

Serial Number 1938/74.



**THE AGRICULTURAL WORKERS EXTENSION ORDER
(NO. 3) 1938.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 22nd day of
June, 1938.

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 :—

I. This Order may be cited as the Agricultural Workers Extension Order (No. 3) 1938.

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 class of agricultural workers—that is to say, agricultural workers employed in market gardens (including market gardens where soft fruit is produced) situate in the Canterbury Industrial District.

III. This Order shall come into force on the 27th day of June, 1938, and shall continue in force until the 23rd day of April, 1939, and thereafter until a further Order is made pursuant to section 20 of the said Act.

SCHEDULE.

HOURS OF WORK.

1. (a) The ordinary hours of work shall not exceed forty-four in any one week, and such forty-four hours shall be worked within five and a half days.
- (b) No worker shall be employed for more than five hours continuously without an interval of three-quarters of an hour for a meal.

OVERTIME.

2. (a) 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.

(b) All work done on any of the holidays hereinafter prescribed or on Sunday shall be paid for at time and a half rates: Provided that any work done in attending to forcing stoves, greenhouses, or frames shall be paid for at ordinary rates; and provided also that no work other than essential work shall be performed on a Sunday.

(c) Notwithstanding the foregoing provisions in necessitous cases when soft fruit is being picked, Sunday work may be undertaken without any payment, provided one day's holiday on full pay is granted in lieu of each Sunday on which work is undertaken.

HOLIDAYS.

3. (a) In respect of workers other than casual workers the following days shall be observed as holidays and paid for: New Year's Day, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Anzac Day, Christmas Day, and Boxing Day. Should any of these holidays, other than Anzac Day, fall on a Sunday, the following Monday shall be observed as the holiday. Notwithstanding the foregoing provision, no worker shall be entitled to more than a week's wages in respect of any week in which any holiday occurs, unless he actually works on such holiday.

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

WAGES.

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

(i) Males: Youths—	s.	d.
From fifteen to seventeen years of age	20	0
From seventeen to eighteen years of age	30	0
From eighteen to nineteen years of age	35	0
From nineteen to twenty years of age	45	0
From twenty to twenty-one years of age	60	0
Thereafter adult rates.		
(ii) Males: Adults—		
Weekly workers	£4	a week.
Casuals	2s.	an hour.
(iii) Females—		
Adults	£2	8s. a week.
Up to eighteen years	£1	5s. a week.
Eighteen to twenty-one years	£1	15s. a week.

(b) No male adult worker who at the date of coming into force of this Order is in receipt of a wage exceeding £4 a week shall have his wages reduced.

(c) Save in respect of piecework, minors may be employed in a proportion of not more than two to each three or fraction of three adults, but in special circumstances this proportion may be increased by arrangement between the union and the employer.

(d) Workers employed on an hourly basis shall be deemed to be casual workers.

(e) No girls under the age of fifteen years shall be employed except for the harvesting of peas, beans, tomatoes, and soft fruits.

PIECEWORK.

5. Piecework may be worked at tying and pruning tomatoes, hand-weeding, picking peas, tomatoes, beans, and soft fruits at such rates as will enable an ordinary worker to earn the rates provided for in clause 4. Should any dispute arise regarding the piecework rates the matter shall be referred to the Inspector, whose decision shall be final.

ANNUAL HOLIDAYS.

6. An annual holiday of one week shall be allowed employees on completion of each year of service. The computation of the period of service qualifying employees for the holiday provisions of this clause shall date from the coming into operation of this Order: Provided, however, that nothing in the foregoing provision shall interfere with the existing holiday privileges enjoyed by any employee covered by this Order.

TERMS OF EMPLOYMENT.

7. (a) No deduction shall be made from the wages of weekly workers except for time lost through sickness or accident or for time lost by default of the worker.

(b) Wages shall be paid weekly and in working-hours.

(c) Except in the case of casual workers, forty-eight hours' notice of the termination of the employment shall be given by the employer or the worker, as the case may be, but this shall not prevent an employer from summarily dismissing a worker for misconduct. On termination of the service all wages due to the worker shall be paid forthwith.

(d) Where for the purposes of holiday pay it may be necessary to compute wages for a day or for any number of days other than a week, wages for one day shall be taken as two-elevenths of wages for a week as prescribed by clause 4 of this Schedule.

TIME AND WAGES BOOK.

8. A time and wages book setting out the names of the workers employed, their ages if under twenty-one, the hours of employment, and the wages and overtime paid each week, shall be kept by each employer bound by this Order.

ACCOMMODATION.

9. 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.

FIRST-AID.

10. A first-aid outfit shall be kept on the premises for use in case of accidents.

UNDER-RATE WORKERS.

11. If any worker satisfies an Inspector that he is incapable of earning wages at the appropriate minimum rate for the time being prescribed under this Order, the Inspector may from time to time grant him a permit to accept wages at such lower rate as may be specified in the permit. A permit granted to any worker under this clause shall continue in force for the period specified in that behalf in the permit, and while it continues in force the rate of wages specified in the permit shall be deemed to be the minimum rate of wages prescribed under this Order in respect of that worker.

WORKERS TO BE MEMBERS OF UNION.

12. Every worker employed within the scope of this Order for a period exceeding four weeks shall immediately become and remain a financial member of the Canterbury Gardeners' Industrial Union of Workers, and it shall be the duty of the employer, on representations being made to him, to see that such worker complies with the requirements of this clause: Provided that weekly contributions shall not be in excess of an amount deemed reasonable by the Minister of Labour.

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 23rd day of June, 1938.
These regulations are administered by the Department of Labour.