

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
9th September, 1896.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Seddon.

WAGES PROTECTION.

ANALYSIS.

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| <p>Title. Preamble. 1. Short Title. 2. Interpretation. (1.) Insurance. 3. No money to be received or deducted from wages for accident insurance policies. 4. Moneys so received or deducted may be recovered. (2.) Gum-digging. 5. Gum-digging subject to provisions of Truck Act. (3.) General. 6. Consent of worker no defence. 7. Exception as to workers on co-operative system. 8. Section 6 of "The Truck Act, 1891," amended.</p> | <p>9. Wages statement to be furnished. 10. Statement to set forth name of workmen, capacity in which employed, and wages due. 11. Workmen employed by contractor and sub-contractor. 12. Statement, by whom signed. 13. Default of sub-contractor in furnishing particulars or signing statement. 14. Retention of money by local authority for payment of wages. 15. Default of sub-contractor. Default of contractor. 16. Penalty for signing false wages statement. 17. Liability of local authority. 18. Nine last-preceding sections to be read with "The Contractors' and Workmen's Lien Act, 1892," and "The Workmen's Wages Act, 1893," Schedule.</p> |
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A BILL INTITULED

AN ACT to better secure to Workers the Payment in full of their Wages. and also to prevent certain Abuses that at present exist on the Gumfields of the Colony.

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5 **WHEREAS** there has lately grown up amongst certain employers a practice of taking out accident insurance policies, to insure their workmen against accident and themselves against liability under the Employers' Liability Acts, and of compelling or inducing their workmen to contribute, as premium for such insurance, sums at a rate proportionate to their wages: And whereas such practice is unjust and oppressive, and it is expedient to prevent the same: And whereas it is also expedient to prevent certain abuses that at present exist on the gum-fields of the colony:

Preamble.

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

1. The Short Title of this Act is "The Wages Protection Act, 1896," and it shall form part of and be read together with "The Truck Act, 1891" (hereinafter called "the principal Act").

Short Title.

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

"Employer" means any person or company employing any worker for hire or reward:

Interpretation.

"Worker" means any person of either sex or any age employed for hire or reward by an employer to perform any species of skilled or unskilled manual work, and includes "workman," as defined by the principal Act.

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(1.) *Insurance.*

3. From and after the commencement of this Act—

(1.) It shall not be lawful for any employer to directly or indirectly take or receive any money from any worker in his employ, whether by way of deduction from wages or otherwise howsoever, in respect of any policy of insurance against accidents :

(2.) It shall not be lawful for any insurance company, or any person on its behalf, to directly or indirectly take or receive from any worker any money in respect of any policy of insurance which in any way, directly or indirectly, purports to both indemnify the employer against any of his liability under "The Employers' Liability Act, 1882," and also to make payments to the worker in case of injury by accident or otherwise.

4. All money so taken or received as aforesaid from any worker may by him be at any time recovered back, with full costs of suit, from the employer, company, or person who took or received it, notwithstanding that it was so taken or received with the consent of the worker.

(2.) *Gum-digging.*

5. (1.) In every case where one person searches or digs for kauri-gum pursuant to any contract with or license from another person, not involving the relationship of employer and worker, the provisions of the principal Act and of this Act shall be deemed to apply in like manner as if the first mentioned person were a worker, the secondly mentioned person were the employer of such worker, and the proceeds of the gum sold or otherwise disposed of by the worker to the employer were the worker's wages.

(2.) In every such case as aforesaid the worker shall be entitled to actually receive in money such price for the gum sold or disposed of by him to the employer as shall be mutually agreed upon at the time of such sale.

(2.) *General.*

6. In any proceedings or suit against an employer—

(1.) For the breach of any of the provisions of the principal Act or this Act; or

(2.) For the recovery by the worker of money alleged to have been paid by him to his employer, or deducted by his employer from wages, in breach of any provisions of the principal Act or this Act,—

the fact that the worker consented thereto shall not avail in any way as an answer or defence.

7. Nothing in the principal Act or this Act shall apply to workers employed on the co-operative system in connection with any department of the Government.

8. Subsection two of section six of the principal Act is hereby amended by adding at the end of that subsection the words "or the defendant or his agent."

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(4.) *Special as to Contractors.*

9. It shall be the duty of every contractor, when making application to his employer, being a local authority, for any progress or other

No money to be received or deducted from wages for accident insurance policies.

Moneys so received or deducted may be recovered.

Gum-digging subject to provisions of Truck Act.

Consent of worker no defence.

Exception as to workers on co-operative system.

Section 6 of "The Truck Act, 1891," amended.

Wages statement to be furnished.

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payment under the contract, to furnish to the local authority a wages statement in the form or to the effect in the Schedule hereto.

10. Such wages statement shall set forth in respect of every workman employed on the works, and whether so employed by the contractor himself or by any sub-contractor, the following particulars:—

(1.) The name of the workman.

(2.) The capacity in which he is employed.

(3.) The amount of wages due or accruing due on the date of the wages statement:

11. The wages statement shall be so prepared as to show in separate groups the workmen employed by the contractor himself and by each sub-contractor; and it shall be the duty of each sub-contractor to duly supply the prescribed particulars relating to his own workmen whenever required so to do by the contractor.

12. The wages statement shall be made up to and be dated on a day not more than three days before the application for the progress or other payment is made as aforesaid, and shall be signed by the contractor and by each sub-contractor, or their respective agents, in testimony of its accuracy in so far as concerns himself and the workmen employed by him on the work.

13. If any sub-contractor makes default in duly furnishing the prescribed particulars relative to his workmen, or in duly signing the wages statement, it shall be the duty of the contractor to state in or at the foot of the wages statement the fact of such default, and also the amount approximately owing by him to such sub-contractor.

14. (1.) If it appears from such wages statement that the total amount of wages due, or accruing due, exceeds an average of *four* pounds per workman, it shall be the duty of the local authority, and it is hereby directed, to retain out of all moneys then payable to the contractor a sum equal to the total amount of wages shown by the statement to be due or accruing due as aforesaid, and to forthwith affix in some conspicuous place on the site of the works a notification of the fact, and that, subject to all existing liens or charges, the amount will be so retained for fourteen days after the date of the notice, but no longer.

(2.) The local authority shall retain such amount for such period accordingly, freed from all claims by the contractor or any other person, except as to existing liens or charges under "The Contractors' and Workmen's Lien Act, 1892," or "The Workmen's Wages Act, 1893," and also the wages-claims of the workmen as appearing in the wages statement, anything in the contract to the contrary notwithstanding.

15. (1.) If it appears from the wages statement that any sub-contractor has made any default as aforesaid, then (subject to any existing liens or charges as aforesaid) the provisions of the *last-preceding* section shall, *mutatis mutandis*, apply; the amount retained being in such case the amount shown by the statement to be approximately owing by the contractor to the sub-contractor; and the only claims to which it is subject during the fourteen days being the wages-claims of all workmen employed on the work by the sub-contractor.

(2.) If the contractor makes default in duly furnishing the wages-statement to the local authority, then (subject to any existing liens or

Statement to set forth name of workmen, capacity in which employed, and wages due.

Workmen employed by contractor and sub-contractor.

Statement, by whom signed.

Default of sub-contractor in furnishing particulars or signing statement.

Retention of money by local authority for payment of wages.

Default of sub-contractor.

Default of contractor

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(charges as aforesaid) the provision of the *last-preceding* section hereof shall, *mutatis mutandis*, apply; the amount retained being in such case the whole amount then payable to the contractor, and the only claims to which it is subject during the fourteen days being the wages-claims of all workmen employed on the work by the contractor.

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Penalty for signing false wages statement.

16. If any contractor or sub-contractor signs any wages statement which to his knowledge is false in any material particular, he is liable to a penalty not exceeding *fifty* pounds.

Liability of local authority.

17. If any local authority makes any such payment, or any other payment as aforesaid to their contractor without being furnished with a wages statement as aforesaid, or in breach of any of the foregoing provisions, such local authority shall, to the extent of the payment so made, be personally liable for all wages payable to workmen employed on the work up to the date of such payment.

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Nine last-preceding sections to be read with "The Contractors' and Workmen's Lien Act, 1892," and "The Workmen's Wages Act, 1893." Schedule.

18. The nine *last-preceding* sections hereof shall form part of and be read together with "The Contractors' and Workmen's Lien Act, 1892," and "The Workmen's Wages Act, 1893."

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SCHEDULE.

UNDER "THE WAGES PROTECTION ACT, 1896."

WAGES STATEMENT in Respect of all Workmen employed on [name of contract], made up to, and dated on, the *15th September, 1896.*

| Workman's Name. | Capacity. | Wages due or accruing due to Date of this Statement. |
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| Employed by N.O., sub-contractor. L.M., contractor. | 1. A. B. Carpenter | £ s. d. 4 10 0 |
| | 2. C. D. Bricklayer | 5 10 0 |
| | 3. E. F. Bricklayer | 5 10 0 |
| | — 3 | £15 10 0 |
| Employed by N.O., sub-contractor. | 1. G. H. Painter | 2 10 0 |
| | 2. I. J. Plumber | 2 10 0 |
| | 3. K. L. Plumber | 5 0 0 |
| | — 3 | £10 0 0 |

Wellington, *15th September, 1896.*

Correct as to me, the contractor, and the workmen in my employ.

L. M.

Correct as to me, the sub-contractor, and the workmen in my employ.

N. O.

NOTE.—The sub-contractor, P. Q., though duly requested by me so to do, has made default in supplying the prescribed particulars in respect to himself and his workmen. The amount approximately owing by me to him in respect of his sub-contract is £50.

L. M., Contractor.

To the [name of local authority] the employer under this contract.