

## DISABLED PERSONS EMPLOYMENT PROMOTION BILL

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### EXPLANATORY NOTE

THIS Bill is intended to facilitate the provision of sheltered employment by organisations approved by the Minister of Labour for persons who, by reason of injury or disease or congenital deformity or old age or other physical or mental incapacity, are substantially handicapped in obtaining or keeping employment. Where sheltered employment is so provided exemption may be granted by Order in Council from all or any of the provisions of any award or industrial agreement, or from all or any of the provisions of any enactment affecting or regulating any employment or remuneration for any employment, or affecting or regulating any place of employment.

*Clauses 1 and 2* relate to the Short Title and interpretation of the Bill.

*Clause 3* provides that, for the purposes of the Bill, the Minister may approve any organisation operating an undertaking whose object is the care, treatment, and rehabilitation of disabled persons. Any such approval may be withdrawn.

*Clause 4* provides for the making of Orders in Council granting exemptions as aforesaid from awards, industrial agreements, and certain enactments.

*Clause 5* provides for the Minister to consult the appropriate employer and employee organisations before approving any such organisation or recommending any such Order in Council.

*Hon. Mr Hackett*

## DISABLED PERSONS EMPLOYMENT PROMOTION

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### ANALYSIS

Title	3. Approval of organisations
1. Short Title	4. Powers to grant exemptions from awards, enactments, etc.
2. Interpretation	5. Minister to consult unions, etc.

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### A BILL INTITULED

#### **An Act to make better provision for the employment of disabled persons**

BE IT ENACTED by the General Assembly of New Zealand  
5 in Parliament assembled, and by the authority of the same,  
as follows:

1. **Short Title**—This Act may be cited as the Disabled Persons Employment Promotion Act 1960.

2. **Interpretation**—In this Act, unless the context other-  
10 wise requires,—

“Award” means an award made by the Court of Arbitration:

15 “Disabled person” means a person who, by reason of injury or disease or congenital deformity or old age or other physical or mental incapacity, is substantially handicapped in obtaining or keeping employment of a kind which, apart from that injury or disease or congenital deformity or old age or incapacity, would be suited to his experience and quali-  
20 fications:

“Industrial agreement” means an industrial agreement filed under the Industrial Conciliation and Arbitration Act 1954:

“Minister” means the Minister of Labour:

“Organisation” means any person or body of persons, whether corporate or unincorporate; and includes any Department or instrument of the Executive Government of New Zealand: 5

“Sheltered workshop” means any place owned or controlled by an organisation approved by the Minister under section 3 of this Act in which disabled persons are employed; and includes any hospital, licensed hospital, or separate institution within the meaning of the Hospitals Act 1957, and any institution within the meaning of the Mental Health Act 1911. 10 15

**3. Approval of organisations**—(1) For the purposes of this Act the Minister may, by notice in the *Gazette*, approve any organisation operating an undertaking whose object is the care, treatment, and rehabilitation of disabled persons, or any of those purposes. 20

(2) The Minister may at any time, by notice in the *Gazette*, withdraw any approval given by him under this section.

(3) Upon the approval of any organisation being so withdrawn, any exemption granted under section 4 of this Act in respect of any sheltered workshop owned or controlled by that organisation shall thereupon become void and of no effect. 25

**4. Powers to grant exemptions from awards, enactments, etc.**—The Governor-General may, by Order in Council made on the recommendation of the Minister, grant to any organisation approved by the Minister in respect of any sheltered workshop exemptions from all or any of the provisions of any award or industrial agreement, or from all or any of the provisions of any enactment affecting or regulating any employment or remuneration for any employment, or affecting or regulating any place of employment. Any such exemption may be granted upon such conditions as may be specified in the Order in Council granting the exemption or in any subsequent Order in Council. 30 35

**5. Minister to consult unions, etc.**—Before granting any approval under section 3 of this Act or making any recommendation under section 4 of this Act, the Minister shall consult concerning the approval or recommendation—

- 5 (a) With every industrial union and industrial association that is registered under the Industrial Conciliation and Arbitration Act 1954 and is bound by any award or industrial agreement that affects the organisation or sheltered workshop; and
- 10 (b) With the national organisation of employers which is most representative of employers in New Zealand and is formed for the purpose of protecting the interests of employers in connection with conditions of employment; and
- 15 (c) With the national organisation of workers which is most representative of workers in New Zealand and is formed for the purpose of protecting the interests of workers in connection with conditions of employment.