



VICTORIA GOVERNMENT GAZETTE.

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No. 378]

FRIDAY, DECEMBER 17.

[1937

Factories and Shops Act.

DETERMINATION OF THE BRICK TRADE BOARD.

NOTE.—(a) This Determination on the 15th December, 1937, applied to the whole of the State of Victoria.

(b) On 21st February, 1911, the powers of the Brick Trade Board were extended so that it might fix "the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, or business of sand, lime, or cement brickmaking."

IN accordance with the provisions of the Factories and Shops Acts the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, or business of brickmaking (including clay-digging)" has made the following Determination, namely:—

(1) That on the 15th December, 1937, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices.		Improvers.		Other Employees.		Per Hour.	Wages per week of 44 hours.
WAGES.	Per week of 44 hours.	WAGES.	Per week of 44 hours.	FIREBRICKS AND TEXTURE BRICKS.		s. d.	s. d.
1st year's experience ..	17 9	14 years of age ..	25 9	Burners .. .. .	..	1 11 ¹¹ / ₂₂	86 6
2nd	23 6	15	26 9	Crusher attendants who also haul ..	..	1 10 ⁷ / ₁₁	83 0
3rd	27 9	16	28 3	Crusher attendants who do not haul ..	..	1 9 ²¹ / ₂₂	80 6
		17	31 6	Wet pan attendants .. .. .	..	1 10 ⁷ / ₁₁	83 0
		18	38 6	Machine drivers .. .. .	..	1 9 ²¹ / ₂₂	80 6
		19	50 6	Drawers or hand moulders .. .. .	..	1 11 ¹¹ / ₁₁	86 0
		20	54 0	Setters .. .. .	..	1 11 ¹¹ / ₁₁	86 0
				Facemen working in a clayhole 25 feet or less in depth where explosives are not used .. .. .	..	1 11 ⁷ / ₂₂	85 6
				All other facemen .. .. .	..	1 11 ¹¹ / ₂₂	87 6
				Offbearers from wire cut machines ..	..	1 10 ⁷ / ₁₁	83 0
				Wheelers of green bricks on inclined plane 2 feet or over in height at the higher end .. .. .	..	1 10 ⁴ / ₁₁	82 0
				Clayhole men (employer to provide tools)	..	1 11 ⁷ / ₂₂	85 6
				Pressers .. .. .	..	1 10 ⁴ / ₁₁	82 0
				All others .. .. .	..	1 8 ¹⁰ / ₂₂	76 6
				OTHER BRICKS.			
				Burners .. .. .	..	1 11 ¹¹ / ₂₂	86 6
				Machine drivers, machine riggers, or wet pan attendants .. .. .	..	1 10 ¹⁷ / ₂₂	83 6
				Dry pan attendants who do not haul ..	..	1 10 ¹⁷ / ₂₂	83 6
				Crusher attendants who do not haul ..	..	1 10 ¹¹ / ₁₁	82 0
				Crusher or dry pan attendants who also haul .. .. .	..	1 11 ¹¹ / ₂₂	87 6
				Drawers and Setters of fancy bricks (other than those employed in Hoffman kilns) .. .. .	..	2 0 ³ / ₂₂	88 6
				Other Drawers .. .. .	..	2 0 ⁸ / ₁₁	91 0
				Other Setters .. .. .	..	2 0 ⁸ / ₁₁	91 0
				Facemen working in a clayhole 25 feet or less in depth .. .. .	..	1 11 ¹¹ / ₂₂	86 6
				All other facemen .. .. .	..	2 0 ²¹ / ₂₂	91 6
				Clayhole men (employer to provide tools)	..	1 11 ⁷ / ₂₂	85 6
				Hand moulders, lime grinders, lime crushers, pressers, sand and lime mixers, or silomen .. .. .	..	1 11 ¹¹ / ₁₁	86 0
				Offbearers from wire cut machines ..	..	1 10 ⁷ / ₁₁	83 0
				Truckers .. .. .	..	1 10 ⁷ / ₁₁	83 0
				Dampermen or kiln cleaners .. .. .	..	1 11 ¹¹ / ₂₂	84 6
				Loftmen .. .. .	..	1 10 ⁷ / ₂₂	81 6
				Yardmen .. .. .	..	1 9 ²¹ / ₂₂	80 6
				All others .. .. .	..	1 8 ¹⁰ / ₂₂	76 6

(3) TIME OF BEGINNING AND ENDING WORK.—For any persons except burners, machine drivers, machine riggers, and pan or crusher attendants—

Time of Beginning.	Time of Ending.
7 a.m. ..	12 noon on Saturdays, or the day on which the half-holiday is locally observed.
7 a.m. ..	5.30 p.m. on each of the other five working days of the week.

(4) OVERTIME.—(a) Any employee who works for any time in excess of the maximum number of hours per week fixed by this Determination shall be paid for such extra time at the rate of time and a half.

(b) Any employee (other than a burner, machine driver, machine rigger, or pan or crusher attendant) who works outside the hours fixed in clause 3 shall be paid for such time at the rate of time and a half.

(c) All work done by machine drivers, machine riggers, and pan or crusher attendants either before or after the ordinary starting and finishing time of the factory shall be paid for at the rate of time and a half irrespective of the number of hours worked.

(5) SUNDAYS AND HOLIDAYS.—Time and a half shall be the special rate for all work done on Sundays, and double time for all work done on New Year's Day, Australia Day (26th January), Labour Day (21st April), Good Friday, Easter Monday, King's Birthday, 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.

(6) PAYMENT FOR HOLIDAYS.—All employees shall be granted the holidays mentioned in clause 5 without deduction of pay.

PIECE-WORK PRICES FOR BRICKS OTHER THAN FIREBRICKS.

(7) The lowest piece-work prices to be paid for bricks, other than firebricks, shall be—

	In Yards where Railway Trucks are used.		In Yards where Railway Trucks are not used.	
	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks, per 1,000.	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks per 1,000.
	s. d.	s. d.	s. d.	s. d.
Drawing, wheeling, and stacking where the distance wheeled commencing from the outside wall of kiln at the wicket from which the bricks are drawn is—				
Not more than 26 yards.. .. .	2 4½	2 7½	2 2½	2 6½
26 to 36 yards	2 8½	2 11½	2 7½	2 10½
36 to 46 yards	2 10½	3 2	2 9½	3 0½
Over 46 yards	3 5½	3 8½	3 4	3 7½

Drawing, wheeling, and loading on railway trucks—

	On Level Surface.		On Up-grade Planks.	
	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks, per 1,000.	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks, per 1,000.
	s. d.	s. d.	s. d.	s. d.
Not more than 26 yards	3 8½	3 9½	3 9½	4 0½
26 to 36 yards	3 10½	4 1½	4 2	4 4½
36 to 46 yards	4 1	4 3½	4 4½	4 7
Over 46 yards	4 7½	4 10½	4 10½	5 1½

Drawing bricks not previously specified in this paragraph the drawer to leave same on barrows outside of wickets 2s. 2½d. per 1,000 bricks.

	s. d.
Hand-moulding square bricks where material is prepared on the ground within 15 feet of table and offbearing to grass hacks	13 4½
.. .. . in sheds	11 4½
.. .. . from bowling stool and placing on grass hacks (where material is placed on the table)	9 6
.. .. . from bowling stool in sheds (where material is placed on the table)	8 8
.. .. . fancy bricks and offbearing to hacks or in sheds	13 4½
.. .. . from bowling stool	11 11½
Setting	2 3½
Picking blues	20 0

PIECE-WORK PRICES WHICH MAY BE FIXED BY AN EMPLOYER.

(8) The Board determines under the provisions of Section 150 of the *Factories and Shops Act 1928* that any employer may fix and pay piece-work prices to any person employed in fire-brick making, or as a clayholeman, machine driver, machine rigger, wheeler of green bricks, or trucker, 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 rates that are fixed by the Board for such work.

D. BERRIMAN, Chairman.

A. G. ALLEN, Secretary.

Melbourne, 23rd November, 1937.



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FRIDAY, DECEMBER 17.

[1937

Factories and Shops Acts.

DETERMINATION OF THE COMMERCIAL TRAVELLERS BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons engaged by one or more than one wholesale merchant in the process, trade, business, or occupation of a commercial traveller soliciting orders" has made the following Determination, namely:—

1. That this Determination shall come into force and be operative as from the first pay period to commence in January, 1938.

2. WEEKLY WAGES.

	Town Travellers.	Country Travellers.
	£ s. d.	£ s. d.
Probationary Travellers	4 10 0	5 15 0
Special Travellers ..	5 10 0	6 15 0
Other Travellers ..	5 10 0	6 15 0

An additional amount of £1 shall be paid to a Traveller required by his employer to be away from his home or headquarters for any week-end.

(See Clause 12 for Definitions.)

3. TERMS OF ENGAGEMENT.

Subject to the provisions of clause 6 the minimum remuneration prescribed shall be paid to a person covered by this Determination in respect of a week or part of a week in which he has been employed and has carried out his duties.

Provided that if any traveller fails to carry out his duties for any portion of a week in which he has been employed he shall not be paid for such portion of the week unless such failure has been due to illness or some other cause not under his control.

4. EXPENSES AND ACCOMMODATION.

In addition to the remuneration payable under clause 2, all expenses actually and properly incurred by the traveller in the discharge of his duties shall be paid by the employer. First class hotel accommodation (as approved by the United Commercial Travellers Association of Australia) shall be allowed for or provided by the employer. Where rail travelling is necessarily involved first class rail ticket shall be allowed for or provided by the employer. Such expenses as can be reasonably anticipated shall be payable in advance.

5. LOCOMOTION.

All means of locomotion required shall be provided and maintained by the employer, but where a traveller by arrangement with his employer provides his own car he shall be paid the following minimum allowances:—

- (a) Town traveller employed solely in the Metropolitan District as defined in the Factories and Shops Acts, £3 per week.

- (b) Town Traveller outside the Metropolitan District as so defined, £3 per week, or at the rate of 3d. per mile, whichever is the greater.

- (c) Country traveller, £4 per week or 3d. per mile, whichever is the greater.

Provided that notwithstanding anything contained above the employer and the employee may make any other arrangement as to car or car allowance not less favorable to the employee.

6. ENGAGEMENT BY MORE THAN ONE EMPLOYER.

Any employer who employs a commercial traveller, which traveller is at the same time also in the employ of one or more than one other employer, shall be deemed to comply with clauses 2, 4 and 5 of this Determination if and so long as the following provisions are observed:—

- (1) that the said employer pays to the traveller a sum of not less than one-third part of the weekly amount fixed in this Determination as remuneration and expenses in respect of the work performed by such traveller.

- (2) that the said employer has been notified in writing by the traveller that the total amount of remuneration and expenses to be received by him in respect of his employment by all his employers is not less than the weekly amount fixed in this Determination as remuneration and expenses in respect of the work performed by such traveller. Provided that where notice in writing as required in this paragraph has been furnished to an employer, such notice shall be considered to apply to the employment of the said traveller until countermanded in writing by him.

A written contract setting out the conditions of employment must in all cases be completed by the parties concerned and a signed copy of same retained by each for inspection.

For the purposes of this clause, the term "expenses" shall include all payments and allowances to which the employee is entitled under clauses 4 and 5 of this Determination.

7. CREDITING TRAVELLERS' RETURNS.

- (i) All business canvassed for by a traveller and received by the employer as a result of such canvass from a territory worked by the traveller shall be credited to such traveller.

- (ii) Where a special traveller is sent out to sell on the territory of a regular traveller, any sales by the special traveller shall be credited to the regular traveller.

8. HOLIDAYS.

All work done by any person covered by this Determination in soliciting orders at the request of the employer on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, King's Birthday, Anzac Day, Christmas Day, or Boxing Day shall be paid for at the rate of double time, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the special rate shall be payable only on the day so substituted. For the purpose of this provision "double time" shall mean one day's wages, being 1/6th of the minimum weekly wage in addition to the prescribed weekly rate.

9. ANNUAL LEAVE.

Two weeks' continuous annual leave on full pay shall be allowed to each traveller covered by this Determination after each twelve months' service with an employer or employers. The date of such annual leave shall be mutually arranged between the traveller and the employer or employers. For any subsequent period less than twelve months, should the service terminate, a pro rata payment in lieu of holidays shall be made. The "service" referred to in this clause need not necessarily be continuous.

10. SUBSTITUTE TRAVELLERS.

In the case of accident, sickness, annual leave or holidays of a traveller a substitute traveller may be employed, and such substitute traveller whilst on such temporary work shall be exempt from the provisions of this Determination except clauses 4 and 5 thereof.

11. TERMINATION OF EMPLOYMENT.

One week's notice of termination of employment shall be given by either employer or employee, or one week's wages shall be paid or forfeited in lieu thereof.

Melbourne, 3rd December, 1937.

Provided that notwithstanding anything in this clause an employer may at any time forthwith dismiss an employee for refusal or neglect to obey orders, misconduct, or carelessness in the performance of his duties.

If an employee be justifiably dismissed for any reason set out herein he shall be entitled to payment proportionate to the days worked but to that only.

12. DEFINITIONS.

For the purpose of this Determination the following definitions shall apply:—

"Town traveller" shall mean a commercial traveller who ordinarily returns each day to his home or headquarters.

"Country traveller" shall mean a commercial traveller other than a "town traveller".

"Probationary" as applied to a traveller shall refer to a commercial traveller of less than twelve months' experience.

"Special traveller" shall mean a salesman sent out as a commercial traveller and not in the company of a regular commercial traveller.

C. McLEAN, P.M., Chairman

L. M. BRADY, Secretary.