

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.