

Mr. Sullivan.

WORKERS' ANNUAL LEAVE.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Every worker to be given fourteen days' leave on pay after each period of twelve months' continuous service.</p> <p>4. Continuity of employment not to be deemed interrupted by certain breaks.</p> | <p>5. How remuneration for period of leave to be calculated.</p> <p>6. Offences by employers.</p> <p>7. This Act to be read subject to awards, &c., in certain cases.</p> <p>8. Payment in lieu of leave in certain cases of less than twelve months' employment.</p> |
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A BILL INTITULED

AN ACT to secure to Workers the Right to Annual Leave without Loss of Salary or Wages on Completion of Twelve Months' Continuous Employment. Title.

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

1. This Act may be cited as the Workers' Annual Leave Act, 1929. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

“Employer” includes persons, firms, or companies employing one or more workers :

10 “Worker” means any person of any age or sex employed by any employer to do any work for hire or reward.

3. (1) Every worker who at the date of the passing of this Act has been continuously in the employment of any one employer for a 15 period of not less than twelve months, and every person who after the passing of this Act completes such a period of continuous employment, shall within the next succeeding twelve months, and thereafter during the period of twelve months next succeeding each year of continuous employment in the service of any one employer, be entitled to a 20 continuous period of *fourteen* days' leave without deduction from his salary or wages.

(2) The actual time at which a worker shall take such leave shall be as agreed upon between him and his employer, but failing such agreement the worker may, on giving notice to his employer of his intention 25 so to do, lawfully take such leave at any time specified in such notice, being not earlier than fifteen clear days after the day on which the same is delivered to the employer :

Provided that in any case where an employer employs more than five workers in any one trade or business he shall, failing agreement between all such workers as to the order in and the times at which they shall take such leave, by notice served upon them severally, appoint the several times at which they shall take such leave. 5

Continuity of employment not to be deemed interrupted by certain breaks.

4. The continuity of employment of any worker in any period of twelve months shall not be deemed to be broken by—

(a) Any period of annual leave as aforesaid taken during such twelve months :

(b) Temporary absence from his employment through illness, 10
accident, or other unavoidable cause :

(c) Any break in his employment with the same employer not exceeding three weeks in such twelve months if such break is not caused by any act or default on his part entitling the employer to dismiss him from such employment. 15

(d) The termination of his employment at any time after he has been continuously employed by any one employer for not less than eleven months, if such termination is not due to any act or default on his part which warrants his dismissal from such employment. 20

How remuneration for period of leave to be calculated.

5. (1) The salary or wages payable to any worker during his period of annual leave under this Act shall be calculated as follows :—

(a) If the worker is employed on a weekly salary or wage he shall be paid an amount not less than twice the average weekly salary or wage paid to him during the three weeks 25
immediately prior to the day on which his right to leave accrued in respect of which he actually received payment.

(b) If the worker is employed on a day wage, or on an hourly rate of pay for a specified number of hours in each day, he shall be paid an amount equal to twelve times the average daily 30
payment to him on the days on which he was actually employed during the period of three months immediately preceding the day on which his right to leave accrued.

(c) If the worker is employed at piece rates or contract rates he shall be paid an amount calculated for such period of twelve 35
days on the average amount actually paid to him in respect of each day during the three months immediately preceding the date on which his right to leave accrued.

Offences by employers.

6. Every employer commits an offence and is liable to a fine of 40
twenty pounds who refuses or fails to allow any worker to take any leave to which he is entitled under this Act during the period of twelve months next succeeding the day on which the right to such leave accrues, or who refuses to pay to such worker prior to his taking such leave the remuneration to which he is entitled in respect of such leave, or who employs such worker during such period of leave. 45

This Act to be read subject to awards, &c., in certain cases.

7. (1) This Act shall be read subject to any award or industrial agreement making provision for annual leave or an annual holiday for workers in the industry to which the award or agreement relates in cases where the period of such leave or holiday and the remuneration during leave are not less than the leave and remuneration during leave pre- 50
scribed by this Act.

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(2) In any case where any employer of his own initiative grants to any worker employed by him annual leave and remuneration therefor at least equal to those prescribed by this Act, such worker shall not in addition be entitled to annual leave pursuant to this Act.

5 8. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, every worker whose employment is terminated after a period of continuous employment of more than three months but less than eleven months' duration shall, on such termination, be entitled to receive payment in lieu of leave at the rate of one day's pay in
10 respect of each period of four weeks of such continuous employment.

Payment in lieu of leave in certain cases of less than twelve months' employment.

(2) Every employer commits an offence and is liable to a fine of *ten* pounds who does not within forty-eight hours after the termination of any worker's employment as aforesaid pay to him such amount as may be payable pursuant to this section.