

Serial Number 1945/194



**THE AGRICULTURAL WORKERS EXTENSION ORDER 1945**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 19th day of  
December, 1945

Present :

THE HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to section 20 of the Agricultural Workers Act, 1936, and after submission by the Minister of Labour to the organization of the workers of the class affected and to the organization of their employers of the proposal to extend Part III of the said Act as hereafter appears, and after submission to and approval in all material particulars by the said organizations of the provisions herein contained, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby order as follows:—

1. This Order may be cited as the Agricultural Workers Extension Order 1945.

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, agricultural workers employed in the tobacco industry.

3. This Order shall be deemed to have come into force on the 1st day of October, 1945, and shall continue in force until the 1st day of November, 1946, and thereafter until a further Order is made pursuant to section 20 of the said Act.

**SCHEDULE**

**FIELD SECTION**

*Hours of Work*

1. The following hours may be worked on six days of the week, Monday to Saturday inclusive:—

From the commencement of the first week in May, including June, July, and August, a maximum of forty hours per week, or eight hours per day, may be worked without payment of overtime.

In September, October, November, and December the working-hours may be extended to forty-four hours per week. All time worked in excess of forty-four hours per week shall be paid at overtime rates.

In January, February, March, and April forty-eight hours per week may be worked. All time worked in excess of forty-eight hours per week shall be paid for at overtime rates: Provided the worker is not called upon to work more than nine hours in any one day or forty-eight hours in any one week without payment of overtime.

The periods stated may be varied to suit particular individual tobacco-growers by arrangement with the New Zealand Workers' Industrial Union of Workers and the New Zealand Tobacco Growers' Federation (Inc.).

#### Rates of Pay

		Per Hour.	
		s.	d.
2. (a)	The minimum rates of pay shall be as follows:—		
(i)	Adult male workers .. .. .	2	7½
(ii)	Youths—		
	Under 16 years of age .. .. .	1	0
	Over 16 years of age to 18 years .. .. .	1	9
	Over 18 years of age to 19 years .. .. .	2	3
	Over 19 years of age to 21 years .. .. .	2	4½
	Thereafter .. .. .	2	7½
(iii)	Adult Female Workers—		
	All work other than grading or hanking .. .. .	1	9
	Under 16 years of age .. .. .	1	0
	Over 16 years of age to 18 years .. .. .	1	4½
	Over 18 years of age to 19 years .. .. .	1	6
	Over 19 years of age to 21 years .. .. .	1	7½
	Thereafter .. .. .	1	9
	Females shall not be employed at hoeing work.		
(iv)	Females Grading and Hanking—		
	Under 16 years of age .. .. .	1	0
	Over 16 years of age to 17 years .. .. .	1	1½
	Over 17 years of age to 18 years .. .. .	1	4½
	Over 18 years of age to 20 years .. .. .	1	6
	Thereafter .. .. .	1	7½

(b) Wages shall be paid fortnightly unless otherwise agreed between the employer, the worker, and the accredited representative of the New Zealand Workers' Industrial Union of Workers.

(c) The grower actually engaging the worker under the group system shall be responsible for the payment to such worker of all his wages earned within the group.

#### Under-rate Workers

3. Subsection (6), 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 tobacco plantations, so as to read (in their applications to such workers) as follows:—

(a) 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 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:

(b) A permit may be granted under the said subsection (6) to any woman or girl employed as an agricultural worker on any plantation 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 purpose 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 tobacco plantations. 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. Overtime shall be paid in accordance with the conditions prescribed in clause 1 hereof at time-and-one-half for six days, Monday to Saturday inclusive. All time worked on Sunday shall be paid for at double ordinary rates.

*Time and Wages Book*

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

(1) On every plantation 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 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 payment of his wages and his signature shall operate as a receipt for the payment.

(3) The wages and holidays 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 clause, or who wilfully signs an incorrect record, shall be liable to a fine of £5.

*Holidays*

7. (a) All time worked on Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, King's Birthday, Labour Day, and Anzac Day shall be paid for at the rate of double time.

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

*Accommodation*

8. Where required, accommodation shall be provided as prescribed in Part II of the Agricultural Workers Act, 1936, comprising sections 8 to 13 (inclusive) of the said Act, which read as follows:—

“ 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.

“ 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:—

- “ (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 :—

“(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.

“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.

“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.

“(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.”

*Accommodation for Female Workers*

9. Where females are employed, separate accommodation similar to that prescribed by clause 8 of this Schedule shall be provided.

*Meal-hours*

10. Workers shall not be required to commence work before 7 a.m., and three-quarters of an hour shall be allowed for a meal between the hours of 11.30 a.m. and 1 p.m. When loading and unloading kilns, workers shall be required to finish the operation before ceasing work for the day.

*Preference*

11. Every worker employed within the scope of these provisions shall immediately become a financial member of the New Zealand Workers' Industrial Union of Workers. It shall be the duty of the employer or his agent within seven days of the worker's paying to him the amount of the subscription hereinafter mentioned, or giving him a written authority to deduct the amount from wages due to the worker, to remit to the general secretary of the New Zealand Workers' Industrial Union of Workers, P.O. Box 55, Te Aro, Wellington, the sum of one pound five shillings (£1 5s.) for each adult male worker, and ten shillings (10s.) for each other worker.

Reasonable facilities shall be given to all employees on tobacco plantations to become members of the New Zealand Workers' Industrial Union of Workers; and upon the visit of the official organizer or other accredited official of the union each worker shall pay his union contribution by cash or order on his employer. Any worker refusing to become a member shall be summarily dismissed.

*Termination of Employment*

12 (a) Should any worker desire to leave the employment he or she shall give the employer forty-eight hours' notice of his or her intention to do so, or forfeit two days' pay. Should any employer desire to dismiss any worker, he shall give the worker two days' notice or two day's pay, except where it shall be for incompetency or wilful disobedience of orders, when such dismissal may be summary and without compensation.

(b) Any worker leaving or being dismissed shall, at the termination of the employment, receive from the employer all wages due.

*Settlement of Disputes*

13. The workers on each tobacco plantation and/or shed (see clause 16) shall elect from their own workmates a union representative and, where possible, a committee of two other workers. This committee, through their union representative and the employer, shall, as far as possible settle all disputes arising between the workers and the employer or his agent. Providing a satisfactory settlement is not reached, then a union representative shall submit the dispute to the union branch office in the district. Failing settlement with the latter, the dispute shall be referred by the branch office to the New Zealand Workers' Industrial Union of Workers and the New Zealand Tobacco Growers' Federation for determination. Pending the settlement of any dispute, work shall proceed as usual, and the decision shall be made to operate retrospectively.

*Conditions*

14. (a) "Smoke-oh".—Fifteen minutes in the morning and in the afternoon for "smoke-oh" shall be allowed and paid for as time worked.

(b) *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.

(c) Should any worker meet 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.

*Renewal of Agreement*

15. Within two months of the expiration of the term of this Order the parties affected shall open negotiations for a new agreement, and failing a settlement within two months, shall refer the matter to a committee which shall consist of one representative of each of the employing groups who are parties to the agreement resulting in this Order, and two representatives of the workers, with an independent chairman, to be mutually agreed upon and appointed by the parties.

## SHED SECTION

*Application*

16. (a) This section shall apply to all workers 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.

(b) The preceding clauses which shall apply to this section (Shed Section) of this agreement are as follows:—

- Clause 3 : Under-rate Workers.
- Clause 4 : Penalty for Breach.
- Clause 6 : Time and Wages Book.
- Clause 10 : Meal-hours.
- Clause 11 : Preference.
- Clause 12 : Termination of Employment.
- Clause 13 : Settlement of Disputes.
- Clause 14 : Conditions (Subclauses (b) and (c) ).
- Clause 15 : Renewal of Agreement.

*Hours of Work*

17. (a) The ordinary hours of work shall be forty hours per week, to be worked on five days of the week between the hours of 8 a.m. and 5 p.m. Monday to Friday inclusive, but in order to permit essential work to be performed on Saturday morning workers engaged on such essential work may be required to work for four hours on Saturday between the hours of 8 a.m. and noon.

(b) 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.

*Rates of Wages*

				Per Hour.	
				s.	d.
18. (a)	The minimum rates of pay shall be as follows:—				
(i)	Adult male workers	..	..	2	7½
(ii)	Youths—				
	Under 16 years of age	..	..	1	0
	Over 16 years of age to 18 years	..	..	1	9
	Over 18 years of age to 19 years	..	..	2	3
	Over 19 years of age to 21 years	..	..	2	4½
	Thereafter	..	..	2	7½
(iii)	Females—				
	Under 16 years of age	..	..	1	0
	Over 16 years of age to 17 years	..	..	1	1½
	Over 17 years of age to 18 years	..	..	1	4½
	Over 18 years of age to 20 years	..	..	1	6
	Thereafter	..	..	1	7½

(b) *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.

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

*Overtime*

19. All time worked in excess of eight hours per day or four hours on Saturday shall be paid for at the rate of time and a half.

Provided, however, that workers shall be paid at the rate of time and a half for such time as they are employed on Saturday in drying or conditioning leaf or packing leaf into cases.

*Holidays*

20. (a) The employer shall allow to each worker in his employ the following holiday—the birthday of the reigning Sovereign—and shall pay such worker for such holiday.

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

*Conditions of Employment*

21. For the better sanitation of sheds the following rules shall at all times be observed :—

- (a) The shed shall be kept in a cleanly state and free from any smell or leakage arising from any drain, privy, or any other nuisance :
- (b) Sufficient privy accommodation shall be provided for all persons employed in the shed, the accommodation to be entirely separate for each sex, so as to ensure privacy :
- (c) The shed 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 in the shed.

T. J. SHERRARD,  
Acting Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 20th day of December, 1945.  
These regulations are administered in the Department of Labour.