

1909.
NEW ZEALAND.

GOLDFIELDS AND MINES COMMITTEE:

REPORT ON THE COAL-MINES AMENDMENT BILL; TOGETHER WITH MINUTES OF
EVIDENCE.

(MR. POLAND, CHAIRMAN.)

Brought up on the 7th December, 1909, and ordered to be printed.

ORDERS OF REFERENCE.

FRIDAY, THE 8TH DAY OF OCTOBER, 1909.

Ordered, "That a Goldfields and Mines Committee be appointed, consisting of ten members, to whom shall be referred all matters relating to mining and all Bills relating to mines, with power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Anderson, Mr. Colvin, Mr. J. Duncan, Mr. Greenslade, Mr. Poland, Mr. Scott, Mr. Seddon, Mr. E. H. Taylor, Mr. J. C. Thomson, and the mover."—(Hon. Mr. R. McKENZIE.)

FRIDAY, THE 26TH DAY OF NOVEMBER, 1909.

Ordered, "That the Coal-mines Amendment Bill and the Mining Amendment Bill be referred to the Goldfields and Mines Committee."—(Hon. Mr. R. McKENZIE.)

REPORT.

THE Goldfields and Mines Committee, having bestowed careful consideration upon the provisions of the Coal-mines Act Amendment Bill referred to them by your Honourable House, have the honour to report that they recommend that the said Bill be allowed to proceed subject to the amendment shown on a copy of the Bill hereto attached.

H. POLAND, Chairman.

Parliament Buildings, Wellington, 7th December, 1909.

MINUTES OF EVIDENCE.

MONDAY, 6TH DECEMBER, 1909.

WILLIAM PRYOR, examined.

1. *The Chairman.*] What are you?—Secretary of the New Zealand Employers' Federation.
2. Have you been deputed to come before the Committee and give evidence?—Yes.
3. In reference to several clauses?—Several particular clauses. I might say that at meetings of the mine-owners in Auckland, Reefton, and Dunedin they decided to ask me to take steps to place their representations from their different points of view before the Committee.
4. What is the first point to which you desire to refer?—With regard to the Coal-mines Bill there is not much, I am pleased to say, Mr. Chairman, I have to speak on. There is, of course, the great objection mine-owners have to clause 3 and similar clauses in the Mining Bill. I have several telegrams here asking me to strongly oppose section 3. The employers are of the opinion that they should still have the right to require medical examination if they deem it necessary, and it is pointed out to me in one of the letters I have received that, while there is only one coal-mining company that makes a continual practice of requiring its workers to submit to a medical examination, still others occasionally do so. For instance, if they have a man applying to them for work who does not look over-strong physically, they might say to him, "We should like to have a medical certificate showing that you are strong and healthy and not suffering from any lung-complaint or anything of that description," pointing out at the same time that it would be dangerous to other workers employed, as they are, in confined places. It is necessary to others that no one suffering from contagious diseases should be employed in the mines. Further than that, if a man suffered from some physical disability it might at a critical period cause him to fail to do some particular sort of work. Supposing a man had a weakness in his legs, or something of that description, and a tub in a jig were getting away, prompt energetic action might save an accident, whereas his weakness might display itself at the moment, and he might not be able to stop it. Then, take a man who had suffered at some time from rupture—perhaps only a slight one—medical examination would discover it; but if there were no medical examination a small strain sustained in the mine might cause a serious rupture, and the employer would be landed in compensation for it, whereas, as a matter of fact, it would be due to something else altogether. That is one objection to the Bill. I will only deal with those provisions objected to.
5. Yes, we do not want to be bothered with what you approve of?—The Auckland mine-owners were somewhat concerned about clause 6: "On and after the 1st day of July, 1910, no person shall be employed in the position of underviewer or fireman and deputy in a mine unless he has had at least five years' experience in underground workings in a coal-mine." I think they omitted to notice that the same wording was used in the principal Act. They said "fireman" might mean a "shot-firer," in which case it should be strongly objected to. I spoke to the Hon. Mr. R. McKenzie about it, and he was kind enough to tell me that it did not necessarily mean that, but it would mean the man who had to examine the mine to prevent possible fire or explosion. I take it that if a man is a shot-firer and nothing else it does not apply to him. I advised Auckland about that, and they said they were quite satisfied with the definition of "fireman."
6. Clause 101 in the consolidated Act calls him the "deputy or foreman"?—Yes. There is an amendment of 1908 which, I think, contains the word "fireman." Would it not be well to have "fireman" defined? That might get over any little difficulty. I take it that in the Bill he has to be both "fireman and deputy." If there was a definition of "fireman" showing that it did not mean "shot-firer" it would meet the case.
7. According to the clause he must be fireman and deputy?—Yes. Going back to the medical examination, there is an important point I have omitted with regard to section 3. If medical examination is to be prohibited, then before that is done the reference to pneumoconiosis should be deleted from the Workers' Compensation Act. A deputation from the annual meeting of my Federation a fortnight ago waited upon the Prime Minister, and he then gave us to understand that pneumoconiosis would be deleted from the Workers' Compensation Act.
8. We cannot give you that assurance?—I want to point this out: that when we were objecting to this medical examination being taken out, the Prime Minister said, if we took pneumoconiosis out of the Act, as a necessary corollary it must prohibit medical examination—one goes with the other. If medical examination is prohibited in the Coal-mines Act before pneumoconiosis is deleted from the Workers' Compensation Act, then it is possible the employers will be landed with the prohibition of medical examination while pneumoconiosis is left in.
9. You are not affected by it in any case; the argument is far-fetched?—Supposing some one took it into his head to make a claim, then it is not far-fetched. It is a bargain with us so far as the Government is concerned.
10. It is not a bargain so far as we are concerned. You are putting before us the views of the employers?—Yes.
11. *Hon. Mr. R. McKenzie.*] Regulation 23 says, "In making the examinations provided for by the foregoing rules, the fireman shall mark with chalk the day of the month upon the face of each working-place, as 1, 5, 10, 25, or other numbers, as the case may be. He shall pay particular attention to the edges of the goaves and the gate-end lips. He shall be careful to ascertain that every part of the mine and roadways so to be examined are free from firedamp, chokedamp, or

other impurities, and are safe for workmen to enter and work therein; and, in case firedamp or other impure air is discovered in any working-place, road, or level, the fireman shall in the first instance thoroughly clear the same from such impurity, if that can be done easily, and shall thereupon report to the miners and other workmen that the same are safe; but if the impurity cannot be readily or at once cleared out, the workmen shall not be permitted to enter such working-places, roads, or levels until the impure air has been, by further appliances, entirely dispelled. He shall prevent workmen entering the roads or working-places until a report has been made that they are safe, and shall see that proper caution-boards are put up when necessary. If no firedamp, chokedamp, or other impurity shall be discovered or suspected to remain after such inspection, the fireman shall so report to the workmen, and allow them to proceed to work, and shall thereupon without delay enter such report in the mine report-book." So you see the firemen provided for in this Act have nothing to do with the shot-firers?—That seems quite satisfactory.

12. At the same time the duties they have to perform are of such a very important nature that they ought to have some such certificate as that provided for to show that they have had the necessary experience?—Yes, that is so. The Auckland employers ask that in section 6 of the Bill, line 3, the five years' experience mentioned should be altered to three years. I might say that the time at our disposal since the Bill became available has not permitted us to give it much consideration. That is all I have to say.

13. *Mr. E. H. Taylor.*] I should like to ask what the employers' real objection is to having this clause put in relative to medical examination?—I stated the objection just as clearly as I could. Perhaps you will more particularly draw my attention to what is referred to, so that I may explain.

14. Would any of your employers think it necessary to have a medical examination to see whether they were fitted to enter into any business operation?—In what way? In mining?

15. Outside of mining, or in anything else?—No. Why should an employer be medically examined?

16. Then why the employee?—The employer is not working in the mine, and there is a very great difference between an employer and a workman. The employer is not covered by the Workers' Compensation Act. Neither the State nor any one else has any responsibility in connection with the employer meeting with an accident or anything going wrong in that way. The State and employers have very considerable responsibility in regard to accidents to the workers, and that at once offers, I think, a very valid reason why the right of medical examination should be retained by the employer.

17. *Mr. Colvin.*] If a man were medically examined on entering a mine, do you not think it would be a fair thing that he should be medically examined on leaving the mine to go somewhere else, to ascertain if he is medically fit?—If a man meets with any accident in a mine he has only to report himself.

18. Supposing I left the Denniston mine and went down to Granity and asked for a job, to get which I must be medically fit, should I not be able to get a certificate that I was medically fit from the first mine?—I think, in the majority of cases, when a man goes from one mine to another, he finds that the medical certificate is effective. I do not think the employers are going to use this factiously—they have not done so in the past. If a man is injured in a mine in an odd case he might not be aware of it, but in ninety-nine cases out of a hundred he would know.

19. You mentioned a case where a man might be slightly ruptured and afterwards go out of the mine: do you not think he should be medically examined then, because he met with the accident in that particular mine?—Our experience is that men know when they have been ruptured to some extent, but they get over it and do not let their employers know of it when they go into a mine. It is very rare for a man not to know when he has been ruptured.

20. Some young men do not understand, and they get away after receiving a slight injury which develops into a rupture?—Our experience is that men covered by the Workers' Compensation Act make a claim when there is not much wrong with them, even when there is only a small cut.

21. Can you tell me the number of men who are medically examined in the mines in New Zealand?—I said at the outset that the Westport Coal Company was the only company I knew of which made a practice of medically examining their men. Other employers find it sometimes necessary to examine their men before putting them on.

22. Do men apply to be exempted from the Workers' Compensation Act?—No. There are cases where a man does not look strong, and the employers say to him, "I am a little frightened of you: you had better go and get examined."

23. Have you heard of such cases?—Yes, a few cases; and in other businesses outside of coal-mining I have known an employer ask that a man should be medically examined before he is allowed to risk his life at particular work.

24. You know that there is great feeling amongst the Westport Company's employees about the medical examination?—Yes, I know now; but for years there was no trouble. It is a manufactured feeling.

25. The men did not know for three months that they were being medically examined. The old hands in the mine did not know when they began to examine them casually as they came up, and the new hands on being examined thought it was a rule at the time?—Yes, as it was.

26. There were four or five hundred men working there that were never examined?—I do not believe the employers would object very much now if pneumoconiosis were taken out of the Workers' Compensation Act.

27. Did you ever hear of that disease affecting a coal-miner?—I do not know of a case in any mine that has been tried.

28. *Hon. Mr. R. McKenzie.*] You say that the Westport Company is the only company that insists on its men being medically examined?—As far as I know.

29. Do you know the reason why they insist on their men being examined?—Some particular reason?

30. Yes?—No.

31. You are aware there is a reason?—Yes.

32. Is it not a fact that the Westport Coal Company do their own insurance under the Workers' Compensation Act?—I understand it does.

33. Is that a reason for it?—It may have something to do with it.

34. If they insured in the same way as some other companies the medical examination would not be necessary?—If they insured with insurance companies they would probably get some advantages if their men had to undergo medical examination.

35. The insurance companies do not ask for it?—They do with pneumoconiosis—they insist on it.

36. That is only a phase of the question that does not apply here. This company has had the medical examination ever since the Workers' Compensation Act became law?—I cannot tell you how long.

37. Are you aware that the company saves a great deal of money by insuring their own men?—I cannot say.

38. Have they not the power as employers in their own hands to say whether there should be a medical examination or not?—Yes.

39. And they have the right to refuse men employment if they like?—Certainly.

40. Supposing the medical examination came into general application amongst all employers throughout the country?—Beyond coal-mines?

41. Yes, in every industry in New Zealand?—So far as coal-mining is concerned, the men who are suffering from tuberculosis or consumption, or other lung-complaint, would not get into the mine.

42. Or a man with bandy legs?—Well, my experience is that many bandy-legged men are very strong physically; but men having physical weaknesses would have to go into other walks of life. If it were applied to other industries the employers would never adopt a system of medical examination.

43. I am asking you what would be the effect of medical examination being put into force throughout the Dominion?—I cannot imagine it being put into force unless some weight were put on the employers by the Workers' Compensation Act.

44. I want you to give the Committee your opinion on the situation if medical examination were made general to every employment in the country?—You are asking me to give an opinion on a matter which I cannot imagine being applied.

45. What do you think would be the result if it were applied?—It is a question one can hardly answer. I am not dodging it in any shape or form.

46. Do you think the result would be that half the working-men in New Zealand would not pass the medical test?—I dare say that would be the result. Supposing the few of us who are here were medically examined, it would be found that most of us had something the matter with us. But if medical examination became general the employers would have to employ men who were not physically fit; otherwise the supply would not be equal to the demand.

47. Is it reasonable that one company should be compelled to insist on this medical examination while other employers can refuse? Is the position fair and straight that, if a doctor does not pass a man and the company can turn him off after serving several years, other employers should be asked to give him employment without medical examination?—The Westport Coal Company are not turning out their men after they have served for years. I submit it is quite fair that all employers should have the right to examine all their men, but I do not suppose for a moment it would be applied to all businesses.

48. Why not?—Because there is not the risk in the general run of businesses.

49. Is there not the risk under the Workers' Compensation Act? That is the only reason for which they want it?—Yes.

50. Why should not every other employer have the same advantages?—Because they have not got the risks the mining people have.

51. You know that after the Workers' Compensation Act was passed last year the employers thought that if the Act went on it would not result in half the men in New Zealand becoming idle?—There would not have been any objection to it at all except for the engineering that went on.

52. Why did the employers object? They do not take the responsibility?—Yes, they do. They have to take it themselves or insure against it. The greater the risk, the greater the charge. The premiums under the industrial clause last year amounted in the case of mine-owners alone to £250,000 a year. The proposal of the Government Insurance Department for twenty shillings in the pound extra premium, which was guaranteed by the Government, made in the case of one mine alone a difference of £3,750 a year.

53. Do you know whether there was any understanding between the insurance companies?—If there was, there was an understanding between the other insurance companies and the Government Department.

54. You know that the Administration has nothing to do with the control of the Insurance Department except in name?—Yes; I am not suggesting anything else.

55. Are these your only grounds of objections?—Yes. We say that if you make the men insure you should give the employers the right to medically examine their employees.

56. You have no objection to clause 6 of the Bill?—No; your explanation seems to be all that is necessary.

57. Are you aware that the men who are employed as deputies and firemen are those who ultimately work themselves up to be mine-managers?—Yes.

58. This is the probationary stage?—Yes, I understand now.

59. *Mr. Colvin.*] Suppose that one company medically examines its men and another company does not, do you not think it would be a fair thing for the Arbitration Court to take that into consideration? When one company picks the flower of New Zealand in a matter of its best men, while other companies have to take their rejects, do you not think the company which picks its men should pay higher wages?—If such a company were insured it would get better terms with medically examined men than a company that did not have its men medically examined. That was clearly shown when you put pneumoconiosis in the Act. The experience of the Westport Company has not been that eight or nine men out of ten have been rejected. The experience has been that the majority of the men have passed the medical test.

60. *Hon. Mr. R. McKenzie.*] Are you aware that the Westport Coal Company, when they wish to get rid of men from the mine, wait until they go away for a holiday of a week or two, and then on their return put them under medical examination, and a certificate is refused?—That the company makes that an excuse for getting rid of some of their men?

61. Yes?—I am prepared to give that a direct denial.

62. I am not charging them in any way?—But you make an insinuation.

63. I could give you cases where the men have said so?—Just so; men say anything. If you had the experience that I have had in the Arbitration Court I think you would be very dubious about accepting anything they said.

64. *The Chairman.*] If it is said that men working in the Westport Company's mines have gone away at Christmas or New Year for a holiday and on starting work again have had to be examined again, are you prepared to give that a denial?—I was with Mr. Scott at the Court when the agreement with the Denniston and Granity miners was arrived at, and during that time there were forty or fifty men present, and there was no hint of anything like that having been done. Knowing the Westport Coal Company as I do I think it is quite unfair to suggest anything of that kind.

65. You are quite prepared to say that men who have gone away for a week or a fortnight at Christmas-time, on going back have not been rejected?—I cannot say that.

66. All you deny is that the motive was to get rid of them?—From what I know of the Westport Coal Company's managers I am sure they would not be parties to such a thing; and, with my knowledge of the Arbitration Court work in connection with these mines, if such a thing had been done it would have come out at one time or other. I have never heard it whispered.

67. *Hon. Mr. R. McKenzie.*] Do you know the Imperial Workers' Compensation Act?—I am familiar with it.

68. *The Chairman.*] It covers pneumoconiosis. Is not the medical examination provided for there?—It does not cover pneumoconiosis.

69. *Hon. Mr. R. McKenzie.*] Will your evidence in connection with this clause stand in connection with the same clause in the Mining Bill now before the House?—I was just going to suggest that.

Approximate Cost of Paper.—Preparation, not given; printing (1,500 copies), £4 4s.

By Authority : JOHN MACKAY, Government Printer, Wellington.—1909.

Price 6d.]