overtime at rate-and-a-half rates to be paid for all time worked in excess of eight hours on any day except where, in accordance with the present practice, longer hours are worked during the earlier part of the week in order to finish the week's work sooner. Members of line gangs to commence and cease work at the appointed time, and to be paid for travelling-time at the ordinary schedule rate for the distances for which they now receive a time allowance, and to be given one day off per month.”

We also concur in this recommendation so far as it goes, but we can see no reason why these men should not be allowed to decide by ballot in exactly the same way as recommended for the workshops men as to whether they desire to return to the forty-four-hour week or otherwise.

In this case also we are of the opinion that these men are entitled to an increase of 62 per cent. as shown by the Government Statistician's figures, or 7s. 3d. per week, over the basic rate in the Railway service in 1914.

TRAFFIC DEPARTMENT.—A majority of the Board recommends as follows :—

“(a.) Traffic staff—excluding employees covered by paragraphs (b) and (c)—and Stores staff to work forty-eight hours per week with overtime rates for all time worked in excess of forty-eight hours in any week or ten hours on any day. Overtime to be paid for at rate and a half, and any time paid for as overtime over the day not to be taken into account in computing overtime over the week. No night rates to be payable.

“(b.) Tablet-porters to work forty-eight and fifty-six hours as at present, with overtime payment at rate and a half for all time worked in excess of these hours. No night rates to be payable.

“(c.) Crossing-keepers, bridge-keepers, night-watchmen, female waiting-room attendants, and messengers to work same hours as at present, with overtime payment at rate and a half for all time worked in excess of these hours. No night rates to be payable.”

In this case we have to enter the strongest possible protest against the decision of a majority of the Board. These men, in common with other employees in the Railway service, had their hours extended from forty-four to forty-eight per week with the addition of four hours' pay at the flat rate. In addition to this the overtime rate after eight hours between 6 a.m. and 10 p.m. was withdrawn. A majority of the Board has now recommended that the night rate at present existing shall be withdrawn, and overtime at the rate of rate and a half on the schedule rate paid after ten hours' work. This strikes at the very root and principle of the eight-hour day. It may be urged that in a transport industry an eight-hour day is impracticable. We agree that to some extent this is true: that is to say, it is impossible to fix the duties in every case at exactly eight hours per day; but, on the other hand, the Department has the right to work a member as few or as many hours as it thinks fit on any one day, and as the exigencies of the service may require, and we are of the opinion that under these circumstances any time in excess of eight hours between the hours of 6 a.m. and 10 p.m. should be paid for at overtime rates. This is now the practice in the Locomotive Running Branch, was the practice in the Traffic Running Branch before the dispute, and we can see no reasonable grounds for any alteration or any differential treatment of men doing the same work in the same service.

As regards the night rate of rate and a quarter between 10 p.m. and 6 a.m., we are of the opinion that this should remain as at present and be based upon the schedule hourly rate of pay.

In so far as the hours are concerned, we consider that these men should be given the right, by ballot, under the same conditions as recommended for the workshops, to decide as to whether they desire to return to the forty-four-hour week or not.

We are also of the opinion that these men are entitled to a 62-per-cent. increase in wages, or 7s. 3d. per week, over the basic rate in the Railway service in 1914.

Prior to the strike the man on the basic wage (£3 19s. 10d. per week, less superannuation) was finding it particularly difficult to obtain a fair standard of living, and if the recommendations of a majority of the Board are given effect to it will be imposing a further burden upon these men which they are quite unable to bear. We maintain that every worker, whatever his station in life, should receive in wages enough to enable him to lead a full human life, to marry and bring up a family, and keep them and himself in comfort. To pay him less than this is clearly an injustice. He is burdened by the law with the responsibility of maintaining his wife and family, and he may be punished with fine or imprisonment unless he discharges this responsibility; but before the State demands the discharge of these duties it should secure to those in its employ the means of performing them.

Summarized, we recommend a return to the conditions existing prior to the strike, with the exception that the penal rate of one-quarter be paid on the schedule hourly rate, plus an increase in wages of 7s. 3d. per week as set out above.

SOCIETY'S CLAIM NO. 3: *That all way and works men be paid travelling-time going to and returning from their work at week-ends.*

A majority of the Board recommends “that the following proviso be added to clause 21 of the recommendations dated the 23rd June, 1920, of a former Board of Inquiry: ‘Provided also that, subject to the above restrictions, such employees shall, wherever possible, be allowed to leave the work on Friday evenings, if the week's work has been completed, in order to visit their homes for the week-end.’”

It is understood that the Department will instruct its respective foremen and leading hands to exercise a reasonable discretion in fixing the hours of work so as to enable employees to obtain the full benefit of this provision."

This recommendation of the majority of the Board is of little practical value. The men concerned are employed away from their headquarters continuously, and only reach their homes fortnightly, and sometimes once a month, the time going to and from their work being lost to them unless it is possible for them to work such time up in order to enable them to go home. These men have no home life whatever, and are, in our opinion, entitled to some further consideration. We therefore recommend that they be paid travelling-time one way—that is to say, that the time lost going to and from their work shall be borne equally by the men and the Department.

SOCIETY'S CLAIM NO. 8: *That gangers and surfacemen in the Maintenance department be paid from trolly-stand to trolly-stand.*

This claim is covered in our remarks on claim 1.

SOCIETY'S CLAIM NO. 10: *That shunting-gangs in large yards be composed of not less than three classified shunters.*

A majority of the Board in this case decided that it had no recommendation to make.

We are of the opinion that this claim should be conceded. Men engaged in the operation of shunting, particularly in large yards, run the greatest possible risk, and almost weekly our daily papers record the death by accident of some member of the Railway service whilst engaged in shunting operations. In large yards gangs consist of three or more men, and we are unable to discriminate between them so far as risk is concerned, and for that reason we are of the opinion that these men should be classified and paid as shunters.

SOCIETY'S CLAIM NO. 11: *That where there are three men or less continuously employed in shunting operations they be classified as shunters and paid accordingly.*

A majority of the Board in this case has no recommendation to make.

Our remarks with reference to claim No. 10 apply here also.

SOCIETY'S CLAIM NO. 12: *That Regulation 107 be amended to provide for payment of rate and one-half for all time worked between 6 p.m. and 6 a.m., such penal rate not to be taken into consideration when computing the guaranteed week's pay.*

A majority of the Board has no recommendation to make.

This matter is dealt with under heading of Claim 1, which has been treated comprehensively so as to embrace hours, night rates, and overtime. We, however, are not prepared to recommend the claim as it stands, but are of the opinion that these men should be paid rate and a quarter on the schedule rates of pay between the hours of 10 p.m. and 6 a.m., and that the penal rate of one-quarter should not be taken into consideration in computing the guaranteed week's pay.

SOCIETY'S CLAIM NO. 13: *That Regulation 113 be amended to provide for payment of time and one-half for all time worked in excess of eight hours between 6 a.m. and 6 p.m., such penal rate not to be taken into consideration when computing the guaranteed week's pay.*

A majority of the Board has no recommendation to make.

Whilst we are not prepared to recommend the claim as it stands, we are of the opinion that the claim should be granted with the following exception—that the words "time and a half" be altered to read "time and a quarter."

SOCIETY'S CLAIM NO. 15: *That tablet-porters be paid for overtime on the same basis as all other members of the Second Division of the Railway Service.*

A majority of the Board has no recommendation to make.

We, however, are of the opinion that there should be no distinction as between tablet-porters and any other branch of the Railway service. The position at the present time in regard to these men is that they work forty-eight and fifty-six hours per week respectively. Any time in excess of these hours is given off duty when it is convenient for the Department to do so. This is done by sending a man to relieve the member concerned, and in many instances involves the payment of night allowance to the relieving officer. In our opinion it would be a saving to the Department to pay the man who has actually earned the overtime instead of sending a man to relieve him.

SOCIETY'S CLAIM NO. 17: *Regulation 114: That where a member is finishing or commencing a shift on Sunday such member be paid a minimum of four hours at Sunday rates for any time worked less than four hours. Sunday time in all cases to stand by itself, and not to be taken into consideration when computing the guaranteed week's pay.*

A majority of the Board has no recommendation to make.

Whilst we cannot recommend the claim as it stands, we are of the opinion that a minimum of four hours at Sunday rates should be paid for any shift commencing on Sunday, and that all time between 12 o'clock on Saturday night and 12 o'clock on Sunday night should stand by itself, and not be taken into consideration when computing the guaranteed week's pay. This we consider to be fair, because the time running into Sunday on the completion of a shift cannot be avoided, whereas, on the other hand, the commencing of a shift can.

SOCIETY'S CLAIM NO. 20 : *That booking men off at their home station be abolished.*

The Department's advocate intimated that a minimum of two hours, including a meal-hour, was considered a reasonable minimum, and a majority of the Board recommends accordingly.

We are of the opinion that after a man has been booked on duty it is wrong to book him off for any period during the day other than for meals. To do so is to extend the number of hours between his commencing and ceasing work. We therefore consider that men should only be booked off at their home station a minimum of half an hour and a maximum of one hour for meals.

SOCIETY'S CLAIM NO. 21 : *That any member called on duty on any one day shall be paid for a minimum of not less than four hours' work.*

A majority of the Board reports that it is unable to make a recommendation in terms of the claim, for with a guaranteed week's pay it is sometimes impossible to avoid booking a man on for a short period in order to make up the required time. It, however, recommends that the duty schedules should, as far as possible, be so arranged as to avoid unduly short periods of booking on.

Whilst we to some extent agree with this recommendation, we are of the opinion that in a large service such as the Railways it should not be difficult to find four hours' work for a man when booked on duty. It frequently happens that men are booked on for unduly short periods, which in our opinion can be avoided. We therefore recommend that this claim be given effect to.

SOCIETY'S CLAIM NO. 29 : *That meal-hours be definitely fixed as follows : Breakfast, 7 to 8 a.m. ; lunch, 12 to 1 p.m. ; tea, 5 to 6 p.m. ; with only one booking-off in any one shift. The minimum meal-time to be thirty minutes and the maximum one hour.*

A majority of the Board recommends "that employees the greater portion of whose hours of duty is between 7 a.m. and 7 p.m. shall not be booked off for more than two meal intervals during their shifts, and, except where the exigencies of the service render it impracticable, the second of such intervals shall commence not less than three hours or more than five hours after the commencement of the first. Employees the greater portion of whose hours of duty is between 7 p.m. and 7 a.m. shall not be booked off for more than one meal interval during their respective shifts, such interval to be as nearly as practicable in the middle of the shift. A meal interval shall be not less than half an hour or more than one hour, and if it is impracticable to give an employee a full half-hour for a meal his time shall be booked as continuous. Shunters on night shift to be dealt with under claim 30."

We cannot agree with this recommendation, because the meal-hours as suggested can be manipulated for the purposes of extending the hours of duty. We therefore recommend as follows : Employees shall not be booked off for more than one meal interval during a shift, such interval to be as nearly as practicable in the middle of the shift. A meal interval shall be not less than half an hour or more than one hour. If it is impracticable to give an employee a full half-hour for a meal his time shall be booked as continuous.

SOCIETY'S CLAIM NO. 35 : *That crossing-keepers' and bridge-keepers' hours and conditions be placed upon the same basis as tablet-porters, and paragraph 2 of Regulation 105 be amended accordingly.*

A majority of the Board has no recommendation to make.

Regulation 105, referred to in this claim, reads as follows : "The ordinary hours of duty of crossing-keepers and bridge-keepers at places where the work is in the opinion of the Permanent Head intermittent shall be sixty hours per week."

The hours of tablet-porters are forty-eight where the work is continuous and fifty-six where intermittent. The hours of crossing-keepers and bridge-keepers where the work is continuous are forty-eight, and where the work is intermittent sixty. The claim therefore asks that the sixty hours be reduced to fifty-six hours per week. This we think a very reasonable request, and recommend accordingly.

SOCIETY'S CLAIM NO. 36 : *That all special runs be abolished.*

A majority of the Board has no recommendation to make.

We are unable to find in any rule or regulation the definition of what is termed a "special run," but are advised that in various parts of the Dominion there are runs which are not continuous, the consequence being that the trainmen are absent from their home stations for long periods during the day, and receive the guaranteed week's pay notwithstanding that their hours away from home may run into ten, twelve, or more per day, for which no extra remuneration is given. We therefore recommend that these runs be abolished, and these trainmen paid in exactly the same way as other trainmen throughout the Railway service.

SOCIETY'S CLAIM NO. 38 : *That sawmill, house-factory, refreshment-room, and Lake Wakatipu staffs be placed upon the D.-3 list.*

A majority of the Board has no recommendation to make. "The regular employees on the Lake Wakatipu staff are already on the D.-3 list."

We are unable to recommend the claim as it stands, but we do recommend that the sawmill, house-factory, and male refreshment-room staffs who are eligible for permanent appointment should be placed upon the D.-3 list and have all the rights and privileges granted to other members of the

Railway service. There is no legitimate reason why these men should not be given the right to become contributors to the Superannuation Fund and receive the benefits thereof. We therefore recommend accordingly.

SOCIETY'S CLAIM NO. 39: *That the classification of "grinder" be inserted in the schedules of the Classification Act.*

A majority of the Board has no recommendation to make. They state that a man working a grinding-machine should be classified according to the class of work he is performing.

We are of the opinion that no harm can be done by inserting in the schedules of the Classification Act the word "grinder." In the ordinary awards, outside the Railway service, there is such a classification, and within the service there are one or two men who do that class of work but who are classified as machinists. We recommend that in this case the claim be given effect to.

SOCIETY'S CLAIM NO. 41: *That the status of casual hands be considered with a view to having them placed on the permanent staff after five years' service.*

A majority of the Board has no recommendation to make, stating "The departmental advocate stated that, in practice, casual tradesmen in the workshops, if eligible, are appointed to the permanent staff after three years' casual service."

We are unable to concur in the decision of a majority of the Board, by reason of the fact that it does not embrace those casuals in the goods-sheds who were eligible for permanent appointment when they first joined the Railway service. These men in many instances have given long years of faithful service and are still termed "casual." We recognize that a certain amount of casual labour is necessary, but are of the opinion that the number of men coming under this designation can be considerably reduced by giving effect to the claim. We therefore recommend same.

SOCIETY'S CLAIM NO. 42: *That temporary transfers be abolished with a view to paying single men night allowance for six weeks, as provided for by Regulation 67.*

A majority of the Board has no recommendation to make, stating that this case is provided for under Regulation 69.

We are unable to concur in this decision, because the construction placed on Regulation 69 is that, should an employee be located at one station more than six weeks, no night allowance whatever is paid, whereas the practice has been to pay the allowance up to and including six weeks, and any period in excess of six weeks was not paid for. We are of the opinion that this is reasonable, and recommend accordingly.

SOCIETY'S CLAIM NO. 62: *That all employees who are eligible to be appointed to the permanent staff be permitted to pay superannuation contributions into a Suspense Account, such money to be transferred to the Superannuation Fund upon their being appointed to the permanent staff.*

A majority of the Board has no recommendation to make, stating "The same object can be attained by a casual employee paying the amount of his contributions into the Post Office Savings-bank, or by paying a similar amount to the Society when paying his subscriptions to the Society. In the event of his being appointed to the permanent staff, he will then have a fund available for purchasing his past service, and will receive interest in the meantime."

We cannot concur in this decision, because, on the face of the claim, it is not only reasonable but to the advantage of the State that it should be done. The men join the service, and are eligible for permanent appointment; they are on what may be termed probation for two or three years, and do not pay contributions to the Superannuation Fund. At the expiration of two or three years they are placed on the permanent staff, and are called on to pay up the arrears of contributions to the fund, which involves double contributions being paid for a lengthy period, and this imposes a hardship on the men. The claim asks that from the commencement of their service the men should pay their contributions into a Suspense Account to be opened in connection with the fund, same to be returned to the employees without interest if he is found unsuitable for permanent appointment. The fund would thereby have the money earning interest, and the person appointed would be relieved of a hardship when permanently employed.

SOCIETY'S CLAIM NO. 69: *That, where a departmental doctor certifies that a member is incapacitated through sickness or accident, full pay be allowed for all time off duty as a result of such sickness or accident.*

A majority of the Board has no recommendation to make.

We are unable to concur in this decision. Although men who meet with accidents in the Railway service are paid under the Workers' Compensation for Accidents Act, they are subject to greater risks than the majority of men in other occupations. When such accidents occur the men are in need of more money than under ordinary circumstances. The same may be said of those men who are off duty through sickness. The difficulty in the past has been that some men have malingered. To overcome this difficulty the claim asks that those men off through sickness and accident shall produce a certificate from a doctor appointed by the Department, who without doubt would be able to say whether the case was genuine or otherwise. We therefore recommend this claim to you for favourable consideration.

SOCIETY'S CLAIM NO. 73: *That machinists be classified and paid at the same rate as tradesmen.*

A majority of the Board has no recommendation to make, stating, "A special-grade machinist is classified at the same rate of pay as a minimum-grade tradesman, though he is not a tradesman. The work done by different machinists covers all the gradations from unskilled work to highly expert work, though its range is necessarily limited to what can be done on machines. The Department's classification provides for a grading of machinists, but the grading can be carried out only by persons having an intimate knowledge of the work done by the individual machinist."

We are not prepared to recommend the claim as it stands—i.e., that these men be classified as tradesmen—but are of the opinion that they should receive some further consideration in the matter of wages. There is no doubt whatever that machinists employed on the machines are performing a high class of work, requiring close attention and technical skill. They become experts at their particular machines, and in our opinion are worthy of more consideration than they receive at the present time.

DEPARTMENTAL CLAIM NO. 2: *Regulation 110: First sentence to be deleted. Subject to this amendment, Regulations 110 and 111 to stand, but time paid for at extra rate thereunder is not to be taken into account for the purpose of calculating overtime on the week.*

A majority of the Board recommends "that the following words be prefaced to the first sentence of Regulation 110: 'Where payment of an extra rate is specially authorized on account of the nature of the work'; and that the following words be added at the end of the same sentence 'but otherwise ordinary rates shall be paid for such time.' We do not recommend that the claim be granted as formulated, because it is recognized that some regular night work (e.g., work in the Lyttelton Tunnel) should carry a special rate, and has carried that rate for many years. The deletion of the first sentence of the regulation would take away the authority at present given for such payments, but the addition of the words suggested by us would enable the management to authorize payment at the special rate in cases in which it was considered to be justified."

We cannot concur in this recommendation, by reason of the fact that it proposes to deprive members of the Maintenance Branch who are working a regular shift between 6 p.m. and 6 a.m. of the extra quarter-rate which they now receive. We cannot agree with any recommendation which proposes to reduce the earnings of these men between 6 p.m. and 6 a.m.

DEPARTMENTAL CLAIM NO. 3: *Regulation 114: Time worked as part of ordinary week's work when shift runs into Sunday (whether at the beginning or the end of the shift) not to count as Sunday time, but to count as part of the week's work.*

A majority of the Board has no recommendation to make in regard to this claim as formulated, but recommends that time worked on Sunday as part of the ordinary week's work, when commencing or finishing a shift, be paid for at time-and-a-half instead of at double-time rates.

We again strongly protest against the recommendation in this claim. To do this means a reduction of the overtime rate from double rates to that of rate and a half for Sunday work forming part of the week's shift. At present the practice is that all time between midnight on Saturday and midnight on Sunday stands by itself and is paid for at double rates. To give effect to this claim means, as previously stated, a reduction in the earnings for Sunday time, which we cannot agree to.

DEPARTMENTAL CLAIM NO. 4: *Regulation 125: Days mentioned in this regulation for which double rate is paid not to be added to annual leave. Day not to be added to annual leave if member is given one whole shift off duty, such shift being one finishing or beginning on a day mentioned in the regulation.*

A majority of the Board recommends that any employee required to be on duty on any of the holidays referred to be given the option of (a) being paid at ordinary rates for the time he is actually on duty on such holiday, and having a day added to his annual leave, or (b) being paid a minimum of six hours' pay at double rates, in which case a day shall not be added to his annual leave. We are very much opposed to this recommendation, because, briefly, it means that a member will be deprived of one or more departmental holidays to which he is now entitled under the regulations, and to this we cannot agree.

Before arriving at the above conclusions we gave long and careful consideration to the claims made. It will be observed that we have agreed to the conclusions arrived at in respect to fifty-two of the claims, whilst in twenty-five we have either supplemented the recommendations of a majority of the Board or disagreed entirely. With few exceptions, the majority of the claims have been modified to such an extent as to be what we consider fair and reasonable under the circumstances. We therefore submit our remarks for your favourable consideration.

We have, &c.,
M. J. MACK.
HIRAM HUNTER.

The Hon. the Minister of Railways, Wellington.

REPORT IV.

SIR,—

Wellington, 23rd August, 1924.

In pursuance of the notice of appointment and order of reference dated the 13th day of June, 1924, whereby His Honour Mr. Justice Frazer, Messrs. W. Scott, H. Hunter, M. J. Mack, and myself were appointed and authorized to inquire into and report to you whether in our opinion any, and, if so, what, alterations should be made in the rates of pay and/or the conditions of work in operation in respect of members of the Second Division of the staff of the Government Railways Department (other than employees of the Locomotive Running Branch), having due regard to the public interests and the maintenance of the Government Railways as a business concern paying a reasonable interest on the capital cost thereof, I have the honour to report as follows :—

HOURS AND OVERTIME (*Claim No. 1, A.S.R.S., in so far as it relates to workshops and works staffs*).

His Honour Mr. Justice Frazer and Mr. Scott are of the opinion that a forty-eight hours week is necessary to ensure efficiency in the branches of the Railway service coming within the scope of the Board's inquiry, with the possible exception of the workshops and works staffs. I see no reason why an exception should be made in regard to the workshops and works staffs, and have therefore dissented from the recommendation of the other members of the Board that a secret ballot should be taken of the members of those staffs on the question of whether they desire to work a forty-four- or forty-eight-hours week. The forty-four-hours week was not satisfactory, and the experience in New Zealand in this regard was not singular, as exemplified in the case of the New South Wales Railways, where it was abolished.

If it had been shown that the working of a forty-eight-hours week by the workshops and works staffs of the New Zealand Government Railways was detrimental to their health, or that it deprived them of a reasonable standard of comfort, I would not have supported a forty-eight-hours week; but there is no evidence in that direction, and in view of that fact I am of the opinion that there is no legitimate reason why an exception should be made in favour of the staffs in question.

In this connection I desire to cite an instance where the Full Bench of the Federal Arbitration Court (Australian Commonwealth) dealt with an application made by the timber and iron trades for a reduction of hours from forty-eight to forty-four per week. Very full judgments were given—one by each member of the Court—but it will suffice if I quote an extract from the judgment of Mr. Justice Powers.

Mr. Justice Powers said (*inter alia*), "The claim for reduction of standard hours was not supported by any proof that the workers of Australia were not capable of working forty-eight hours without injury to health or without the forfeiture of a reasonable standard of comfort."

Another Judge, Mr. Webb, Deputy President of the Arbitration Court, mentioned as one of his reasons for ordering a return to a forty-eight-hours week that the working-hours generally observed in other countries were forty-eight.

CLAIM 61 (A.S.R.S.).

I have dissented from the recommendation of the other members of the Board in regard to this claim, being of the opinion that section 9 of the Government Railways Amendment Act, 1921, amply provides the necessary machinery.

I have, &c.,

JAS. MASON.

The Hon. the Minister of Railways, Wellington.

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