

[AS REPORTED FROM THE LABOUR AND EDUCATION COMMITTEE]

House of Representatives, 7 December 1983

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Mr Bolger

HOLIDAYS AMENDMENT

ANALYSIS

Title	2. Christmas and New Year holidays in dairy factories
1. Short Title	3. When holidays to be taken
	4. Inspection of holiday books

A BILL INTITULED

An Act to amend the Holidays Act 1981

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

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1. **Short Title**—This Act may be cited as the Holidays Amendment Act 1983, and shall be read together with and deemed part of the Holidays Act 1981* (hereinafter referred to as the principal Act).
- 10 2. **Christmas and New Year holidays**—Section 9 of the principal Act is hereby amended by adding the following subsections:
- 15 “(4) Subsections (1), (2), or (3) of this section shall not apply with respect to the construction, in relation to any worker, of the provisions of any award or agreement relating to dairy factories, if that worker—

*1981, No. 15

“(a) Actually works on a Saturday or Sunday (being Christmas Day, Boxing Day, New Year’s Day, or the second day of January, as the case may be); and

“(b) Does not actually work on the following Monday (in the case of the holiday on which he has worked falling on a Saturday) or the following Tuesday (in the case of the holiday on which he has worked falling on a Sunday),— 5

and, in such a case, any provisions of that award or agreement governing the observance by that worker of certain hours of labour or the payment to that worker of certain rates of wages on Christmas Day, Boxing Day, New Year’s Day, or the second day of January, as the case may be, shall be construed as applying on the day the holiday falls. 10

“(5) Where any provisions of any award or agreement (whether made before or after the commencement of this Act) are made in accordance with section 95 (3) of the Industrial Relations Act 1973 and provide specifically for all or any of the circumstances described in subsections (1) to (4) of this section, then, to the extent that those provisions provide for such circumstances, the said subsections (1) to (4) shall not apply.” 15 20

3. When holidays to be taken—Section 12 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 25

“(1A) Where an employer fails to allow a worker to take, within the 12-month period specified in subsection (1) of this section, any holiday or any balance of it to which that worker may be entitled, then,—

“(a) The employer’s obligation to allow that holiday or the balance of it shall remain in force until it is allowed; and 30

“(b) The worker’s entitlement to that holiday or the balance of it shall not cease until it is allowed.”

4. Inspection of holiday books—Section 31 of the principal Act is hereby amended by repealing subsection (3), and substituting the following: 35

“(3) An Inspector of Factories may enter any premises for the purpose of inspecting any holiday book in use for the time being or used within the preceding 6 years, and any such book shall be kept readily available for such inspection: 40

Struck Out

5 “Provided that, before making such an inspection, the Inspector shall observe or carry out such matters relating to the giving of notice to an employer, the production of evidence that he is an Inspector of Factories, and the times when he is empowered to carry out an inspection as he would be required to observe or carry out if he were making an inspection of an undertaking pursuant to the Factories and Commercial Premises Act 1981.”

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New

15 “Provided that, when entering any premises to make such an inspection, the Inspector shall have the same powers and be subject to the same obligations as if he were making an entry and inspection under the Factories and Commercial Premises Act 1981.”