



THE AGRICULTURAL WORKERS (DAIRY FARMS) ORDER  
1977

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DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of March 1977

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Agricultural Workers Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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ORDER

**1. Title and duration**—(1) This order may be cited as the Agricultural Workers (Dairy Farms) Order 1977.

(2) This order shall come into force on the day after the date of its notification in the *Gazette* and shall continue thereafter until the 31st day of August 1977, and thereafter until a further order is made in substitution for it.

**2. Interpretation**—In this order, unless the context otherwise requires,—

“Casual worker” means a worker in respect of whom it has been stipulated in writing at the time of his engagement that he is to be paid by the hour or day:

“Permanent worker” means a worker who is not a casual worker:

“Worker” means an agricultural worker to whom this order applies.

**3. Application**—(1) This order shall apply to all agricultural workers (other than persons of or over the age of 18 years who, in consideration of some extra responsibility, receive a salary or wage amounting to more than 130 percent of the minimum adult rate of wages specified in clause 3 of the Schedule to this order, and who have written contracts of employment, and any member of an employer’s immediate family) employed principally to milk, and to carry out dairy husbandry on, a dairy herd in commercial production.

(2) The conditions of employment set out in the Schedule to this order shall apply to all workers.

**4. Revocation**—The Agricultural Workers Wages Order 1975\* is hereby consequentially revoked.

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SCHEDULE

Reg. 3 (2)

1. Hours of work—(1) The ordinary hours of work shall be arranged between the employer and the worker to suit the exigencies of the industry on the following basis:

- (a) 5 full days a week and
- (b) 2 part days a week.
- (c) A full day shall not exceed 10 hours work and shall consist of milkings when applicable, together with said other work as the employer shall decide.
- (d) A part day shall not exceed 7 hours work and shall consist of milkings when applicable, together with such dairy husbandry and harvesting as the employer considers essential.

(2) Where a worker exceeds the hours stated in subclause (1) of this clause that time shall be accounted for by—

- (a) Time off in lieu to be taken within a period of 6 months; or
- (b) If mutually agreed, it may be paid at a rate to be agreed by the employer and the worker.

(3) Where the parties fail to agree as to which days shall be full days and which days shall be part days, the employer shall decide.

2. Wages—(1) The minimum rates of wages for permanent workers shall be as follows:

For Workers:

	Per week and found \$
Under 17 years of age	35.89
17 years and under 18	43.29
18 years and under 19	50.69
19 years and under 20	58.09
20 years and upwards	65.50

(2) The minimum rates of wages for casual workers shall be as follows:

Harvesters: \$1.88 an hour with rations or \$2.01 an hour without rations

Other Workers:

	By the hour		By the day	
	Found \$	Not Found \$	Found \$	Not Found \$
Of or over the age of 18 years	1.63	1.74	13.04	13.92
Under the age of 18 years	1.08	1.19	8.64	9.52

\*S.R. 1975/228

3. Cost of living allowance of 25 June 1976—The rates of wages set out in clause 2 of this schedule shall be subject to an allowance of 7 percent of a worker's total taxable earnings during any pay period provided that the amount of the allowance paid by any one employer to any one worker shall not exceed \$7 in respect of any one week.

4. Holidays—(1) The following statutory holidays shall be worked as part days except where the holiday occurs when the herd is not in milk production, in which case the holidays shall be allowed in full without deduction from wages except for essential animal husbandry.

Christmas Day, Boxing Day, New Years Day, 2nd January, Anniversary Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, Queens Birthday and Labour Day.

(2) In the event of a holiday other than Anzac Day or Waitangi Day falling on a part day, the holiday shall be treated as if it had fallen on a full day.

(3) All statutory holidays worked as part days shall be accounted for by one half day in lieu thereof to be taken within a period of 6 months.

(4) Where a casual worker has been employed at any time during the fortnight ending on the day in which any of the holidays mentioned in subclause (1) above of this clause occurs, he shall be entitled to that holiday on pay calculated at the rate of 1/10th of the amount paid to him for ordinary time worked by him during that fortnight.

(5) Every worker shall at the end of each year of his employment by any employer become entitled to an annual holiday of 3 weeks paid on the basis of the worker's average weekly taxable earnings as provided for by the Annual Holidays Act 1944 and its amendments and shall be taken in the following manner:

(i) 14 days shall be taken consecutively;

(ii) 7 days may be taken for one or more days or part of a day.

Where the employer and worker fail to agree on when holidays shall be taken the employer shall decide.

(6) A dairy farm worker shall be entitled each calendar month to the following leave:

(a) Where practicable, leave for 2 consecutive part days, except that the milking either at the commencement or at the termination of that leave shall be milked. This monthly leave shall be taken at a time mutually agreed upon by the employer and the worker; or

(b) Whenever such monthly leave is not practicable, for each 2 lots of monthly leave not taken, the worker shall be entitled to one extra day's annual holiday per year.

(7) A worker shall be entitled to the following long service special holidays:

(a) One special holiday of 2 weeks after the completion of 15 years and before the completion of 25 years of continuous service with the same employer;

(b) One special holiday of 3 weeks after the completion of 25 years and before the completion of 35 years of continuous service with the same employer;

(c) One special holiday of 4 weeks after the completion of 35 years and before the completion of 40 years of continuous service with the same employer;

(d) One special holiday of 5 weeks after the completion of 40 years continuous service with the same employer.

(8) All such special holidays provided for in subclause (7) of this clause shall be on ordinary pay as defined by the Annual Holidays Act 1944, and may be taken in one or more periods and at such time or times as may be agreed to by the employer.

(9) If a worker having become entitled to a special holiday leaves his employment before such holiday has been taken he shall be paid in lieu thereof.

(10) Subclause (7) of this clause shall not apply where an employer has in operation or brings into operation an alternative scheme for rewarding service, which is not less favourable to the worker than the foregoing.

5. Sick pay—(1) After 12 months continuous service with the same employer, a worker shall be entitled in each subsequent year of service to sick pay of up to 5 full days at his ordinary rate of pay. Sick pay shall accumulate up to a maximum of 25 full days.

(2) A claim for sick pay shall be supported by a medical certificate if required by the employer.

6. Wages and holiday book—(1) Every employer shall at all times keep a record in English (called the wages and holiday book) showing in the case of each worker employed by him:—

(a) The name of the worker;

(b) His age, if he is under 20 years of age;

(c) The daily hours worked by the worker if he is not on a weekly wage;

(d) The days on which he has actually been employed;

(e) The wages paid on each pay day, the date of payment, and the period to which payment relates;

(f) The days on which he is allowed any holiday;

(g) The wages paid for each holiday and the date of payment.

Provided that in respect of any worker employed upon piece work it shall be sufficient if the wages and holiday book shows the following particulars:—

(a) The name of the worker;

(b) The rate agreed for piece work;

(c) The days upon which or the period during which the worker was employed;

(d) The wages paid and the date of payment;

(e) The wages paid for each holiday and the date of payment.

(2) The wages and holiday book in use for the time being, and any such book used within the preceding 6 years, shall at all times be open to inspection by an Inspector.

7. Payment of wages—(1) Payment of wages (including wages and allowances payable in respect of holidays) shall be made in full at fortnightly or at such intervals as may be agreed on by the employer and the worker.

(2) All payments shall be made by cheque unless otherwise stipulated by the worker. A written statement detailing how wages have been determined shall accompany any wage payment.

(3) Any employer shall be entitled to make a rateable deduction from any wages provided for in Clause 2 of this Schedule for any time lost by a worker through sickness (except as provided for under Clause 5), accident, or default, or by his written request, or as provided for in Clause 9 (4).

8. Penalty for breach—Sections 20 and 21 of the Agricultural Workers Act 1962 apply to employment under this order. The said sections read in part as follows:—

20. Breaches of orders—(1) If any employer makes default in the full payment of any wages or other remuneration payable by him pursuant to any order made under this Part of this Act, or if any employer or worker of a class affected thereby fails to observe any provision of or any requirement imposed by any such order he commits a breach of the order and shall be liable to a penalty not exceeding \$100 in respect of every such breach.

(2) Any penalty under this section may be recovered at the suit of an Inspector or of any organisation of workers of a class affected by the order or of any organisation of their employers in the same manner as a penalty for breach of an award may be recovered under the Industrial Relations Act 1973.

21. Recovery of arrears of wages—Without affecting any other remedies for the recovery of money payable to any agricultural worker, proceedings for the recovery of wages or other money payable by an employer to any agricultural worker pursuant to an order made under this Part of this Act may be taken by an Inspector in the same manner as proceedings under the Industrial Relations Act 1973 for the recovery of money due to a worker by his employer under an award or agreement, and all the provisions of that Act relating to the recovery of money due to workers under awards or agreements shall, with the necessary modifications, apply accordingly.

9. Accommodation—(1) No charge shall be made for board and lodging provided for workers by their employers. In the case of any workers who are not provided with board and lodging by their employers, the aforesaid rates of wages shall be increased by \$4.25 a week.

(2) In the case of any workers who are provided with only lodging or free house the aforesaid rates of wages shall be increased by \$3.25 per week.

(3) Where a married worker is occupying a house or portion of a house on a farm, which house or portion thereof is the property of the farm owner, no rent shall be charged for the said house or portion thereof.

(4) (a) Where accommodation is provided for by the employer every worker shall keep the rooms occupied by him and the surroundings clean and free from all rubbish and shall leave the premises in a clean and tidy condition and free from any damage beyond fair wear and tear. If he fails to do so, the employer may employ some other person to do the work, and may deduct the cost of such work from any money due to or accruing to the workers occupying the accommodation.

(b) The employer shall ensure that the accommodation and the surroundings of the accommodation are clean and free of all rubbish before occupation by agricultural workers.

(c) Any dispute under this subclause shall be referred to an Inspector appointed under the Agricultural Workers Act.

10. Termination of employment—(1) In the case of permanent workers one week's notice of termination of employment shall be given by the party desiring to terminate the employment or one week's wages paid or forfeited as the case may be.

(2) (a) In the case of a worker who has been provided with accommodation by the employer and has been given one week's notice, that worker shall be entitled to occupy the premises or other comparable premises and with essential services previously supplied for a further week free of charge.

(b) In the case of a worker who has been provided with accommodation by the employer and has accepted one week's wages instead of one week's notice, that employee shall be entitled to occupy the premises free of charge for one week from the date the payment is accepted.

(c) Provided that where the worker has given the notice to terminate the employment, that worker shall only be entitled to occupy the premises for the week of that notice.

(3) In the case of hourly workers 2 hours notice of termination shall be given and 2 hours wages paid or forfeited as the case may be.

(4) Nothing herein shall prevent an employer from summarily dismissing a worker for wilful misconduct.

11. Savings—Nothing in this order shall operate so as to reduce the wages and conditions of employment applying to any worker at the date of this agreement coming into force.

12. Display of order—Each employer is required to display a copy of this order in the shed or other place accessible to the worker.

P. G. MILLEN,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order replaces the Agricultural Workers Wages Order 1975, and relates to agricultural workers employed on dairy farms.

As well as specifying minimum wages (which was the only function of the earlier order) the order specifies hours of work, statutory holidays and allowances payable for work performed on them, holidays for long service, sick pay, time and method of payment of wages, provision and control of accommodation, termination of employment, and annual holidays.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 March 1977.

This order is administered in the Department of Labour.