

1886.
NEW ZEALAND.

EMPLOYMENT OF FEMALES AND OTHERS ACT, 1881

(REPORTS OF INSPECTORS APPOINTED UNDER).

Presented to both Houses of the General Assembly by Command of His Excellency.

AUCKLAND.

SIR,—

Police Station, Auckland, 13th April, 1886.

I beg leave to report, for your information, *re* "The Employment of Females and Others Act, 1881," that in consequence of the depression prevailing in Auckland for some time there was very little inducement to infringe the provisions of the Act by working after hours. In one case which I brought before the Court—namely, working in a tailor's establishment after 2 o'clock on a Saturday, the witnesses swore that they were not working, that they were merely examining the garments (while waiting for their wages) they had been working previous to 2 o'clock; although one of them was working at a sewing-machine, and did not see me until I touched her and spoke to her. I attribute this to the fear of the girls that they would lose their employment if they assisted in convicting their employer. There were twenty females in the room at the time, fully half of whom were at work.

The above is not an unusual excuse to give when found in the rooms after work-hours, and strongly suspected of having been working, especially in small dressmakers' and milliners' establishments, where they can see me through the window coming. Therefore I am strongly of opinion that allowing them to remain in the workrooms after work-hours should be a breach of the Act.

Another case which I brought before the Court was that of a laundress who employed a number of females. Although it was clearly proved that she worked for profit, the Magistrates dismissed the case without assigning a reason. I may state that there are several laundries in Auckland in which from four to twelve females work, but I do not feel justified in reporting them for a breach of the Act after the fate of the first case. If a new Act or amended Act be contemplated, the law might be made plainer respecting such cases.

There are great complaints about the number of hours boys are worked, but, so long as the four-and-a-half-hours-before-meals clause is observed, employers can work them as long as they please.

I find great difficulty in getting the names, ages, and addresses of the females at work; in fact, I expect soon they will refuse altogether to give them. Therefore, I think it should be the duty of the employer to give them if required.

I notice that some of the establishments are carried on in premises unsuitable for a large number of person to be employed in. The rooms in some of those places are very small, badly lighted, and dirty. In these rooms a number of females are crammed; still, as all the windows are opened, I can hardly say they are not properly ventilated. I think they cannot but have an ill-effect upon the health of females employed therein. The Act makes no provision for compelling employers to keep their places clean. In some establishments where males and females are employed there are no separate places for sanitary purposes, and in one, where over twenty females are employed, they have to go through part of a large room where a number of men are employed by another person at a different business to get to the water-closet, which is hardly correct to expect of a modest female.

There are parts of the year when a great rush of work occurs at some of the large places of business, and they must either get their orders executed or lose their trade (for instance, getting up a mourning or wedding outfit); in consequence there is a great inducement to break the law, and I am aware from private information that they do so, taking such precautions that it is impossible to catch them. To remedy this, I think provision should be made that, by application in writing to the Resident Magistrate, he be authorized to grant special permission to work overtime for a certain number of hours on a date or dates not exceeding ——— (the authority for which should be in writing), and that notice of the intended application be given to the Inspector, so that he might offer any objections he thought necessary, and that a guarantee be given that the persons employed be paid for the overtime. Proprietors of drapers' and milliners' establishments are fast finding out that they can evade the law by removing the females from the work-room to behind the counter, as saleswomen after 2 o'clock on Saturdays, where they are ready to make any alterations in dresses or head-gear, if required (section 10, Act 1881).

A point of law has arisen in consequence of the curious wording of subsection (2) of section 7. Some employers claim that they are only supposed to turn their hands out of the factory during meal-time, when any person is working in the factory during that time, and that if work is entirely ceased they have a right to allow them to remain in. They quote the wording of the Act, "while employment is being carried on;" at any rate there are bitter complaints that delicate females and boys should be turned out in the rain and cold into the streets to eat their food. It would be advisable that question should be provided for soon.

Section 2 causes a serious difficulty in preparing an information to bring a case before the Court, and often a gross miscarriage of justice, in consequence of it dividing workers into child, young person, and female, as follows: Say there are twenty persons of the female sex at work in one room after hours, ten may be under fourteen years, nine between fourteen and eighteen years, and one over eighteen years, bringing them under above heading; a separate information would have to be laid against an employer under each of these headings, which would be useless, as no Magistrate would allow more than one case to be proceeded with, being practically one offence; still if he is only charged with having one female employee—the others are not females, only children and young persons, within the meaning of the Act—the prosecution cannot give evidence that nineteen other persons of the female sex were unlawfully employed, so that the Magistrates are left under the conviction that only one female was employed contrary to the law, and punish lightly accordingly. To remedy this, all persons of the female sex, whatever their ages, should be called "females," and the male from twelve to eighteen years "young persons;" and the Act "the Factory Act."

I have, &c.,

RICHARD GAMBLE, Sergt. A.C.,
Inspector.

The Resident Magistrate, Auckland.

NOTE.—The rest of the reports of the Inspectors are of a merely formal character, and have not been printed.

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