

ARREARS OF WAGES.

Amounts totalling £33,854 19s. 5d. (last year £11,790 10s. 2d.) were collected by the Department's officers on behalf of workers who had been underpaid the wages prescribed by awards and the various Acts, while further amounts of such arrears, totalling £36,865 15s. 7d. (last year £6,349 16s. 6d.) were paid by employers, at the instance of the Inspectors, directly to the workers concerned: total £70,720 15s. (last year £18,140 6s. 8d.). Of this total, £40,864 15s. 7d. was paid as a result of the operation of the Finance Act, 1936, which restored the 1931 rates of remuneration. The remaining increase is mainly attributable to the increased benefits conferred on workers by the legislation of last session—viz., Factories Amendment Act, 1936, Shops and Offices Amendment Act, 1936, and Agricultural Workers Act, 1936.

WORKERS' COMPENSATION ACT.

During the year 58 cases were heard and determined by the Court of Arbitration (previous year 110).

The more important decisions, with a digest thereof, are published in "New Zealand Workers' Compensation Cases," which is issued annually by the Department.

WORKERS' COMPENSATION AMENDMENT ACT, 1936.

This Act came into force on 1st January, 1937, its principal provisions being—

(1) Extending the definition of a "worker" to include a share farmer and any person plying for hire with a vehicle the use of which is obtained under a contract of bailment with the owner (other than a hire-purchase agreement).

(2) Extending the benefits of the Act so as to apply to persons employed in any occupation if within the period of twelve months preceding the accident the worker had been continuously engaged or employed for not less than three consecutive days by the employer concerned. This provision includes domestic servants who were previously included in the First Schedule to the principal Act. It is to be noted that the Act previously applied only to the employment of a worker—

(a) In and for the purpose of any trade or business carried on by the employer; and

(b) In any occupation specified in the First Schedule to the Act, whether carried on for the purpose of the employer's trade or business or not. (The occupations in this Schedule are of a generally hazardous nature.)

(3) The minimum amount of compensation payable on the death of a worker is increased from £300 to £500.

(4) In the case of total incapacity a minimum compensation of £2 a week is provided, while the maximum weekly compensation is increased from £4 to £4 10s.

In the case of compensation for partial incapacity, which is based on the difference between the amount of the worker's earnings at the time of the accident and the amount he is earning or able to earn after the accident, the maximum weekly payment is increased from £4 to £4 10s.

(5) The provisions of the principal Act which deal with the calculation of "average weekly earnings," including the special provisions relating to wharf labourers, &c., are repealed and a new basis is provided for computing compensation. This basis is the weekly earnings of the worker in lieu of the average weekly earnings as formerly prescribed. The weekly earnings are deemed to be a full week's earnings (exclusive of overtime) at the ordinary rate of pay for the work in which the worker was employed at the time of the accident. If any question arises as to what constitutes a full working-week, the working-week is to be the working-week provided for by an award or industrial agreement or agreement under the Labour Disputes Investigation Act or, where there is no award or agreement, the recognized working-week, and in every other case the full working-week shall be a week of forty hours or a week of five days, as the case may require.

In the case of a mining contractor, &c. (*vide* section 63 of the principal Act), or any person whose remuneration is fixed by reference to the amount of work done, his weekly earnings are deemed to be the largest of the amounts following:—

(a) The amount of his weekly earnings ascertained as above described; or

(b) The amount that he would have received as a full week's earnings (exclusive of overtime) for the work on which he was employed at the time of the accident if he had then been employed at the ruling rate of wages payable for the same class of work in the same district; or

(c) The basic rate of wages fixed for adult workers under the Industrial Conciliation and Arbitration Amendment Act, 1936, and in force at the time of the accident.

In the case of any other person who (not being a servant) is deemed to be a worker within the meaning of the principal Act (*viz.*, share farmers and persons engaged in plying for hire with a vehicle used under a contract of bailment), his weekly earnings are deemed to be the basic rate of wages fixed for adult workers under the Industrial Conciliation and Arbitration Amendment Act, 1936, and in force at the time of the accident.

Except in the case of a person referred to in the previous paragraph, if a worker's weekly earnings ascertained as set out above would be less than his average weekly earnings calculated in accordance with the provisions of the principal Act, his weekly earnings, instead of being ascertained as aforesaid, are deemed to be his average weekly earnings.

(6) Provision is also made that in case of bankruptcy compensation-moneys shall rank equally with wages and receive priority over ordinary debts of the employer.

(7) Provision is also made to prevent the discontinuance of weekly payments of compensation to workers except—

(a) Where a worker has returned to work;

(b) Where the worker's doctor has certified that the worker has wholly recovered or that his incapacity is not due in whole or in part to the accident: