

New Zealand.



ANALYSIS.

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1936, No. 30.

AN ACT to make Better Provision for the Accommodation of Agricultural Workers, and to make Special Provisions with respect to the Remuneration of Workers on Dairy-farms and the Conditions of their Employment. Title.
[18th September, 1936.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Agricultural Workers Act, 1936, and shall come into force on the first day of October, nineteen hundred and thirty-six. Short Title and commencement.

2. In this Act, unless the context otherwise requires,— Interpretation.

“ Agricultural worker ” means a person employed for any period exceeding one week in agricultural or horticultural or pastoral or flax-milling or saw-milling work of any kind, but does not include a shearer within the meaning of the Shearers’ Accommodation Act, 1919, or any person who is being trained at any institution established for the training of agricultural workers, or any apprentice who is bound by an indenture of apprenticeship made under the Master and Apprentice Amendment Act, 1920: See Reprint of Statutes, Vol. I, p. 152

“ Dairy-farm ” means a farm on which not less than ten cows are ordinarily kept and from which milk or cream is sold or otherwise disposed of in the course of business: Ibid., Vol. V, p. 570

“ Employer ” includes every person having the control or superintendence of any farm or other place where any agricultural worker is employed:

“ Inspector ” means an Inspector appointed under this Act:

“ Share-milker ” means a contractor who has undertaken to perform, in whole or in part, the work of a dairy-farm.

3. (1) For the purposes of Part II of this Act (relating to the accommodation required to be provided for agricultural workers), every share-milker and every person employed by a share-milker in the performance of his contract shall be deemed to be employed as Special provisions as to share-milkers.

agricultural workers by the person who has let the contract to the share-milker.

(2) Except as provided in the last preceding subsection, the obligations imposed by this Act on employers shall, in respect of persons employed by a share-milker in the performance of his contract, be deemed to be imposed on the share-milker and not on the person who has let the contract to the share-milker.

PART I.

ADMINISTRATION.

Act to be administered by Labour Department.

REF. 19
No. See Reprint of Statutes, Vol. VIII, p. 1175
1936, No. 4

Appointment of Inspectors.

See Reprint of Statutes, Vol. III, p. 198

Powers of Inspectors in the exercise of their duties.

Penalty for obstructing an Inspector.

4. (1) This Act shall be administered by the Department of Labour established under the Labour Department Act, 1908.

(2) Section two of the Labour Department Amendment Act, 1936, shall apply in all respects as if this Act were one of the Acts specified in the First Schedule thereto.

5. (1) There may from time to time be appointed as officers of the Public Service such Inspectors under this Act as may be considered necessary.

(2) Every Inspector of Factories appointed under the Factories Act, 1921-22, shall by virtue of his office be deemed to have been appointed as an Inspector under this Act.

6. (1) For the purpose of ensuring the effective carrying-out of the provisions of this Act any Inspector may at all reasonable times enter upon any land or premises on or in which any agricultural worker may be employed, or upon any premises that may be provided by an employer for the accommodation of agricultural workers.

(2) Every Inspector exercising the powers conferred on him by this section shall, on demand by any employer, produce to the employer a certificate or other evidence of his appointment as an Inspector.

7. Every person who wilfully obstructs or interferes with any Inspector in the lawful exercise of his duties or powers under this Act shall be liable to a fine of twenty pounds.

PART II.

ACCOMMODATION OF AGRICULTURAL WORKERS.

8. It shall be the duty of every employer to provide sufficient and suitable accommodation, in accordance with this Act and any regulations made thereunder, for all agricultural workers employed by him.

Accommodation to be provided for agricultural workers.

9. For the purposes of the last preceding section no accommodation shall be deemed to be sufficient and suitable unless the following conditions are complied with, that is to say:—

Details of accommodation to be provided.

- (a) Where two or more persons are to be accommodated, the accommodation provided as sleeping-quarters shall be separate from the dining-quarters:
- (b) There shall be a sufficient supply of furniture and necessary utensils, and sufficient provision shall be made for a supply of drinking-water and of washing-water, and for lighting, heating, ventilation, and sanitation:
- (c) The sleeping-quarters shall contain not less than five hundred cubic feet of air-space for every person to be accommodated therein:
- (d) Suitable provision shall be made for storing meat and other perishable provisions:
- (e) Suitable provision shall be made for the drying of clothes:
- (f) Suitable first-aid appliances shall be provided.

10. (1) Any Inspector may, by notice in writing addressed to the employer, dispense with or modify any of the foregoing requirements of this Part of this Act—

Inspector may modify requirements in special cases.

- (a) With respect to any accommodation provided before the commencement of this Act, if such accommodation conforms approximately to the standard prescribed by this Act or the regulations thereunder:
- (b) In any case where he is satisfied that owing to special circumstances it is or has been impracticable to provide the accommodation required by this Part of this Act to be provided.

(2) Any notice under this section may be at any time in like manner revoked, or may be at any time revoked by the Minister of Labour.

Notice to
employer
making default.

11. (1) If in any case no provision is made for the accommodation of agricultural workers, or if the provision made is deemed by an Inspector to be inadequate or not in accordance with the requirements of this Act, the Inspector may give notice in writing to the employer to provide accommodation in accordance with the said requirements within a reasonable time to be specified in the notice.

(2) Any such notice may be served on the employer personally, or by leaving it at his usual or last known place of residence or business, or by posting it by registered letter to that address.

(3) If the employer considers any such notice to be unreasonable or impracticable, he may, within fourteen days after service thereof, file in the office of the Magistrate's Court nearest to the place where the accommodation is required to be provided, or, with the consent of the Inspector, in the office of any other Magistrate's Court, a notice of appeal setting out with reasonable particularity the grounds of the appeal:

Provided that if the Inspector, acting on the advice of a Medical Officer of Health under the Health Act, 1920, states in his notice that the requirements are urgently needed for the protection of the health of any agricultural workers there shall be no right of appeal.

(4) On the filing of any such notice of appeal the Magistrate shall fix a time for the hearing of the appeal, and the Clerk of the Court shall notify the appellant and the Inspector of the time so fixed.

(5) On the hearing of the appeal the Magistrate may by order confirm, modify, or cancel the notice as he thinks fit, and may by such order award the costs of the hearing or any part of such costs to either party to the appeal, and every such order shall be final and binding on both parties.

(6) If the employer within the time specified in the notice, or, in the case of an appeal, within the time specified in the order of the Magistrate, fails to comply with any such notice or order he shall be liable to a fine of twenty-five pounds, and to a further fine of two pounds for every day during which the failure continues.

See Reprint
of Statutes,
Vol. VI,
p. 1061

12. (1) The foregoing provisions of this Part of this Act shall not apply in the case of agricultural workers who live within reasonable distance of the land on which they are employed, and who, in the opinion of the Inspector, can conveniently sleep at their own homes or otherwise provide their own sleeping-accommodation.

Special provisions for cases where agricultural workers reside in their own homes.

(2) Where an agricultural worker resides in a house that is owned or leased by the employer, other than the private residence of the employer, and whether or not the agricultural worker pays rent for the house or any sum is deducted from his wages by way of rent, the employer shall provide for the use of the worker such further accommodation as may be prescribed by regulations made in that behalf.

(3) Any such regulations may distinguish between the accommodation to be provided in cases where a house is occupied exclusively by a married man and his family and the accommodation to be provided in the case of other agricultural workers.

PART III.

SPECIAL PROVISIONS AS TO EMPLOYMENT ON DAIRY-FARMS.

13. No child under the age of fifteen years shall be employed for hire or reward as an agricultural worker on any dairy-farm:

Prohibiting employment of children on dairy-farms.

Provided that this section shall not apply to any child under fifteen years of age employed at the date of the passing of this Act.

14. (1) Every agricultural worker who is employed on a dairy-farm shall be entitled to receive from his employer payment for his work at such rate as is agreed on, being not less than the appropriate minimum rate for the time being prescribed under this section.

Rates of wages of agricultural workers on dairy-farms.

(2) For the period between the commencement of this Act and the thirty-first day of July, nineteen hundred and thirty-seven, the minimum rates of wages under this section shall be the following:—

- (a) For workers under the age of seventeen years, seventeen shillings and sixpence a week:
- (b) For workers of the age of seventeen years but under the age of eighteen years, one pound two shillings and sixpence a week:

- (c) For workers of the age of eighteen years but under the age of nineteen years, one pound seven shillings and sixpence a week:
- (d) For workers of the age of nineteen years but under the age of twenty years, one pound twelve shillings and sixpence a week:
- (e) For workers of the age of twenty years but under the age of twenty-one years, one pound seventeen shillings and sixpence a week:
- (f) For workers of the age of twenty-one years and upwards, two pounds two shillings and sixpence a week.

(3) After the thirty-first day of July, nineteen hundred and thirty-seven, the minimum rates of wages under this section shall be such rates (being not less than the rates specified in the last preceding subsection) as may from time to time be fixed by the Governor-General by Order in Council. In fixing minimum rates of wages under this subsection regard shall be had to the prices for the time being fixed under section twenty of the Primary Products Marketing Act, 1936. If in respect of any period after the thirty-first day of July, nineteen hundred and thirty-seven, no rates are in force under this subsection, the rates specified in the last preceding subsection shall be deemed to be in force.

(4) No charge shall be made for board and lodging provided for agricultural workers on dairy-farms by their employers. In the case of any agricultural worker who is not provided with board and lodging by his employer the minimum rate of his wages shall be deemed to be the minimum rate for the time being prescribed under this section increased by seventeen shillings and sixpence a week.

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

(6) If any agricultural worker satisfies an Inspector that, by reason of infirmity arising from old age or other cause, 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

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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 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.

15. (1) Every agricultural worker who is employed on a dairy-farm for not less than four weeks continuously shall be allowed by his employer a holiday of not less than seven days in the aggregate for every twelve weeks of employment, and a holiday of a proportionate part of a week for every broken period of employment. The said holidays shall be allowed at such time or times as the employer thinks fit, but so that not less than twenty-eight days in the aggregate shall be allowed during each year of employment, and in the event of the termination of the employment of an agricultural worker all holidays to which he is then entitled shall be allowed to him forthwith. If any agricultural worker is allowed a half-holiday from noon for the remainder of the day on one day in each week of his employment, it shall be sufficient compliance with the provisions of this subsection if he is allowed an additional holiday of not less than fourteen days in the aggregate during each year of his employment, and a holiday of a proportionate part of a fortnight for every part of a year of employment.

(2) Before the commencement of any holiday of more than three days allowed to any agricultural worker as provided in the foregoing provisions of this section, his employer shall pay to him wages for the holiday at the same rate as for ordinary working-time, including in every case an allowance in respect of board and lodging at not less than one-half of the rate specified in subsection four of the last preceding section.

16. Except as provided in subsection two of the last preceding section, payment of wages (including the wages and allowances payable in respect of holidays) shall be made in full at monthly intervals or at such shorter intervals as may be agreed on by the employer and the worker.

Holidays for agricultural workers on dairy-farms.

REFER 19
No. 2.

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No. 2.

Wages and allowances to be payable at intervals not exceeding one month.

Wages and
holiday book.

17. (1) On every dairy-farm on 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 twenty-one years of age;
- (b) The days on which he has actually been employed;
- (c) The wages paid on each pay-day, the date of payment, and the period to which the payment relates;
- (d) The days on which he is allowed any holiday;
- (e) The wages paid for each holiday, and the date of payment;
- (f) 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 the 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 five pounds.

Penalty for
default in
payment of
wages.

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.

Inspector may
recover arrears
of wages on
behalf of
agricultural
workers on
dairy-farms.

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.

20. (1) The Governor-General may from time to time, by Order in Council, extend the provisions of this Part of this Act to apply, with the necessary modifications, with respect to any specified class or specified classes of agricultural workers other than those employed on dairy-farms.

Power to extend this Part to other agricultural workers.

(2) Before any Order in Council is issued under this section in respect of any class of agricultural workers the proposal to extend the provisions of this Part shall be submitted by the Minister of Labour to the organizations (if any) of the workers of that class and to the organizations (if any) of their employers.

REFER 19
No. 2

REFER 19
No. 2

(3) Every Order in Council under this section shall have effect according to its tenor, and shall come into force on a date to be specified in that behalf in the Order.

(4) Any Order in Council under this section may in like manner be varied or revoked.

PART IV.

MISCELLANEOUS.

21. Every person who commits a breach of any of the provisions of this Act or of any regulations made thereunder for which no specific penalty is provided elsewhere in this Act shall be liable to a fine of ten pounds, and, if the breach is a continuing one, to a further fine of two pounds for every day during which the breach continues.

General penalty for offences against Act.

AMD. 19
No. 2

22. All proceedings in respect of offences under this Act shall be taken in a summary way on the information of an Inspector, who shall not be called upon to prove that he holds that office, and all such proceedings may be continued and conducted by the same or any other Inspector or any person permitted by the Magistrate to conduct them, and shall be heard before a Magistrate alone.

Proceedings for offences to be taken by Inspector and heard before Magistrate.

23. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as are contemplated by this Act or as are reasonably required for the purpose of giving effect thereto.

Regulations.

(2) Without limiting the general power hereinbefore conferred, regulations may be made under this section prescribing the details of the accommodation to be provided under Part II of this Act and for the maintenance of such accommodation in a clean and sanitary condition.

(3) All regulations made under the authority of this section shall be laid before Parliament within fourteen days after the date of the making thereof if Parliament is then sitting, or, if not, then within fourteen days after the commencement of the next ensuing session.

24. (1) The Agricultural Labourers' Accommodation Act, 1908, and the Agricultural Labourers' Accommodation Amendment Act, 1912, are hereby repealed.

(2) All appointments, Orders in Council, regulations, notices, records, instruments, and generally all acts of authority which originated under any of the enactments hereby repealed and are subsisting or in force on the commencement of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under any such enactment and pending or in progress on the commencement of this Act may be continued, completed, and enforced under this Act.

Repeals and
savings.
See Reprint
of Statutes,
Vol. I,
pp. 55, 59