

20. *Mr. Grenfell.*] Mr. Godber, will you make it clear to the Committee that under section 27 of the Bill you are sufficiently restricted in regard to the actual hours worked by your assistants—clause 27 (b)?—Yes, that is so; those are the lines we are working on at the present time, and we think that so long as the assistants do not work more than fifty-two hours the time is immaterial to any one, because it is necessary in order to meet the requirements of the public and to make the business even slightly profitable, and if restrictions are put in like that it would be disastrous to business.

21. *Mr. Carey.*] The Workers' Union have protested against your girls being employed after half past 9. Your girls are not employed on Sunday?—No, they are not.

THOMAS LONG, Secretary of the New Zealand Hotel and Restaurant Employees' Federation, and General Secretary of the Auckland Hotel and Restaurant Employees' Union, made a statement. (No. 43.)

Witness: My union have considered this Bill, and have given me instructions to give evidence on the Bill on their behalf. Definition of hotels: Care must be taken to see that the definitions mean all that they are intended to mean, as we do not want a recurrence of what happened in 1910 in connection with the definition of private hotels in the Shops and Offices Amendment Act, 1910. It was thought then that the Act applied to private hotels and large boardinghouses (*vide* Mr. Justice Sim's decision in the case of the Auckland Hotel Workers' Union *v.* E. F. Black and others, wherein it was proved that the workers employed in the several establishments were working exceedingly long hours, as shown by the evidence sworn to in the Arbitration Court, and no attempt made to refute it. The part that I wanted to put in was the evidence in connection with the Arbitration Court, wherein I stated as to fourteen of the larger boardinghouses in the City of Auckland. I stated my case very carefully, but His Honour Judge Sim refused to make an award. This is my opening of the case. It has been suggested by a member of the Committee that none of the workers had yet expressed their desire for the provisions contained in this Bill. My answer to that is contained in our last conference reports, wherein each union instructed its delegates to vote for the whole holiday, shorter hours of work, and the inclusion of private hotels, clubs, and boardinghouses. I might state that we are responsible for the idea to limit the Bill to boardinghouse-proprietors employing three or more workers.

Re Private Hotels.

The union claims that the circumstances relative to the private hotels cited in this dispute are such that the Court can make an award, and for the following reasons: Care has been taken to cite the proprietors of only those businesses which come clearly within the definition of a "private hotel," meaning by that term a business catering for all the business of a hotel without a license; and if an award be made by the Court regulating the conditions of labour of these private hotels it will not result in any individual being driven out of business. The private hotels mentioned are those which can fairly be put in a class by themselves apart from all other boardinghouses in the City of Auckland, because they command a higher tariff, and are, in the manner in which they conduct their business, exactly similar to hotels in the city, with the sole exception that the latter businesses hold a publican's license. In any of the businesses cited a single meal is supplied at any time, and the services are exactly the same as those of a number of hotels in the vicinity, each of which cater for the same class of business. In premises such as the Grand Hotel, the Star Hotel, the Central Hotel, and the Royal Hotel the publican's license is a mere auxiliary to the business of the proprietor, which is particularly for the catering and boarding of travellers, tourists, and other members of the travelling public. The similarity of the businesses cited with the hotels mentioned is a matter of common knowledge, so that there is no need to point out the large number of circumstances which apply to each; and, the facts being such as they are, the union considers that the case is a very proper one for the making of an award, because the employees of these private hotels do the same work and work under exactly the same conditions as those who are employed in hotels but have the benefit of an award. The Court, in the application for an award in the Canterbury District of the 28th July, 1909, gave as one of its reasons for refusing an award that classification of boardinghouses would be very difficult, if not impossible. In the Auckland case, however, the classification can be made, and the union contends it has made one, because, in each and all of the business cited, labour, outside of the labour provided by the members of the owner's family, is employed, and, as stated above, these houses do compete, and compete successfully, with hotels of the same standing; and the conditions, as will be shown, are such that it is highly desirable that an award should be made to regulate the same. Since the decision mentioned, the Legislature has considered the question of regulation of private hotels, as witness its enactment of the Shops and Offices Amendment Act, 1910, in which section 2 clearly contemplates a private hotel as distinct from a tea-room and an oyster-saloon, and also by implication a boardinghouse, because if such implication should not be drawn then it is impossible to understand why the term "private hotel" could be used if it is synonymous with boardinghouses, and we contend that the words "private hotels" as there used, and according to the general application of the term, mean a business which is in all respects that of a hotel except the circumstance of sale of liquor. The Court on the 11th March, 1911, showed that it drew distinction between private hotels and boardinghouses, and this application is to join private hotels only. It is, moreover, contended that the Court is entitled to look at surrounding circumstances in coming to a conclusion as to whether or not an award should be made. If these businesses are allowed to compete, unfettered with any conditions, with hotels carrying on similar businesses, then an injustice is done to the latter businesses in having to pay higher wages than those which are paid in private hotels mentioned, and to restrict their hours of labour when similar servants are worked for as long as the employers impose. That it is desirable to make an award by reason of the conditions of labour existing is clearly proved by the evidence called in the case. The union has no wish to include businesses as to which there is any doubt, and it would therefore ask the Court, if any doubt should arise as to which class any cited business belongs to, to give the benefit of that doubt in favour of the individual case. It is contended by the union in the case of every business cited in this dispute that every worker employed therein is employed for the pecuniary gain of the employer, and the prohibition in section 71 of the Amendment Act does not apply. The businesses are all of them conducted with strict regard to business and as business concerns, and in not one of them is there any suggestion that they are private houses taking in a number of lodgers or boarders or the somewhat ambiguous "paying guests." The union contends that the businesses cited in this dispute are very similar indeed to those cited in the case of the application for an award *re* tourist accommodation and boardinghouses at Rotorua, and the Court's decision thereon dated the 11th April, 1910. All the businesses here cater for the same class of traffic in Auckland. They have a recognized tariff, and they carry on business in very similar conditions. No doubt the Court will, if it makes an award in this case, exercise a discretion with regard to the provisions of subsection (3) of section 90 of the principal Act.