

Serial Number 1941/197.



THE AGRICULTURAL WORKERS EXTENSION ORDER 1941.

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 22nd day of
October, 1941.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 :—

1. This Order may be cited as the Agricultural Workers Extension Order 1941.

2. 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 class of agricultural workers—that is to say, agricultural workers employed in the tobacco industry.

3. This Order shall come into force on the 1st day of October, 1941, and shall continue in force until the 30th day of September, 1942, and thereafter until a further Order is made pursuant to section 20 of the said Act.

SCHEDULE.

FIELD SECTION.

Hours of Work.

1. The following hours may be worked on six days of the week, Monday to Saturday inclusive. From the commencement of the first week in May, including June, July, and August, a maximum of forty hours per week. In September, October, November, and December the working-hours may be extended to forty-four hours per week. In January, February, March, and April, forty-eight hours per week may be worked.

The periods stated may be varied to suit particular individual tobacco-growers by arrangement with the New Zealand Workers' Industrial Union of Workers and the New Zealand Tobacco Growers' Federation.

Rates of Pay.

2. The following rates of pay shall be the minimum rates paid :—

	Per Hour.	
	s.	d.
<i>Male Workers—</i>		
Under eighteen years of age	1	6
Eighteen years and over	2	0
<i>Female Workers—</i>		
Under seventeen years of age—		
Specified light work	1	0
Specified field work	1	3
Seventeen years and over—		
Specified light work	1	3
Specified field work	1	6

For the purpose of this clause "light work" shall be the following: Pricking out plants, pulling plants, laying out plants, suckering and topping, passing and tying leaves, and grading and hanking leaves.

"Field work" shall be planting in field, hoeing in field, manuring in field, and picking leaves in field.

Overtime.

3. All time worked in excess of nine and a half hours in any one day shall be paid for at the rate of time and one-half. For time worked on Sundays double time shall be paid.

Time and Wages Book.

4. In accordance with section 17 of the Agricultural Workers Act, a time and wages book shall be kept by each employer recording in English, *inter alia*, the wages earned and the time worked by each respective employee.

Holidays.

5. In view of the difficulty in correctly assessing holiday-pay in the industry, each worker shall receive, in addition to the rate specified in clause 2, a sum amounting to 2½ per cent. in addition to the gross wage in lieu of holiday payment.

Accommodation.

6. Where required, accommodation shall be provided as prescribed in Part II of the Agricultural Workers Act, 1936, and any regulations made thereunder, and comprising sections 8 to 12 (inclusive) of the said Act, and Regulation 8, which read as follows :—

" 8. It shall be the duty of every employer to provide sufficient and suitable accommodation, in accordance with this Act and any regulations made thereunder, for all agricultural workers employed by him.

" 9. For the purposes of the last preceding section no accommodation shall be deemed to be sufficient and suitable unless the following conditions are complied with, that is to say :—

" (a) Where two or more persons are to be accommodated, the accommodation provided as sleeping-quarters shall be separate from the dining-quarters :

" (b) There shall be a sufficient supply of furniture and necessary utensils, and sufficient provision shall be made for a supply of drinking-water and of washing-water, and for lighting, heating, ventilation, and sanitation :

" (c) The sleeping-quarters shall contain not less than five hundred cubic feet of air-space for every person to be accommodated therein :

" (d) Suitable provision shall be made for storing meat and other perishable provisions :

" (e) Suitable provision shall be made for the drying of clothes :

" (f) Suitable first-aid appliances shall be provided.

" 10. (1) Any Inspector may, by notice in writing addressed to the employer, dispense with or modify any of the foregoing requirements of this Part of this Act :—

" (a) With respect to any accommodation provided before the commencement of this Act, if such accommodation conforms approximately to the standard prescribed by this Act or the regulations thereunder :

" (b) In any case where he is satisfied that owing to special circumstances it is or has been impracticable to provide the accommodation required by this Part of this Act to be provided.

“(2) Any notice under this section may be at any time in like manner revoked, or may be at any time revoked by the Minister of Labour.

“11. (1) If in any case no provision is made for the accommodation of agricultural workers, or if the provision made is deemed by an Inspector to be inadequate or not in accordance with the requirements of this Act, the Inspector may give notice in writing to the employer to provide accommodation in accordance with the said requirements within a reasonable time to be specified in the notice.

“(2) Any such notice may be served on the employer personally, or by leaving it at his usual or last known place of residence or business, or by posting it by registered letter to that address.

“(3) If the employer considers any such notice to be unreasonable or impracticable, he may, within fourteen days after service thereof, file in the office of the Magistrates' Court nearest to the place where the accommodation is required to be provided, or, with the consent of the Inspector, in the office of any other Magistrates' Court, a notice of appeal setting out with reasonable particularity the grounds of the appeal:

“Provided that if the Inspector, acting on the advice of a Medical Officer of Health under the Health Act, 1920, states in his notice that the requirements are urgently needed for the protection of the health of any agricultural worker there shall be no right of appeal.

“(4) On the filing of any such notice of appeal the Magistrate shall fix a time for the hearing of the appeal, and the Clerk of the Court shall notify the appellant and the Inspector of the time so fixed.

“(5) On the hearing of the appeal the Magistrate may by order confirm, modify, or cancel the notice as he thinks fit, and may by such order award the costs of the hearing or any part of such costs to either party to the appeal, and every such order shall be final and binding on both parties.

“(6) If the employer within the time specified in the notice, or, in the case of an appeal, within the time specified in the order of the Magistrate, fails to comply with any such notice or order he shall be liable to a fine of twenty-five pounds and to a further fine of two pounds for every day during which the failure continues.

“12. (1) The foregoing provisions of this Part of this Act shall not apply in the case of agricultural workers who live within reasonable distance of the land on which they are employed, and who, in the opinion of the Inspector, can conveniently sleep at their own homes or otherwise provide their own sleeping accommodation.

“(2) Where an agricultural worker resides in a house that is owned or leased by the employer, other than the private residence of the employer, and whether or not the agricultural worker pays rent for the house or any sum is deducted from his wages by way of rent, the employer shall provide for the use of the worker such further accommodation as may be prescribed by regulations made in that behalf.

“(3) Any such regulations may distinguish between the accommodation to be provided in cases where a house is occupied exclusively by a married man and his family and the accommodation to be provided in the case of other agricultural workers.

“*Regulation 8.*

“When workers of both sexes are employed, accommodation separate from that provided for the male workers shall be provided for the female workers.

“(NOTE.—Under this provision it is necessary also to provide separate bathing and sanitary accommodation for female workers.)”

Meal-hours.

7. Workers shall not be required to commence work before 7 a.m., and three-quarters of an hour shall be allowed for a meal between the hours of 11.30 a.m. and 1 p.m. When loading and unloading kilns, workers shall be required to finish the operation before ceasing work for the day.

Termination of Employment.

8. (a) Should any worker desire to leave the employment he or she shall give the employer forty-eight hours' notice of his or her intention to do so, or forfeit two days' pay. Should any employer desire to dismiss any worker, he shall give the worker two days' notice or two days' pay, except where it shall be for incompetency or wilful disobedience of orders, when such dismissal may be summary and without compensation.

(b) Any worker leaving or being dismissed shall, at the termination of the employment, receive from the employer all wages due.

Preference.

9. Every worker employed within the scope of these provisions, shall immediately become a financial member of the New Zealand Workers' Industrial Union of Workers. It shall be the duty of the employer or his agent within seven days of the worker's paying to him the amount of the subscription hereinafter mentioned, or giving him a written authority to deduct the amount from wages due to the worker, to remit to the General Secretary of the New Zealand Workers' Industrial Union of Workers, P.O. Box 55, Te Aro, Wellington, the sum of one pound five shillings (£1 5s.) for each adult male worker, and ten shillings (10s.) for each other worker.

Reasonable facilities shall be given to all employees on tobacco plantations to become members of the New Zealand Workers' Industrial Union of Workers; and upon the visit of the official organizer or other accredited official of the union each worker shall pay his union contribution by cash or order on his employer. Any worker refusing to become a member shall be summarily dismissed.

Conditions.

10. (a) "*Smoke-oh*."—Fifteen minutes in the morning and in the afternoon for "smoke-oh" shall be allowed and paid for as time worked.

(b) *Medical Outfit*.—A suitable and fully equipped medical first-aid outfit shall be kept by all employers in a convenient place accessible to workers for use only in the event of an accident.

(c) Should any worker meet with an accident necessitating medical attention he shall be conveyed to the nearest hospital or doctor as speedily as possible by the employer free of charge.

Payment of Wages.

11. (a) Payment of wages shall be made in full at fortnightly intervals or at such other period as shall be agreed on by the employer and the worker.

(b) No deductions shall be made from the wages payable to any worker unless by the worker's written order.

Settlement of Disputes.

12. The workers on each tobacco plantation shall elect from their own workmates a union representative and, where possible, a committee of two other workers. This committee, through their union representative and the employer, shall, as far as possible, settle all disputes arising between the workers and the employer, or his agent. Providing a satisfactory settlement is not reached, then the union representative shall submit the dispute to the union branch office in the district. Failing settlement with the latter, the dispute shall be referred by the branch office to the New Zealand Workers' Industrial Union of Workers and the New Zealand Tobacco Growers' Federation for determination. Pending the settlement of any dispute work shall proceed as usual, and the decision shall be made to operate retrospectively.

Renewal.

13. In the event of the organizations affected by this Order failing to agree on any clause when the term of this Order expires and a new agreement is being negotiated for the purpose of incorporating the terms thereof in a new Order, then and in such case the matter in dispute shall be referred to a tribunal for final settlement, this tribunal to consist of one representative of the New Zealand Workers' Industrial Union of Workers and one representative of the New Zealand Tobacco Growers' Federation and an independent Chairman to be mutually agreed upon.

Scope.

14. This Section of the Order shall apply to workers employed in tobacco-culture within the Nelson Industrial District.

SHED SECTION.*Scope.*

15. This section shall apply to all workers engaged in the buying and receiving of raw tobacco-leaf, and the redrying operations, packing, grading, receiving, and storing of raw-leaf tobacco in the sheds situated in the Nelson Industrial District.

Hours of Work.

16. (a) The normal hours of work shall be forty hours per week, to be worked on five days of the week between the hours of 8 a.m. and 5 p.m., Monday to Friday inclusive, but in order to permit essential work to be performed on Saturday morning workers engaged on such essential work may be required to work for four hours on Saturday between the hours of 8 a.m. and noon.

(b) In the case of essential work or work of a nature that must be performed continuously, shifts may be worked as mutually arranged between the union shed representative and the employer concerned.

Rates of Pay.

17. (a) The following rates of pay shall be the minimum rates paid :—

	Per Hour.	
	s.	d.
<i>Male Workers—</i>		
Under eighteen years of age	1 6
Eighteen years and over	2 0
<i>Female Workers—</i>		
Under seventeen years of age	1 0
Seventeen years and over	1 3

(b) *Tradesmen.*—In the event of tradesmen being employed in their capacity as such, they shall be paid the rates of pay prescribed by the award or industrial agreement for such workers in the Nelson Industrial District.

Overtime.

18. All time worked in excess of eight hours per day or four hours on Saturday shall be paid for at the rate of time and a half.

Time and Wages Book.

19. A time and wages book shall be kept by each employer showing in the case of each worker the name of each worker, together with his or her age if under eighteen in the case of a male or under seventeen in the case of a female, the wages earned, and the time worked on each day.

Payment of Wages.

20. Payment of wages shall be made in cash at weekly intervals and not later than Friday of each week.

Holidays.

21. The employer shall allow to each worker in his employ the following holidays—viz., Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and the birthday of the reigning Sovereign—and shall pay such worker for each holiday so allowed at the same rate as for an ordinary working day.

Accommodation.

22. For the better sanitation of sheds the following rules shall at all times be observed :—

- (a) The shed shall be kept in a cleanly state and free from any smell or leakage arising from any drain, privy, or any other nuisance :
- (b) Sufficient privy accommodation shall be provided for all persons employed in the shed, the accommodation to be entirely separate for each sex, so as to ensure privacy :
- (c) The shed shall be ventilated in such manner as to provide a sufficient supply of fresh air and adequate lighting shall be provided :
- (d) A sufficient supply of pure drinking-water shall be provided for the free use of the persons employed in the shed.

Meal-hours.

23. No person shall be employed in a shed for more than four and one-quarter hours without an interval of at least three-quarters of an hour for a meal.

Termination of Employment.

24. (a) Should any worker desire to leave the employment he or she shall give the employer forty-eight hours' notice of his or her intention to do so, or forfeit two days' pay. Should any employer desire to dismiss any worker he shall give the worker two days' notice or two days' pay, except where it shall be for incompetency or wilful disobedience of orders, when such dismissal may be summary and without compensation.

(b) Any worker leaving or being dismissed shall at the termination of the employment receive from the employer all wages due.

Preference.

25. Every worker employed within the scope of these provisions shall immediately become a financial member of the New Zealand Workers' Industrial Union of Workers. It shall be the duty of the employer or his agent within seven days of the worker's paying to him the amount of the subscription hereinafter mentioned or giving him a written authority to deduct the amount from wages due to the worker, to remit to the General Secretary of the New Zealand Workers' Industrial Union of Workers, P.O. Box 55, Te Aro, Wellington, the sum of one pound five shillings (£1 5s.) for each adult male worker, and ten shillings (10s.) for each other worker. Reasonable facilities shall be given to all employees in sheds to become members of the New Zealand Workers' Industrial Union of Workers; and upon the visit of the official organizer or other accredited official of the union each worker shall pay his union contribution by cash or order on his employer. Any worker refusing to become a member shall be summarily dismissed.

Accidents and First Aid.

26. (a) Should any worker meet with an accident necessitating medical attention he shall be conveyed to the nearest hospital or doctor as speedily as possible by the employer free of charge.

(b) *Medical Outfit.*—A suitable and fully equipped medical first-aid outfit shall be kept by all employers in a convenient place accessible to workers for use only in the event of an accident.

Settlement of Disputes.

27. The workers in each shed shall elect from their own workmates a union representative and, where possible, a committee of two other workers. This committee, through their union representative and the employer shall, as far as possible, settle all disputes arising between the workers and the employer, or his agent. Providing a satisfactory settlement is not reached, then the union representative shall submit the dispute to the union branch office in the district. Failing settlement with the latter, the dispute shall be referred by the branch office to the New Zealand Workers' Industrial Union of Workers and the New Zealand Tobacco Growers' Federation for determination. Pending the settlement of any dispute, work shall proceed as usual, and the decision shall be made to operate retrospectively.

Renewal.

28. In the event of the organizations affected by this Order failing to agree on any clause when the term of this Order expires and a new agreement is being negotiated for the purpose of incorporating the terms thereof in a new Order, then and in such case the matter in dispute shall be referred to a tribunal for final settlement, this tribunal to consist of one representative of the New Zealand Workers' Industrial Union of Workers and one representative of the New Zealand Tobacco Growers' Federation and an independent Chairman to be mutually agreed upon.

W. O. HARVEY,
Acting Clerk of the Executive Council.