

1962/3



**THE AGRICULTURAL WORKERS (TOBACCO COMPANIES)
EXTENSION ORDER 1962**

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 31st day of January 1962

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 organisation of the workers of the class affected and to the organisation of their employers of the proposal to extend Part III of the said Act as hereinafter appears, and in accordance with the proposals of the said Minister and the recommendation of the Court of Arbitration, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order may be cited as the Agricultural Workers (Tobacco Companies) Extension Order 1962.

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 Schedule hereto, with respect to the following class of agricultural workers – that is to say, all 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.

3. (1) Except as provided by subclause (2) 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 31st day of August 1962, and thereafter until a further order is made in substitution therefor.

(2) Clauses 1 and 2 of the Schedule to this order shall be deemed to have come into force on the 1st day of December 1961, and shall continue in force as provided by subclause (1) of this clause.

SCHEDULE

HOURS OF WORK

1. (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 3s. 2d. 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

		Per Hour	
		s.	d.
2. (1)	The minimum rates of pay shall be as follows:		
	(a) Adult male workers	6	0
	(b) Youths—		
	Under 16 years of age	2	10½
	16 years of age	4	0
	17 years of age	4	6
	18 years of age	5	0
	19 years of age	5	6
	20 years of age and over	6	0
	(c) Female workers—		
	Under 16 years of age	2	10½
	16 years of age	3	6
	17 years of age	3	8
	18 years of age	3	10
	19 years of age	4	0
	20 years of age and over	4	3

(2) *Tradesmen*—In the event of tradesmen being employed in their capacity as such, they shall be paid the rates of pay prescribed by the award or industrial agreement for such workers in the Nelson Industrial District.

(3) Wages shall be paid in cash at weekly intervals, and not later than Friday of each week.

UNDER-RATE WORKERS

3. Subsection (6) of section 14 of the Agricultural Workers Act 1936 and subsection (2) of section 5 of the Statutes Amendment Act 1936 shall extend and apply to workers employed or intending to be employed in sheds so as to read (in their application to such workers) as follows:

“(6) 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 this section, 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 subsection shall continue in force for the period specified in that

SCHEDULE—*continued*

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 section in respect of that worker.”

“(2) A permit may be granted under the said subsection (6) to any woman or girl employed as an agricultural worker in any shed if the Inspector is satisfied, having regard to the conditions of her employment, the nature of the 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 subsection, the Inspector may also reduce 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 subsection (4) of the said section 14.”

PENALTY FOR BREACH

4. Sections 18 and 19 of the Agricultural Workers Act 1936 shall extend and apply to workers employed or intending to be employed in sheds. The said sections read as follows:

“18. If any employer makes default in the full payment of any wages payable by him under this Part of this Act, he shall be liable to a fine of five shillings for every day during which the default continues.

“19. (1) Without affecting any other civil remedies for the recovery of wages payable under this Part of this Act to any agricultural worker, civil proceedings for the recovery of such wages may be taken by any Inspector, in the name and on behalf of the person entitled to payment, in any case where the Inspector is satisfied that default in payment has been made.

“(2) No proceedings shall be taken by an Inspector under this section in any case where he has reason to believe that any default by the employer in the payment of wages was due to misrepresentations made by the agricultural worker to the employer.”

OVERTIME

5. (1) Time worked in excess of eight hours per day or per shift, or outside of the clock hours specified in clause 1 (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.

TIME AND WAGES BOOK

6. Section 17 of the Agricultural Workers Act 1936 shall apply to every shed in which one or more workers are employed, so as to read in its application to agricultural workers employed in sheds as follows:

SCHEDULE—*continued*

“17. (1) In every shed in which one or more agricultural workers are employed the employer shall at all times keep in the prescribed form, or in such other form as may be approved by an Inspector, a record (herein referred to as the wages and holiday book) showing, in the case of each worker,—

“(a) The name of the worker, together with his age if under 21 years of age:

“(b) The days on which he has actually been employed:

“(c) The starting and finishing times on each day, to be entered each day:

“(d) The wages paid on each pay day, the date of payment, and the period to which the payment relates:

“(e) The days on which he is allowed any holiday:

“(f) The wages paid for each holiday, and the date of payment:

“(g) Such other particulars as may be prescribed.

“(2) The entry of the particulars hereinbefore referred to shall be signed by the agricultural worker at the time of payment of his wages, and his signature shall operate as a receipt for the payment.

“(3) 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 any Inspector.

“(4) Every agricultural worker who fails to sign the record as provided in this section, or who wilfully signs an incorrect record shall be liable to a fine of £5.”

HOLIDAYS

7. (1) The employer shall allow to each worker in his employ the following holiday—the Queen’s Birthday—and shall pay each worker for that holiday.

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

ALLOWANCES

8. Tobacco workers required to shovel coal shall be paid 3½d. per hour (with a minimum of three hours) in addition to ordinary rates of pay.

UNION MEMBERSHIP

9. (1) Except as provided in subclause (3) of this clause, every worker employed within the scope of this order shall be required to become a financial member of the New Zealand Workers’ Industrial Union of Workers. That union shall provide each employer bound by this order 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 (2) of this clause, the appropriate sum in respect of the seasonal subscription.

SCHEDULE—*continued*

(2) For each week or part thereof being three days or more, the subscription shall be 1s. 6d. 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 upwards, and 1s. for every other worker, including a weekend worker. A weekend worker, for the purposes of this clause, shall be deemed to be a worker who is employed by an employer on Saturday and Sunday only. The seasonal subscription shall be £1 15s. 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 upwards, and £1 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.

(3) 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.

(4) 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 moneys held on behalf of the union, but such calls shall not be made at less than four-monthly intervals.

(5) Reasonable facilities shall be given to the union representatives by the employers to visit workers employed in the industry:

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

TERMINATION OF EMPLOYMENT

10. (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 it 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

11. (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.

SCHEDULE—*continued*

(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.

CONDITIONS OF EMPLOYMENT

12. (1) For the better sanitation of premises, the following rules shall be at all times observed:

- (a) The premises shall be kept in a cleanly 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.

(2) *Medical Outfit*—A suitable and fully equipped medical first-aid outfit shall be kept by all employers in a convenient place accessible to workers for use 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.

NOTICE OF OVERTIME AND MEAL MONEY

13. 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. 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.

SCHEDULE—*continued*

PROPOSALS FOR NEW ORDER

14. Within two months prior to the 31st day of August 1962 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.

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 replaces the Agricultural Workers (Tobacco Growers) Extension Order 1960 in so far as that order affected workers in sheds. It incorporates new rates of wages and new provisions for membership of a union of workers, the settlement of disputes, and the making of a new order as recommended by the Court of Arbitration consequent on a reference to the Court under section 4 of the Statutes Amendment Act 1945.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 February 1962.

These regulations are administered in the Department of Labour.