



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. 5

*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 less than as hereinbefore prescribed. 10

*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 industries carried on in connection therewith, or in or about mines.— (Mr. Wason.) 15

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

Workers employed in excess of working-day to be paid over-time.

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.~~ and this Act, any employer who during any day or week employs any worker for any period in excess of the legal working-hours 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. 20 25

*Struck out.*

(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. 30

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. 35

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. 40 45

Application of penalties.

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

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. 50

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

Factories Act modified.

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.

Proviso.

*Struck out.*

10 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.

Working-day in certain cases not lengthened.

*New clauses.*

15 7. It shall not be competent for a worker to in any way contract himself out of the benefit of this Act, or otherwise deprive himself of the benefit thereof.

No contracting out.

15 8. If any employer commits any breach of this Act he is liable 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.

Penalty.