

Serial Number 1939/58.



THE AGRICULTURAL WORKERS EXTENSION ORDER 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 24th day of
May, 1939.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

PURSUANT to section 20 of the Agricultural Workers Act, 1936, and after submission by the Minister of Labour to the organization of the workers of the class affected and to the organization of their employers of the proposal to extend Part III of the said Act as hereafter appears, and after submission to and approval in all material particulars by the said organizations of the provisions herein contained, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby order as follows :—

I. This Order may be cited as the Agricultural Workers Extension Order 1939.

II. The provisions of Part III of the Agricultural Workers Act, 1936, are hereby extended to apply with the necessary modifications and with the further modifications set out in the Schedule hereto with respect to the following classes of agricultural workers—that is to say, agricultural workers employed by market-gardeners, soft-fruit growers, nurserymen, and landscape gardeners in the Northern Industrial District.

III. (1) Except as herein provided, this Order shall come into force on the 29th day of May, 1939, and shall continue in force until the 31st day of March, 1940, and thereafter until a further Order is made pursuant to section 20 of the said Act.

(2) The provisions of this Order relating to wages shall be deemed to have come into force on the 23rd day of January, 1939.

SCHEDULE.

HOURS OF WORK.

1. (a) Forty-four hours shall constitute a week's work for male and female workers, to be worked within five and a half days of a week computed from any Sunday to the following Saturday (both days inclusive), subject to the provisions of subclause (b) hereof.

(b) Under special circumstances, but not as a general practice, the following work may be performed on a Sunday or holiday for which workers shall be paid at time and a half rates or be given equivalent time off in lieu thereof:—

- (i) Market gardening: Picking, cutting, pulling, or harvesting of beans, cauliflowers, celery, lettuce, peas, radishes, silver beet, and spinach.
- (ii) Glasshouses: Attendance to heating system.
- (iii) General—
 - (1) The picking and packing of fruit which cannot be handled on Saturday.
 - (2) The picking and packing of strawberries and other soft fruit.
 - (3) Watering and ventilating.

RATES OF WAGES.

2. (a) The minimum rates of wages shall be as follows:—

Male adult workers	.. ..	£4 per week.
Male adult casual workers	.. ..	2s. per hour.
Nurserymen and landscape gardeners	.. ..	£4 5s. per week.
Leading hands in nurseries employing four or more hands	.. ..	£4 10s. per week.

(b) The minimum rates for youths shall be as follows:—

Male workers—		Per Week.			Per Week			
		£	s.	d.	£	s.	d.	
Under 16 years of age	0	15	0	or, if found,	0	10	0
From 16 to 17	1	0	0	..	0	15	0
From 17 to 18	1	10	0	..	1	0	0
From 18 to 19	2	0	0	..	1	7	6
From 19 to 20	2	10	0	..	1	12	6
From 20 to 21	3	0	0	..	2	2	6
Female workers—								
Under 17 years of age	0	15	0	or, if found,	0	10	0
From 17 to 18	1	0	0	..	0	15	0
From 18 to 19	1	5	0	..	0	17	6
From 19 to 20	1	10	0	..	1	0	0
From 20 to 21	1	15	0	..	1	2	6
Thereafter	2	4	0	..	1	9	0

Notwithstanding anything contained in this clause, a worker, male or female, may be employed on an hourly basis.

(c) Adult female workers when employed on an hourly basis shall be paid 1s. 3d. per hour, excepting for nursery workers and grape-pickers where the worker is not required to carry weights exceeding 28 lb., when the rate shall be not less than 1s. per hour.

(d) Female workers engaged on ploughing, cutting cabbage and cauliflower, spreading manure, wheel-hoeing, carrying, picking potatoes behind a machine and hoeing, excepting on lettuce and the root crops referred to in clause 12 hereof covering piecework weeding, shall be paid 2s. per hour.

(e) Where board and lodging are found for adult workers the allowance deducted for board shall be for females 15s. per week, and for males £1 per week.

PROPORTION OF JUNIORS.

3. (a) The proportion of junior male workers to senior male workers shall be not more than one to every one adult worker: Provided that an employer engaged on the job shall count as a senior worker for the purposes of this clause.

(b) A senior worker shall mean a male worker in receipt of not less than £4 per week, or, if found, £3 per week, or a worker employed by the hour at not less than 2s. per hour.

(c) A junior worker shall mean a male worker in receipt of less than £4 per week, or, if found, less than £3 per week.

OVERTIME.

4. Time worked in excess of forty-four hours in any one week shall be deemed to be overtime and shall be paid for as follows: For the first four hours, ordinary rates; thereafter, time and a half rates.

HOLIDAYS.

5. (a) The following statutory holidays shall be observed without deduction of wages—viz., Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, and the Sovereign's Birthday.

(b) If a worker is required to work on any of the above statutory holidays on essential work he shall be allowed equivalent time off at a time to be mutually agreed between employer and employed.

(c) Exclusive of such holidays, a worker shall be allowed one week's holiday on full pay at the end of twelve months' service, or a proportionate holiday shall be given to workers who have been employed not less than six months.

TERMINATION OF EMPLOYMENT.

6. (a) Except in the case of casual hands and pieceworkers, twenty-four hours' notice of the termination of employment shall be given on either side. This shall not prevent an employer from summarily dismissing a worker for misconduct.

(b) An employer shall be entitled to make a rateable deduction from the weekly wages specified in this Order for any time lost by a worker through sickness, accident, or default.

PAYMENT OF WAGES.

7. Wages shall be paid weekly in cash not later than Friday.

ACCOMMODATION.

8. Where deemed necessary by the Inspector, accommodation to his satisfaction shall be provided for workers to change their clothes or take their meals, and separate sanitary accommodation for males and females shall also be provided to his satisfaction.

INTERVIEW WITH WORKERS.

9. The secretary or other representative of the industrial union mentioned in clause 11 hereof shall be permitted to interview workers in working-hours, but so as not to interfere unreasonably with the operation of the employer's business.

MATTERS NOT PROVIDED FOR.

10. Any dispute in connection with any matter arising out of a contract of employment of an agricultural worker to whom this Order applies and not provided for in this Order shall be settled between the particular employer concerned and the secretary or president of the industrial union mentioned in clause 11 hereof, and in default of any agreement being arrived at, then such dispute shall be referred to the Inspector, whose decision shall be final.

WORKERS TO BE MEMBERS OF UNION.

11. Every worker employed within the scope of this Order shall be a member of the Auckland Gardeners' and Gardeners' Labourers' Industrial Union of Workers, and the union fees payable by such members shall be in accordance with the registered rules of the union. The employer, by arrangement with the union, may collect the union fees from his workers and forward same to the union office within seven days of collection.

PIECEWORK.

12. Piecework may be worked on the operations herein specified at the following rates:—

Digging potatoes—Early crops: Two picks and three picks—

	Two Picks.		Three Picks.	
	Per Sugar-bag.		Per Sugar-bag.	
	s.	d.	s.	d.
2 tons but under 3 tons per acre	..	1 7	1	10
3 " " 4 " "	..	1 1	1	3
4 " " 5 " "	..	0 10	1	0
5 " " 6 " "	..	0 9	0	10
6 " " 7 " "	..	0 8	0	9
7 " " 8 " "	..	0 7	0	8
8 " " 9 " "	..	0 6	0	7
9 tons and over per acre	0 5	0	6

Digging potatoes—Autumn crops : Two picks same as early crop. Three picks per sugar-bag and 1¼ cwt. super sack—

	Per Sugar-bag.		Per Super Sack.	
	s.	d.	s.	d.
4 tons but under 5 tons per acre	..	1 0	2	4
5 " 6 "	..	0 10	2	0
6 " 7 "	..	0 9	1	9
7 " 8 "	..	0 8	1	7
8 " 9 "	..	0 7	1	5
9 tons and over per acre	..	0 6	1	2

Not more than two and one-third sugar-bags to one super sack or 16 super sacks to one ton.

Picking up potatoes behind a machine-digger—Early crops and autumn crops—

	Two Picks.		Three Picks.		Three Picks.	
	Per Sugar-bag.		Per Sugar-bag.		Per Super Sack.	
	s.	d.	s.	d.	s.	d.
2 to 4 tons per acre	..	0 7	0	8	1	7
4 to 6 tons per acre	..	0 5	0	6	1	2
6 to 8 tons per acre	..	0 4	0	5	1	0
8 tons and over	..	0 3	0	4	0	10

Not more than two and one-third sugar-bags to one super sack or 16 super sacks to one ton.

Cutting potato seed—

	Per Sugar-bag.		Per Super Sack.	
	s.	d.	s.	d.
Split-seed	..	0 6	1	3
Ship-seed	..	0 9	1	9

Digging kumaras—

	Two Picks.	
	4 tons to 6 tons per acre	..	10d. per sugar-bag.
6 tons to 8 tons per acre	..	8d. per sugar-bag.
8 tons and over per acre	..	7d. per sugar-bag.

Digging parsnips, carrots, and beetroot—

Digging, topping, and bagging	..	..	4d. per sugar-bag.
Digging, topping, washing, and bagging	..	..	6d. per sugar-bag.

Not more than 2 chains carrying to washing-trough.

Onions : Planting—

Pulling and planting	..	3d. per chain (5 plants to 1 ft.).
Planting only	..	2½d. per chain (5 plants to 1 ft.).

All plants must be on the property.

Onions—Harvesting : Topping, tailing, and bagging (two picks only)—

	When the crop yields—	
	First Pick. Per Sugar-bag.	Second Pick. Per Sugar-bag.
Under 8 tons per acre	..	4d.
Under 15 tons per acre	..	3½d.
Over 15 tons per acre	..	3d.

	When the crop yields—	
	First Pick. Per Cental Bag.	Second Pick. Per Cental Bag.
Under 8 tons per acre	..	8d.
Under 15 tons per acre	..	7d.
Over 15 tons per acre	..	6d.

The above schedule includes loading in the paddock.

Pea-picking—

First picking	..	..	..	1s. 3d. per sugar-bag.
Second picking	..	..	..	1s. 6d. per sugar-bag.
Bean-picking	..	..	..	1s. per sugar-bag.
Tomato-picking	..	..	..	1s. per hundredweight— no carrying.

All picking prices to include loading in paddock but all other loading to be paid for on hourly rates.

Planting kumaras and tomatoes on wages only.

Weeding onions, parsnips, carrots, peas, beetroot, beans, spinach, turnips, and nursery rows from 1½d. per chain as a minimum according to weeds and condition: Provided that the job when once undertaken must be completed and at the same rates as it was started.

Spraying—5s. per 40-gallon barrel for fine nozzle.

4s. per 40-gallon barrel for ordinary nozzle.

All piecework rates to be the minimum rates under normal conditions. Pieceworkers employed on Sundays and holidays on peas and beans shall be paid 3d. per bag in addition to the piecework rates. All work not included in the piecework schedule to be done on wages only.

No female worker shall be called upon to load weights in excess of 28 lb.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 25th day of May, 1939.
These regulations are administered by the Department of Labour.