



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 195]

THURSDAY, AUGUST 25.

[1938

Factories and Shops Acts.

DETERMINATION OF THE GENERAL BOARD.

(Lead and Shot Section.)

Adjusted pursuant to section 21 of the *Factories and Shops Act 1934* (No. 4275).

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

I, FRANCIS ANTHONY MARZORINI, in pursuance of the powers contained in the Factories and Shops Acts and in consequence of the provisions contained in a determination made on the 3rd September, 1937, by the General Board, and published in the *Government Gazette* on the 20th September, 1937, hereby issue an adjusted determination showing the adjusted wages rates to be paid, as from the beginning of the first pay period to commence in September, 1938, to any person or persons or classes of persons employed in the trade of manufacturing or preparing lead and shot.

(1) WAGES PER WEEK OF 44 HOURS.

| (a) Improvers. | | | | (b) Other Employees. | | |
|--|----------------|-------|----------------|--|--|--|
| | Weekly hiring. | | Hourly hiring. | | | |
| | s. d. | s. d. | s. d. | | | |
| 18 years of age | 53 | 9 | 57 | (i) Persons employed in a shot tower at any of the following work:— (a) Mixing metal } 80 0 (b) Melting metal } (c) Feeding molten metal through a sieve } (ii) All other persons } 78 0 | | |
| 19 years of age | 64 | 6 | 69 | | | |
| 20 years of age | | | 3 | | | |
| PROPORTION (IN ANY PLACE). One improver to every twenty adults or fraction thereof. | | | | | | |

NOTE.—The Board has determined in accordance with section 25 (1) of the amended *Factories and Shops Act 1934*, that the process, trade, business or occupation is so unskilled that no person shall be taken as an apprentice.

(2) PROHIBITION OF EMPLOYMENT.—The employment of any improver under the age of eighteen years is prohibited.

(3) HOURS OF EMPLOYMENT.—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.

Continuous Work Shifts.

(4) SHIFT WORK.—(a) For the purposes of this clause, the expression "Continuous Work" means work carried on with consecutive shifts of men throughout the 24 hours of each of at least six consecutive days without interruption except during break-downs 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 paid for each ordinary hour worked thereon by them in the case of weekly employees at the rate of one forty-third ($1/43$) of the prescribed weekly wage, and in the case of hourly employees, at the rate of forty-four forty-thirds ($44/43$) 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 of 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. 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.

(5) MIXED FUNCTIONS.—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.

(6) OVERTIME.—(a) For all work done outside ordinary hours the rate of wages 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 be paid, until released, standing by time at ordinary rates from the time from which he is so to hold himself in readiness, provided that 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 one on shift work) 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 agree mutually 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 be supplied with a meal by the employer or paid 1s. 6d. in lieu thereof, 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 workshop 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.

(7) HOLIDAYS AND SUNDAY WORK.—(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.

(a) 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 (not including the installation of new machinery) shall be paid for work on holidays or Sundays at the rate of time and a half.

(c) Employees, other than those on shift work, required to work on Sundays or public holidays shall be paid for a minimum of three hours' work.

(8) PIECE-WORK PRICES.—Subject to the minimum wages herein prescribed an employer may remunerate any of his employees under any system of payment by results.

(9) EXTRA RATES NOT CUMULATIVE.—Extra rates in this Determination, including rates prescribed in clause (14) are not cumulative so as to exceed the maximum of double the ordinary rates.

(10) PAYMENT OF WAGES.—(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.

(11) CONTRACT OF EMPLOYMENT.—(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 for adults in clause (1) hereof shall be increased by 6s. per week, 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.

(12) 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 his negligence.

(b) Employers shall provide proper sanitary accommodation and adequate washing facilities with hot water. 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, together with hot and cold shower baths (away from sanitary accommodation).

(c) Suitable canvas or leather gloves shall be provided by employer for the use of any person employed—

- (i) severing lead pipes leaving an extruding machine,
- (ii) mixing, or melting, or feeding metal

(13) TIME AND WAGES BOOK.—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.

(14) SPECIAL RATES.—In addition to the wages prescribed in clause (1) hereof, the following special rates and allowances shall be paid:—

- (a) Leading hands in charge of not fewer than 3 and not more than 10 employees, 6s. per week extra; more than 10 and not more than 20, 12s. per week extra; more than 20, 18s. per week extra.
- (b) Working in wet places—1½d. per hour extra.
Working in confined spaces—3d. per hour extra.
- (c) Working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degree Fahr., 1½d. per hour extra; in places where the 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 also be entitled to 20 minutes' rest after every 2 hours' work without deduction of pay. The temperature shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.
- (d) Working for more than one hour in places where the temperature is reduced by artificial means below zero, 1½d. per hour extra. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes every two hours without loss of pay.
- (e) Dirty work, i.e., work which a foreman and workman shall agree is of an unusually dirty or offensive nature, 1½d. per hour extra.
- (f) 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.
- (g) Where more than one of the disabilities 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.

(15) DEFINITIONS.—

"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. but not later than midnight. Night shift means any shift finishing subsequent to midnight but not later than 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 2 inches.

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

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 23rd August, 1938.

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