

[CONFIDENTIAL.]

[For Consideration Only.]

No. , 1901.

A BILL

To constitute a legal week's work in certain occupations, trades, and callings; to regulate overtime pay; and for purposes consequent upon or incidental to those objects.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Hours of Labour Act, 1901." Short title.

2. In this Act—

Definitions.

"Employee" means person employed in any occupation referred to in Schedule One.

"Employer" means person employing any employee.

"Occupation" includes trade or calling.

"Week" means the six days of the week exclusive of Sunday.

3.

Hours of Labour.

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3. The number of hours which, for the purposes of this Act, constitute a legal week's work is as follows:—

Hours of legal week's work in certain trades.

- (a) In the case of an occupation referred to in Part I of Schedule One, forty-eight hours.
- (b) In the case of an occupation referred to in Part II of Schedule One, fifty-two hours.
- (c) In the case of an occupation referred to in Part III of Schedule One, fifty-four hours.
- (d) In the case of an occupation referred to in Part IV of Schedule One, sixty hours.

4. The Governor may, by proclamation published in the Gazette,—

Governor may by proclamation alter Schedule.

- (a) remove from Schedule One any reference therein to any occupation ;
- (b) transfer any reference to any occupation from any one Part of the Schedule to any other such Part ; and
- (c) include in any Part of the Schedule the name of or reference to any manual occupation or any mechanical trade or calling not referred to therein.

And the Schedule as so amended shall be deemed to be Schedule One to this Act.

5. Nothing in this Act shall prevent any person employed in any occupation referred to in Schedule One from working in any one week for a period longer than the number of hours constituting a legal week's work in that occupation.

Persons may work overtime.

But for the period that such person so works he shall be entitled to a wage or payment amounting to fifty per centum advance upon the rate of his wage or payment in respect of the hours which constitute a legal week's work. The wages earned in such period shall, for the purposes of this Act, be known as "overtime pay."

6. Overtime pay shall be payable on the pay day next after the day upon which the pay was earned.

Overtime pay when due.

7. No overtime pay shall be recoverable after twelve months from the date when it was payable.

Recovery of overtime pay.

8. (1) It shall be the duty of every employer to keep a time-book in the form of Schedule Two, and it shall be the duty of every employee to sign such book, if the particulars mentioned in the said Schedule and relating to him are truly entered therein opposite the place for his signature.

Employer to keep and employee to sign time-book.

(2) In any action by an employee for overtime pay, the particulars in a time-book opposite his signature shall be evidence of such particulars.

9. In computing the period that any employee has worked on any day, the work shall, for the purposes of this Act, be deemed to have commenced and ceased at the respective times appearing in the time-book opposite the signature of the employee as being the times of commencing and discontinuing his work, but such period shall not include any period within such times allowed and taken for meals or recreation.

Computation of time worked.

(3)

Hours of Labour.

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(3) The employer shall not be heard in defence to any such action unless the time-book for the period during which such overtime pay is alleged to have been earned is produced, or a satisfactory reason is given for its non-production.

10. A contract whereby an employee relinquishes any right of action for or on account of overtime pay shall not, if made before the accrual of the right, constitute a defence to any such action.

Contract to
relinquish claim
under Act, no
defence to action.

11. Nothing in this Act shall affect the Factories and Shops Act of 1896 or the Early Closing Act, 1899, or any Acts amending the same.

Act not to affect
Factories and Shops
Act or Early Closing
Act.

SCHEDULES.

SCHEDULE ONE.

PART I.

All occupations in connection with—

Agricultural implement making.	Dressmaking.
Asphalt-making and laying.	Engine-driving on land or at sea.
Brass works.	Engine-fitting.
Bacon and meat curing.	Engine-clearing on land or at sea.
Biscuit-making.	Engineering.
Bookbinding.	Electrotyping and stereotyping.
Brewing.	Electric appliance making.
Bootmaking.	Electro-plating.
Blacksmithing.	Explosives manufacture.
Brickmaking.	Fruit-canning.
Building (mechanics and labourers).	Furnaces on land or at sea.
Boiler-making.	Furniture-making.
Bamboo and wicker working.	Furriers' works.
Bedding and upholstery manufacture.	Flour mills.
Basket-making.	French polishing.
Billiard table making.	Gasworks.
Box and packing-case making.	Gas-water-meter making.
Broom and brush making.	Galvanised-iron works.
Chaff-cutting.	Glass-works.
Condiment manufacture.	Glue, oil, and grease works.
Confectionery.	Hat and cap making.
Clothing.	Hydraulic power houses.
Coppersmithing.	Iron-works and foundries.
Carpet sewing and laying.	Jewellery manufacturing and repairing.
Carpentry and joinery.	Lead mills and works.
Coach-building.	Lamp and incandescent mantle making.
Chemical manufacture.	Leather-belting works.
Cooperage.	Laundries.
Coal lumping.	Lithography.
Cutlery manufacture and repair.	Manure works.
Cycle manufacture and repair.	Masonry.
Docks.	Masonry, monumental.
Die-sinking and engraving.	Marble and plaster works.
Dye works.	Marine work.

Navigation

Hours of Labour.

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| Navigation. | Scale making and adjusting. |
| Oilskin and waterproof making. | Saddle and harness making. |
| Opticians. | Sewing-machine and piano making. |
| Ore treating and smelting. | Soap and candle manufacture. |
| Ornamental zinc works. | Stewards and stewardesses at sea. |
| Pottery earthenware manufacture. | Sewerage mining. |
| Plastering. | Shipping in port. |
| Plumbing and gas-fitting. | Shirt-making. |
| Paper-making. | Sugar mills and refineries. |
| Paper-bag and box making. | Tea blending and packing. |
| Pattern-making. | Tanning. |
| Printing and composing. | Tinsmithing. |
| Printing material manufacture. | Tailoring. |
| Paint and varnish works. | Tallow refineries. |
| Painting and sign-writing. | Tobacco and cigar manufacture. |
| Painting of tickets. | Timber yards. |
| Perambulator-making. | Tobacco-pipe manufacture. |
| Photography. | Umbrella-making. |
| Portmanteau and bag making. | Vinegar-making. |
| Patent medicine mixing and bottling. | Wood-turning and caring. |
| Quarries. | Wire-working. |
| Rubber goods manufacture. | Window-blind making. |
| Rope and fishing-lines manufacture. | Wire-mattress making. |
| Saw mills. | Wharves. |
| Stone-dressing. | Wheelwrights' works. |
| Stone-polishing. | Wig and hair works. |
| Stone-crushing. | Wine and spirit bottling. |
| Stove and oven manufacture. | White work. |
| Sails and tarpaulin manufacture. | Woollen-cloth works. |
| Ship and boat building. | Zinc works. |

PART II.

All occupations in connection with—

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| Bread and pastry making. | Meat-preserving. |
| Electric lighting. | Jam-making. |

PART III.

All occupations in connection with—

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| Aerated water manufacture. | Wood and coal yards. |
| Ice and refrigerating works. | Wool-washing and scouring. |

PART IV.

All occupations in connection with—

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| Small goods manufacture (butchers) | Driving public conveyances. |
| Delivery carting. | Hotels and restaurants. |

SCHEDULE II.

Time-book.

Day.	Month.	Year.	Signature of employee.	Time of commencing work.	Time of discontinuing work.	Time allowed for meals or recreation.