

FACTORIES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill contains miscellaneous amendments to the Factories Act 1946.

Clause 2: Subclause (1) of this clause modifies the existing provision which prohibits the working of more than four and a quarter hours continuously without an interval for a meal. The amendment will authorise—

- (a) Continuous employment for not more than five hours where the occupier allows an interval of not less than ten minutes in every working period of not more than three hours; and
- (b) Continuous employment where the nature of the work on which the worker is engaged necessitates him having his meals in the vicinity of his work during working hours.

The proposed provisions will still be subject to any award or industrial agreement.

Subclause (2) will permit a woman or boy being employed from seven o'clock in the morning instead of eight o'clock as at present.

Clause 3: This clause repeals a provision prohibiting an extension of working hours if the extension would involve the working of extended hours on more than two consecutive days in any week.

Clause 4 substitutes a new section for the existing section 21 of the principal Act. That section requires the occupier of a factory who wishes women to work overtime in the factory to obtain a warrant from an Inspector before any such overtime is worked. The proposed section does away with this procedure but requires the occupier to keep records of all overtime worked by women and to retain the records for inspection.

Clause 5 substitutes a new section 24. That section is limited in its application to overtime by women and boys in fruit canning factories and jam factories and provides that certain limitations as to overtime do not operate in those factories from January to April in each year. The proposed provision is wider in its application and provides that in certain industries where the nature of the work carried out necessitates employment outside the hours otherwise permitted, an Inspector may consent to any such employment subject to such conditions as he thinks fit to impose. Limitations on the powers of the Inspector are specifically imposed in the proposed subsection (2).

Clause 6 contains new provisions designed to simplify the procedure relating to payment for holidays. Each worker employed in a factory will be ensured of obtaining pay in respect of statutory holidays if he is employed in the factory at any time during the fortnight ending on any such holiday. The proportion of pay payable in cases where he is employed by more than one employer during the fortnight is prescribed in the new provision.

Clause 7 provides an absolute prohibition on the employment in a factory of a boy or girl under fifteen years of age. At present any such person may be employed under the authority of an Inspector. In fact no such authority is ever given.

Clause 8 repeals four sections of the principal Act which are regarded as obsolete. Those sections are—

- (a) Section 25, which makes special provisions relating to the working of overtime in laundries;
- (b) Section 27, which provides for a poll of electors to be taken with respect to the weekly half holiday to be observed in factories;
- (c) Section 30, which makes special provisions with respect to employment in dairy factories; and
- (d) Section 33, which makes special provisions as to the employment of women on holidays and half holidays in milk preserving factories.

In all the cases to which the enactments proposed to be repealed relate, the persons concerned will be subject to the general law in the same manner as other workers.

Hon. Mr Sullivan

FACTORIES AMENDMENT

ANALYSIS

Title	
1. Short Title	5. Special provisions in respect of certain factories
2. Amending provisions as to hours of work	6. Amending provisions as to wages payable for holidays
3. Amending provisions as to overtime worked by women	7. Prohibition of employment of boy or girl under fifteen years of age
4. Records with respect to women's overtime	8. Miscellaneous repeals

A BILL INTITULED

An Act to amend the Factories Act 1946

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

1. **Short Title**—This Act may be cited as the Factories Amendment Act 1956, and shall be read together with and deemed part of the Factories Act 1946 (hereinafter referred to as the principal Act).

10 2. **Amending provisions as to hours of work**—(1) Section nineteen of the principal Act is hereby amended by repealing paragraph (c) of subsection one, and substituting the following paragraph:

15 “(c) For more than four and one-quarter hours continuously without an interval of at least three-quarters of an hour for a meal:

“Provided that—

“(i) The said period of four and one-quarter hours may be extended to not more than five hours in cases where the occupier allows a rest interval of not less than ten minutes in every working period of not more than three hours: 5

“(ii) This paragraph shall not apply in respect of any worker where the nature of the work carried on by him necessitates the worker partaking of a meal during his working hours in the vicinity of the work on which he is engaged: 10

“(iii) The provisions of this paragraph shall be subject to any award made or industrial agreement filed under the Industrial Conciliation and Arbitration Act 1954 or any agreement made under the Labour Disputes Investigation Act 1913:” 15

(2) Section nineteen of the principal Act is hereby further amended by omitting from paragraph (a) of subsection two the word “eight”, and substituting the word “seven”. 20

3. Amending provisions as to overtime worked by women—
Section twenty of the principal Act is hereby amended by repealing paragraph (b) of subsection two thereof. 25

4. Records with respect to women’s overtime—(1) The principal Act is hereby amended by repealing section twenty-one, and substituting the following section:

“21. (1) The occupier shall keep a record, showing the name of each employee and the hours worked by her, of all those women who have worked extended hours in accordance with subsection two of section twenty of this Act. 30

“(2) Every such record shall show at all times the total overtime that has for the time being been worked during each year by each woman to whom the record relates. 35

“(3) All such records shall be retained by the occupier for a period of not less than two years from the date on which they are made and shall at all times be available for inspection by the Inspector.

“(4) Notice shall, during some part of the working day immediately preceding that on which any extended hours are intended to be worked, be given to each woman to whom the extension is intended to apply; or where any such notice is impracticable, the occupier shall, in addition to any payment for overtime, provide every such woman who resides at a further distance than one mile from the factory either with a sufficient meal between the hour at which the factory ordinarily closes and the hour at which the extension is to commence, or with an allowance of not less than three shillings and sixpence which shall be paid on the day on which the extension is to apply not later than the hour at which the factory ordinarily closes.”

(2) Section twenty of the principal Act is hereby amended by omitting from paragraph (c) of subsection two, as substituted by subsection one of section sixteen of the Statutes Amendment Act 1948, the words “grant a warrant under the next succeeding section permitting”, and substituting the words “authorise in writing”.

5. Special provisions in respect of certain factories—The principal Act is hereby amended by repealing section twenty-four, and substituting the following section:

“24. (1) The provisions of sections nineteen and twenty of this Act are hereby modified in respect of—

“(a) Those industries where raw materials which, in the opinion of the Inspector, are subject to rapid deterioration are processed for sale as foodstuffs; and

“(b) Those industries where, in the opinion of the Inspector, extended hours are necessary in order to meet a public demand resulting from approaching or existing holidays or from extraordinary circumstances—

to the extent that, with the written consent of the Inspector, the limitations as to hours of work contained in subsection two of section nineteen of this Act and the limitations as to overtime contained in section twenty of this Act need not be observed.

“(2) The Inspector, when giving his consent under subsection one of this section, may impose such conditions as he thinks fit and any such consent may be of general application or may relate to any specified part or parts of New Zealand,

to any specified period or periods, or to any specified class or classes of undertakings, and different conditions may be imposed in respect of different parts of New Zealand or in respect of different classes of undertakings:

“Provided that no such consent shall authorise the employment of any worker— 5

“(a) At any time between the hours of ten o’clock in the evening and six o’clock in the morning of the following day;

“(b) So that a worker has not at least eleven consecutive 10 hours for rest (which shall include the period referred to in paragraph (a) of this proviso) in any period of twenty-four hours; or

“(c) On more than six days in any one week;

“(d) For any periods amounting in the aggregate to more 15 than eleven hours in any period of twenty-four consecutive hours;

“(e) On a Sunday, if the worker has been employed, whether or not by the same employer, on more than 20 five days during the previous week.”

6. Amending provisions as to wages payable for holidays—

(1) Section twenty-eight of the principal Act is hereby amended by repealing subsections one, two, and three, and substituting the following subsections:

“(1) Where any person has been employed in any factory 25 at any time during the fortnight ending on the day on which any of the whole holidays referred to in paragraph (a) of subsection one of section twenty-six of this Act occurs, each employer who employs him in a factory during that fortnight shall, subject to subsection *two* of this section, pay him for the 30 holiday, on or before the next regular pay day after the holiday, an amount equal to one-tenth of his wages for an ordinary working day multiplied by the number of ordinary working days on which he is employed during the fortnight by that employer. 35

“(2) Where on any ordinary working day during the fortnight ending as aforesaid any such person has not otherwise been employed in any employment in which he is entitled to payment for the holiday, the employer who last employed him in the factory during that fortnight shall be liable to pay 40 him in respect of each day on which he was not otherwise employed as aforesaid an amount equal to one-tenth of his wages for an ordinary working day.

“(3) For the purposes of this section a certificate in writing by any person that he has not for any period during the fortnight ending as aforesaid been employed on an ordinary working day in any employment for which he is entitled to
5 payment for any whole holiday referred to in paragraph (a) of subsection one of section twenty-six of this Act shall be *prima facie* evidence of that fact.”

(2) Section twenty-eight of the principal Act is hereby further amended by omitting from subsection four the words
10 “last two preceding subsections”, and substituting the words “foregoing provisions of this section”.

7. Prohibition of employment of boy or girl under fifteen years of age—Section thirty-seven of the principal Act is hereby amended by repealing subsection one, and substituting
15 the following subsection:

“(1) A boy or girl under fifteen years of age shall not be employed in any factory.”

8. Miscellaneous repeals—(1) Sections twenty-five, twenty-seven, thirty, and thirty-three of the principal Act are hereby
20 repealed.

(2) Subsection two of section sixteen of the Statutes Amendment Act 1948 is hereby repealed.