[BILL OF SESSION II., 1897.]

[To be further considered in Committee of the Whole, 1898.]

AS REPORTED FROM THE LABOUR BILLS COMMITTEE, 12TH NOVEMBER, 1897.7

In Committee of the Whole, 1897: Clause 1 agreed to, and clause 2 considered and amended, 1st December. Clause 2 further considered and, as amended, negatived; clause 3 negatived; and clause 4 considered and amended, and progress reported, 14th December, 1897 (vide Journals, pp. 156, 157, and 213).

For amendments finally made, vide clauses 2 to 4 below.

For further amendments proposed, vide clauses 5 to 10 below, and Supplementary Order Papers, Nos. 6, 8, 23, 31, and 34, 1897.

Rt. Hon. R. J. Seddon.

EIGHT HOURS.

ANALYSIS.

Title.

1. Short Title.

2. Interpretation.

3. To whom Act to apply.

Eight hours established as a working-day

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

On emergency involving danger workers may work longer hours.

7. Application of penalties.8. Double wages recoverable if worker employed in breach of Act.

9. Factories Act modified. Proviso.

10. Working-day in certain cases not lengthened.

A BILL INTITULED

An Act to define and regulate the Hours of Manual Labour in certain Cases.

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

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

Struck out.

2. In this Act, if not inconsistent with the context,— 10 "Day" (other than a working-day) means any period of twenty-four hours: "Week" means any consecutive period of one hundred and sixty-eight hours: "Employer" means any person, company, or local authority 15 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 20 any worker, or to superintend his work: "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 To whom Act to apply only to workers employed in factories registered under "The Factories Act, 1894" (not being dairy factories), or in or about

apply.

Interpretation.

mines. No. 22-2.—18*3*7. Eight hours established as a working-day.

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

New Proviso agreed to.

Provided that nothing herein contained shall be construed to increase the number of working-hours in a working-day in any case where, by custom, agreement, or statute, such number is not more or 10 less than as hereinbefore prescribed.

Amendment under consideration: To add the following proviso: Provided further that this Act shall only apply to workers

employed in factories registered under "The Factories Act, 1894"; but shall not apply to dairy factories or freezing works, or to the 15 industries carried on in connection therewith, or in or about mines.— (Mr. Wason.)

Amendments as shown below were proposed by the Labour Bills Committee, 1897:—

Workers employed in excess of workingday to be paid overtime.

5. (1.) Except in the cases and subject to the conditions 20 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. and this Act, any employer who during any day or week employs any worker for any period in excess of the legal workinghours shall pay to the worker, by way of overtime, wages for such period at such rate as is agreed on, being in no case less than half as much again as the ordinary rate of wages, or other remuneration. Struck out.

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(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. (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.

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.

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

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.

Penalty.

On emergency involving danger workers may work longer hours.

Application of penalties.

Double wages recoverable if worker employed in breach of Act.

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

Provided that nothing in this Act contained shall be construed Proviso. 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.

Struck out.

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

certain cases not lengthened.

New clauses.

7. It shall not be competent for a worker to in any way contract No contracting out. himself out of the benefit of this Act, or otherwise deprive himself of the benefit thereof.

8. If any employer commits any breach of this Act he is liable Penalty. to a penalty not exceeding twenty pounds, to be recovered by proceedings instituted by an Inspector of Factories before a Stipendiary Magistrate alone, whose decision shall be final.

By Authority: John Mackay, Government Printer, Wellington.-1897.