



**THE INDUSTRIAL REST PERIOD EMERGENCY
REGULATIONS 1943**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 7th day of
December, 1943

Present :

THE HON. D. G. SULLIVAN PRESIDING IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Industrial Rest Period Emergency Regulations 1943.

2. The general purpose of these regulations is to provide a minimum rest period for workers in industry with a view to securing the efficient prosecution of any war in which His Majesty may be engaged, maintaining supplies and services essential to the life of the community, and generally safeguarding the interests and maintaining and promoting the welfare of the community.

3. These regulations shall apply to all workers employed under any award or industrial agreement under the Industrial Conciliation and Arbitration Act, 1925, or under any agreement under the Labour Disputes Investigation Act, 1913, or under any voluntary agreement, or under any order made under any emergency regulations under the Emergency Regulations Act, 1939, who—

- (a) Are not entitled under the terms of their employment to an annual holiday on pay of not less than five working-days ; and
- (b) Are employed as aforesaid at any time during the week ending on the 25th day of December, 1943 ; and
- (c) Except in the case of workers in any freezing-works, have been continuously so employed in the same industry or class of employment during the whole of the period of three months ending on the said 25th day of December, 1943.

4. (1) Except as hereinafter provided, every worker to whom these regulations apply shall be entitled to a minimum rest period at ordinary rates of pay from the 27th day of December, 1943, to the 31st day of December, 1943, both dates inclusive.

(2) Where, owing to the exigencies of the employer's business or in case of urgent work or by reason of the necessity for overhauling or maintaining plant or equipment or for any other reason it is not practicable for the employer to allow any worker or workers to whom these regulations apply the rest period referred to in subclause (1) thereof, the worker or workers shall work during the rest period as required by the employer at ordinary rates of pay, but the worker or workers shall be allowed within six months thereafter an equivalent minimum rest period of five working-days at ordinary rates of pay.

(3) Where a worker to whom these regulations apply has been employed in the same industry or class of employment by more than one employer during the period of three months referred to in paragraph (c) of Regulation 3 hereof, the worker shall be entitled to payment for the rest period from the employer by whom he is employed at the end of that period of three months, but that employer shall be entitled to partial reimbursement from the other employer or employers in such proportion or proportions as may be determined by some person authorized in that behalf by the Minister of Labour.

5. In the case of workers employed on an output or piecework basis or in the case of workers paid by the hour whose employment is intermittent by reason of the casual nature of the work, "ordinary rates of pay" for payment for the rest period shall be calculated on the basis of the average earnings in ordinary time over the period of fourteen days immediately preceding the rest period.

6. (1) Any employer who fails to allow a rest period to any worker as required by these regulations commits an offence against these regulations.

(2) Any employer who terminates the employment of a worker to whom these regulations apply for the purpose of evading or attempting to evade any obligation imposed on him under these regulations commits an offence against these regulations, and in any proceedings for any such offence if the Court is of opinion that there is reasonable cause for belief that the employment was terminated in breach of this clause, it shall be deemed to have been so terminated unless the employer proves that such termination was for a reason not connected with the obligations imposed on the employer under these regulations.

7. Any worker to whom these regulations apply who fails without reasonable excuse to work during the rest period from 27th December, 1943, to 31st December, 1943, when required to do so by his employer pursuant to subclause (2) of Regulation 4 hereof commits an offence against these regulations.

8. Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50.

T. J. SHERRARD,

Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 8th day of December, 1943.

These regulations are administered in the Department of Labour.