

*Rt. Hon. R. J. Seddon.*

## EIGHT HOURS.

### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"><li>1. Short Title.</li><li>2. Interpretation.</li><li>3. To whom Act to apply.</li><li>4. Eight hours established as a working-day.</li><li>5. Workers not to be employed more than eight hours a day. Penalty.</li></ol> | <ol style="list-style-type: none"><li>6. On emergency involving danger workers may work longer hours.</li><li>7. Application of penalties.</li><li>8. Double wages recoverable if worker employed in breach of Act.</li><li>9. Factories Act modified. Proviso.</li><li>10. Working-day in certain cases not lengthened.</li></ol> |
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### A BILL INTITULED

AN ACT to define and regulate the Hours of Manual Labour in certain Cases. Title.

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

1. The Short Title of this Act is "The Eight Hours Act, 1897." Short Title.

2. In this Act, if not inconsistent with the context,—  
"Day" (other than a working-day) means any period of twenty-four hours: Interpretation.

"Week" means any consecutive period of one hundred and sixty-eight hours:

15 "Employer" means any person, company, or local authority employing any worker for hire, reward, or maintenance to perform any kind of skilled or unskilled manual labour; and includes any foreman, manager, agent, or servant of an employer who is expressly or impliedly intrusted by such employer with authority to engage, pay, or discharge any worker, or to superintend his work:

20 "Worker" means any person of any age or either sex employed for hire, reward, or maintenance to perform any kind of skilled or unskilled manual labour.

25 3. Except where the employer is a local authority this Act shall apply only to workers employed in factories registered under "The Factories Act, 1894" (not being dairy factories), or in or about mines. To whom Act to apply.

4. In all contracts for the employment of a worker, a day shall be deemed to be a "working-day," meaning thereby a Eight hours established as a working day.

period of eight consecutive working-hours (exclusive of such interval for meals as is agreed on or customary) on each of five days in the week, and of five consecutive working-hours on one day in the week; and every such contract shall be construed accordingly.

Workers not to be employed more than eight hours a day.

5. (1.) Except in the cases and subject to the conditions authorised and prescribed by section fifty-five of "The Factories Act, 1894," it shall not be lawful for any employer to employ any worker to work for more than eight working-hours in any one day, or for more than forty-five working-hours in any one week, or to dismiss any worker for refusing so to do. 5

(2.) For the purposes of the *last-preceding* subsection hereof, section fifty-five of "The Factories Act, 1894" (excepting the first paragraph thereof), shall extend and apply to every worker as defined by this Act. 10

Penalty.

(3.) If any employer commits any breach of this section he is liable to a penalty of not less than *five* nor more than *twenty* pounds, to be recovered by proceedings instituted by an Inspector of Factories before a Stipendiary Magistrate alone, whose decision shall be final. 15

On emergency involving danger workers may work longer hours.

6. In any such proceedings it shall be a sufficient defence if the defendant satisfies the Magistrate that such breach was caused by any special unforeseen emergency involving danger to life or property, and that he has paid or agreed to pay to each worker overtime for the period during which he was employed in excess of the legal working-hours at a rate agreed on, being in no case less than half as much again as the ordinary rate of wages. 20

Application of penalties.

7. All penalties recovered under this Act shall be paid into the Public Account, and form part of the Consolidated Fund. 25

Double wages recoverable if worker employed in breach of Act.

8. In any case where any employer employs any worker, in breach of this Act, for any period in excess of the legal working-hours, then, irrespective of the penalty to which the employer thereby exposes himself, he is liable to pay to the worker wages for such period at double the ordinary rate, and such double wages may be recovered by the worker with full costs of suit, any contract or agreement to the contrary notwithstanding. 30

Factories Act modified.

9. "The Factories Act, 1894," is hereby modified in so far as it in any way conflicts with this Act, but not further or otherwise: 35

Proviso.

Provided that nothing in this Act contained shall be construed to in any way affect the provisions of "The Factories Act, 1894," respecting holidays or the hours for commencing or ending work, or the intervals for meals. 40

Working-day in certain cases not lengthened.

10. Nothing in this Act contained shall be construed to lengthen the working-day in any case where, by custom, agreement, or statute, it is less than as hereinbefore prescribed.