

**1967/167**



**THE AGRICULTURAL WORKERS (TOBACCO COMPANIES)  
ORDER 1967**

BERNARD FERGUSSON, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 5th day of July 1967

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to Part III of 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.

**ORDER**

**1. Title and commencement**—(1) This order may be cited as the Agricultural Workers (Tobacco Companies) Order 1967.

(2) Except as provided by subclause (3) of this clause, this order shall come into force on the day after the date of its notification in the *Gazette*, and shall continue in force until the 30th day of November 1968, and thereafter until a further order is made in substitution therefor.

(3) The provisions of this order relating to rates of wages shall be deemed to have come into force on the 1st day of December 1966.

**2. Application**—(1) This order shall apply to workers employed by tobacco companies and 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.

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

**3. Revocation**—The Agricultural Workers (Tobacco Companies) Order 1965\* is hereby revoked.

SCHEDULE

Cl. 2 (2)

INTERPRETATION

1. (1) In this order, unless the context otherwise requires,—  
 “Casual worker” means a worker who is not permanently employed:  
 “Permanent worker” means a worker other than a casual worker.
- (2) A worker shall be deemed to be permanently employed—  
 (a) After four months’ continuous employment (whether that period or any part thereof is before or after the commencement of this order) unless at his or her own request he or she remains a casual worker:  
 (b) In any other case if the employer and the worker so agree.

HOURS OF WORK

2. (1) The ordinary hours of work shall be 40 hours per week, to be worked on five days of the week between the hours of 7.30 a.m. and 5 p.m., Monday to Friday inclusive:

Provided that no female workers shall be called upon to start before 8 a.m.

(2) 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, and in any such case each worker on shift work shall receive 5s. (50c) per shift in addition to his or her ordinary rate of pay.

(3) Three-quarters of an hour shall be allowed for a meal between the hours of 11.30 a.m. and 1 p.m.

WAGES

3. (1) The minimum rates of wages for adult permanent workers shall be as follows:

	Per Week				
	£	s.	d.	\$	c
Males .....	14	16	8	29	66.666
Females .....	11	0	0	22	00.000

(2) No deduction in respect of time lost by any worker shall be made from the wages payable to him except for time lost by reason of the default of the worker or by reason of his illness or any accident suffered by him.

(3) The minimum rates of wages for casual workers and workers under 20 years of age shall be as follows:

	Per Hour		
	s.	d.	c
(a) Adult male workers .....	7	2	71.666
(b) Youths:			
Under 16 years of age .....	3	4	33.333
16 years and under 18 years of age .....	5	3	52.500
18 years and under 20 years of age .....	6	4	63.333
20 years of age and over .....	7	2	71.666
(c) Female workers:			
Under 16 years of age .....	3	4	33.333
16 years and under 18 years of age .....	4	3	42.500
18 years and under 20 years of age .....	4	9	47.500
20 years of age and over .....	5	3	52.500

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FIRST SCHEDULE—*continued*

## OVERTIME

4. (1) Time worked in excess of eight hours per day or per shift, or outside of the clock hours specified in clause 2 (1) of this Schedule (except in the case of shift workers), shall be paid for at the rate of time and a half for the first three hours and thereafter at double-time rates.

(2) Time worked on any Saturday forenoon shall be paid for at the rate of time and a half for the first four hours and thereafter at double-time rates.

(3) Time worked on any Saturday afternoon and Sunday shall be paid for at double-time rates. Time worked on a statutory holiday shall be paid for at double-time rates in addition to any holiday payment due.

## NOTICE OF OVERTIME AND MEAL MONEY

5. Twenty-four hours' notice shall be given by the employer to any worker called upon to work overtime after the ordinary time for ceasing work. When less than 24 hours' notice has been given 5s. 6d. (55c) shall be paid for tea or lunch money. Where a worker has been notified on the previous day that he or she will be required to work overtime and overtime is not made available, tea or lunch money shall be provided.

## UNDER-RATE WORKERS

6. Sections 24 and 25 of the Agricultural Workers Act 1962 apply to employment under this order. The said sections read as follows:

“24. **Permit to work for less than minimum wage**—(1) If any agricultural worker satisfies an Inspector that he is incapable of earning wages at the appropriate minimum rate for the time being prescribed under any Order in Council made pursuant to Part III of this Act, 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 agricultural worker under this section shall continue in force for the period specified in the permit; and while it continues in force the rate of wages prescribed in the permit shall be deemed to be the minimum rate of wages prescribed under Part III of this Act in respect of that worker.

“(2) Notwithstanding that the rate of wages specified in a permit under this section may be less than the minimum rate for the time being prescribed in the Minimum Wage Act 1945, or any Order in Council made pursuant thereto, such permit shall have full effect as if issued under that Act.

“25. **Permit for female to work for less than minimum wage**—A permit may be granted under section 24 of this Act to any woman or girl employed as an agricultural worker if the Inspector is satisfied having regard to the conditions of her employment, the nature of work performed by her, the time occupied in the performance of her work, and any other relevant circumstances, that she is not reasonably entitled to wages at the prescribed minimum rate. Where a permit is granted for the purposes of this section the Inspector may also reduce

FIRST SCHEDULE—*continued*

to such amount as he thinks fit the amount (if any) payable to the woman or girl in respect of her board and lodging pursuant to any Order in Council made under Part III of this Act.”

PENALTY FOR BREACH

7. Sections 20 and 21 of the Agricultural Workers Act 1962 apply to employment under this order. The said sections read 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 fifty pounds 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 Conciliation and Arbitration Act 1954 and the provisions of sections 200 to 210 of that Act shall apply accordingly with such modifications as may be necessary.

“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 Conciliation and Arbitration Act 1954 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.”

WAGES AND HOLIDAY BOOK

8. (1) In every shed in which one or more agricultural workers are employed the employer shall at all times keep a record in English (called the wages and holiday book) showing in the case of each agricultural worker employed by him,—

- (a) The name of the worker:
- (b) His age, if he is under 21 years of age:
- (c) The starting and finishing times on each day to be entered each day:
- (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 piecework it shall be sufficient if the wages and holiday book shows the following particulars:

FIRST SCHEDULE—*continued*

- (a) The name of the worker:
  - (b) The rate agreed for piecework:
  - (c) The days upon which or the 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 two years, shall at all times be open to inspection by an Inspector.

## HOLIDAYS

9. (1) Any worker coming within the scope of this order who has been employed in the industry for a period of not less than six working days, whether those days are successive or not, during the fortnight immediately preceding the day on which any of the holidays hereinafter mentioned occurs shall be entitled to that holiday on pay: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Queen's Birthday, Labour Day, picnic day (which shall be held during October or November) or one day in lieu thereof, Anzac Day, Anniversary Day or a day in lieu thereof at the convenience of the employer. Where any worker has been employed upon work coming within the scope of this order by more than one employer during the fortnight ending with the day on which any of the above holidays occur, he shall be entitled to receive payment for the holiday from such one or more of these employers, and if more than one, in such proportions as the Inspector determines. Any worker employed on any of the aforementioned holidays shall, in addition to the ordinary rate of wages, be paid at the ordinary rate for all time worked on the holiday.

(2) Holidays shall be allowed in accordance with the Annual Holidays Act 1944.

(3) In the event of a holiday, other than Anzac Day, falling on a Saturday or a Sunday, that holiday shall be observed on the following Monday, and in the event of another holiday falling on that Monday, the other holiday shall be observed on the following Tuesday.

## UNION MEMBERSHIP

10. (1) Except as provided in subclause (7) of this clause, every worker to whom this order applies shall, if he is not already a member of the New Zealand Workers' Industrial Union of Workers, become a member of such union.

(2) Subject to subclause (1) of this clause, every worker to whom this order applies shall remain a member of the union so long as he continues to be such a worker.

(3) Every worker obliged under subclause (1) of this clause to become a member of the union who fails to become a member, as required by that subclause, after being requested to do so by an officer or an authorised representative of the union, and every worker who fails to remain a member of the union in accordance with subclause (2) of this clause commits a breach of this order.

FIRST SCHEDULE—*continued*

(4) Every employer commits a breach of this order if he continues to employ any worker to whom this order applies after having been notified by any officer or authorised representative of the union that the worker has been requested to become a member of the union and has failed to do so, or that the worker, having become a member of the union has failed to remain a member.

(NOTE—Attention is drawn to section 174H of the Industrial Conciliation and Arbitration Act 1954 which gives to workers the right to join the union.)

(5) The union shall provide each employer who employs any worker to whom this order applies with a supply of membership enrolment forms, each of which shall have attached thereto an authority (to be signed by the worker to whom it relates) authorising the employer to deduct from the wages of the worker, as the wages become payable, the amount of the union subscription then due and owing by the worker, or, subject to the provisions of subclause (6) of this clause, the appropriate sum in respect of the seasonal subscription.

(6) For each week or part thereof being three days or more, the subscription shall be 1s. 6d. (15c) for each adult male worker or each male worker under the age of 21 years who for the time being is in receipt of not less than the minimum rate of wages prescribed by this order for workers of the age of 20 years and over, and 1s. (10c) for every other worker, including a weekend worker. A weekend worker, for the purposes of this subclause, shall be a worker who is employed by an employer on Saturday and Sunday only. The seasonal subscription shall be £2 12s. (\$5.20) for each adult male worker or each male worker under the age of 21 years who for the time being is in receipt of not less than the minimum rate of wages prescribed by this order for workers of the age of 20 years and over, and £2 5s. (\$4.50) for every other worker. As an alternative to having his seasonal subscription deducted from his wages, a worker may pay the same in cash directly to the union or to any duly authorised representative of the union.

(7) The following classes of workers shall not be obliged to become members of the union:

- (a) Workers under 16 years of age;
- (b) Members of the employer's own family;
- (c) Workers to whom certificates of exemption from membership of a union have been issued under section 175 of the Industrial Conciliation and Arbitration Act 1954 and for the time being in force.

(8) Employers may, if they so desire, remit quarterly to the New Zealand Workers' Industrial Union of Workers the union fees deducted by them from the wages of the workers or otherwise held on behalf of the union; alternatively, the said union shall notify employers of the approximate week during which a union representative will call upon them to uplift money held on behalf of the union, but such calls shall not be made at less than four-monthly intervals.

(9) Employers shall give the union representatives reasonable facilities to visit workers to whom this order applies:

Provided that visits shall not be made in a manner that will interfere unduly with the employer's work.

FIRST SCHEDULE—*continued*

## TERMINATION OF EMPLOYMENT

11. (1) Should any worker desire to leave the employment he or she shall give the employer 48 hours' notice of his or her intention to do so, or forfeit two days' pay. Should the employer desire to dismiss any worker, he shall give the worker two days' notice or two days' pay, except where the dismissal is for incompetence or wilful disobedience of orders, when the dismissal may be summary and without compensation.

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

## SETTLEMENT OF DISPUTES

12. (1) The workers in each shed shall elect from among themselves a shed representative and, where possible, a committee comprising two other workers. If any dispute arises between the workers and their employer, the committee acting by and through the shed representative, shall endeavour to settle the dispute with the employer.

(2) If the committee and the employer are unable to settle the dispute the shed representative shall submit the dispute to the branch office of the organisation of workers affected by this order in the district in which it occurs, and the employer and the branch office shall endeavour to settle the dispute.

(3) If the employer and the branch office are unable to settle the dispute, it shall be referred by the branch office to the organisation of workers affected by this order and to the organisation of employers in the industry for determination.

(4) The work of the employer shall not be interrupted or hindered by reason of any dispute, and the decision by which any dispute is determined shall be made to operate retrospectively.

## MISCELLANEOUS CONDITIONS OF EMPLOYMENT

13. (1) The following rules shall be at all times observed:

- (a) The premises shall be kept in a clean state and free from any smell or leakage arising from any drain, privy, or other nuisance:
- (b) Sufficient privy accommodation shall be provided for all persons employed on the premises, the accommodation to be entirely separate for each sex, so as to ensure privacy:
- (c) The premises 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 on the premises:
- (e) No male junior worker under 18 years of age shall be required to lift or carry unassisted any weight over 65 lb:
- (f) No female worker shall be required to lift or carry unassisted any weight over 40 lb:
- (g) No individual male worker shall be required to carry unassisted any weight over 145 lb.

FIRST SCHEDULE—*continued*

(2) Medical Outfit—The first-aid appliances and requisites which every employer is required to provide and maintain by section 28 (1) of the Agricultural Workers Act 1962 shall be kept in a convenient place accessible to workers and shall be used only in the event of an accident.

(3) If any worker meets 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.

(4) "Smoko"—Ten minutes in the morning and in the afternoon for "smoko" shall be allowed and paid for as time worked.

(5) Upon their request, workers in each case shall be provided with overalls or waterproof aprons when handling wet leaf, and, in the case of females only, with rubber gloves and plastic sleeves. All workers shall return all such articles or pay their cost at the termination of their employment.

PROPOSALS FOR NEW ORDER

14. Within two months prior to the 30th day of November 1968 the organisation of the workers of the class affected by this order and the organisation of their employers may commence negotiations with the object of reaching agreement on proposals for a new order:

Provided that if the organisations are unable to reach agreement within two months after the date on which the negotiations commenced they shall refer the matter to a committee consisting of representatives from the organisation of workers affected and an equal number of representatives from the organisation of employers affected together with an independent chairman to be agreed upon and appointed by the said organisations.

P. J. BROOKS,  
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 (Tobacco Companies) Order 1965. It incorporates new rates of wages. It also increases the seasonal subscription for union members, amends the holiday provision, and makes provision for "smoko" and the supply of waterproof clothing.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 July 1967.

These regulations are administered in the Department of Labour.