

FACTORIES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Factories Act 1946.

Clause 1 relates to the Short Title.

Clause 2 makes several amendments to section 19 of the principal Act, which regulates the working hours (excluding overtime) of factory workers.

It removes the prohibition against employing women of or over the age of 16 years between 6 p.m. and 8 a.m., and on Sundays, holidays, and half-holidays. However, this amendment must be read together with the new provision that such women must have an 11 hour rest interval (see below).

It also changes from 8 a.m. to 7 a.m. the earliest hour of the day at which persons of either sex under the age of 16 years may be employed. At present, women and boys may only be employed between 7 a.m. and 8 a.m. with the consent of an Inspector.

It also removes the prohibition against employing young persons on half-holidays, and permits their employment on whole holidays if an award, industrial agreement, order, or determination so provides.

Section 19 (3) of the principal Act is repealed. This subsection at present permits the employment of males over the age of 18 years outside ordinary working hours in making preparations for the work of a factory.

Section 19 (4) of the principal Act is also repealed. This subsection at present provides that workers whose working hours were reduced to 40 hours a week by the operation of the Factories Amendment Act 1945 shall be paid at time and a half rates on Saturdays.

Clause 2 also provides that a woman shall not be employed in a factory at any time between the hours of 6 p.m. and 11 a.m. unless during that period she has had a rest of at least 11 consecutive hours, of which 7 consecutive hours must fall between 10 p.m. and 7 a.m.

The rest interval must not start after 11 p.m. without the consent of an Inspector, which may only be given after consultation with the employers' and employees' organisations concerned.

The prohibition does not apply to factories in which the only workers are members of the same family.

Clause 3 removes the restrictions in section 20 of the principal Act on the amount of overtime that may be worked by women who have attained the age of 16 years. The requirements of *clause 2* of this Bill as to the 11 hour rest interval will apply to such women, however.

Clause 4 repeals section 24 of the principal Act, which modifies the limitations on working hours in certain cases of emergency. The clause substitutes a new section which provides that an Inspector may allow women who have attained the age of 16 years to be employed in a factory at any time if he is satisfied that it is necessary to preserve from certain loss materials that are subject to rapid deterioration. However, the requirements of the Act as to rest intervals and payment for overtime will still apply.

Clause 5 amends section 26 of the principal Act by providing that factory workers shall be entitled to additional holidays on the 2nd day of January and on the provincial anniversary day (or on 2 other days in their place).

It also removes the statutory requirement that the occupier must allow each worker a half holiday every Saturday.

Clause 6 repeals the requirement in section 28 of the principal Act that factory workers who are employed on half-holidays shall be paid at time and a half rates.

Clause 7 makes consequential amendments to section 32 of the principal Act, relating to the employment of newspaper staff on half holidays.

Clause 8 removes the limitations on employing girls under 18 years of age in processes involving glass blowing, the annealing of glass, the evaporating of brine, and the stoving of salt. The other amendment in this clause is consequential.

Clause 9 removes the limitations on employing women of any age and boys in wet spinning.

Clause 10 deals with consequential amendments.

Hon. Mr Thomson

FACTORIES AMENDMENT

ANALYSIS

Title	5. Holidays
1. Short Title	6. Wages payable for holidays allowed and for holidays worked
2. Limits of working hours	7. Special provisions as to newspapers
3. Prohibition and restrictions as to overtime	8. Restrictions on employment of girls in certain work
4. Special provisions in case of certain factories	9. Wet spinning
	10. Consequential amendments

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 1972, and shall be read together with and deemed part of the Factories Act 1946* (hereinafter referred to as the principal Act).

10 **2. Limits of working hours**—(1) Section 19 of the principal Act (as amended by section 2 (1) of the Factories Amendment Act 1956) is hereby further amended by omitting from paragraph (c) of subsection (1) the words “conditions

*1957 Reprint, Vol. 4, p. 775

Amendments: 1961, No. 65; 1966, No. 17; 1969, No. 77; 1971, No. 45

of service made under the Government Service Tribunal Act 1948, or the Government Railways Act 1949, or the Post and Telegraph Act 1928”, and substituting the words “conditions of employment made under the State Services Remuneration and Conditions of Employment Act 1969 or the Post Office Act 1959”.

(2) The said section 19 (as amended by section 2 (2) of the Factories Amendment Act 1956) is hereby further amended by repealing subsections (2), (3), and (4), and substituting the following subsections:

“(2) Subject to the provisions of this Act, no person under the age of 16 years shall be employed in or about a factory—

“(a) At any time between the hours of 6 o’clock in the evening of any day and 7 o’clock in the morning of the following day; or

“(b) On any Sunday; or

“(c) On any holiday, except as may be provided in an award, industrial agreement, order, or determination referred to in subsection (1) of this section.

“(3) Except as provided in section 24 of this Act, no woman who has attained the age of 16 years shall be employed in or about a factory at any time between the hours of 6 o’clock in the evening of any day and 11 o’clock in the morning of the following day unless at some time in that period she has a continuous rest interval of at least 11 consecutive hours (of which at least 7 consecutive hours fall between the hours of 10 o’clock in the evening and 7 o’clock in the morning) during which she is not employed in or about the factory.

“(4) The rest interval of 11 hours referred to in subsection (3) of this section shall not begin after 11 o’clock in the evening, except with the consent of an Inspector given after consultation with each organisation of employers and of workers concerned.

“(5) In giving his consent under subsection (4) of this section, an Inspector may impose such conditions, if any, as he thinks fit.

“(6) Nothing in subsections (3), (4), and (5) of this section shall apply in respect of any factory in which the only persons engaged or employed are members of the same family.”

3. Prohibition and restrictions as to overtime—Section 20 of the principal Act (as amended by section 3 of the Factories Amendment Act 1956 and section 5 of the Factories Amendment Act 1961) is hereby further amended by repealing subsection (2), and substituting the following subsection:

“(2) Subject to subsections (3), (4), and (5) of section 19 of this Act, and to subsections (1), (3), and (4) of this section, the prescribed working hours or times may from time to time be extended.”

5 **4. Special provisions in case of certain factories**—The principal Act is hereby further amended by repealing section 24 (as substituted by section 5 of the Factories Amendment Act 1956), and substituting the following section:

10 “24. Notwithstanding section 19 of this Act, but subject to section 20 of this Act, an Inspector may with the approval of the Secretary of Labour consent, on such conditions (if any) as the Inspector may specify, to the employment in or about a factory at any time of any woman who has attained the age of 16 years, if the Inspector is satisfied that such employment

15 is necessary to preserve from certain loss—

 “(a) Raw materials; or

 “(b) Materials in the course of treatment—
that are subject to rapid deterioration.”

20 **5. Holidays**—The principal Act is hereby further amended by repealing section 26, and substituting the following section:

 “26. (1) Except as hereinafter provided, the occupier of a factory shall allow to every person employed in the factory a whole holiday on each of the following days in every year:

25 “(a) Christmas Day:

 “(b) Boxing Day:

 “(c) New Year’s Day:

 “(d) The 2nd day of January (or another day in its place):

 “(e) Good Friday:

30 “(f) Easter Monday:

 “(g) Anzac Day:

 “(h) Labour Day:

 “(i) The birthday of the reigning Sovereign:

 “(j) The day of the anniversary of the province in which the factory is situated (or another day in its place).

35 “(2) Notwithstanding subsection (1) of this section, the occupier of a factory may employ any worker on any such holiday except as otherwise expressly provided.”

6. Wages payable for holidays allowed and for holidays worked—(1) Section 28 of the principal Act is hereby amended by omitting from subsection (5) the words “, and every person who is actually employed in any factory on any half-holiday shall be paid therefor at not less than one-half as much again as the ordinary rate”.

(2) The said section 28 (as amended by section 6 (1) of the Factories Amendment Act 1956) is hereby further amended—

- (a) By omitting from subsection (1) the words “paragraph (a) of”;
- (b) By omitting from subsection (3) the words “paragraph (a) of”.

7. Special provisions as to newspapers—Section 32 of the principal Act is hereby amended—

- (a) By omitting from paragraph (a) of subsection (1) the words “on the half-holiday for the purpose of printing or publishing an evening newspaper, or”;
- (b) By repealing paragraph (b) of subsection (1).

8. Restrictions on employment of girls in certain work— (1) Section 38 of the principal Act is hereby amended by repealing subsection (4).

(2) The said section 38 is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(2) The Governor-General may from time to time by Order in Council extend the provisions of subsection (3) of this section to any process in which, because of the special circumstances, it appears to him undesirable that persons under the age of 16 years should be employed. Any such Order in Council may be varied from time to time, or revoked, by the Governor-General by Order in Council.”

9. Wet spinning—Section 68 of the principal Act is hereby repealed.

10. Consequential amendments—Sections 3 and 5 of the Factories Amendment Act 1956 are hereby consequentially repealed.