

The Essential Building Works Labour Legislation Modification Order 1943

PURSUANT to the Labour Legislation Emergency Regulations 1940, the Minister of Labour doth hereby order as follows:—

1. This Order may be cited as the Essential Building Works Labour Legislation Modification Order 1943.

2. This Order applies—

(1) To industries carried on in connection with—

(a) Existing Defence works within the meaning of the Building Emergency Regulations 1939*; and

(b) Future Defence works to which the Minister of Works declares that the provisions of this Order shall apply; and

(2) To industries carried on—

(a) In connection with the construction in the North Island of New Zealand of hospitals and of buildings comprising part of State Housing Schemes and in connection with works forming part of such projects;

(b) In connection with the construction in the South Island of New Zealand of hospitals and of buildings comprising part of State Housing Schemes in respect of which it is directed that a forty-eight-hour week shall be worked, and to which the Minister of Works declares that the provisions of this Order shall apply and in connection with works forming part of such projects;

(c) In connection with any other works in respect of which it is directed that a forty-eight-hour week shall be worked, and to which the Minister of Works declares that the provisions of this Order shall apply.

(3) To workers employed in such industries and to their employers.

3. The provisions of all Acts and regulations and Orders thereunder, and of all awards and industrial agreements under the Industrial Conciliation and Arbitration Act, 1925, and of all other voluntary agreements affecting conditions of employment, are hereby modified to the extent hereafter set forth in their application to the industries, workers, and employers to which this Order applies.

4. (1) The normal hours of work shall be forty-eight per week, namely—

- (a) 8½ hours per day (Monday to Friday inclusive); and
- (b) 4½ hours on Saturday, to be worked before 12 noon:

Provided that these hours may be varied and extended in respect of any particular contract by the Minister of Works or some person authorized by him in that behalf.

(2) All time worked outside or in excess of the hours hereinbefore prescribed shall be paid for in accordance with the relevant award or agreement, subject, however, to the provisions of any Order made by the Minister of Labour in pursuance of the Labour Legislation Emergency Regulations 1940 that may be applicable to such award or agreement.

5. Shifts may be worked as required, and where shifts are worked they shall be rotated.

6. Each worker employed on shift work shall be paid in addition to his ordinary wages the sum of 2s. per shift.

7. (1) The following rates of wages shall be paid:—

	£	s.	d.	
(a) Carpenter and joiner	..	0	3	3 per hour.
(b) Labourer ..	..	0	2	9 "
(c) Labourer (concrete)	..	0	2	10 "
(d) Bricklayer ..	..	0	3	4 "
(e) Painter and paperhanger	..	0	3	2 "
(f) Plumber and gasfitter	..	0	3	3 "
(g) Electrician ..	..	0	3	2 "
(h) Plasterer and tiler ..	..	0	3	4 "
(i) Roof-tiler ..	..	0	3	2 "
(k) Timber worker—				
Machinist ..	..	0	3	1 "
Small saw ..	..	0	2	10 "
(l) Driver ..	..	7	10	0 per week.

(m) Any other class of worker employed shall be paid wages calculated on the basis of one-fiftieth of the total amount payable under the relevant award or agreement for a fifty-hour week, with overtime at the rate of time and a half for the hours in excess of the ordinary hours.

(2) The above rates shall be subject to the provisions of the General Order of the Court of Arbitration dated 31st March, 1942, made in pursuance of the Rates of Wages Emergency Regulations 1940, and to any order of the Court of Arbitration hereafter made in pursuance of the said regulations and of the Economic Stabilization Emergency Regulations 1942.

8. (1) Each worker shall be paid a minimum of £5 10s. per week, except for any week during which he has been absent from work through his own default, or at his own request, or through sickness.

* Statutory Regulations 1939, Serial number 1939/155, page 695.
 Amendment No. 1: Statutory Regulations 1940, Serial number 1940/323, page 1116.
 Amendment No. 2: Statutory Regulations 1942, Serial number 1942/64, page 138.
 Amendment No. 3: Statutory Regulations 1942, Serial number 1942/279, page 679.
 Amendment No. 4: Statutory Regulations 1943, Serial number 1943/89, page 181.

(2) Where workers are directed to any employment necessitating their sleeping elsewhere than at their genuine places of residence, absence through sickness shall not operate to deprive any such worker of the right to the minimum weekly wage: Provided, however, that if he has been absent from work through sickness for a total of fourteen working-days in a period of thirteen calendar weeks of continuous employment with the same employer, any further absence from work through sickness during that period of thirteen calendar weeks shall be without pay and shall not count for the purpose of minimum weekly wage payments. Every worker shall, if required, produce satisfactory medical certificates covering the period of any absence due to sickness, and if when so required he does not do so he shall not be paid for the lost time and it also shall not count for the purpose of minimum weekly wage payments. For the purposes of this subclause sickness shall not be deemed to include sickness due to misconduct or arising out of any complaint of a permanent or long-standing nature unless aggravated by the conditions of employment.

9. (1) "Suburban work" shall mean work (other than country work) performed elsewhere than at the shop of the employer and irrespective of where the engagement takes place.

Workers employed on suburban work distant more than one and a half miles from the central points hereinafter specified shall either proceed to and from such work or they shall be conveyed to and from such work at the expense of the employer as the employer shall determine. Time reasonably occupied by the workers in travelling, or time occupied in conveying the workers to and from such work beyond the one and a half miles or beyond the worker's home, whichever is the less, shall be allowed and paid for by the employer. No worker residing less than one and a half miles from the place where the work is to be performed shall be entitled to the allowance mentioned in this clause. For the purpose of this clause all distances shall be measured by the nearest convenient mode of access for foot-passengers.

The central points hereinbefore referred to are—

- (i) In the case of the Auckland Metropolitan Area, as defined later in this clause, the corner of Symonds Street and Khyber Pass;
- (ii) In the case of the City of Wellington, the Te Aro Post-office;
- (iii) In the case of the City of Christchurch and the Borough of Riccarton, Cathedral Square;
- (iv) In the case of the City of Dunedin and the Borough of St. Kilda, the corner of Princes Street and High Street, Dunedin;
- (v) In the case of the Borough of Greymouth, the Greymouth Main School, Tainui Street;
- (vi) In the case of the Borough of Hokitika, the Main School;
- (vii) In the case of the City of Wanganui, the corner of Ingestre Street and the Avenue;
- (viii) In the case of any city or town or borough other than those included in the areas mentioned in the foregoing seven paragraphs, the chief or principal post-office in such other city or town or borough;
- (ix) The central points specified in the foregoing paragraphs (i) to (viii) apply where the employer has a shop, office, store, or other recognized place of business in any of the areas mentioned therein apart from any shop, office, or store established at, on, or in connection with any separate contract carried on by him. Where any employer has no such shop, office, store, or other recognized place of business, the central point shall be (a) if the place where the work is to be performed is in any of the areas mentioned in paragraphs (i) to (vii), the point specified in the appropriate paragraph: or (b) if the place where the work is to be performed is in any other city or town or borough or elsewhere, the chief or principal post-office in the city or town or borough in or nearest to which the worker employed by him resides;
- (x) For the purposes of this clause the Auckland Metropolitan Area is defined as comprising the City of Auckland, the boroughs of Birkenhead, Northcote, Takapuna, Devonport, Ellerslie, Mount Albert, Mount Eden, New Lynn, Newmarket, One Tree Hill, Onehunga, Otahuhu, Manurewa, and Papakura, the Mount Roskill, Mount Wellington, and Panmure Road Districts, the town districts of Henderson, Glen Eden, Papatoetoe, and Howick, and all those portions of the Manukau County situated within one mile of the boundaries of any of the foregoing local-authority areas;
- (xi) In the case of all persons, firms, companies, or local bodies whose operations come within the scope of clause 22 (b) of the New Zealand Carpenters and Joiners' award, Book of Awards, Vol. 42, page 332, and whose trade or business premises are situated within the Auckland Metropolitan Area as defined in the preceding paragraph, the said trade or business premises shall be regarded as the shop of the employer for the purposes of the suburban-work clause in respect only of carpenters permanently employed under the provisions of clause 22 (b) of the award;
- (xii) Notwithstanding the foregoing provisions of this clause the existing arrangements regarding travelling time and fares in respect of suburban work on Defence works in the Auckland Metropolitan Area shall apply to work coming under this Order in such area.

(2) If any worker is required to use the ferry for the purpose of going to or returning from any place outside his employer's shop where the work is to be done, his fare shall be paid by the employer.