

Serial Number **1953/4**



**THE AGRICULTURAL WORKERS (MARKET GARDENS)
EXTENSION ORDER 1953**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 21st day of January 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Agricultural Workers Act 1936, and after submission by the Minister of Labour to the organizations 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 hereinafter appears, and after 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, hereby makes the following order.

ORDER

1. (1) This order may be cited as the Agricultural Workers (Market Gardens) Extension Order 1953.

(2) This order shall be deemed to have come into force on the 1st day of September 1952, and shall continue in force until the end of August 1953, and thereafter until a further order is made in substitution therefor.

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 First and Second Schedules 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).

3. The Agricultural Workers (Market Gardens) Extension Order 1950* and the Agricultural Workers (Market Gardens) Extension Order 1950, Amendment No. 2†, are hereby revoked.

* Statutory Regulations 1950, Serial number 1950/16, page 51.

† Statutory Regulations 1951, Serial number 1951/55, page 195.

SCHEDULES

FIRST SCHEDULE

HOURS OF WORK

1. (1) The ordinary hours of work shall not exceed forty-four in any one week and forty-four hours shall be worked within five and a half days, Monday to Saturday noon inclusive.

(2) No worker shall be employed for more than five hours continuously without an interval of three-quarters of an hour for a meal.

(3) Suitable arrangements shall be made for a break for refreshments during the forenoon and the afternoon.

(4) Workers who have not been notified on the previous day of being required to work overtime shall in all cases where they cannot reasonably get home be paid a meal allowance of 3s. 6d. or furnished with a meal of equivalent value.

OVERTIME

2. (1) 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, 4s. 9d. per hour for adult males and 3s. 3d. per hour for adult females; after that, time and a half rates.

(2) All work 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:

Provided also that no work other than essential work shall be performed on a Sunday.

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

HOLIDAYS

3. (1) In respect of workers other than hourly 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, this holiday or a day's pay in addition to other payments due to the worker shall be given to the worker within fourteen days following. Notwithstanding the foregoing provisions, 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 the holiday.

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

(3) The provisions of the Annual Holidays Act 1944 shall apply to workers covered by this order.

WAGES

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

	Per Week.			Per Hour.		
	£	s.	d.	£	s.	d.
(a) Males: Youths—						
Under the age of 16 years	3	2	6	1	7	
Of the age of 16 but under 17 years	3	18	2	1	11	
Of the age of 17 but under 18 years	4	13	9	2	5	
Of the age of 18 but under 19 years	6	1	3	2	11	
Of the age of 19 but under 20 years	7	0	7½	3	6½	
Of the age of 20 but under 21 years	8	0	0	3	11	
(b) Adult males	9	2	9	4	3½	
(c) Females—						
Adults	6	2	1½	2	10	
Under the age of 17 years	3	7	6			
Of the age of 17 but under 18 years	4	1	10½			
Of the age of 18 but under 21 years	4	16	3			

FIRST SCHEDULE—*continued*

(2) 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.

(3) 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 such work and at such rates as are agreed upon between the local organizations of workers and of employers, the rates to be such as will enable an ordinary capable worker to earn the rates provided for in clause 4, plus 10 per cent. Should any dispute arise regarding piecework rates, the matter shall be referred to the Inspector, whose decision shall be final.

TERMS OF EMPLOYMENT

6. (1) 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.

(2) Wages shall be paid weekly on a regular pay-day, being not later than Thursday. Wages shall be paid during working hours.

(3) Except in the case of hourly workers, forty-eight hours' notice of the termination of 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.

TIME AND WAGES BOOK

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

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. No tools, implements, manure, fertilizers, or other materials shall be stored in the living accommodation provided for workers where the workers are occupying the premises.

FIRST AID

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

UNDER-RATE WORKERS

10. 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

11. (1) Every worker employed within the scope of this order shall immediately become and remain a financial member of a union affiliated to the New Zealand Federated Labourers and Related Trades' Industrial Association of Workers or the Otago Labourers and Related Trades' Industrial Union of Workers, and it shall be the duty of the employer, on representations being made to him, to see that the worker complies with the requirements of this subclause.

FIRST SCHEDULE—*continued*

(2) Each union, being a union affiliated to the New Zealand Federated Labourers and Related Trades' Industrial Association of Workers, shall supply to each employer bound by this order in the area in which the union has jurisdiction a supply of membership enrolment forms, which shall have attached an authority conferring on the employer the right to deduct the requisite amount of subscription due by the worker to the union, and directing the employer to remit the same to the union. The Dominion Council of Commercial Gardeners, Limited, undertakes to supply on the request of the Labourers' Federation a list of registered growers, and it also agrees to request its members to carry out the procedure outlined above in all cases where the worker completes the form.

DISPUTES

12. Should any matter arise out of or connected with the provisions of this order, or connected with the employment of the workers coming within the scope of this order and not provided for herein, the matter shall be referred to a committee consisting of two representatives of the union, one to be such a worker, and two representatives of the employers. Failing such a committee arriving at a settlement, or on the failure of either side to appoint a representative within seven days of being requested to do so, the matter shall be referred to the Conciliation Commissioner for the district, whose decision on the matter in dispute shall be final and binding on all parties.

SECOND SCHEDULE

APPLICATION OF SCHEDULE

1. The provisions of this Schedule shall apply to workers engaged specifically for the picking and harvesting of cauliflowers, peas, beans, tomatoes, or soft fruits, and shall not apply to any other workers.

2. The provisions of clauses 1, 7, 8, 9, and 12 of the First Schedule shall apply to workers covered by this Schedule, but otherwise the provisions of the First Schedule shall not apply in respect of workers covered by this Schedule.

		WAGES	Per Hour.	
			s.	d.
3. Adult males	4	3½
Males—				
Of the age of 18 but under 21 years	3	2
Of the age of 15 but under 18 years	2	4
Adult females	2	10
Females—				
Of the age of 18 but under 21 years	2	5
Of the age of 15 but under 18 years	2	0
Males and females under fifteen years of age	1	7

PIECEWORK

4. Piecework may be worked at picking cauliflowers, peas, tomatoes, beans, and soft fruits at such rates as will enable an ordinary capable worker to earn the rates provided for in clause 3, plus 10 per cent. Should any dispute arise regarding the piecework rates, the matter shall be referred to the Inspector, whose decision shall be final.

TERMS OF EMPLOYMENT

5. Engagement shall be on an hourly basis. Workers shall be paid weekly or fortnightly on a regular pay-day. On termination of engagement all wages due shall be paid within twenty-four hours of ceasing work. All time that workers are kept waiting for wages after twenty-four hours of termination of engagement shall be paid for at ordinary rates of pay.

RESTRICTION ON WEIGHT LIFTING BY FEMALE WORKERS

6. No female worker shall be required to lift a weight in excess of 25 lb.

SECOND SCHEDULE—*continued*

BOARD

7. Where an employer supplies a worker with board or partial board, the value thereof shall be assessed by agreement between the official representative of the union and the employer. In the case of any dispute, the matter shall be referred to the Inspector, whose decision shall be final.

WORKERS TO BE MEMBERS OF UNION

8. (1) Every worker employed within the scope of this order shall be a member of a union affiliated to the New Zealand Federated Labourers and Related Trades' Industrial Association of Workers or the Otago Labourers and Related Trades' Industrial Union of Workers, and the union fees payable by such members shall be as follows:—

- (a) No entrance fee:
- (b) Adult male workers, 12s. 6d. for season:
- (c) Adult female workers, 7s. 6d. for season:
- (d) Juvenile workers, 3s. 6d. for season.

(2) The above-mentioned fees are for a season not exceeding four months commencing from the date of the worker's employment by the first employer. If a worker is employed in the season for more than four months, he or she shall pay an additional fee at the proportionate rate. The employer shall, on behalf of the workers employed by him, forward to the union office within seven days of the employment the respective fees for each of the workers employed by him under this order who is not already a member of one of the said unions.

NOTE.—The addresses of the union offices are as follows:—

Wellington, Nelson, Westland, and Marlborough Local Bodies', Other Labourers, and Related Trades' Industrial Union of Workers, P.O. Box 67, Te Aro, Wellington.

Poverty Bay General Labourers' Industrial Union of Workers, P.O. Box 230, Gisborne.

Auckland Ceramic, Concrete, Builders' and General Labourers' and Related Trades' Industrial Union of Workers, P.O. Box 9, Newton, Auckland.

Taranaki Labourers and Related Trades' Industrial Union of Workers, St. Aubyn Street, New Plymouth.

Canterbury Builders' and General Labourers and Related Trades' Industrial Union of Workers, Trades Hall, Christchurch.

Southland General Labourers and Related Trades' Industrial Union of Workers, Trades Hall, Invercargill.

Otago Labourers and Related Trades' Industrial Union of Workers, Regent Chambers, The Octagon, Dunedin.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

This order is a consolidation of the existing *Agricultural Workers (Market Gardens) Extension Order 1950* and its amendments, and incorporates new wage rates fixed by agreement between the organizations of the workers and the employers and effective as from 1 September 1952, following the standard wage pronouncement made by the Court of Arbitration on 12 July 1952.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 January 1953.

These regulations are administered in the Department of Labour and Employment.