

25. *Hon. Mr. Massey.*] You say there is an alteration here in subclause (3) as compared with the present law?—That is so.

26. Will you kindly point it out again?—The alteration is this: under this Bill they do not have to get the written consent of the Inspector of Factories.

27. I think you are making a mistake. Are you not thinking of the provision in subclause (4) regarding male assistants under the age of sixteen?—No; the written consent of the Inspector was always obtained with reference to anybody before. It did not matter what wages a person was in receipt of, they had to apply to the Labour Department for permission to work that person overtime. That is taken out of the Bill, and they do not have to apply to the Labour Department except for people under the age of sixteen or females. We want such a provision inserted.

28. *Mr. Davey.*] The provision has been omitted from this Bill?—Yes.

29. Does it state so in the repeals?—Yes. We submit, sir, that the words should be added in subclause (3) of clause 8 "with the previous written consent of the Inspector." It means that we shall get two hours' notice.

30. *Mr. Hindmarsh.*] Would it not be better if you said that two hours' notice shall be given?—It would be better if you put twelve hours. We contend that we should receive reasonable notice. We say that the old section was a long way superior to this clause. We would suggest that the Committee provide that the employers shall let us know at dinner-time that they will require us to work overtime.

31. *Mr. Anderson.*] How could the employer in all cases do that?—How does he notify them now?

32. What I mean is this: an employer finds late in the day that it is necessary for him to have his employees back at night, and he gets the consent of the Inspector. Under those circumstances how can he give them twelve hours' notice?—I have worked in drapery shops all my life, and I can state that the employer does not find out late in the day that he will require to have his assistants back at night-time. I know employers in this town who have come to assistants at five minutes to 6 and put work on to them which they could not reasonably do in half an hour, and kept them there till twenty minutes past 6. That is where they dodge it. We are not up against the good employer: it is those fellows that do not toe the line. When our union came into existence there were employers keeping their assistants till half past nine every Saturday night, and until we got on to the Labour Department nothing was done. It is mentioned in the memorandum that this clause is for the purpose of bringing the law into line with the corresponding provisions in section 24, subsection (1) of the Factories Act, 1908. I would suggest that no assistant be allowed to work more than two nights' overtime without an interval of one night, as provided for in the Factories Act regarding overtime. With reference to subclause (5) of clause 8, "Every shop-assistant employed during extended hours shall be paid therefor at half as much again as the ordinary rate, but the overtime rate shall not be less than sixpence an hour for those assistants whose ordinary wages do not exceed ten shillings a week, nor less than ninepence an hour for all other assistants so employed, and shall be paid at the first regular pay-day thereafter": A clause should be inserted here to state what the ordinary rate is. The reason is this: Our shop-assistants in the majority of cases work forty-five hours a week. Some of them work fifty-two. A shop-assistant working forty-five hours per week—we will say that he is getting 45s. a week—that gives 1s. an hour. If he is away sick that 1s. per hour is deducted from his salary for the time he is away. Now, if that same man works three hours overtime, to assess the overtime that 45s. is divided by fifty-two as the number of hours, fifty-two hours being the full time allowed by the Act. We do not care which way it is done, but we say that if you are going to divide a man's weekly wage by forty-five in respect of his absence when sick, be fair and divide his wage by forty-five in order to assess his overtime payment; or, if you assess his overtime payment on the basis of fifty-two hours, that should also be the basis for deduction from his wages.

33. *Mr. Davey.*] Is that done by everybody—what you say is done?—Pretty well every retail house in Wellington. I have worked it out here roughly to show what it means. Take as an example an assistant working forty-five hours and receiving the minimum wage prescribed by our award—£2 15s. If he were away he would have 1s. 2½d. an hour deducted from his salary, the £2 15s. being divided by forty-five. But if he were required to work overtime his £2 15s. would be divided by fifty-two—the number of hours allowed to be worked by the Act—and this would make his overtime rate 1s. 0½d. an hour. In other words, he would lose, roughly, 3d. an hour. As I say, we do not care which way you make it so long as there is uniformity. We submit respectfully that a clause should be put in there defining what hours overtime shall be based on, and what hours sick or absent deduction should be based on.

34. *Hon. Mr. Massey.*] Have you any objection to mentioning the firms who follow the practice that you refer to?—When I worked for George and Kersley in Wellington that was the basis. Mr. Humphreys, the president of the union, will tell you of houses he has worked in where that is the system. With regard to the provision to subclause (5) of clause 8, "Provided that no payment for such extended hours as aforesaid shall be made to any shop-assistant whose wages are or exceed two hundred pounds per annum," we contend that this is grossly unfair, as since our award came into operation these assistants have had their sick-pay and annual leave stopped in most cases, which is a distinct loss, and if required to work overtime they should receive pay for it, as is the case in all other trades, such as engineering, when men are paid as much as the higher-salaried people in the drapery houses.

35. *Mr. Hindmarsh.*] What rate of overtime do you suggest?—Time and a half, the same as the others receive. We submit that this proviso should be deleted. It is a fair thing that if an employee is required to work overtime he should receive something extra for the extended hours.