

## COPY OF APPLICATION FOR INTERPRETATION.

WHEREAS by an award of the Court of Arbitration dated the 29th day of September, 1922, and recorded in Book of Awards, Volume XXIII, page 610, it was directed, *inter alia*, in clause 10, that "where females are employed as journeywomen they shall be paid the same wage as journeymen. Females other than journeywomen shall not be employed to manufacture any goods in the bakehouse or to do any hot-plate work; but they may be employed in breaking eggs, cleaning and greasing tins and utensils, papering tins and cake-hoops, finishing and packing small-goods, and cleaning fruit, and generally to do all kinds of unskilled work": And whereas a question has arisen as to the interpretation of this award, to the following purport: A has in his employ divers females employed in putting jam and cream on sponge-cakes. Does this work come under the heading of unskilled work, or should the work be paid for at journeymen's rates, or at two-thirds the rates of journeymen?

## OPINION OF THE COURT, DELIVERED BY FRAZER, J.

The work is unskilled.

Dated this 14th day of March, 1923.

[L.S.]

F. V. FRAZER, Judge.

I admitted quite frankly when I was speaking that I have never appeared before the Arbitration Court; but I had some thirteen years experience as a lawyer, and a lawyer understands Courts and statutes, and I think he is in a position to form a very good idea not only of the economics of the position, but also of the working of the Court when the statutes and awards and other records are available.

In the course of making his points, Mr. Roberts seemed to accuse me, among many other things, of a lack of humanitarianism. That means nothing at all. We are all humanitarian in a sense, but it is a question whether "humanitarian" legislation in this country, and in other countries, is not reaching the limit. I understand that humanitarian legislation is the giving of social services free, and the cost is placed on the taxpayers. I would point out that free services in New Zealand and Great Britain represent already a considerable addition to the wages-bill, because it is done mainly for the benefit of the working classes, and it is growing all the time. The community generally is providing more and more for social services as a supplement to wages.

In regard to Mr. Cornwell's question, it is answered on page 12, paragraph (d). Mr. Semple argued that it would be easier, if there were no Arbitration Court, for arrangements to be made between employers and workers behind the back of the public, and for the cost to be passed on. I see no answer to that, and I admit it. The making of these arrangements or agreements is largely arrived at by collusion between the two parties under the present system. I would like to see a system under which these agreements would not be given legislative effect. I feel that economists should not criticize each other in open conference, but in order to make my position clear I am going to read one or two words in reference to Professor Belshaw's paper: The main case against compulsory arbitration lies in directions where it can be neither proved nor disproved by citation of statistics. Even if Dr. Belshaw's figures are correct they do not disprove the contention that the weight of labour and tariff protection is on the non-protected sections of the community. To hold otherwise is equivalent to saying that you can get something out of nothing. Dr. Belshaw's conclusions and suggestions are inconsistent both with his previous argument and with the maintenance of compulsory arbitration. As far as I am aware, nobody has ever denied that there are price disparities in other countries than New Zealand, or affirmed that the Court of Arbitration is the sole or even major cause of such disparity.

Now, I have one further word to say, that I think the major issue here, as in nearly all practical problems, cannot be finally determined by reference only to figures from the Statistical Office. The solution of this problem will not turn on the interpretation of an index number. Complicated problems are not so simple as that. I agree with the gentleman on my left, Mr. Purtell, as to the limitation of the value of statistical information. It points the way to further inquiry: beyond that it does nothing. The solution may turn on your social ideals or on what is in the interests of the community. I do not suggest that those who differ from me have any less desire to serve the community than I have myself.

**Professor Fisher's Reply.**

*Professor Fisher:* Mr. Chairman and gentlemen, I have very little to say, because very few points having a substantial bearing on my paper have been raised. Because that is so I do not claim that it meets with general approval: that would be too flattering. As to the point raised by Mr. Herbert, in regard to the statement made in my paper that for the type of work on which I am engaged piece rates were at one time frequent, I was endeavouring to suggest that the importance attached to this reform was very much greater than the facts warrant, and as an illustration of that I referred to the fact that until recent years it was common in many universities to pay university teachers according to the amount of work they did—that is, according to the number of their students. That was the practice at the University of Otago and Canterbury College. I have not worked under those conditions myself, and, as I indicated in my paper, every one now agrees that the change from that system to the present one has been a good one. You have to look at the circumstances of each industry. I think that the general case is one that might be studied by both trade-union representatives and employers' representatives. The trade-union representatives became alarmed at the bare mention of piece rates, and on the other hand the employers, if one can judge by some of their remarks, believe that if only people would agree to work under piece-rate conditions all their troubles would disappear. Both views are obviously exaggerated. Mr. Turner asked two specific questions regarding the ill effect of strikes on farmers. The trade-unionists, too, suppose that strikes, under all circumstances, do a great deal of harm, and because they do harm they think it is a good thing to engage in strikes, because it embarrasses the employers. Of course, it is true that in certain types of strikes the loss is very serious, and the loss cannot be measured by statistics in days lost or wages lost. Take a railway strike or a seamen's strike, they would be disastrous, but many strikes do not cause any very serious harm. They are simply futile and irritating, and that is a good reason why people should not