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Factories and Shops Act 1928 (No. 3677).

DETERMINATION OF THE ENGINEERS AND BRASSWORKERS (SKILLED) BOARD.

NOTE.—(a) This Determination on the 21st November, 1931, applied to the whole of the State of Victoria, outside and excepting the Shire of Braybrook.

(b) On 29th November, 1927, the powers of the Board were extended to enable it to fix the lowest prices or rates which may be paid to any skilled persons employed—

- (1) in the trade of a maker of scientific instruments, fireproof safes, strongroom doors, safe locks (four or more levers), or locks of the same quality;
- (2) in performing any engineering fitting or engineering machining work not already under the jurisdiction of the Board;
- (3) in preparing iron or steel material for reinforcing concrete for building or other purposes.

In accordance with the provisions of the *Factories and Shops Act 1928 (No. 3677)*, the Special Board appointed to "determine the lowest prices or rates which may be paid to any skilled persons employed in the process, trade, or business of—

- (a) a brassfounder or brassfinisher, or in the process, trade, or business of a brassfounder or brassfinisher of any electrical apparatus or machinery or parts thereof;
- (b) a mechanical engineer, including—

(1) a patternmaker,	(4) a blacksmith,	(7) a slotter,
(2) an iron and brass turner,	(5) a coppersmith,	(8) a borer,
(3) a fitter,	(6) a planer,	(9) a milling machiner."

has made the following Determination:—

(1) That on the 21st November, 1931, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices.	Wages per Week of 44 Hours.*
Minors after the 5th July, 1930, shall not be engaged in the following occupations except under contracts of apprenticeship:— General Engineering Section— (a) Mechanical engineering, i.e., one or more of the following:— (i) Patternmaking. (ii) Fitting and turning. (iii) First and second class machinist. (iv) First class welding. (b) Locksmithing (the making or repairing of locks, including those of safes and strongroom doors, but not including the making of parts by specialized processes and the assembling thereof). (c) Motor mechanic. (d) Safe and strongroom making. (e) Scale making (except the making of parts by specialized processes and the assembling thereof). (f) Brassfinishing (except the making of parts by specialized processes and the assembling thereof). (g) Smithing— (i) Blacksmithing. (ii) Copper or brass smithing. (h) Moulding (jobbing brass moulding and core making).	Five-year term— 1st year 16s. 3d. per week 2nd " 21s. 8d. " 3rd " 34s. 3d. " 4th " 51s. 9d. " 5th " 65s. 3d. " Four-year term.—When the apprentice enters or has entered his apprenticeship after reaching the age of 17 years:— 1st year 18s. per week. 2nd " 32s. 6d. " 3rd " 51s. 9d. " 4th " 65s. 3d. " For trades included in sub-clauses (d), (e), and (f) of this clause—four years. Four-year terms entered into irrespective of age in occupations set out in (d), (e), and (f) of this clause:— 1st year 16s. 3d. per week. 2nd " 22s. 6d. " 3rd " 36s. " " 4th " 45s. " " Apprentices to patternmaking shall be paid 2s. 6d. per week in addition to the above rates. Where an apprentice is under 21 years of age on the expiry of his apprenticeship, he shall be paid four-fifths of the tradesman's time wage until reaching 21 years of age. All wages shall be paid without deduction for specified holidays, or for unavoidable absences through sickness certified as in Clause (10) (a) to the number of four days per annum. No apprentice under eighteen years of age shall be required to work overtime unless he so desires. Minors may be taken on probation for three months, and, if apprenticed, such three months shall count as part of their period of apprenticeship.
Periods of apprenticeship:— For trades included in sub-clauses (a), (b), (c), (g), and (h) of this clause—if apprentice when indentured is under the age of 17—five years. If over the age of 17—four years.	

* The hours for persons engaged exclusively in motor body building and in the assembling of motor chassis shall be 48 per week.

Female adult labour may be employed in the making by specialized processes and the assembling of small parts of machinery and appliances, and in coremaking, in which females were employed on the 5th July, 1930, at the following rates:—

Wages of adult females—	Per Week of 44 hours.
	s. d.
If of less than twelve months' experience	42 9
If of twelve months' or more experience	47 3

Leading Hands—

- In charge of not less than three, and not more than ten employees, 6s. per week extra;
- In charge of more than ten employees and not more than 20 employees, 12s. per week extra;
- In charge of more than 20 employees, 18s. per week extra.

The following additional rates shall be paid to persons working—

- (a) where the artificial temperature is between 115 and 130 degrees Fahr., 1½d. per hour extra.
- (b) where the artificial temperature exceeds 130 degrees Fahr., 3d. per hour extra.
Where work continues for more than 2 hours in temperatures exceeding 130 degrees Fahr., employees shall be entitled to 20 minutes' rest after every 2 hours without deduction of pay.
- (c) where the artificial temperature is below zero, 1½d. per hour extra.
Where work continues for more than two hours in temperatures below zero, employees shall be entitled to a rest period of 20 minutes every two hours without deduction of pay.

(4) DEFINITIONS.

- "First Class Welder."—An employee using electric arc or acetylene blowpipe or coal-gas cutting plant on work other than filling castings, cutting scrap metal, using jigs, or doing work covered by definitions of second and third class welder.
- "Second Class Welder."—An employee filling castings, or engaged in manufacturing of sheet metal goods or welding with the aid of jigs, or operating automatic welding machines for the setting up of which he is not responsible.
- "Third Class Welder."—An employee using electric spot or butt-welding machine or cutting scrap with oxy-acetylene blowpipe.
- "Tradesman."—An employee who in the course of his employment works from drawings or prints drawn to scale, or makes precision measurements, or applies general trade experience, and includes locksmiths and first-class machinists.
- "Other Smiths" includes ajax forger, blacksmith, bulldozer, bradley hammer smith, drophammer smith, chain smith, engine smith, general smith, motor smith, oliver smith, ship smith, spring smith, forge furnaceman, and rolling-stock smith.
- "Motor mechanic."—An employee engaged making, repairing, altering, assembling (except for the first time in Australia), or testing the metal parts (including electric) of the engines of motor cars, or other motor vehicles, except cycles.
- "First Class Machinist."—A tradesman who is partly or wholly engaged in setting up and operating the following machines:—Lathe, boring machine, milling machine, planing machine, shaping machine, slotting machine, grinding machine.
- "Second Class Machinist."—An employee not engaged as a tradesman and without the responsibility of a first class machinist setting up and operating the machines enumerated in the definition of "first class machinist," and also key seating machine, and includes brassfinisher other than tradesman, and pipefitter not engaged on high pressure, or ammonia, or hydraulic work.
- "Third Class Machinist" means a machinist, not being a process worker, who operates any machine set up by a tradesman or any machine, the setting up of which does not require the knowledge or skill of a second class machinist.
- "Machinist (nut, bolt, and spike making)."

First Class.—An employee engaged solely in working one or more of the following machines:—

- Bending rollers, gag straight liners, guillotines, shearing machines, hydraulic presses of over 200 tons pressure, portable drillers, portable reamers and tappers.

Second Class.—An employee engaged in operating one or more of the following machines:—

- Mangling, nipping and notching, roll straightening, punching, cropping, hydraulic presses of 200 tons pressure or under, stationary drillers, stationary reamers and tappers, cold saw, friction saw, plate edge planers and other machines.

"Jobbing Moulder."—A brass moulder engaged in floor moulding, loam moulding, strickle moulding, or moulding from loose patterns.

"Jobbing Coremaker."—A moulder engaged in making cores for brass moulds by the use of loam or strickle boards, or by loose boxes.

"Plate and Machine Moulder."—An employee engaged in brass moulding on the plate system or by machines where the pattern is either a fixture to the plate or the spray system is used.

"Machine Coremaker."—An employee making cores by machines for brass moulding where the core box is a fixture to, or part of such machine.

"Process Worker" means an adult employee engaged on repetition work on any automatic, semi-automatic, or single-purpose machine, or any machine fitted with jigs, gauges, or other tools rendering operations mechanical or in assembling of parts of mechanical appliances, or other metallic articles so made, or in repetitive hand processes.

(5) OTHER SHIFTS.

The following percentages shall be added to the rates fixed for the day shift for persons employed on any of the following shifts:—

Afternoon or night shift—

During first month's employment on such shift	10 per cent.
Thereafter	5 per cent.
Shift workers in a continuous process employed on a shift other than a day shift.. .. .	5 per cent.

(6) SHIFTS.—That—

(a) The hour of beginning and the hour of ending each shift shall be between:—

				Where one Shift is Worked.	
				Time of Beginning.	Time of Ending.
Monday to Friday .. .. .	..	..	(Day shift)	7 a.m.	5.30 p.m.
Saturday .. .. .	..	..	(Day shift)	7 a.m.	12 noon
When two Shifts are Worked.					
Monday to Saturday .. .. .	..	..	(Day shift)	7 a.m.	3 p.m.
Monday to Saturday .. .. .	..	..	(Afternoon shift)	3 p.m.	11 p.m.
When three Shifts are Worked.					
Monday to Saturday .. .. .	..	..	(Day shift)	7 a.m.	3 p.m.
Monday to Saturday .. .. .	..	..	(Afternoon shift)	3 p.m.	11 p.m.
Monday to Saturday .. .. .	..	..	(Night shift)	11 p.m.	7 a.m.

Any of the above times of beginning and ending may be varied on any job by mutual consent of the employer and the majority of the employees concerned, but in no case shall the total length of any shift be increased without payment for overtime.

(b) The higher rate to be paid for each hour or fraction of an hour worked by any employee (other than a shift worker in a continuous process)—

(1) Before or after his shift,

(2) In excess of 8 hours 48 minutes on Monday, Tuesday, Wednesday, Thursday, or Friday when 44 hours are worked during five days of the week,

(3) In excess of 8 hours on Monday, Tuesday, Wednesday, Thursday, or Friday, or 4 hours on Saturday when 44 hours are worked during 6 days of the week, shall be time and a half for the first 4 hours, and double time thereafter until an employee has been relieved from work for at least 8 hours.

(c) The higher rate to be paid for each hour or fraction of an hour worked by a shift worker in a continuous process before or after his shift shall be at the rate of double time.

But this does not apply to cases of arrangement between employees themselves, or to cases due to rotation of shifts or when the relief does not come on duty at the proper time, provided that where not less than 8 hours' notice has been given to the employer by the employee that he will be absent from work and the employee whom he should relieve is not relieved, such employee, unrelieved shall be paid time and a half for all time on duty after he has finished his ordinary shift.

For all time of duty on Sundays or holidays, even if in due course of rotation of shifts, such an employee shall be paid at the rate of time and a half.

(7) OVERTIME.—

(a) An employee recalled after leaving his workshop to work overtime shall be paid for a minimum of 3 hours' work.

(b) An employee occasionally required to hold himself in readiness to work after ordinary hours shall, until released, be paid standing time at ordinary rates from the time from which he is to so hold himself in readiness. But any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back shall continue.

(c) Any employee (other than on shifts) who has worked up to or beyond midnight shall not be bound to continue work on the following day.

(d) For work done during meal hours and thereafter until a meal-hour break is allowed, time and a half rates shall be paid. No male employee 18 years of age or over shall be compelled to work for more than 6 hours without a break for a meal.

(e) An employee working overtime shall be allowed a cribtime of 20 minutes, without deduction of pay, after each 4 hours of work; but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay.

(f) Before starting overtime after working ordinary hours a meal break of at least 45 minutes shall be allowed, unless the period of overtime is less than 1½ hours.

Any employer and his employees may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

(g) Any employee residing more than half a mile from his work, required to work overtime for more than 2 hours without being notified before the previous meal-hour break that he will be so required, shall either be supplied with a meal by the employer or be paid 2s.

(h) Any employee engaged in the maintenance of plant shall, when breakdowns occur, work meal hours at the ordinary rates herein prescribed whenever instructed so to do.

(8) ALLOWANCES.—All employees working in wet places, 1½d. per hour extra.

Wet place means a place in which water is continually dripping from overhead to such an extent as to saturate the clothing of a workman, at a place in which water accumulates underfoot to a depth exceeding 2 inches.

All employees working in confined spaces, 3d. per hour extra.

Confined place means a working place, the dimensions of which necessitate an employee working continuously in a stooped or otherwise cramped position, or without proper ventilation, or where confinement within a limited space is productive of unusual discomfort.

All employees working in ships' bilges or in boiling-down works, lead works, sanitary works, or slaughteryards shall be paid 1d. per hour extra.

Patternmakers engaged on *lignum vitae* outside the workshop and fitting to stern bushes, shall be paid 3d. per hour extra.

Employees working on repairs to smoke-boxes or fire-boxes of locomotives, or on repairs to the smoke-box, uptake funnel, flue furnaces, or combustion chamber of marine type boilers, or on repairs to smoke-boxes, fire-boxes, furnace or flues of other types of boilers, 1d. per hour extra.

Employees working on repairs in oil tanks or meat digestors, 1½d. per hour extra.

Dirty work, i.e., work which a foreman and workman shall agree is of an unusually dirty or offensive nature, 1½d. per hour extra.

Tradesmen employed in large operating power houses, i.e., power houses developing more than 8,000 kilowatts, shall be paid 6s. per week extra, such amount shall be deemed to include all special rates provided in this clause.

Compensation to the extent of damage sustained shall be made for work in which clothing or tools are damaged or destroyed by the use of acids.

Except when dismissed for misconduct, or when leaving employment of his own accord, a patternmaker employed for less than three weeks at a workshop, or job, shall, to the extent of 6s. be reimbursed by his employer any expense incurred in the carting of tools.

The ordinary hours of employment of forgers and forge furnacemen shall be five shifts per week of nine and a half hours each, including crib time, for which no deduction of pay shall be made.

Shift workers working eight hours per shift without any break for meals on six days in each week shall be deemed to work 44 hours per week, provided that they are given one fortnight's holiday in each year on full pay as compensation for working on Saturday afternoons, holidays, or Sunday shifts.

(9) MISCELLANEOUS PROVISIONS.—

(a) Tools.—The employer shall provide for each employee all necessary tools. The employee shall replace, or pay for any tools so provided if lost through negligence.

(b) Suitable asbestos sheets and coloured glasses shall be provided by employers for the protection of electric arc and oxy-acetylene operators and their assistants, and suitable mica or other goggles for emery-wheel operators.

(c) Suitable canvas or leather gloves shall be provided by employers for the operators of pneumatic tools.

(10) CONTRACT OF EMPLOYMENT.—

(a) With the exceptions hereafter stated, employment may be by the week or by the hour. If by the week, it shall be terminable on either side, by one week's notice given on any day, or (if the employer terminates it without such notice) by payment of one week's wages. Except in establishments mainly engaged in shipbuilding or ship repairing, any employee (unless continuing on after working through the night) commencing a day's work at the usual starting time of the workshop shall be paid at least a day's wages; but any employer may engage an employee to start work at any time during the day, provided the work continues as overtime or is resumed the next day until a full day's pay is earned.

A contract for weekly employment may be terminated by any employer, without liability to pay for more than actual time worked, for misconduct or for absence from work without reasonable excuse.

If an employee, engaged by the week, absents himself from duty, except on public holidays or on days for which he produces a certificate from a medical practitioner, or other proof satisfactory to his employer of sickness (aggregating four days of sickness in each year), a sum proportionate to his time of absence may be deducted from his pay, i.e., one sixth of the weekly wage, for each day of absence, including Saturday, in shops working six days, and one-fifth in shops working five days per week.

(b) If the contract of employment is for hourly hiring, the rates prescribed in clause (3) shall be increased 4s. 6d. per week as compensation for time lost on public holidays and unavoidable absences through sickness.

(11) TRAVELLING TIME.—Persons employed on work away from the workshop shall receive—

- (a) The fares necessarily expended in going to and fro.
- (b) For time occupied in travelling either during or outside the usual working hours—

Payment at rates fixed in clause (3) up to a maximum of twelve hours, except on Sundays, when time and a half shall be paid.

(12) SUNDAYS AND HOLIDAYS.—For all time of duty, on Sundays or holidays, employees not in a continuous process shall be paid at double rate, except in the case of employees effecting repairs to or renewals to plant or machinery—which it is necessary to effect on Sundays or holidays to enable work to be safely resumed on Monday or the earliest working day—in which case payment shall be made at the rate of time and a half. This exception does not apply to work installing new machinery. Holidays mentioned in this determination shall include:—New Year's Day, Foundation Day (26th January), Good Friday, Easter Saturday, Easter Monday, King's Birthday, Eight Hours Day (21st April), Christmas Day, and Boxing 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.

Employees, other than on shifts or engaged in maintaining the continuity of electric light and power, required to work on Sundays or public holidays, shall be paid for a minimum of three hours' work.

(13) PIECE-WORK.—The Board determines, under the provisions of section 150 of the *Factories and Shops Act 1923* (No. 3877), that any employer may fix and pay piece-work prices to any person or persons or classes of persons employed at any work for which the Board has fixed the minimum wage, provided that any such employer shall base 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 the wages that are fixed by the Board for such work.

(14) GRINDING TOOLS.—Each patternmaker, at the end of his employment, shall be allowed an hour at ordinary rates for the purpose of grinding his tools.

(15) CONTINUOUS PROCESS.—Means a process in which work is carried on continuously, except for breakdowns, with successive shifts of men throughout the days and nights for at least six days in each week.

(16) EXTRA RATES NOT CUMULATIVE.—Extra rates in this determination prescribed, including rates for dirty work, confined spaces, wet, hot and cold places, are not cumulative so as to exceed the maximum of double the ordinary rates.

W. W. HARRIS, Chairman.

A. G. ALLEN, Secretary.

Melbourne, 6th November, 1931.

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