

Serial Number 1952/90



**THE HOSPITAL EMPLOYMENT (LABORATORY WORKERS)  
REGULATIONS 1952**

FREYBERG, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington, this 7th day of  
May 1952

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Hospitals Act 1926, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Hospital Employment (Laboratory Workers) Regulations 1952, and shall be read together with and deemed part of the Hospital Employment Regulations 1952\* (hereinafter referred to as the principal regulations).

(2) For the purposes of regulation 4 of the principal regulations, these regulations shall be deemed to form a Part of the principal regulations.

*Commencement*

2. (1) Except where these regulations otherwise provide, such of the provisions of these regulations as have the effect of increasing the rates of salaries, wages, and other emoluments and increments payable in respect of the classes of persons whose positions are specified in these regulations shall be deemed to have come into force on the 1st day of July 1951.

(2) Except as provided in the last preceding subclause, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

\*Statutory Regulations 1952, Serial number 1952/86, page 352.

*Interpretation*

3. In these regulations, unless the context otherwise requires,—

“Biochemist” means a person who is wholly or mainly employed in biochemistry as applied to hospital laboratory work, and who either—

(a) Being a hospital bacteriologist, holds the degree of Bachelor of Science and has had special training in biochemistry as applied to hospital laboratory work; or

(b) Not being a hospital bacteriologist, has special qualifications and experience in biochemistry and is appointed with the approval of the Director-General to the position of biochemist in a hospital laboratory:

“Grade laboratory officer” means a principal or sole hospital bacteriologist in any hospital, or a biochemist, and includes any other hospital bacteriologist who by reason of his special duties or responsibilities is for the purposes of these regulations designated by the Grading Committee as a grade laboratory officer:

“Grading Committee” means the Hospital Bacteriologists’ Salaries Grading Committee constituted in accordance with regulation 6 of these regulations:

“Graduate trainee” means a trainee who is the holder of the degree of Bachelor of Science or Bachelor of Home Science of the University of New Zealand and whose qualifying date occurs before he has completed five years’ training:

“Hospital bacteriologist” means a person who is employed in hospital laboratory work and who holds the Certificate of Proficiency in Hospital Laboratory Practice (formerly entitled the Certificate in Technique in Bacteriology and Clinical Pathology) issued by the Department of Health, or such other qualification appropriate to hospital laboratory work as is recognized by the Director-General as its equivalent:

“Laboratory assistant” means a person who is employed in a hospital bacteriological laboratory in manual or technical work ancillary to that of a hospital bacteriologist, but who is not a hospital bacteriologist, a biochemist, or a trainee:

“Laboratory worker” includes a hospital bacteriologist, a biochemist, a trainee, and a laboratory assistant:

“Qualifying date” in relation to a graduate trainee means the first day of the month immediately succeeding the day on which he sat for the last part of the examination by the passing of which he became entitled to his degree:

“Staff hospital bacteriologist” means a hospital bacteriologist who is not a grade laboratory officer:

“Trainee” means a person who is undergoing a course of practical and theoretical training for the purpose of qualifying as a hospital bacteriologist and is employed in a hospital laboratory approved by the Director-General for the purposes of that training.

*Scales of Salaries and Wages of Laboratory Workers*

4. (1) Subject to the provisions of subclause (2) of this regulation and of regulations 5 and 6 hereof, a grade laboratory officer shall receive a yearly rate of salary according to the scale of salary from time to time determined in each case by the Grading Committee, with the approval of the Minister, that scale being one of the four following :—

	Yearly Rate of Salary.		
	Minimum.	Maximum.	Increments.
	£	£	£
(a) .. ..	920	1,092½	57½
(b) .. ..	805	977½	57½
(c) .. ..	718¾	862½	28¾, 28¾, 28¾, 57½
(d) .. ..	632½	747½	46, 34½, 34½

(2) The scale of salary and any other remuneration which were applicable or allowable in respect of any employee who is in accordance with these regulations designated a grade laboratory officer and which were subsisting and in force immediately before the commencement of these regulations shall remain in force until such time as a determination in respect of the scale of salary for that position is approved by the Minister in accordance with subclause (1) of this regulation and for such further period as may be necessary where the proviso to regulation 5 of the principal regulations is applicable :

Provided that upon that determination being approved the holder of the position shall also be entitled to receive payment of any arrears of remuneration which may be payable by virtue of the determination being retrospective in effect.

(3) The scales of salaries applicable to laboratory workers other than grade laboratory officers shall be those set out in the Schedule appended to this regulation, namely :—

SCHEDULE : SCALES OF SALARIES AND WAGES OF STAFF HOSPITAL BACTERIOLOGISTS, TRAINEES, AND LABORATORY ASSISTANTS

Position.	Yearly Rate of Salary.		
	Minimum.	Maximum.	Increments.
<b>1. Staff Hospital Bacteriologist—</b>	£	£	£
(a) .. ..	575	718¾	46, 34½, 34½, 28¾
(b) The salary as a staff hospital bacteriologist of a person employed continuously first as a trainee and then as a staff hospital bacteriologist shall commence on the first of the month immediately succeeding the day on which was held the last part of the examination by the passing of which he became entitled to his certificate of proficiency or other recognized qualification.			
(c) In respect of a staff hospital bacteriologist who has been in receipt of the yearly salary of £718¾ for at least one year, the Grading Committee may in special circumstances and with the approval of the Minister determine a yearly rate of salary exceeding £718¾ but not exceeding £805.			
<b>2. Graduate Trainee—</b>			£
(a) (i) First year .. ..			391
(ii) Second year .. ..			437
(iii) Third year .. ..			465¾
(b) The commencing salary as a graduate trainee of a person employed continuously first as a trainee other than a graduate trainee and then as a graduate trainee shall be determined as follows :—			
(i) If he has not completed three years' training prior to his qualifying date, he shall, on and from that qualifying date, commence at the salary of a first year graduate trainee.			

SCHEDULE: SCALES OF SALARIES AND WAGES OF STAFF HOSPITAL  
 BACTERIOLOGISTS, TRAINEES, AND LABORATORY ASSISTANTS—*continued*

2. Graduate Trainee—*continued*

(ii) If he has completed three years' but not four years' training prior to his qualifying date, he shall, as from the end of his fourth year of training, commence on the salary of a second year graduate trainee:

(iii) If he has completed four years' but not five years' training before his qualifying date, he shall, on and from that qualifying date, commence on the salary of a second year graduate trainee.

Position.	Yearly Rate of Salary.
3. Trainee Other than a Graduate Trainee—	
(a) First year—	£
(i) .. .. .	245
(ii) With University Entrance .. ..	285
(b) Second year—	
(i) .. .. .	285
(ii) With University Entrance .. ..	320
(c) Third year .. .. .	362½
(d) Fourth year .. .. .	391
(e) Fifth year .. .. .	419¾
(f) Sixth year .. .. .	437
(g) Seventh year .. .. .	465¾

Provided that no trainee other than a graduate trainee who commences his training on or after 1 June 1950 shall advance beyond the salary prescribed for a fourth year trainee unless he has passed the Intermediate Examination for hospital laboratory trainees:

Provided also that the commencing salary for a trainee who is a registered nurse shall be £285.

4. Laboratory Assistant—

	£
(a) (i) First year .. .. .	189¾
(ii) Second year .. .. .	241½
(iii) Third year .. .. .	270¾
(iv) Fourth year .. .. .	299
(v) Fifth year .. .. .	327¾
(vi) Sixth year .. .. .	362½
(vii) Seventh year .. .. .	419¾
(viii) Eighth year .. .. .	448½
(ix) Ninth year .. .. .	483
(x) Tenth year and thereafter .. ..	511¾

(b) The yearly rates specified in the last preceding paragraph are subject to the provisions of paragraphs (c) and (d) of this clause.

(c) Subject to the prior approval of the Director-General, a commencing salary higher than the first year salary may be paid having regard to the age, educational qualifications, and experience of the person to be appointed as a laboratory assistant.

(d) After a laboratory assistant has been in receipt of the tenth year salary for at least one year, the Grading Committee may, in special circumstances and with the approval of the Minister, determine in respect of that laboratory assistant a yearly rate of salary exceeding £511¾, but in no case exceeding £661¼.

5. Notwithstanding anything to the contrary in regulation 4 hereof, the Grading Committee may, with the approval of the Minister, determine in the case of a grade laboratory officer who in the opinion of the Grading Committee is a person of exceptional qualifications and training or of exceptional experience a yearly rate of salary exceeding the maximum of £1,092½ specified in subclause (1) of regulation 4 hereof, but in no case exceeding £1,260.

*Hospital Bacteriologists' Salaries Grading Committee*

6. (1) In addition to any advisory committee appointed under the Hospital Board Employees (Conditions of Employment) Regulations 1947,\* the Minister may establish a Hospital Bacteriologists' Salaries Grading Committee, whose function it shall be to make determinations with respect to salaries and other matters which it is expressly provided by these regulations shall be so determined.

(2) The Grading Committee shall consist of—

- (a) The Director of the Division of Hospitals appointed under the Health Act 1920, who shall be Chairman of the Committee :
- (b) One person being either an officer of the Department of Health or a registered medical practitioner who is a pathologist, to be appointed by the Minister :
- (c) Two persons being members of Hospital Boards, to be appointed by the Minister :
- (d) Two other persons, not being laboratory workers employed by Hospital Boards, to be appointed by the Minister after consultation with the executive committee of the New Zealand Association of Bacteriologists (Incorporated).

(3) The appointed members of the Grading Committee shall hold office at the pleasure of the Minister.

(4) Meetings of the Grading Committee shall be held at such times and places as the Director-General from time to time appoints.

(5) At every meeting of the Grading Committee the Chairman, if present, shall preside. If the Chairman is absent from any meeting, the officer of the Department of Health authorized to attend the meeting in his stead pursuant to the next succeeding subclause shall act as his deputy and shall have and may exercise the powers and duties of the Chairman for the purpose of the meeting.

(6) In the absence from any meeting of the Grading Committee of the Chairman, the Director-General of Health may appoint a person employed in the Department of Health to attend the meeting in his stead. Where the person so appointed is not a member of the Grading Committee by virtue of his appointment in accordance with subclause (2) of this regulation, he shall while attending any meeting of the Grading Committee pursuant to this subclause be deemed for all purposes to be a member of the Grading Committee. The fact that any person so attends shall be sufficient evidence of his authority so to do.

(7) No business shall be transacted at any meeting unless the Chairman or his deputy and at least three other members are present during the whole time the business is transacted.

(8) Except with respect to a determination made under regulation 8 of these regulations, every determination of the Grading Committee shall be subject to prior application by the Director-General or the Board concerned.

(9) Every question before the Grading Committee shall be decided by the votes of the majority of members present. The Chairman of the meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

\* Statutory Regulations 1947, Serial number 1947/69, page 252.

Amendment No. 1: Statutory Regulations 1950, Serial number 1950/83, page 253.

Amendment No. 2: Statutory Regulations 1950, Serial number 1950/89, page 271.

(10) At the request of any member who objects to any decision of the Grading Committee, the Chairman shall cause the objection to be recorded with the decision.

(11) It shall be the duty of the Chairman to notify the Minister of all determinations made by the Grading Committee and of every objection recorded on behalf of any member or members.

(12) Every determination of the Grading Committee under these regulations shall be subject to the approval of the Minister.

(13) Subject to the provisions of these regulations, the Grading Committee may regulate its own procedure as it thinks fit.

#### *Determinations of Grading Committee*

7. (1) The Grading Committee in making determinations as to the salary and other emoluments of a grade laboratory officer shall have regard to the nature and relative importance of the duties and responsibilities of the position, and to the qualifications, experience, status, and ability of the employee, and any such determination shall be effective only so long as the duties and responsibilities of the position and the hours of work remain substantially the same and the employee in respect of whom the determination was made continues to hold the position.

(2) The Grading Committee may, in any case where it considers special circumstances exist, fix a commencing salary for a grade laboratory officer at any rate above the minimum rate of the scale of salary applicable to his position, and it may, in addition to or instead of fixing such a rate, fix a maximum salary at any rate below the maximum rate of the scale of salary applicable to the position.

(3) In making a determination for the purpose of these regulations, the Grading Committee shall specify the date from which the determination is to take effect. The first determination affecting a grade laboratory officer employed on or after the 1st day of July 1951 may be made retrospective to a date not earlier than the 1st day of July 1951, but, subject to this provision, no determination shall take effect earlier than one year before the date on which the determination is made.

#### *Reconsideration of Determination*

8. (1) Where a grade laboratory officer is dissatisfied with any determination made in respect of his grading by the Grading Committee and approved by the Minister in accordance with the provisions of these regulations, he may, within such time as is specified by the Director-General or within such extended time as the Director-General may in special circumstances allow, apply to the Committee through his employing Board to have the determination reconsidered by the Committee.

(2) The Grading Committee shall accordingly reconsider the determination and shall make a new determination either confirming or amending the original determination. If the new determination amends the original determination and is approved by the Minister, it shall be deemed to be in substitution for the original determination and, unless the Committee otherwise determines, to take effect on and from the date on which the original determination became operative.

(3) For the purposes of that reconsideration the grade laboratory officer may appear and present his case or submit a written statement, and a member or officer of the employing Board may appear and make representations on behalf of the Board or the Board may submit a written statement.

(4) The Minister's decision on any determination made by the Grading Committee as a result of its reconsideration in accordance with this regulation shall be final.

#### *Lodging Allowances for Certain Trainees*

9. (1) This regulation shall apply to a first or second year trainee whose yearly rate of salary is £245 or £285 and who is in the opinion of the Board reasonably required by his circumstances to live away from home.

(2) Where the yearly rate of salary of a trainee is £245 the Board may pay him a lodging allowance at the rate of £46 per annum, and where the yearly rate of salary of a trainee is £285 the Board may pay him a lodging allowance at the rate of £29 per annum.

#### *Deduction for Board and Lodging*

10. In respect of any period during which a Board provides a laboratory worker with board and lodging, it shall make a deduction from the salary of the employee concerned at an annual rate, approved by the Minister according to the circumstances of the locality, of not less than £115 and not more than £149 10s.

#### *Uniforms*

11. (1) A suitable overall shall be supplied for the use of every laboratory worker, but shall remain the property of the Board.

(2) All overalls shall be laundered free of charge.

#### *Hours of Work*

12. (1) On Monday to Friday inclusive the hours of work shall be between the hours of 8 a.m. and 5.30 p.m., and shall be not more than eight on any one day, inclusive of ten minutes for morning tea and ten minutes for afternoon tea.

(2) On Monday to Friday inclusive a break of one hour for a meal between the hours of 12 noon and 2 p.m. shall be allowed on each day, but any such break shall not count as hours of work for the purposes of the next succeeding regulation.

(3) On Saturday the hours of work shall be between the hours of 8 a.m. and 1 p.m., and shall be not more than four, inclusive of ten minutes for morning tea.

(4) The normal weekly hours of work shall be forty.

(5) Notwithstanding the foregoing provisions of this regulation, a Board may in case of emergency require a laboratory worker to work at times and for periods other than those hereinbefore prescribed.

#### *Overtime*

13. (1) Where a laboratory worker (other than a grade laboratory officer) is required to work more than forty hours in any week, the excess time shall be deemed to be overtime, and he shall be entitled

either to time off equivalent to the excess time or to payment in respect thereof at one and a half times the hourly rate of pay, whichever the Board in its discretion directs.

(2) For the purposes of this regulation the hourly rate of pay shall be a two thousand and eightieth part of the yearly rate of salary payable in accordance with the foregoing provisions of these regulations, exclusive of any lodging allowance provided for in regulation 9 hereof, and before making any deduction for board and lodging under regulation 10 hereof, and in the final calculation of the rate of payment for overtime a fraction of less than a halfpenny is to be reckoned at the halfpenny above and a fraction of more than a halfpenny at the penny above.

(3) Where a grade laboratory officer is required to work more than forty hours in any week, he shall be entitled to time off equivalent to the excess hours at a later date convenient to the Board.

*Annual Leave*

14. (1) Leave of absence on full pay for recreational purposes shall be granted to laboratory workers according to the following scale, namely :—

Class of Employee.	Number of Day's Leave in Respect of Each Year of Employment.
1. Grade laboratory officers, staff bacteriologists, and trainees required to be on call for seven days a week	28
2. All other laboratory workers .. ..	21

(2) The number of days stated in the last preceding subclause is to be reckoned in consecutive days (including Saturdays and Sundays, but excluding any of the public holidays, or substituted succeeding days, where applicable, prescribed in subclause (5) of this regulation that may fall during a period of leave).

(3) A Board may permit annual leave to be taken in two periods.

(4) When the employment of a laboratory worker ceases, he shall be paid salary instead of being granted leave in respect of any annual leave or portion of annual leave accrued due to him.

(5) In addition to annual leave granted in accordance with this regulation, each laboratory worker shall be allowed leave on full pay on the following public holidays—namely, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, and the holiday observed in the locality concerned as Anniversary Day :

Provided that, when any of the above named public holidays (other than Anzac Day) that can fall on a Saturday or a Sunday so falls, the next succeeding day (not being a Sunday) that is not one of the said public holidays or observed as a substituted holiday under this proviso shall be allowed :

Provided also that any laboratory worker may be required to work on any of the above named public holidays or substituted succeeding days, where applicable, if he is allowed an equivalent holiday on a later day convenient to the Board.



*Sick Leave*

15. (1) Where a laboratory worker is granted leave of absence on account of sickness or injury not arising out of and in the course of his employment (hereinafter referred to as sick leave), he shall be entitled to full pay according to the scale prescribed in the Schedule set out in subclause (6) of this regulation.

(2) The length of service for the purposes of the Schedule means the aggregate period of service, whether continuous or intermittent, in the employ of a Board, a separate institution, or the Crown, or of two or more of such employers.

(3) The total period of sick leave with full pay set out in the Schedule may consist of one or more periods. Sick leave with full pay for each period allowed is to be reckoned in consecutive days (including Saturdays, Sundays, and the public holidays or substituted succeeding days, where applicable, that may fall during a period of sick leave).

(4) The total period of sick leave with full pay to which any laboratory worker is entitled as set out in the Schedule shall be computed in respect to his whole length of service.

(5) Where in the opinion of the Board a laboratory worker in its employ is incapacitated by sickness or injury arising out of and in the course of his employment, it shall be permissible for the Board to continue to pay his full salary during incapacity :

Provided that the prior written approval of the Director-General shall be obtained for any such payment beyond a period of three months :

Provided also that the period in respect of which salary is paid in accordance with the provisions of this subclause shall not be regarded as sick leave with pay for the purposes of the foregoing provisions of this regulation.

(6) The Schedule referred to in subclause (1) of this regulation is as follows :—

## SCHEDULE

Length of Service.	Total Period of Sick Leave With Full Pay During Whole Length of Service.
Up to three months' service . .	7 days.
Over three months' and up to six months' service	14 days, inclusive of days previously allowed.
Over six months' and up to nine months' service	31 days, inclusive of days previously allowed.
Over nine months' and up to five years' service	46 days, inclusive of days previously allowed.
Over five years' and up to ten years' service	92 days, inclusive of days previously allowed.
Over ten years' and up to twenty years' service	183 days, inclusive of days previously allowed.
Over twenty years' and up to thirty years' service	275 days, inclusive of days previously allowed.
Over thirty years' service . .	365 days, inclusive of days previously allowed.

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

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations prescribe the scales of salary and allowances and the conditions of employment of laboratory workers employed by Hospital Boards. They form part of the Hospital Employment Regulations 1952, which prescribe other matters relating generally to the conditions of employment of all occupational groups of Hospital Board employees.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 May 1952.

These regulations are administered in the Department of Health.

(H.-Hosp. 66.)