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THURSDAY, NOVEMBER 12.

[1931

Factories and Shops Act 1928 (No. 3677).

PLATE GLASS BOARD.

NOTE.—This Determination on the 19th November, 1931, applied to the whole of the State of Victoria.

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the *Factories and Shops Act 1928* (No. 3677),

and

In the matter of an application by the representatives of the employers on the Plate Glass Board for a revision of the Determination made by the Court on the 21st day of July 1931.

Friday the 6th day of November, 1931.

(Before His Honour Mr. Justice Mann, Mr. John Edward Cottrell, and Mr. Charles Street.)

The above-mentioned application, coming on for hearing by this Court on the 22nd and 23rd October, 1931, and this day. UPON READING the application and an affidavit by Mr. A. W. Stonhill and UPON HEARING what was alleged by Dr. A. D. Ellis of Counsel and witnesses on behalf of the employers, and by Mr. E. Stewart, Federal Secretary of the Federated Furnishing Trade Society of Australasia and witnesses on behalf of the employees: THIS COURT DOETH ORDER AND DETERMINE:—

(1) That on the 19th November, 1931, the Determination of the Court of Industrial Appeals dated the 21st July, 1931, be revoked and replaced by this Determination "as to the lowest prices or rates which may be paid to any persons employed in the trade of—

- (a) designing, bevelling, cutting, embossing, glazing, painting, silvering, or otherwise working all kinds of plate, sheet, or stained glass, or glass lenses or prisms;
- (b) fixing in position all kinds of plate, sheet, or stained glass, or glass lenses or prisms;
- (c) packing all kinds of plate, sheet, or stained glass, or glass lenses or prisms;

including any labouring work in connexion with any of such operations."

(2)

Apprentices.		Improvers.		Other Employees.	
WAGES PER WEEK OF 48 HOURS.		WAGES PER WEEK OF 48 HOURS.		WAGES PER WEEK OF 48 HOURS.	
	s. d.		s. d.		s. d.
1st year	11 3	1st year	11 3	Painter and designer on glass ..	94 11
2nd "	17 0	2nd "	17 0	Brilliant cutter	
3rd "	22 6	3rd "	28 3	Other cutters	
4th "	28 3	4th "	33 9	Glazier	86 10
5th "	37 6	5th "	37 6	Plate glass beveller	
and thereafter the minimum wage.		and thereafter the minimum wage.		Silverer	
				Pencil hand embosser	88 8
				Persons assisting in glazing ..	
				Persons packing, or unpacking	
				glass	75 2
				Persons assisting plate glass	
				cutter	
				Rubber-out embosser	72 5
				Cementor	
				Persons turning out lead from	
				mill for lead-light glazier ..	71 7
				All others	67 1

(3) TERMS OF ENGAGEMENT.—Except as herein in this Determination provided, all employees shall be employed by the week. Employees to become entitled to the weekly wage prescribed by this Determination must be available and ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employee affected. Where the majority of the employees of any establishment or of any department of such establishment agree to work part time for any period or to close down for any period on days other than the prescribed holidays, the provisions of the weekly wage shall not apply to any employee of such establishment or department during such periods.

Employment for the first two weeks of service at any time shall be from hour to hour at the weekly rate fixed.

(4) **TEMPORARY WORK.**—(a) Temporary employees shall be paid at the hourly rate prescribed for the particular class of work, with the addition of 10 per cent.

(b) The hourly rate for any work for which a weekly rate is prescribed by this Determination is to be ascertained by dividing the weekly rate by the number of hours which constitute the employee's ordinary working week.

(5) **OVERTIME.**—All time worked before or after the usual times of beginning and ending work, or in excess of eight and three-quarter hours per day, shall be paid for at the rate of time and one-half for the first four hours and double time thereafter provided that all time worked between the hours of 9 p.m. and 7 a.m. shall be paid for at double time.

All work done outside the times of beginning and ending work on any holiday specified in Clause 12 shall be paid for at the rate of double ordinary time.

No person under the age of seventeen years shall be permitted to work more than four hours overtime in any week.

(6) **TERMINATING EMPLOYMENT.**—Employment to be terminated only by a week's notice on either side, and such notice may be given at any time during the week. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct, or to deduct payment for any time the employee cannot be usefully employed because of any strike, or through any breakdown of machinery, or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

An employer shall not terminate the employment of an employee for the purpose of evading payment for the holidays prescribed by this Determination.

Where an employee is dismissed within seven days prior to any such holiday, the re-engagement of such employee within seven days after such holiday shall be prima facie evidence that the employment was terminated for the purpose of evading payment for such holiday.

Where the employer terminates the employment within one week of a day on which a holiday occurs, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee has been employed by the employer for a period of at least one week prior to the termination of the employment.

Should an employee be dismissed during the course of a week any wages due to him shall be paid to him forthwith, or shall be posted to him within 24 hours.

(7) **PAY DAY.**—All employees shall be paid weekly on any other day than Saturday.

No employer shall hold more than two days' pay in hand.

Any employee kept waiting for his pay on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid overtime rates after that quarter of an hour and as for a quarter of an hour at least.

(8) **MIDDAY MEAL.**—An interval of not less than 30 minutes shall be allowed for the midday meal between the hours of 12 noon and 2 p.m.

(9) **TEA MONEY.**—All employees other than boys under 16 years of age required to work beyond the usual time of ending work shall be allowed 2s. tea money in addition to overtime rates as prescribed for in this Determination when the usual time of ending work is exceeded by two hours.

(10) **PIECE-WORK.**—The Court determines under the provisions of the Factories and Shops Act that any employer may fix and pay piece-work prices to any person employed at any work for which the Court has fixed a minimum wage, provided that any such employer shall have such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than 10 per centum in addition to the wages rates that are fixed by the Court for such work.

(11) **ALLOWANCES FOR TRAVELLING TIME AND BOARD.**—All time reasonably occupied by an employee in travelling to or from work outside the shop and outside ordinary hours and in travelling to and from work in a country district if engaged in the metropolitan district for employment in a country district, shall be treated as time off duty and paid for at ordinary rates up to a maximum of eight hours for the journey, except on Sundays when time and a half rates shall be paid up to a maximum of eight hours for the journey. Provided that, where an employee proceeds direct from his or her home to a job outside the factory, he or she shall be paid for all time reasonably occupied in travelling to the job in excess of the time usually taken to go from his or her home to the factory.

All fares and reasonable travelling expenses incurred by an employee in such travelling, including the cost (if any) incurred for meals—together with the reasonable cost of board and lodging if the employee has to be away from his home for a night—shall be paid to the employee.

The fares allowed shall be first class where the employee has to travel all night in connexion with his employer's business, and in other cases the fares shall be second class.

The foregoing travelling and accommodation allowances shall be paid additional to the usual rates for the time employees are working.

When it is more convenient for the employee to go direct to the job from his home he shall do so, and start and cease work at the usual times customary at the factory, provided that any extra expense incurred by him in travelling shall be borne by the employer.

(12) **HOLIDAYS.**—All weekly wage employees shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, 26th January, Good Friday, Easter Monday, Eight Hours Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day.

All employees working on piece-work or task-work shall be granted the same holidays as are granted to weekly wage workers, and they shall, subject as hereinafter provided, be paid for such holidays the amount for each holiday based on the minimum weekly wage as set out in this Determination for the class of work performed.

If any of the above holidays occur on a Sunday or Saturday and are not observed on any other day, then employees shall not be paid for such Sunday, and shall be paid for such Saturday as for a half-day, but not otherwise.

All other weekly employees shall be paid for the above holidays an amount for each holiday based on the actual weekly wages paid to them by the employer.

Any employee absenting himself or herself from work on any portion of the working day preceding a holiday provided for herein other than Boxing Day and New Year's Day without permission from the employer or without having reasonable cause for having absented himself or herself from work shall not be entitled to payment for such holiday.

(13) **SICKNESS. ACCIDENTS.**—Any employee not attending duty shall lose his or her pay for the actual time of non-attendance unless he or she produces or forwards within 24 hours of the beginning of his or her absence evidence satisfactory to the management that his or her non-attendance was due to personal accident arising out of or in the course of his or her employment or to personal ill-health sufficient to incapacitate him or her for his or her usual work.

An employee shall not be entitled to payment for non-attendance on the ground of accident or ill-health for more than six days in each year.

For the purpose of this clause a year shall mean a period of twelve months commencing on the 17th day of August in each year.

(14) **SPECIAL RATES.**—Double time shall be the rate for all work done on Sundays, New Year's Day, Foundation Day (26th January), Good Friday, Eight Hours Day (21st April), Easter Monday, Anzac Day, King's Birthday, Boxing Day, or Christmas Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted.

By the Court,

W. H. GRAY,

Registrar.