



**THE MINIMUM WEEKLY WAGE (ESSENTIAL UNDERTAKINGS)  
ORDER 1945**

PURSUANT to Regulation 13 of the Industrial Man-power Emergency Regulations 1944,\* the Minister of Labour doth hereby order as follows :—

1. (1) This Order may be cited as the Minimum Weekly Wage (Essential Undertakings) Order 1945.

(2) The Minimum Weekly Wage (Essential Undertakings) Order 1942 (No. 2)† is hereby revoked.

2. This Order shall apply with respect to every undertaking that is for the time being an essential undertaking within the meaning of Part III of the Industrial Man-power Emergency Regulations 1944 :

Provided, however, that nothing contained herein shall apply to any worker in respect to his employment pursuant to the Essential Building Works Labour Legislation Modification Order 1943‡

3. (1) In its application to any undertaking that was an essential undertaking on the 1st day of May, 1945, this Order shall be deemed to have come into force on the 1st day of May, 1945.

(2) In its application to any other undertaking, this Order shall come into force on the date on which the undertaking was or is declared to be an essential undertaking.

4. (1) Subject to the provisions of this Order, every worker who is employed in an undertaking to which this Order applies shall, in respect of every week during the period of his or her employment, be entitled to a minimum weekly payment of an amount equivalent to his or her ordinary weekly wage :

Provided that—

(a) Where the ordinary weekly wage of an adult male worker exceeds £6, the minimum weekly payment to which he is entitled under this Order shall be £6 :

(b) Where the ordinary weekly wage of an adult female worker, other than one to whom paragraph (d) hereof applies, exceeds £3 2s. 6d., the minimum weekly payment to which she is entitled under this Order shall be £3 2s. 6d. :

(c) Where the ordinary weekly wage of a junior worker, other than one to whom paragraph (d) hereof applies, exceeds £2, the minimum weekly payment to which the worker is entitled under this Order shall be £2 :

\* Statutory Regulations 1944, Serial number 1944/8, page 14. See also Industrial Man-power Emergency Regulations 1944, Amendment No. 1, Statutory Regulations 1944, Serial number 1944/141.

† Statutory Regulations 1942, Serial number 1942/320, page 785.

‡ See *New Zealand Gazette* No. 46 of 17th June, 1943, page 695.

- (d) Where any award, agreement, order, or regulation requires that a junior worker or an adult female worker shall be paid wages at the rate prescribed for an adult male worker and the ordinary weekly wage for such worker exceeds £6, the minimum weekly payment to which he or she is entitled under this Order shall be £6.

(2) The foregoing proviso of this clause shall not apply to any worker in respect of any week if he or she is entitled otherwise than under this Order to receive a higher minimum weekly payment that week.

5. For the purposes of this Order—

- (a) “ Ordinary weekly wage ” means the wage that would be payable to the worker at ordinary time rates for working during the week the hours prescribed as ordinary working-hours under the relevant award or industrial agreement, or where the employment is not subject to any award or industrial agreement the hours prescribed as ordinary working-hours by the worker’s contract of service :
- (b) Where no ordinary time rate is fixed under the terms of the worker’s employment, the ordinary time rate of the worker shall be deemed to be the ordinary time rate for the same class of work fixed by the award or agreement in force in the district nearest to the locality where the worker is employed or, where there is no such award or agreement in force in New Zealand, such ordinary time rate as may be determined in any case by the Minister of Labour :
- (c) “ Overtime, bonus, or other special payment ” means any amount actually earned by any worker in respect of any day in excess of the *appropriate daily proportion* :
- (d) “ *Appropriate daily proportion* ” means, in respect of each day, the amount that would be payable to the worker if he were paid at ordinary time rates for the number of hours actually worked by him in that day up to the number prescribed as the maximum to be worked in that day without payment of overtime.

6. In computing the minimum weekly payment no account shall be taken of any *overtime, bonus, or other special payment*, and the worker shall be entitled to receive in addition to the minimum weekly payment any *overtime, bonus, or other special payment* earned by him :

Provided that where payment is made for a day allowed as a holiday the worker shall be deemed to have actually worked on that day the number of hours for which payment is made on account of that holiday, and such number of hours shall for the purposes of paragraph (d) of clause 5 be deemed to be the number prescribed as the maximum to be worked in that day without payment of overtime.

7. (1) The right of any worker to receive in respect of any week the minimum weekly payment hereinbefore fixed shall, in addition to the conditions prescribed by Regulation 13 of the Industrial Manpower Emergency Regulations 1944, be subject to the following further conditions :—

- (a) That the worker on each working-day in that week reported for work at his or her usual place of employment, or at such other place as the employer may have directed, at the time at which the worker usually reported for work,

or took such other steps to ascertain whether his or her services were required on that day as may have been agreed to by the employer; and

(b) That the worker during that week performed his or her work with due diligence and with proper skill and care, and complied with all the terms and conditions of his or her employment, whether prescribed by an award or agreement, or otherwise; and

(c) That the worker during the immediately preceding six weeks was not absent from available work for any reason other than—

(i) Sickness or accident or other cause outside his or her control, or

(ii) Leave of absence to which the worker was entitled under the terms of his or her employment, or leave of absence granted by or on behalf of the employer,

on more than one working-day or (if the total number of hours worked by him or her during that period of six weeks exceeded his or her weekly hours for that period by not less than 20 per cent.) for more than three working-days.

(2) In respect of any undertaking in which it is customary to close down for a particular period at Easter or at Christmas or at New Year, no day within any such period shall be regarded as a working-day for the purposes of paragraph (c) of subclause (1) of this clause, unless the undertaking is duly required to open and to operate on that day by direction of a Controller for the time being in office as a Controller, whether under the Supply Control Emergency Regulations 1939\* or under any other emergency regulations.

8. (1) For the purposes of this Order, every worker who is not a junior worker shall be deemed to be an adult worker, and, except as may be otherwise provided in any award or industrial agreement under the Industrial Conciliation and Arbitration Act, 1925, or in any agreement under the Labour Disputes Investigation Act, 1913, or in any other agreement, every worker who has not attained the age of twenty-one years shall be deemed to be a junior worker.

(2) Where a female worker is employed in substitution for and is performing the work and receiving the remuneration of an adult male worker she shall for the purposes of this Order be deemed to be an adult male worker.

Dated at Wellington, this 18th day of June, 1945.

JAS. O'BRIEN,  
For the Minister of Labour.

\* Statutory Regulations 1939, Serial number 1939/131, page 599.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 23th day of June, 1945.  
These regulations are administered in the Department of Labour.