



VICTORIA GOVERNMENT GAZETTE.

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TUESDAY, AUGUST 10.

[1937

Factories and Shops Acts.

ELECTRO-PLATERS BOARD.

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, such portion of the City of Sandringham as is not included within the said District; the cities of Ballarat, Bendigo, Geelong, Geelong West and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the Factories and Shops Acts,

and

In the matter of an Appeal by the representatives of the employers on the Electroplaters Board against the Determination of the said Board, dated the 10th June, 1936.

Friday, the 23rd day of July, 1937.

(Before His Honour Mr. Justice Martin, Mr. Russell Newton Stokes, and Mr. W. Alford.)

The above-mentioned Appeal coming on for hearing by this Court on the 7th, 10th, 11th, and 14th May, and the 29th June, 1937, and this day, UPON READING the Appeal, and UPON HEARING Dr. A. D. Ellis, of Counsel, and witnesses for the employers, and Mr. N. Roberts, of the Amalgamated Engineering Union, and witnesses for the employees; THIS COURT DOETH ORDER AND DETERMINE:—

(1) That as from the last pay period in July, 1937, the Determination of the Electroplaters Board dated the 10th June, 1936, shall be revoked and replaced by this Determination as to the lowest prices or rates which may be paid to:—

- (A) any person or persons or classes of persons employed in the process, trade, or business of—
- | | |
|---|--|
| <p>(a) Electroplating;
(b) Metal polishing;</p> | <p>(c) Enamelling or japanning metals—</p> |
|---|--|

other than persons subject to the Determination of any one of the following Boards:—

<p>Bedstead Makers Board, Brassworkers Board, Jewellers Board,</p>	<p>Ovenmakers Board, Tinmiths Board—</p>
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- (B) any person employed electroplating, grinding, polishing, or finishing articles of tableware.

(2)

Apprentices—All Classes of Work other than First Class Electroplating.			Improvers—All Classes of Work other than First Class Electroplating.									
Experience.	Wages Per Week of 44 Hours.		Experience.	Males.						Wages Per Week of 44 Hours.		
	Males.	Females.		Wages Per Week of 44 Hours.								
				Commencing Age—								
				15 years or under.	16 years.	17 years.	18 years.	19 years.	20 years.			
	s. d.	s. d.		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	Females	
1st year—1st 6 months ..	14 9	14 9	1st year—1st 6 months ..	15 6	18 6	23 0	25 0	36 6	43 0	15 6		
2nd " ..	14 9	14 9	2nd " ..	18 6	23 0	25 0	36 6	43 0	58 0	18 6		
2nd year—1st " ..	21 3	21 3	2nd year—1st " ..	23 0	25 0	36 6	43 0	58 0	..	23 0		
2nd " ..	21 3	21 3	2nd " ..	25 0	36 6	43 0	58 0	67 6	..	25 0		
3rd year—1st " ..	29 3	29 3	3rd year—1st " ..	36 6	43 0	58 0	67 6	..	..	36 6	
2nd " ..	29 3	29 3	2nd " ..	43 0	58 0	67 6	73 0	..	..	41 6	
4th year ..	38 0	38 0	4th year ..	58 0	67 6	73 0	..	..	..	..
5th year ..	44 6	..	5th year ..	67 6	73 0	..	..	..	..	..
6th year ..	54 6	..	6th year ..	73 0	..	..	..	..	..	..

PROPORTION (BY ANY EMPLOYER).
Males.

Three male apprentices to every three or fraction of three male workers receiving not less than 72s. per week of 44 hours.

Females.

Two female apprentices to every three or fraction of three female workers receiving not less than 41s. per week of 44 hours.

PROPORTION (BY ANY EMPLOYER).
Males.

One male improver to every two or fraction of two male workers receiving not less than 80s. per week of 44 hours.

Females.

Two female improvers to each female worker receiving not less than 41s. per week of 44 hours.

(3)		Juvenile Workers, i.e.		Other Employees.	
Persons under 21 years of age (other than apprentices or improvers) employed at slinging and unslinging, hanging, cleaning, scouring, scratch-brushing, drying-out, or cleaning old enamel off cycle wheels or frames or other old iron or tinware, filling up, rubbing down and firing in connexion with glass enamels for badges or medallions; or polishing legging clips, clips and plugs for rugs, nuts, screws, bolts, washers, or caps, all builders' brass and ironware, up to 1½-in. diameter, and knitting needles—		Wages Per Week of 44 Hours.		Wages Per Week.	
Experience.		Commencing Age—		s. d.	
		15 years or under.	16 years.	17 years.	18 years.
		19 years.	20 years.	21 years.	22 years.
1st year—1st six months ..	1st ..	15 6	18 6	23 0	25 0
2nd ..	2nd ..	18 6	23 0	25 0	36 6
2nd year—1st ..	1st ..	23 0	25 0	36 6	43 0
2nd ..	2nd ..	25 0	36 6	43 0	58 0
3rd year—1st ..	1st ..	36 6	43 0	58 0	67 6
2nd ..	2nd ..	43 0	58 0	67 6	73 0
4th year ..	..	58 0	67 6	73 0	..
5th year ..	..	67 6	73 0	..	..
6th year ..	..	73 0	..	..	..

PERIODICAL ADJUSTMENT OF WAGES.

(4) The wages rates set out in clause (3) are based upon the following basic wage and, pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act* 1934, this Court hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage. Provided that the wages of females and of apprentices, improvers and juvenile workers in receipt of 20s. per week or more shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause (5).

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies ..	3 9 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

(5) (a) For work done before the beginning of the first pay period to commence in September, 1937, the amount of the basic wage prescribed in clause 4 shall be paid.

(b) For work done during each future successive period beginning with the first pay period to commence in a September, a December, a March, or a June, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician:—

- (1) The index number set to be applied is that assigned to Melbourne.
- (2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.
- (3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period.

Table.

Index Number Divisions.	Basic Wage.	Index Number Divisions.	Basic Wage.
	£ s. d.		£ s. d.
735-746	3 0 0	834-845	3 8 0
747-759	3 1 0	846-858	3 9 0
760-771	3 2 0	859-870	3 10 0
772-783	3 3 0	871-882	3 11 0
784-796	3 4 0	883-895	3 12 0
797-808	3 5 0	896-907	3 13 0
809-820	3 6 0	908-919	3 14 0
821-833	3 7 0	920-932	3 15 0

SPECIAL RATES.

(6) In addition to the wages prescribed in clauses (2) or (3) hereof the following special rates and allowances shall be paid:—

- (a) Leading hands in charge of not less than 3 and not more than 10 employees, including apprentices, 6s. per week extra; more than 10 and not more than 20, including apprentices, 12s. per week extra; more than 20, including apprentices, 18s. per week extra.
- (b) Working in wet places—1½d. per hour extra.
- (c) 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.
- (d) Persons engaged at cleaning out plating tanks—1½d. per hour extra whilst so engaged.
- (e) Where more than one of the disabilities mentioned in this clause, entitling a workman to extra rates, exist on the same job the employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

SPECIAL RATES FOR GRINDERS AND POLISHERS.

(7) (a) When a person is continuously engaged grinding or polishing any article the size or shape of which does not permit of the hood required by Regulation No. 25, of Chapter IX, of the Regulations made under the *Factories and Shops Acts* on the 4th day of March, 1930, being kept close up to the wheel in the manner prescribed by the said Regulation, he shall be paid for each week whilst so engaged an additional sum of 3s.

(b) A person shall be deemed to be continuously engaged within the meaning of this provision if he is so occupied for not less than fifteen hours in any week, and shall be entitled to receive the full sum of three shillings aforementioned.

HOURS OF EMPLOYMENT.

(8) With the exceptions herein set out the ordinary hours of employment shall be 44 per week, to be worked in five days of 8 hours and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each, continuously except for meal hour breaks at the discretion of the employer between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. to noon on Saturday: Provided that the spread of hours herein prescribed may be altered by mutual agreement between an employer and his employees.

By agreement between any employer and his employees ordinary hours may be worked on the basis of 88 per fortnight with one week of 40 and one of 48 hours.

SHIFT WORK.

Continuous Work Shifts.

(9) (a) For the purposes of this clause, the expression "Continuous Work" means work carried on with consecutive shifts of men throughout the twenty-four hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks (if any).

(b) Employees working on continuous work shifts shall work thereon such number of shifts up to six per week as may be required; no such shift to exceed 8 hours inclusive of meal breaks (if any) nor to be discontinuous except for meal breaks (if any).

(c) The ordinary hours of actual work or duty exclusive of meal breaks off duty (if any) of employees working on continuous work shifts shall not exceed—

- (i) 8 in any one day; nor
- (ii) 48 in any one week; nor
- (iii) an average of 44 per week during the period of employment upon such shifts; nor
- (iv) such average reduced to 43 hours 5 minutes if such shifts include Sunday shifts; nor
- (v) a total of 176 hours during any four weeks of the period of employment upon such shifts; nor
- (vi) such total reduced to 172 hours 20 minutes during any such four weeks if such shifts include Sunday shifts.

Provided that such average and total shall not be so reduced to 43 hours 5 minutes and 172 hours 20 minutes if the employees on such shifts are for each ordinary hour worked thereon by them paid in the case of weekly employees at the rate of one forty-third ($\frac{1}{43}$) of the prescribed weekly wage, and in the case of hourly employees, at the rate of forty-four forty-thirds ($\frac{44}{43}$) of the prescribed rate for such employees which payments the employer shall have the option of making; nor shall they be so reduced if, in addition to other holidays (if any) to be given under this Determination to such employees, such employees are given in each year, one week's holiday on full pay, which week's holiday the employer shall have the option of giving.

(d) For all time off duty outside the limits of the ordinary hours prescribed in sub-clause (c) hereof, an employee on continuous work shift shall be paid at double rates. But this shall not apply to arrangements between employees themselves or in cases due to rotation of shift, or when the relief does not come on duty at the proper time: Provided that where not less than eight 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 unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

(e) Employees on continuous work shifts, working afternoon and night shifts, shall be paid 5 per cent. more than ordinary rates for such shifts.

(f) Employees on continuous work shifts, working any Sunday or holiday shift, shall be paid at the rate of time and a half for such shift.

Shift Work in other than Continuous Work.

(g) In shift work, not upon continuous work as herein defined, any afternoon or night shift which does not continue for five successive working nights or more in a five-day workshop, or six successive working nights or more in a six-day workshop, shall be paid for at the rate of time and a half.

(h) For any afternoon or night shift which has been in operation for five nights or more and less than one month 10 per cent. more than ordinary rates shall be paid and after such shifts have continued for more than one month 5 per cent. more than ordinary rates shall be paid.

(i) Shift workers shall be paid overtime at the rate of time and a half for the first 4 hours and double time thereafter for all time worked in excess of shift hours.

MIXED FUNCTIONS.

10. An employee engaged for more than half of one day or shift on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day or shift. If for less than half of one day or shift he shall be paid the higher rate for the time so worked.

OVERTIME.

11. (a) For all work done outside ordinary hours the rates of wage shall be time and a half for the first 4 hours and double time thereafter, such double time to continue to be paid until an employee has been relieved from work for at least 8 hours. Provided that an employee shall not be entitled to payment for such rest period.

(b) Except as provided above in computing overtime each day's work shall stand alone.

(c) An employee recalled after leaving his workshop to work overtime shall be paid for a minimum of three hours' work at the appropriate rate.

(d) An employee occasionally required to hold himself in readiness to work after ordinary hours shall until released be paid standing-by time at ordinary rates from the time from which he is so to 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.

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

(f) As far as practicable employees shall not work overtime while competent labour is available.

(g) For work done during meal hours and thereafter until a meal hour break is allowed time and a half rates shall be paid. An employee shall not be compelled to work for more than six hours without a break for a meal.

(h) An employee working overtime shall be allowed a crib time of twenty 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.

(i) 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 one and a half hours.

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

(j) An employee required to work overtime for more than two hours without being notified the day before that he will be so required to work, shall either be supplied with a meal by the employer or paid 1s. 6d., or if work extends into a second meal hour 2s. 6d. for the two meals, but such payment need not be made to employees living in the same locality as their work-shop who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime he shall be paid for each meal so provided.

(k) Subject to the provisions of the second part of the sub-clause (g) of this clause an employee shall work during meal breaks at the ordinary rates herein prescribed whenever instructed so to do for the purpose of making good break-downs of plant or upon routine maintenance of plant which can only be done while such plant is idle.

(l) When an employee working overtime finishes work at a time when reasonable means of transport is not available, the employer shall provide him with a conveyance or pay him his current wage for the time occupied in reaching his home.

HOLIDAYS AND SUNDAY WORK.

12. (a) Employees shall be entitled to the following public holidays (without pay except as hereinafter provided):—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.

Exceptions.

By agreement between any employer and his employees, other holidays may be substituted for the said days or any of them as to such employer's undertaking.

(b) Employees not engaged in continuous work shall be paid at the rate of double ordinary time for work done on Sundays and public holidays, such double time to continue until the employee has been relieved from duty for at least 8 hours. Provided that the employee shall not be paid for the time he is resting.

Provided that employees engaged in repairs to or renewals of their employer's plant and machinery necessary for resumption of work the next following working day or for maintaining the continuity of electric light and power (not including the installation of new machinery) shall on holidays or Sundays be paid at the rate of time and a half.

(c) Employees, other than on shift 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.

PIECEWORK RATES.

13. Subject to the minimum wages herein prescribed an employer may remunerate any of his employees under any system of payment by results.

EXTRA RATES NOT CUMULATIVE.

14. Extra rates in this Determination, including rates prescribed in clause 6, are not cumulative so as to exceed the maximum of double the ordinary rates.

PAYMENT OF WAGES.

15. (a) Wages shall be paid weekly or fortnightly. Where the services of an employee are dispensed with, wages shall be paid to him on the day of dismissal or forwarded to him by post on the day following.

(b) An employee kept waiting for his wages on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid at overtime rates after that quarter-hour, with a minimum of a quarter of an hour.

CONTRACT OF EMPLOYMENT.

16. (a) With the exceptions hereinafter 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 terminate it without such notice), by payment of one week's wages.

A contract for weekly employment may be terminated by any employer, without liability to pay for more than time actually 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 for days for which he produces a certificate from a medical practitioner or other proof satisfactory to his employer of sickness (aggregating 4 days' 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: Provided that only time actually lost shall be deducted when an employee is absent with leave on a Saturday.

(b) If the contract of employment is for hourly hiring, the total amount of the rates prescribed in clause (3) hereof shall be increased by 5s. per week (with a proportionate amount added to the wages of females and juniors), but such amount shall not be taken into account in computing overtime, Sunday, and holiday rates.

(c) An employee starting work on hourly hiring shall be entitled to a minimum of four consecutive hours' work or to four hours' pay for the job—such hours may be deemed to be consecutive if worked in ordinary hours at the end of a day and the beginning of the next succeeding day.

MISCELLANEOUS PROVISIONS.

17. (a) *Tools.*—The employer shall provide for each employee all necessary tools, including micrometer, where used, but excluding other measuring or precision tools less than 13". The employee shall replace or pay for any tools so provided if lost through his negligence.

(b) Employers shall provide proper washing and sanitary conveniences. In any workshop in which employees through a shop steward or committee ask for the provision of lockers and shower baths and an undertaking is given that the baths provided will be used by the majority of the workmen and that the baths and lockers will be properly cared for, a locker shall be installed by the employer for each workman, and hot and cold shower baths (away from lavatories) for all workmen employed in foundries.

(c) Suitable asbestos sheet 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.

SHOP STEWARDS.

18. Shop stewards appointed by employees in each workshop shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom they represent.

TIME AND WAGES BOOK.

19. Each employer shall keep a time and wages book showing the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

The time occupied by an employee in filling in any time books or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out at the beginning or end of duty.

DEFINITIONS.

20. "First Class Electroplater" means an adult employee who maintains the solutions used and is responsible for the electroplating of ware.

"Second Class Electroplater" means an adult employee not responsible for the solutions used and engaged mainly on nickel plating.

"Third Class Electroplater" means an adult employee engaged in electroplating on the barrel-plating system.

"Year" means 365 consecutive days, starting from the day of commencement of operation of this Determination.

"Shift work"—afternoon shift means any shift finishing after 6 p.m. and at or before midnight. Night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

"Sunday" means all time between midnight Saturday and midnight Sunday.

"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, or a place where water accumulates underfoot to a depth exceeding two inches.

By the Court,

H. N. JONES, Registrar.

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