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[1938

Factories and Shops Acts.

DETERMINATION OF THE GENERAL BOARD.

(Toys 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 2nd September, 1938, by the General Board, and published in the *Government Gazette* on the 16th September, 1938, 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 December, 1938, to any person or persons or classes of persons, employed in manufacturing or preparing toys.

(1) WAGES PER WEEK OF 44 HOURS.

| (a) IMPROVERS. | | | | (b) ADULTS. | | | |
|--------------------------|-------|-------------------------------|-------|----------------------------|-------|----------|-------|
| Males. | | Females. | | Males. | | Females. | |
| | s. d. | | s. d. | | s. d. | | s. d. |
| 1st year's experience .. | 16 3 | 1st six months' experience .. | 13 3 | Designers .. | 99 0 | | |
| 2nd " " .. | 22 9 | 2nd " " .. | 16 3 | Cutters-out .. | 86 6 | | |
| 3rd " " .. | 31 9 | 3rd " " .. | 19 3 | Fillers and/or stuffers .. | 83 0 | | |
| 4th " " .. | 42 3 | 4th " " .. | 22 3 | All others .. | 79 0 | | |
| 5th " " .. | 54 3 | 5th " " .. | 25 3 | | | | |
| 6th " " .. | 62 6 | 6th " " .. | 29 0 | | | | |
| 7th " " .. | 67 0 | 7th " " .. | 32 0 | | | | |
| | | 8th " " .. | 36 0 | | | | |
| | | 9th " " .. | 39 0 | | | | |
| | | 10th " " .. | 42 0 | | | | |

and thereafter the rate prescribed for adults.

NOTE.—The rates prescribed for improvers shall apply only to such employees as are under 21 years of age, or who being over 21 years of age, are the holders of improvers' licences.

PROPORTION (IN ANY PLACE).

Males.

- (a) Where no adult male is employed—one male improver.
 (b) Elsewhere—two male improvers to the first adult male employed and thereafter one male improver to each adult male.

Females.

One female improver to each adult female worker.

Notwithstanding anything contained in this Determination, any person who on 26th September, 1938, was employed in the industry and whose engagement or continued employment as an improver is forbidden by this Determination, shall be entitled to be employed and shall be paid the scale of wages prescribed for an improver of like experience.

(2) PROHIBITION OF EMPLOYMENT.—The Board determines that no person shall be employed as an apprentice.

(3) WEEKLY HOURS.—That the number of hours to constitute an ordinary week's work shall be 44.

(4) TIMES OF BEGINNING AND ENDING WORK.—That the times of beginning and ending work shall be:—

Time of Beginning (not earlier than).

Time of Ending (not later than).

7.30 a.m. 12 noon on Saturday.

7.30 a.m. 5.30 p.m. on the other working days of the week.

(5) OVERTIME.—That all time worked—

(a) Outside the times of beginning and ending work prescribed in clause (4); or

(b) Within such prescribed times, but in excess of 44 hours in any one week—

shall be paid for at the rate of time and a half for the first four hours' work, and double time thereafter. Provided that, in computing overtime, each day's work shall stand alone.

(6) HOLIDAYS.—(a) All employees, whether in a city or elsewhere, shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day.

(b) If any of the above holidays occurs on a Sunday or Saturday and is 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 only when the working week consists of five and a half days.

(c) All employees, whether in a city or elsewhere, shall be paid for the above holidays an amount for each holiday based on the actual weekly wage paid to them by the employer.

(d) Any employee absenting himself or herself from work on any portion of the working day preceding, or any portion of the working day succeeding 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.

(e) Any person who is employed on a Sunday or any holiday provided for herein shall receive a minimum payment for four hours' work at the rate of double time, which hours shall be worked continuously. In the event of more than four hours being worked such person shall be paid for a minimum of eight hours' work at the rate of double time.

(7) TERMS OF EMPLOYMENT.—(a) That notice equivalent to 44 working hours shall be given on either side to terminate employment. Such notice may be given at any time. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct (in which case wages shall be paid up to time of dismissal only), or to deduct payment for any day the employee cannot be usefully employed because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot be reasonably held responsible.

(b) In lieu of such 44 working hours' notice, except in circumstances referred to above, the employer may pay 44 hours' wages; and vice versa the employee leaving his employment without notice shall forfeit 44 hours' wages, which may be deducted from any wages due.

(c) Provided that any notice determining the employment solely for the purpose of evading payment for prescribed holidays, and not to determine finally the engagement, shall not deprive the employee of payment for any prescribed holidays occurring or observed between such notice to terminate and the re-engagement, if any.

(8) REST ROOM.—A rest room shall be provided by every employer. Such room shall contain a suitable couch and seating accommodation, and shall be properly lighted and ventilated.

(9) REST PERIOD FOR FEMALES.—Except on Saturday, a rest period of ten minutes (to be counted as part of time worked) shall be allowed females during each morning or afternoon. Whether the rest period shall be taken during the morning or afternoon shall be determined by a majority of the female employees in the establishment concerned.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 16th November, 1938.