

New Zealand



ANALYSIS

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1945, No. 44

AN ACT to make Provision for a Minimum Wage to be payable to Adult Workers. Title. [7th December, 1945

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 Minimum Wage Act, 1945, and shall come into force on the first day of April, nineteen hundred and forty-six. Short Title and commencement.

2. (1) Notwithstanding anything to the contrary in any enactment, award, industrial agreement, or contract of service, every worker of the age of twenty-one years and upwards to whom this Act applies shall be entitled to receive from his employer payment for his work at not less than the appropriate minimum rate prescribed under this section. Minimum wage for adult workers.

(2) For male workers the minimum rates of wages shall be the following:—

- (a) If paid by the hour or by piecework, two shillings and ninepence an hour or an amount equivalent thereto having regard to the rate of production of the worker:
- (b) If paid by the day, one pound two shillings a day:
- (c) In all other cases, five pounds five shillings a week.

(3) For female workers the minimum rates of wages shall be the following:—

- (a) If paid by the hour or by piecework, one shilling and eightpence an hour or an amount equivalent thereto having regard to the rate of production of the worker:
- (b) If paid by the day, thirteen shillings and fourpence a day:
- (c) In all other cases, three pounds three shillings a week.

(4) In any case where a worker is provided with board or lodging by his employer, the deduction in respect thereof by the employer shall not exceed such amount as will reduce the worker's wages calculated at the appropriate minimum rate by more than the cash value thereof as fixed by or under any Act, award, or agreement relating to the worker's employment or, if it is not so fixed, by more than the cash value thereof as assessed for the purposes of Part IV of the Social Security Act, 1938, or if it is not so assessed, by more than fifteen shillings a week for board and five shillings a week for lodging.

(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 adult worker to whom this Act applies satisfies an Inspector of Awards that he is incapable of earning wages at the minimum rate 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:

Provided that nothing in this subsection shall be deemed to derogate from any provision in any other Act, or in any award, order, or agreement, relating to the issue of a permit to any worker to accept a wage below any wage prescribed thereunder.

(7) A permit granted to any worker under the last preceding 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.

3. This Act shall apply to all persons (in this Act referred to as workers) of twenty-one years and upwards of either sex employed by any employer to do any work for hire or reward except—

Workers to whom Act applies.

(a) Apprentices under the Apprentices Act, 1923, or bound by an indenture of apprenticeship made under the Master and Apprentice Act, 1908:

See Reprint of Statutes, Vol. V, p. 576
Ibid., p. 559

(b) Persons of any class prescribed by regulations under this Act who are employed under contracts of service under which they are required to undergo any training, instruction, or examination for the purpose of becoming qualified for the occupation to which the contract of service relates.

4. If any employer makes default in the full payment of any wages payable by him under this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine not exceeding five shillings for every day during which the default continues.

Penalty for default in payment of wages.

5. The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Regulations.

6. This Act shall bind the Crown.

Act to bind Crown.