

[AS REPORTED FROM THE LABOUR BILLS COMMITTEE.]
House of Representatives, 2nd November, 1910.

Hon. Mr. Millar.

FACTORIES AMENDMENT.

ANALYSIS.

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| <p>Title.
1. Short Title.
2. Wages and overtime book.
3. Hours of employment in laundries.</p> | <p>4. Certain manufactures to be branded.
5. Miscellaneous amendments of principal Act. Schedules.</p> |
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A BILL INTITULED

AN ACT to amend the Factories Act, 1908.

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 Factories Amendment Act, 1910, and it shall form part of and be read together with the Factories Act, 1908 (hereinafter referred to as the principal Act).

2 (1.) In every factory the occupier shall at all times keep in the prescribed form, or in such other form as may be approved by the Inspector, a record in English (called the wages and overtime book) showing, in the case of each employee,—

- (a.) The name of the employee;
- (b.) His age, if under twenty-one years of age;
- 15 (c.) The kind of work on which he is employed;
- (d.) The hours of his employment during each week;
- (e.) The wages paid each week; and
- (f.) Such other particulars as are prescribed by regulations.

20 (2.) The said book shall at all times be open to inspection by the Inspector.

(3.) The Inspector may at any time require the occupier to verify the entries in the said book in such manner and form as may be prescribed by regulations.

25 3. (1.) In every laundry in which two or more persons (whether employees or not) are engaged the following provisions shall apply:—

(a.) Except as hereinafter mentioned, the hours that any male person over the age of sixteen years may be employed shall not exceed forty-eight hours (excluding meal-times) in any one week, nor eight hours and three-quarters in any one day; nor shall any such person who is an employee be employed for more than five hours continuously without an interval of at least three-quarters of an hour for a meal.

30 (b.) Except as hereinafter mentioned, the hours that any woman or boy may be employed shall not exceed forty-five hours (excluding meal-times) in any one week, nor eight hours

- and a quarter in any one day ; nor shall any such person who is an employee be employed for more than four hours and a quarter continuously without an interval of at least three-quarters of an hour for a meal.
- (c.) The number of working-hours may from time to time be 5 extended, but such extension shall not be—
 (i.) For more than three hours in any day ; or
 (ii.) On more than two consecutive days in any week ; or
 (iii.) For more than ninety hours in any year, except 10 in any exceptional case arising, in the opinion of the Inspector, from any unforeseen circumstance, in which case he may grant a warrant as hereinafter provided to work extended hours after the ninety hours in a year have been worked by any employee, but such additional 15 extended hours shall not in any case exceed thirty in any year ; or
 (iv.) In the case of any person who is an employee, on any holiday or half-holiday.
- (d.) Except when extended hours are being worked as herein- 20 before provided, no person shall be engaged in laundry-work in a laundry between the hours of seven in the evening of any day and a quarter to eight in the morning of the following working-day.
- (e.) It shall not be lawful to do any work in a laundry during 25 such extended hours unless the occupier of the laundry has obtained from an Inspector a warrant in the prescribed form.
- (f.) Written application for such warrant shall be made to the Inspector by the occupier previous to the commencement 30 of the proposed extension, specifying the names of the persons (whether employees or not) to whom the extension is intended to apply, and the period of the extension.
- (g.) If the Inspector is of opinion that any such extension would be dangerous or hurtful to the health of any woman or 35 boy named in the application, he shall refuse to grant a warrant in respect of such woman or boy.
- (h.) The occupier shall cause the warrant to be posted in some conspicuous part of the laundry during the extended hours 40 specified in the warrant.
- (i.) The Inspector shall keep a record of the names of all persons in respect of whom a warrant is granted, and shall note against the name of each the extended hours worked by him, so that the full amount of overtime permitted by this section shall not in any case be exceeded. 45
- (j.) Notice shall, during some part of the working-day immediately preceding that on which the extension is intended to apply, be given to every employee to whom such extension is intended to apply ; or, where such notice is impracticable, the occupier shall, in addition to any pay- 50 ment for overtime, provide every such employee who resides at a greater distance than one mile from the laundry either with a sufficient meal between the hour at which the laundry ordinarily closes and the hour at

which the extension is to commence, or with an allowance of not less than one shilling, such allowance to be paid on the day on which such extension is to apply not later than the hour at which the laundry ordinarily closes.

5 (k.) Every person who (being an employee) is employed during any hours other than those prescribed by paragraphs (a), (b), and (d) of this section shall be paid therefor not less than one-fourth as much again as the ordinary rate :

10 Provided that where the ordinary rate is by time and not by piecework, the overtime rate shall be not less than sixpence per hour for those persons whose ordinary wages do not exceed ten shillings a week, and ninepence per hour for all other persons so employed, and shall be paid at the first regular pay-day thereafter.

15 (2.) This section shall not apply in the case of any laundry in which the occupier and his wife, or her husband, as the case may be, are the only persons engaged in laundry-work.

(3.) Sections eighteen, nineteen, twenty-two, and twenty-four of the principal Act shall not apply to laundries.

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4. (1.) After the first day of January, nineteen hundred and eleven, it shall be unlawful for any occupier to manufacture any of the classes of goods enumerated in the *First Schedule* hereto, unless each article is branded or labelled "Made in New Zealand," in manner prescribed by regulations, or, in the absence of such regulations, as approved by an Inspector.

Certain
manufactures to
be branded.

25 For a breach of this subsection the occupier of a factory shall be liable to a fine not exceeding *one* pound for each article in respect whereof the breach was committed.

30 (2.) Every person who wilfully defaces or removes any such brand or label from any article before the same is sold by retail is liable to a fine not exceeding *twenty* pounds.

35 (3.) The Governor may from time to time, by notice in the *Gazette*, extend the provisions of this section to any classes of goods other than those mentioned in the said *First Schedule*, and shall fix a time for the coming into operation of this section with respect to those classes of goods, and in such cases these provisions shall apply to the goods specified in the notice.

40 (4.) After the coming into operation of this section, every occupier shall keep a stock-book showing, with dates, the goods manufactured by him from day to day, and the powers given to the Inspector in section six of the principal Act shall include the examination of such book.

45 (5.) The Inspector shall also have power to call upon any person whom he considers able to furnish the same for any information that will enable him to ascertain whether any goods coming within the scope of this section have been branded or labelled as required, and any person who fails, without reasonable cause, to give such information shall be liable to a fine not exceeding *five* pounds for each offence.

50 (6.) On being satisfied, on the representation of any occupier manufacturing any of the classes of goods to which these provisions apply, that it is impracticable to give effect thereto in respect to such goods until some time after the coming into operation of this section,

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the Minister may, by notice in the *Gazette*, extend the time for the coming into operation of this section in respect to such goods as he thinks fit. Such extension of time may be limited to any particular occupier or to any district.

(7.) In any proceedings against an occupier for a breach of this section it shall lie on the occupier to satisfy the Court that the goods in respect to which the proceedings are taken were manufactured before the coming into operation of this section as regards the class of goods to which the proceedings relate.

5. The principal Act is hereby amended in the manner and to the extent mentioned in the *Second Schedule* hereto.

Miscellaneous amendments of principal Act.

Schedules.

SCHEDULES.

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FIRST SCHEDULE.

Clothing and textile goods.
Leather goods.
Furniture.
Canned and preserved foods for human consumption.

SECOND SCHEDULE.

AMENDMENTS OF THE PRINCIPAL ACT.

Section of Principal Act.	Nature and Extent of Amendment.
Section 2 ...	By inserting, after the word "sale" in paragraph (a) of the definition of "factory," the words "and includes any building, office, or place in which work such as is ordinarily performed in a factory is performed for or on behalf of any public body, whether for trade or sale or not"; and omitting the definition of "medical authority."
Section 5 ...	By repealing the section.
Section 13 (3) ...	By inserting, after the word "shall," the words "on compliance with the decision on such appeal."
Section 17 (1) ...	By omitting the subsection.
Section 17 (2) ...	By omitting the words "He shall also," and substituting the words "The occupier of a factory shall"; and omitting paragraph (f).
Section 22 (1) ...	By omitting paragraph (c), and substituting the following:— “(c.) More than ninety hours in any year, except in any exceptional case arising, in the opinion of the Inspector, from any unforeseen circumstance, in which case he may grant a warrant as hereinafter provided to work extended hours after the ninety hours in a year have been worked by any employee, but such additional extended hours shall not in the case of any employee exceed thirty in any year; or.”
Section 22 (4), (5), and (6) ...	By omitting these subsections.
Section 27 ...	By omitting all words of paragraph (a) after the word "authorisation," and substituting the words "shall be given only in the case of boys or girls over thirteen years of age who are the holders of certificates of exemption as prescribed by regulations under the authority of paragraph (e) of section one hundred and fifty of the Education Act, 1908: Provided that no boy or girl whose employment is so authorised shall be employed in any workroom in which machinery is used."

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SECOND SCHEDULE—continued.

AMENDMENTS OF THE PRINCIPAL ACT—continued.

Section of Principal Act.	Nature and Extent of Amendment.
Section 32 ...	By omitting the words "such payment for his work as is agreed" in paragraph (a), and substituting the words "payment for his work as agreed"; and omitting from the same paragraph the words "by additions of three shillings a week for each year of employment in the same trade"; and inserting, after the word "wages" in paragraph (g), the words "except as herein provided."
	By inserting after paragraph (a) the following new paragraph:— " (aa.) No deduction shall be made from the wages of any boy or any woman under eighteen years of age, except for time lost through the worker's illness or default, or on account of the temporary closing of the factory for cleaning or repairing the machinery."
Section 36 (1) ...	By omitting the words "every borough or town district," and substituting the words "the district of every local authority"; and omitting the words "borough or town" wherever they thereafter occur in the subsection.
Section 36 (2) ...	By omitting the words "Borough Council or Town Board, as the case may be," and substituting the words "local authority"; omitting the words "borough or town" wherever they occur; and adding at the end of the subsection the words— " Provided that, notwithstanding the said notice, the occupier of a factory may allow a half-holiday on Saturday, in lieu of the day appointed as the statutory closing-day for shops, on giving to the Inspector notice in writing of his desire so to do."
Section 36 (4) ...	By omitting the words "Borough Council or Town Board, as the case may be," and substituting the words "local authority"; and omitting the words "borough or town."
Section 36 (7) ...	By omitting the words "borough or town" wherever they occur.
Section 36 (9) ...	By omitting the words "borough or town"; and omitting the words "Borough Council or Town Board" and the words "Council or Board," and substituting in each case the words "local authority."
Section 36 (10) ...	By omitting the words "borough or town" wherever they occur; and omitting the words "Council or Board" wherever they occur, and substituting the words "local authority."
Section 38 (2) ...	By repealing the subsection, and substituting the following subsections:— " (2.) This section, so far as it relates to the holidays and half-holidays mentioned in section thirty-five hereof, applies to every boy under eighteen years and woman who is paid by time-wages, whatever the time, and has been employed in the factory for at least twenty days during the four weeks next preceding the whole holiday, or for at least four days during the week ending on the day on which the half-holiday occurs. " (3.) This section, so far as it relates to any other holiday or half-holiday, applies to every boy under eighteen years of age and woman under twenty-one years of age and apprentice who is paid by time-wages, whatever the time, and has been employed in the factory for the periods mentioned in the last preceding subsection."

SECOND SCHEDULE—*continued.*AMENDMENTS OF THE PRINCIPAL ACT—*continued.*

Section of Principal Act.	Nature and Extent of Amendment.
Section 41	<p>... By omitting the words "and also the medical authority (if any)" in paragraph (a); omitting the words "the medical authority, and also" in paragraph (c); omitting paragraphs (d), (e), and (f); and by adding the following paragraph:—</p> <p style="padding-left: 40px;">“(h.) For the purposes of this section an Inspector may take with him into a factory any Health Officer, and any Health Officer may at all reasonable times enter and inspect any factory.”</p>
Section 47 (2)	<p>... By omitting the words "a medical authority," and substituting the words "some registered medical practitioner."</p>
Section 47 (4)	<p>... By omitting the words "the medical authority," and substituting the words "some registered medical practitioner."</p>

By Authority: JOHN MACKAY, Government Printer, Wellington.—1910.