

Serial Number 1944/13



**THE AGRICULTURAL WORKERS EXTENSION ORDER 1940,
AMENDMENT NO. 2**

C. L. N. NEWALL, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 10th day of
February, 1944

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to section 20 of the Agricultural Workers Act, 1936, and after submission by the Minister of Labour to and approval in all material particulars by the organization of the workers of the class affected and the organization of their employers 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 :—

1. This Order may be cited as the Agricultural Workers Extension Order 1940, Amendment No. 2.

2. This Order shall be read together with and deemed part of the Agricultural Workers Extension Order 1940* (hereinafter referred to as the principal Order).

3. The Agricultural Workers Extension Order 1940, Amendment No. 1†, is revoked as from the date of coming into force of this Order.

4. Clause III of the principal Order, as substituted by clause III of the Agricultural Workers Extension Order 1940, Amendment No. 1, is revoked, and the following clause substituted therefor :—

“ III. (1) Except as herein provided, this Order shall come into force on the day following notification in the *Gazette* of the making thereof, and shall continue in force 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 1st day of January, 1944.”

* Statutory Regulations 1940, Serial number 1940/24, page 54.

† Statutory Regulations 1942, Serial number 1942/246, page 606.

5. Clause 2 of the Schedule to the principal Order, as amended by clause IV of the Agricultural Workers Extension Order 1940, Amendment No. 1, and the heading thereof, are revoked, and the following substituted :—

“ WAGES OF PERSONS PERMANENTLY EMPLOYED

“ 2. (a) The minimum rate of wages for workers permanently employed shall be as follows :—

Class of Worker.	Weekly Wage.			Amount to be deducted if Board and Lodging provided.		Net.		
	£	s.	d.	s.	d.	£	s.	d.
“ Managers	5	0	0	19	3	4	0	9
“ Other male workers of 21 years or over	4	15	0	19	3	3	15	9
“ Permanent female workers ..	3	15	0	13	9	3	1	3
“ Youths over 15 to 16 years ..	1	5	0	8	3	0	16	9
“ Youths over 16 to 17 years ..	1	10	0	8	3	1	1	9
“ Youths over 17 to 18 years ..	2	0	0	11	0	1	9	0
“ Youths over 18 to 19 years ..	2	10	0	11	0	1	19	0
“ Youths over 19 to 20 years ..	3	0	0	13	9	2	6	3
“ Youths over 20 to 21 years ..	3	15	0	13	9	3	1	3

“ (b) The foreman or leading hand doing grading or packing work shall be paid 3d. per hour in excess of the ordinary rate. Further, any other worker taking control of grading or packing operations shall be also paid 3d. per hour in addition to his or her ordinary rate.

“ (c) The proportion of youths to be employed shall not exceed two to each adult male worker, including the owner if he is employed as a working-orchardist. This proportion may be exceeded if male adult workers are not available.

“ (d) Wages shall be paid fortnightly unless otherwise agreed between the employer, the worker, and the accredited representative of the union.

“ (e) Unless otherwise arranged between the employer and the worker, all payments of wages shall be made in cash.

“ (f) Every worker shall be deemed to be permanently employed—

“ (i) After four months' continuous employment with the same employer (whether such period or any part thereof be before or after the coming into force of this clause) unless at his or her own request he or she remains on the casual staff :

“ (ii) In any other case if the parties so agree.”

6. The Schedule to the principal Order is amended by inserting the following new heading and clause after clause 8 :—

“ ACCOMMODATION FOR FEMALE WORKERS

“ 8A. Where females are employed separate accommodation similar to that prescribed by clause 8 of this Schedule shall be provided.”

7. Clause 12 of the Schedule to the principal Order, as amended by clause V of the Agricultural Workers Extension Order 1940, Amendment No. 1, is revoked, and the following clause substituted therefor :—

“ 12. (a) This clause shall apply to all persons not deemed to be permanently employed, and the persons to whom this clause applies are herein referred to as casual workers.

(b) Rates of wages—				Per Hour.	
	£	s.	d.	s.	d.
“ Adult male workers	2	3
“ Adult female workers	1	9
“ Youths and girls—					
“ Up to 18 years	1	1
“ 18 years and over	1	5

“ (c) The foreman or leading hand doing grading or packing work shall be paid 3d. per hour in excess of the ordinary rate. Further, any other worker taking control of grading or packing operations shall be also paid 3d. per hour in addition to his or her ordinary rate.

“(d) Workers who have been ordered back overnight and upon attending find no work available shall be paid a minimum payment of two hours, except in circumstances caused by rain, mist, or dew.

“(e) Casual workers employed on Sunday shall be paid at the rate of time and a half, except as provided in subclause (f) hereof.

“(f) In necessitous cases when stone-fruit is being picked, Sunday work may be undertaken without any payment, provided a whole holiday on the preceding Friday or Saturday is granted on full pay, and provided also the total hours permitted to be worked in any fortnight without payment at overtime rate are not exceeded without payment of overtime.

“(g) All work done in excess of the hours as provided in clause 1 shall be paid for at the rate of time and a half.

“(h) (i) Notwithstanding the foregoing provisions of this clause, where owing to remoteness of place of employment from source of labour the foregoing terms would be impracticable, then the contract of employment shall be made at source of supply of labour, the contract shall be for not less than four weeks, and the terms of remuneration shall be agreed upon between the employer and the local secretary of the New Zealand Workers' Industrial Union of Workers.

“(ii) Failing such agreement, the terms of remuneration shall be such as shall be approved by a committee at Wellington consisting of two representatives from the employers' union and two representatives from the workers' union.

“(j) Where board and lodging is provided for casuals, deduction may be made from wages on the same basis as prescribed in this Order for permanent workers, but not exceeding 11s. in the case of youths and girls.

“(k) One day's holiday on full pay for each six weeks of continuous service with the same employer shall be granted to casual workers.

“(l) After four months' continuous employment with the same employer a worker shall be deemed to be a permanent employee, unless at his or her own request he or she remains on the casual staff.”

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 11th day of February, 1944.

These regulations are administered in the Department of Labour.