

Mr. Fraser.

UNEMPLOYED WORKERS.

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A BILL INTITLED

AN Act to make Provision for Unemployed Workers.

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

- 5 1. This Act may be cited as the Unemployed Workers Act, 1921.
2. In this Act, if not inconsistent with the context,—
- “ Minister ” means the Minister of Labour :
- “ Board ” means the Unemployment Board :
- “ Court of Arbitration ” means the Court of Arbitration established by the Industrial Conciliation and Arbitration Act, 1908 :
- 10 “ District ” means any one of the industrial districts constituted by the Industrial Conciliation and Arbitration Act, 1908 :

Title.

Short Title.

Interpretation.

- “Employer” means any person, firm, company, or local authority employing labour of any kind for hire or reward, and includes any agent, representative, or attorney of them respectively :
- “Fund” means the Unemployment Insurance Fund created by this Act : 5
- “Labour Bureau” means any Employment Branch of the Labour Department :
- “Prescribed” means prescribed by this Act :
- “Prescribed return” means the annual return relating to workers prescribed to be furnished by employers for the purposes of this Act : 10
- “Standard rate of wages” means the wage fixed by an industrial agreement or by an award of the Court of Arbitration, or, if no industrial agreement or award exists, the prevailing wage, for similar work in the district : 15
- “Worker” means any person, male or female, of the age of sixteen years or upwards, employed to do any kind of work for hire or reward ; used in relation to a person whilst unemployed the term means a person who when employed fulfilled the conditions aforesaid. 20

Unemployment Board.

Unemployment Board.

3. (1.) There is hereby established a Board to be called the New Zealand Unemployment Board (in this Act referred to as the Unemployment Board or the Board). 25

(2.) The Board shall consist of—

- (a.) The Minister, who shall be Chairman of the Board :
- (b.) One representative of the Public Works Department :
- (c.) One representative of the local bodies, to be elected by the joint vote of the Councils of boroughs and counties constituted under the Municipal Corporations Act, 1920, and the Counties Act, 1920, respectively : 30
- (d.) One employers' representative, to be elected by a joint vote of the unions of employers registered under the Industrial Conciliation and Arbitration Act, 1908, and the Trade-unions Act, 1908 : 35
- (e.) Three workers' representatives, to be elected by a joint vote of the unions of workers registered under the Industrial Conciliation and Arbitration Act, 1908, and the Trade-unions Act, 1908. 40

Election of representative members of Board.

4. (1.) For the purpose of the election of the local bodies' representative each Borough and County Council shall be deemed to have one vote for each one thousand inhabitants, or portion thereof, as at the last preceding census.

(2.) For the purpose of the election of the employers' representative each union of employers having not more than fifty members shall be deemed to have one vote, and every union of employers having more than fifty members shall be deemed to have one vote for every complete fifty of its members. 45

(3.) For the purpose of the election of the workers' representatives each union of workers having not more than fifty members shall be deemed to have one vote, and every union of workers having more than fifty members shall be deemed to have one vote for every complete fifty of its members. 50

(4.) For the purpose of estimating the voting-power of either an employers' or a workers' union, the number of its members shall be deemed to be the number specified in the last annual list forwarded by the union to the Registrar of Industrial Unions in pursuance of section seventeen of the Industrial Conciliation and Arbitration Act, 1908, or to the Department of Labour in pursuance of section seven of the Labour Department Act, 1908.

(5.) The vote, or votes, of each Borough or County Council shall in each case be forwarded to the Returning Officer in the name and under the seal of the borough or county.

(6.) The vote, or votes, of each union of workers or employers shall in each case be forwarded to the Returning Officer, in the name and under the seal of the union, by the committee of management or other governing authority thereof however designated.

(7.) The election for the five elected members of the Board shall be conducted on the system of proportional representation as prescribed by regulations under this Act.

Election on proportional representation system.
Returning Officer.

(8.) The Returning Officer shall be the Secretary of the Department of Labour.

(9.) The representatives of the local bodies, the employers' representative, and the workers' representatives shall be elected for a period of twelve months, but shall be eligible for re-election.

Period of office.

(10.) Casual vacancies shall be filled as they arise by the election of a representative in the manner prescribed in this section to hold the office of the representative who has vacated office.

Casual vacancies

(11.) At the election of representatives to the Board a like number of deputy representatives shall be elected in the manner prescribed. If any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the deputy shall be called upon to act for that member during such incapacity. In the case of one or more workers' representatives being incapacitated their deputies shall be called upon to act in the order in which they were elected.

Deputy representatives.

5. The Board may from time to time appoint a Secretary, and other officers as may be deemed necessary, who shall respectively perform such duties as the Board from time to time determines.

Appointment of Secretary and other officers.

6. (1.) Meetings of the Board shall be held at such times and places as the Board, or any four members of the Board, shall from time to time appoint.

Meetings of the Board.

(2.) At all such meetings four members of the Board shall constitute a quorum.

(3.) The Chairman of the Board shall preside at all meetings of the Board at which he is present.

(4.) In the event of the absence of the Chairman from any meeting of the Board the members present may appoint, at his request, any other member of the Executive Council to act as Chairman for that meeting, and the member of the Executive Council so appointed shall, in regard to that meeting, be deemed to be a member of the Board and to be the Chairman thereof.

(5.) At any meetings of the Board the decision of a majority of the members present shall be the decision of the Board.

(6.) The Chairman shall have a deliberative vote, and in any case where the votes are equal shall have a casting-vote also.

(7.) The Board may make other rules with respect to its meetings, and governing the procedure thereat, and with respect to the conduct of the business of the Board generally.

Powers and duties
of Board.

7. (1.) It shall be the duty of the Board to obtain all available information as to the condition of the supply and demand of labour, and for that purpose the Board shall be entitled to require the Department of Labour or any other Government Department, or local authority or other local body, to furnish to the Board any statistics and data in their possession relating to this matter.

(2.) The Board shall—

(a.) Inquire into the causes and extent of unemployment within the Dominion or any part thereof;

(b.) Inquire into and consider what are the most effective measures to be taken for temporarily or permanently reducing or eliminating unemployment within the Dominion or any part thereof;

(c.) Obtain and disseminate information on all matters connected with industrial occupations and the callings of workers, with a view to lessening the evils of unemployment;

(d.) Consider and report to the Governor-General in Council upon the industrial efficiency of the community, the organization of the labour supply and demand and opportunities of employment, and all matters and questions relating to unemployment.

(e.) Consider and report to the Governor-General in Council upon the working of the Government Labour Bureaux, and make any recommendation deemed necessary for their improvement and extension.

(3.) For the purposes of carrying out the powers and duties of the Board under this Act—

(a.) The Board may appoint any member or members thereof, or any other person, to hold any inquiry and submit the evidence taken thereat together with a report thereon (if so requested) to the Council;

(b.) The Board and the member or members thereof, or other person appointed as aforesaid, shall be deemed to be a Commission within the meaning of the Commissions of Inquiry Act, 1908, and the provisions of that Act shall apply accordingly.

Unemployment Insurance Fund.

Unemployment
Insurance Fund.

8. (1.) There is hereby created in the Treasury a fund to be called the Unemployment Insurance Fund.

(2.) All moneys received by way of assessment from employers under this Act shall be paid into the fund.

(3.) The Minister of Finance is hereby empowered to pay into this Fund such moneys as Parliament may appropriate from time to time for the purpose.

(4.) All payments in respect of unemployed workers and of the administration of this Act shall be payable out of the fund.

9. (1.) For the purposes of this Act and in aid of the fund the Minister shall, in respect of each year ending the thirty-first day of March, make and levy an assessment on every employer. Assessment.

(2.) The assessment payable by each employer in respect of the 5 year ending the thirty-first day of March, nineteen hundred and *twenty-two*, shall be a sum equal to *two* pounds for each worker employed by him in the calendar year nineteen hundred and *twenty-one*. Returns.

(3.) The assessment payable by each employer in respect of each 10 subsequent year ending the thirty-first day of March shall be such amount as shall be fixed by the Minister upon the recommendation of the Board. The assessment shall be based on the number of workers employed by each employer in the year in question, or on such other basis as may from time to time be prescribed. When assessment deemed to be levied.

(4.) For the purposes of this section, the number of workers 15 employed by an employer in any year shall be the average of the number of persons (whether or not the same persons) employed by him on each working-day during such year. Payment of assessment.

(5.) For every worker who has been proved to the satisfaction of 20 the Board to have been continuously in the service of the same employer during the year in respect of which the assessment is made, such employer shall be entitled to a rebate of assessment at a rate to be prescribed. Assessment, how enforced.

(6.) In order to enable the Minister to make and levy the said 25 assessment, every employer shall, on or before such day in each year as the Board by notice in the *Gazette* directs, make and forward to the Secretary of Labour the prescribed return containing the prescribed particulars and verified as prescribed : Remission in case of hardship.

Provided that in lieu of requiring such return the Board may in 30 its discretion accept as correct such particulars contained in any return for the same period furnished by employers or any class of employers or individual employer under any other Act as will enable the Minister to make a proper assessment on the proper basis.

(7.) The Minister shall cause notice of the making of the annual 35 assessment to be published in the *Gazette* ; and the assessment shall be deemed to have been duly levied on the last day on which such notice was so published.

(8.) The amount of every assessment shall be paid to the Treasury within the time and in the manner prescribed.

(9.) If an employer fails to pay the amount of an assessment, the 40 Minister may enforce payment of the same, together with one-tenth more by way of penalty, by complaint against the employer before a Magistrate, or by action in any Court of competent jurisdiction.

(10.) Notwithstanding anything herein contained, in any case in 45 which the Board is satisfied that it would be a hardship on an employer to enforce from him payment in full of an assessment in any year, the Minister may in favour of such employer remit the whole or such part of such assessment as he in his discretion thinks proper.

10. (1.) The Governor-General in Council may, from time to time 50 by Order in Council, order and direct that employers shall do such things and take such measures as in his opinion will be effective for temporarily or permanently reducing or eliminating unemployment within the Dominion or any part thereof. Any such order may be limited Power to direct employers to take steps to remedy unemployment.

to any class of employers or individual employers or employer. Every such order shall be complied with either forthwith or within such time as is stated in such order.

Penalty assessment.

(2.) If the Board is satisfied that any employer to whom any such order applies has made default in compliance with such order according to its tenor, the Minister may, by way of penalty, levy upon such employer an additional assessment of such amount, not exceeding the assessment of such employer for the year in which the default has occurred, as the Minister thinks proper; and such assessment shall be deemed to be an assessment under this Act, and shall be payable and recoverable accordingly: 5 10

Provided that any such employer shall have the right to appeal to a Stipendiary Magistrate against any such assessment on the ground that he has not made such default as alleged or that such default arose through circumstances wholly beyond such employer's control, and on no other ground. The appeal shall in such case be heard and determined by such Magistrate in accordance with the regulations, and his decision shall be final and conclusive. 15

Special Works.

Special works to reduce unemployment.

11. (1.) If at any time the extent of unemployment within the Dominion or any part thereof is such as in the opinion of the Board to require that special measures should be adopted with respect to it, the Board shall report to the Minister as to— 20

(a.) The number of workers unemployed in the various localities affected; 25

(b.) The callings or classes of workers unemployed, and in such report shall state the nature of the work which in the opinion of the Board will afford the greatest relief.

(2.) The Minister shall submit such report to the Governor-General in Council for his consideration, and the Governor-General in Council, if satisfied that special measures are necessary, may— 30

(a.) Provide such Government work as in his opinion will tend to afford the greatest relief of unemployment in the localities affected at the standard rate of wages as fixed by industrial agreement or award of the Court of Arbitration, or, if no industrial agreement or award exists, the prevailing wage for similar work in the district in which the special Government work is located: 35

(b.) By Order in Council direct local authorities or other local governing bodies in the said localities to commence and carry out such works as are stated in the Order for the relief of unemployment therein, at the standard rate of wages as fixed by industrial agreement or award of the Court of Arbitration, or, if no industrial agreement or award exists, the prevailing wage for similar work in that district, and all such authorities and other bodies shall conform with such Order; 40 45

(c.) By Order in Council direct any company or person or firm carrying on business whose taxable income within the meaning of the laws in force relating to income-tax in respect of the immediately preceding period of assessment of that tax exceeded *ten* pounds per centum on the capital actually invested in such business, and provided the amount 50

of such income exceeded in the case of such company *five* thousand pounds, or in the case of such person or firm *two* thousand pounds, either—

(i.) To create employment by investing moneys to the extent mentioned in the said Order in developmental work or work of benefit to the State, either in connection with the business carried on by such company, person, or firm, or otherwise; or

(ii.) To invest in New Zealand Government securities such amount as is mentioned and within such time and at such rate of interest and on such terms and conditions as are mentioned in the said Order.

Works of the class mentioned in this subsection are hereinafter referred to as special work. An Order in Council under this subsection may prescribe the time within which special work is to be commenced and the time allowed for the completion of the same.

(3.) For the purpose of enabling any local authority or other local governing body to conform with any such Order it shall be entitled to obtain from the State Advances Office a loan under and subject to the provisions of the Local Bodies' Loans Act, 1913, notwithstanding any limitation on its borrowing powers contained in the said Act or any other Act, and without taking any poll of the ratepayers or obtaining their consent to the work or to the loan, and for that purpose sections eight to twelve of the Local Bodies' Loans Act, 1913, shall not apply.

(4.) If the Board is satisfied that any such authority or other body has made default in conforming with such Order within the time stated therein, the Governor-General in Council may by a further Order in Council so declare and direct that all costs, charges, and expenses incurred by the Minister in conforming with the Order shall be paid by such authority or body; and thereupon the Minister, for and on behalf of the authority or body so in default and as its irrevocable agent, may conform with such Order, and for that purpose may, if deemed necessary, obtain a loan as in subsection *three* hereof is provided, and may recover from such authority or body all costs, charges, and expenses incurred. A copy of the Order made for the payment of such costs, charges, and expenses may be filed in the office of the Registrar of the Supreme Court, and may thereupon be enforced in the same manner as if the same were a judgment of that Court; and the certificate of the Minister as to the amount of costs, charges, and expenses so incurred shall be *prima facie* evidence of such amount.

(5.) If the Board is satisfied that any company, person, or firm has made default in conforming with an Order made under subsection *three* hereof, the Governor-General in Council may by Order in Council impose upon such company, person, or firm a fine of such amount as is fixed by the Order, but not exceeding in any case an amount equal to one-fourth of the moneys directed by the first-mentioned Order to be invested in work or securities by such company, person, or firm. A copy of the Order imposing such fine may be filed in the office of the Registrar of the Supreme Court, and may thereupon be enforced in the same manner as if the same were a judgment of that Court for the amount of such fine with costs.

When local authority, &c., may be recouped out of fund.

(6.) If it is shown to the satisfaction of the Board that by reason of certain special work being commenced or carried out by a local authority or other local governing body at an earlier time than it would otherwise have been, or that owing to some other good and sufficient cause the expenditure will result or has resulted in a loss, the Governor-General in Council may by Order in Council declare the amount of such loss, and the local authority or body shall be entitled to be paid the amount so certified out of the fund. 5

(7.) When it is shown to the satisfaction of the Governor-General in Council, by the report of the Board or by other evidence, that in any locality in which any special work is being carried out the demand for labour has so increased as to render the continuance of such special work or some part thereof no longer necessary, he may by Order in Council direct that such special work be discontinued either wholly or to such extent as is mentioned in the Order. 10 15

Power to order postponement of certain work.

12. The Governor-General in Council may from time to time, upon the recommendation of the Council, order that works to be carried out by any local authority or other local governing body shall be postponed until the slack season of the year, so that as far as practicable employment in the locality in question shall be constant throughout the year. 20

Duty of Public servants, &c.

13. All Public servants, including all officers of any taxation Department, and all other persons and bodies corporate whatsoever having in their custody, possession, or power any books, records, registers, papers, or other documents the inspection whereof may assist the Board in the performance of its powers and duties under this Act, shall at all reasonable times, notwithstanding anything to the contrary in any other Act, permit any person or persons thereunto authorized by the Board or the Minister to inspect all such books, records, registers, papers, and documents, and to take such notes, copies, or extracts thereof or therefrom as he may deem necessary, without fee or reward. Such powers of inspection and of taking notes, copies, or extracts shall be exercised only for the purposes of the Board, and the information so obtained shall not be used for any other purpose; and the person authorized to exercise such powers shall be bound to secrecy in manner prescribed. 25 30 35

Railway Passes.

Railway passes.

14. The Minister may cause to be issued to any unemployed worker a ticket or pass to enable him to travel by the Government railways to any place of prospective employment. The cost of every such ticket or pass shall be defrayed out of the fund. 40

Advertisements.

Advertisements.

15. Regulations under this Act may prescribe and regulate the methods and conditions by and under which employers may publicly advertise for labour. 45

Right to Work.

Right to work.

16. (1.) Every unemployed worker shall have the right to apply to be registered, and to be registered for employment at any Government Labour Bureau.

(2.) Subject to the provisions hereinafter mentioned, if after the expiration of seven days from the date of his registration for employment at any Government Labour Bureau any worker has not been provided with work, he shall, until he is so provided with work, have the right to be paid an unemployed maintenance allowance at the rate set forth in the Schedule to this Act.

(3.) The right to receive such maintenance payment shall be subject to the following conditions and exceptions :—

(a.) If the worker, at any time after his registration, without reasonable excuse refuses or has refused to accept any work offered to him, whether through the Labour Bureau or otherwise, he shall not for seven days after such refusal be entitled to receive any such allowance. Objection on the part of an unemployed worker to become a member of a registered trade or industrial union which enjoys the right of preference of employment for its members conferred on such union by an industrial agreement or by an award of the Court of Arbitration, shall not of itself constitute a reasonable excuse on the part of the worker for refusing to accept work offered; a worker who refuses to accept employment on that ground shall forfeit his right to maintenance payment and shall not again become entitled to any such maintenance payment until the lapse of seven days after such refusal.

(b.) After his registration the worker shall have attended and shall attend to seek employment at the Labour Bureau at such times as are prescribed by the regulations.

(c.) When it is shown to the satisfaction of the Board that any worker has become unemployed solely by his own fault, the Board may direct that he shall not whilst unemployed be entitled to any such maintenance payment during such period not exceeding one month as the Board may fix.

(5.) If any dispute arises with respect to any person's right to receive such maintenance payment, the matter shall be referred by the Minister to the Board for decision, and the decision of the Board thereon shall be final and conclusive.

(6.) The fund shall be charged with the payment of all such maintenance payments.

General Provisions.

17. In addition to and without in any way limiting the powers of the Governor-General in Council or the Minister under this Act, the Governor-General in Council is hereby empowered from time to time by Order in Council to issue such orders and give such directions and prescribe such rules as will in his judgment be calculated to safeguard the requirements and well-being of the people or to give full effect to the provisions of this Act, and every such order, direction, and rule shall be obeyed.

18. Every Order in Council made or purporting to be made under this Act shall be published in the *Gazette*, and forthwith upon such publication shall be read as one with this Act, and construed as being of equal validity, and shall not be challenged in any proceedings whatsoever.

Offence against Act.

19. (1.) Any person who by any act or default contravenes or fails to comply with any provision of this Act, or delays, or obstructs, or hinders the doing of any act required by this Act to be done, whether by himself or by any other person, or who aids, abets, counsels, or procures any other person to so contravene or fail to comply with any such provision, or who attempts in anywise so to do, shall be guilty of an offence against this Act. 5

(2.) Any person guilty of an offence against this Act shall be liable to a penalty not exceeding *one hundred* pounds. If such person is a company, the individual person guilty of the offence, and also the managing director or other manager of the company, shall each of them be liable to the like punishment. 10

(3.) All proceedings in respect of penalties for offences against this Act may be heard and determined by and before a Stipendiary Magistrate. 15

Regulations.

20. (1.) The Governor-General in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency. 20

(2.) The regulations may fix a penalty, not exceeding in any case *twenty* pounds, for any breach thereof. 25

(3.) All such regulations shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were contained in this Act and shall not be challenged in any proceedings whatsoever. Such regulations shall be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement, of the next session. 30

(4.) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime. 35

(5.) For the purpose of this section, the term "sitting days" shall mean days on which the House actually sits for the despatch of business. 40

Report to be laid before Parliament.

21. The Minister shall cause a report to be laid before both Houses of Parliament within one month after the commencement of the session of Parliament in each year, giving full information as to all proceedings under this Act during the last preceding financial year. 45

SCHEDULE.

Schedule.

RATES OF MAINTENANCE PAYMENT FOR UNEMPLOYED WORKERS.

THE rate of maintenance payment shall in no case exceed the amount of wages payable weekly under any industrial agreement or award to (or, if there is no such industrial agreement or award, the prevailing wage of) workers employed in the same calling as that of the unemployed worker in the district where the unemployed worker lives; but, subject as last aforesaid, the rate of maintenance payment per week to which the unemployed worker of the class mentioned in the first column of the table hereunder is entitled shall be the amount set against the name of such class in the second column of the said table.

Class of Workers.	Maintenance Payment.
1. Individual workers without dependants	£ s. d. 3 0 0
2. Married worker with wife or incapacitated husband dependent ..	4 0 0
3. In addition, for each child of worker under sixteen years of age, or for other person wholly dependent	0 10 0

By Authority : MARCUS F. MARKS, Government Printer, Wellington.—1921.