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[1939

Factories and Shops Acts.

DETERMINATION OF THE ENGINEERS AND BRASSWORKERS (SKILLED) BOARD.

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

NOTES.—(A) This Determination applies to the whole of the State of Victoria.

(B) The following trades were proclaimed as apprenticeship trades under the *Apprenticeship Act* 1928, for the Metropolitan District :—

- (1) On 5th March, 1930—
 - (i) Motor mechanics.
 - (ii) Motor cycle mechanics.
- (2) On 1st April, 1936—
 - (a) Mechanical engineering :—
 - (i) Patternmaking.
 - (ii) Fitting and/or turning.
 - (iii) Machinist.
 - (b) Brassfinishing (except the making of parts by specialized processes, and the assembling thereof).
 - (c) Smithing :—
 - (i) Blacksmithing (engineering).
 - (ii) Copper and/or brass smithing.

Full particulars of the apprenticeship regulations for these trades may be obtained on application to the Secretary, Apprenticeship Commission, Gisborne-street, Melbourne, C.2. (Price 3d.)

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 16th May, 1939, by the Engineers and Brassworkers (Skilled) Board and published in the *Government Gazette* on the 8th June, 1939, hereby issue an adjusted determination showing the adjusted wages rates to be paid to any skilled persons employed—

- (a) in the process, trade, or business of 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) in the process, trade or business of a mechanical engineer, including—
 - (1) a patternmaker,
 - (2) an iron or brass turner,
 - (3) a fitter,
 - (4) a blacksmith,
 - (5) a planer,
 - (6) a slotter,
 - (7) a borer,
 - (8) a milling machiner;
- (c) in the trade of a maker of scientific instruments, fire-proof safes, strongroom doors, safe locks (four or more levers), or locks of the same quality ;
- (d) in performing any engineering, fitting, or engineering machining work not already under the jurisdiction of the Board ;
- (e) in preparing iron or steel material for reinforcing concrete for building or other purposes ;
- (f) in the occupation of a copper-smith, but not including any person or classes of persons subject either to the Determination of the Tinsmiths Board or to the Determination of the Plumbers Board ;
- (g) in the trade of moulding, casting, dressing, fitting, or machining any articles made of cast aluminium or from aluminium alloys ;
- (h) in the trade of fitting or machining any articles made from sheet aluminium or from aluminium alloy sheets heavier in either case than 10 gauge ;

(i) in the process, trade or business of making or repairing typewriters, book-keeping machines, adding machines calculating machines, or duplicating machines :—

(1) The adjusted rates shown herein shall be paid as from the beginning of the first pay period to commence in December, 1939.

(2)

Adults.	Wages per Week of 44 Hours.	
	Within a Radius of 20 Miles of G.P.O., Melbourne; 10 Miles of G.P.O., Geelong; at Warrnambool and within Mildura and Gippsland Districts.	Other Parts of Victoria where this Determination Applies.
Aero mechanic holding A and B certificates	£ s. d. 6 0 0	£ s. d. 5 17 0
Aero mechanic holding C and D certificates	5 10 0	5 7 0
Patternmaker	5 19 0	5 16 0
Toolmaker	5 16 0	5 13 0
Tradesman, the greater part of whose time is occupied in marking off	5 13 0	5 10 0
Tradesman in gun armament, instrument, and torpedo work	5 16 0	5 13 0
Tradesman, turbine-blade fitter	5 13 0	5 10 0
Tradesman	5 10 0	5 7 0
Motor mechanic	5 7 0	5 4 0
Motor tuner and tester	5 7 0	5 4 0
Motor cycle mechanic	5 7 0	5 4 0
Tradesman, wet-stone grinder and glazier	5 10 0	5 7 0
Tradesman, brassfinisher	5 10 0	5 7 0
First-class machinist	5 10 0	5 7 0
Second-class machinist	5 0 0	4 17 0
Third-class machinist	4 14 0	4 11 0
Process worker	4 8 0	4 5 0
Forger and/or faggoter	6 2 0	5 19 0
Tool smith	5 13 0	5 10 0
Angle-iron smith	5 13 0	5 10 0
Annealer and/or case hardener	5 5 0	5 2 0
Copper smith, brass smith, and other smiths	5 11 0	5 8 0
Blacksmith's machinist	4 14 0	4 11 0
Welder—		
First-class (other than when using Cutler machine)	5 13 0	5 10 0
First-class, using Cutler machine	5 2 0	4 19 0
Second-class	4 14 0	4 11 0
Third-class	4 10 0	4 7 0
Tack welder	4 12 0	4 9 0
Moulding and brass moulding—		
Jobbing moulder	5 10 0	5 7 0
Jobbing coremaker	5 10 0	5 7 0
Plate and machine moulder and/or coremaker—		
1st six months	4 9 0	4 6 0
2nd six months	4 12 0	4 9 0
3rd six months	4 15 0	4 12 0
After two years	5 0 0	4 17 0
Forge furnaceman	5 7 0	5 4 0
Cupola furnaceman	4 18 0	4 15 0
Electric furnaceman	4 17 0	4 14 0
All other furnacemen (not including man attending small rivet heating, bolt heating, or similar type of fires)	4 15 0	4 12 0
Brass polisher	4 16 0	4 13 0
Casting dresser (brass)	4 11 0	4 8 0
(b) Window-frame Making.		
Tradesman	5 10 0	5 7 0
Assembler and fitter (not coming within the definition of tradesman)	4 18 0	4 15 0
Machinist (not a process worker)	4 14 0	4 11 0
Process worker	4 8 0	4 5 0
(c) Making or Repairing Typewriters, Book-keeping Machines, Adding Machines, Calculating Machines, or Duplicating Machines.		
Adding, calculating and book-keeping machine mechanic	5 11 0	5 8 0
Tradesman	5 10 0	5 7 0
First-class mechanic	5 5 0	5 2 0
Second-class mechanic	5 2 0	4 19 0
Process worker	4 8 0	4 5 0

NOTE.—Persons engaged on ship repairs shall be paid the following amounts in addition to the rates specified in clause 2 :—

	s. d.
Tradesmen	3 0 per week.
All other labour	2 0 „

APPRENTICESHIP.

3. (1) Minors shall not be engaged in the following occupations except under contracts of apprenticeship :—

(a) Mechanical engineering, i.e., one or more of the following :—

- (i) Pattern-making.
- (ii) Fitting and turning.
- (iii) First and second-class machinist.
- (iv) First-class welding.

(b) Locksmithing—the making and/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) Window-frame fitting.
 (h) Smithing—

- (i) Blacksmithing.
 (ii) Copper and/or brass smithing.
 (i) Moulding—one or more of the following :—
 (i) Jobbing, moulding and core making
 (ii) Jobbing, brass moulding and core making.

- (2) The proportion of apprentices who may be taken by any employer shall be as follows :—

Mechanical engineering—one apprentice for every three, or fraction of three, tradesmen.
 Locksmithing—one apprentice for every three, or fraction of three, tradesmen.
 Motor mechanic—one apprentice for every two, or fraction of two, tradesmen.
 Safe and strongroom making—one apprentice for every three, or fraction of three, tradesmen.
 Scalemaking—one apprentice for every three, or fraction of three, tradesmen.
 Smithing—one apprentice for every three, or fraction of three, tradesmen.
 Moulding—one apprentice for every two, or fraction of two, tradesmen.
 Brass polishing—one apprentice for every three, or fraction of three, tradesmen.
 Adding machine, calculating machine, book-keeping machine, or first-class mechanic—one apprentice to every three or fraction of three adults receiving not less than 105s. per week.

For the purpose of ascertaining the number of apprentices, the number of tradesmen shall be deemed to be the average number working during the immediately preceding six months, and in ascertaining such proportion, an employer actually working in any workshop shall be deemed to be a tradesman.

- (3) The periods of apprenticeship shall be as follow :—

For the trades included in sub-clauses (a), (b), (c), (h) and (i) of this clause : If the apprentice when articulated is under the age of 17, 5 years ; if over the age of 17, 4 or 5 years, at the option of the contracting parties.
 For the trades included in sub-clauses (d), (e), (f) and (g) of this clause, 4 or 5 years, at the option of the contracting parties.

- (4) An employer especially qualified to teach apprentices may, with the consent of the Secretary for Labour, on the recommendation of the Wages Board, employ a greater proportion of apprentices to tradesmen than hereinbefore specified.

- (5) Minors may be taken on probation for three months, and if apprenticed, such three months shall count as part of their period of apprenticeship.

- (6) Until further order any contract of apprenticeship hereafter made may contain the following provision :—

If through lack of orders, or through financial difficulties, the employer is unable at any time to find employment for an apprentice and if a transfer to another employer cannot be arranged, the obligations and duties imposed by the indenture may with the concurrence of the apprentice and his guardian be suspended for a period agreed upon, or if no such agreement is arrived at may be cancelled by the employer. The onus of proof of circumstances justifying such cancellation shall be on the employer.

This provision shall also be deemed to be included in contracts of apprenticeship entered into after the 25th day of March, 1930.

Wages.										Per Week of 44 hours.
										s. d.
(7) Five-year terms—										
1st year ..	..	..	..	..	..	..	..	..	..	15 0
2nd year ..	..	..	..	..	..	..	..	..	..	21 6
3rd year ..	..	..	..	..	..	..	..	..	..	35 9
4th year ..	..	..	..	..	..	..	..	..	..	58 0
5th year ..	..	..	..	..	..	..	..	..	..	72 9
Four-year terms—when the apprentice enters or has entered his apprenticeship after reaching the age of 17 years—										s. d.
1st year ..	..	..	..	..	..	..	..	..	..	18 0
2nd year ..	..	..	..	..	..	..	..	..	..	34 9
3rd year ..	..	..	..	..	..	..	..	..	..	58 0
4th year ..	..	..	..	..	..	..	..	..	..	72 9
The sum of 2s. 6d. shall be added to the above rates where the apprentice is in the trade of pattern making.										
Four-year terms—entered into irrespective of age in occupations set out in (d), (e), (f) and (g) of this clause—										s. d.
1st year ..	..	..	..	..	..	..	..	..	..	16 0
2nd year ..	..	..	..	..	..	..	..	..	..	22 0
3rd year ..	..	..	..	..	..	..	..	..	..	41 3
4th year ..	..	..	..	..	..	..	..	..	..	52 6

Notwithstanding anything elsewhere in this Determination contained, where an apprentice is under the age of 21 years on the expiry of his apprenticeship, he shall be paid four-fifths of the tradesman's time wage until reaching the age of 21 years.

- (8) All wages shall be paid without deduction for specified holidays or for unavoidable absences through sickness certified as in clause 14 (a) to the number of 4 days per annum.

- (9) The ordinary hours of employment of apprentices shall be the same in each workshop as those of journeymen.

- (10) An apprentice under the age of 18 years shall not be liable to work overtime unless he so desires.

- (11) An apprentice shall not work under any system of payment by results.

- (12) Any apprentice who cannot complete his full term of apprenticeship before reaching his twenty-second birthday may, by agreement with his master, serve as an apprentice until he reaches the age of 23 years.

- (13) The apprentice at the end of the calendar period of any year in which he has actually given service to the master upon less than the ordinary working days prescribed in the Determination for the trade, or in which he has unlawfully absented himself without the master's consent, shall, for every day short of the said number of working days, and for every day of such absence, serve one day, and the calendar period of the succeeding year of his service shall not be deemed to begin until the said additional day or days shall have been served.

- (14) An employer shall not, either directly or indirectly, or by any pretence or device receive from any person or require or permit any person to pay or give any consideration in the nature of a premium or bonus for the taking or binding of any probationer or apprentice.

- (15) Apprentices attending technical colleges or schools and presenting reports of satisfactory conduct shall be reimbursed all fees paid by them.

- (16) Where an Apprenticeship Commission or other body under Statutory authority has issued or may hereafter issue any regulations relating to apprentices such regulations so far as they are not inconsistent with this Determination shall operate.

- (17) A person who is for a term not exceeding two years taking practical training in a workshop in continuance of a course of training for professional work shall not be taken into account in calculating the proportion of apprentices to journeymen.

IMPROVERS.

4. Employed at brass polishing or in the making or repairing of typewriters, book-keeping machines, adding machines, calculating machines, or duplicating machines.

Wages.										Per Week of 44 hours.
										s. d.
1st year	..	..	..	..	..	..	..	..	..	15 0
2nd year	..	..	..	..	..	..	..	..	..	21 6
3rd year	..	..	..	..	..	..	..	..	..	35 0
4th year	..	..	..	..	..	..	..	..	..	58 0
5th year	..	..	..	..	..	..	..	..	..	72 9

Notwithstanding anything elsewhere in this determination contained, where an improver is under the age of 21 years after completion of five years at the trade of making or repairing typewriters, book-keeping machines, adding machines, calculating machines, or duplicating machines, he shall be paid four-fifths of the second-class mechanics time wage until reaching the age of 21 years.

Proportion of Improvers.—In the making or repairing of typewriters, book-keeping machines, adding machines, calculating machines or duplicating machines—One improver to every two or fraction of two workers receiving not less than 88s. per week.

Brass polishing.—One improver to every two or fraction of two brass polishers receiving not less than the minimum wage.

FEMALE AND UNAPPRENTICED JUNIOR LABOUR.

5. (a) No junior other than an apprentice or an improver shall be employed at brass polishing or in assembling, making, or repairing typewriters, book-keeping machines, adding machines, calculating machines, or duplicating machines.

(b) Adult female labour may be employed in the manufacturing and assembling of small parts of electrical and other machinery and appliances, and in core-making, in which females were employed on the 15th May, 1935.

The wages of adult females shall be at the following weekly rates of wages:—

										Weekly Hiring.	Hourly Hiring.
										s. d.	s. d.
If of less than 12 months' experience										49 6	52 8
If of 12 months' or more experience										56 3	59 10

(c) Junior females may be employed in the occupations set out in sub-clause (a) of this clause at the following weekly rates of wages:—

										Weekly Hiring.	Hourly Hiring.
										s. d.	s. d.
1st year's experience										14 0	15 0
2nd year's experience										18 9	20 1
3rd year's experience										29 0	30 11
4th year's experience										36 6	38 11
5th year's experience										41 9	44 6
Thereafter until reaching 21 years of age										46 9	49 9

(d) Unapprenticed male juniors may be employed in or in connexion with manufacturing (as defined in clause 20 of this Determination) in all occupations, including as to core-making, employment upon all classes of work which before the making of this Determination could be done by female employees under this Determination for which apprenticeship is not provided by the Determination, except in nut, bolt and spike manufacturing, at the following weekly rates of wages:—

										Weekly Hiring.	Hourly Hiring.
										s. d.	s. d.
1st year's experience										15 6	16 8
2nd year's experience										23 3	24 9
3rd year's experience										31 9	33 10
4th year's experience										43 0	45 10
5th year's experience										54 9	58 4
6th year's experience										63 9	67 11
7th year's experience										67 6	71 11

Juniors employed under this and the immediately preceding sub-clause shall on dismissal receive from their employer a certificate of the period of employment completed. Employers who wilfully employ juniors without taking into account previous experience shall be guilty of a breach of this Determination.

(e) Unapprenticed male juniors may be employed (other than in manufacturing as defined in clause 20) in all occupations covered by this Determination for which apprenticeship is not provided, and in nut, bolt and spike manufacturing, at the following weekly rates of wages:—

										Weekly Hiring.	Hourly Hiring.
										s. d.	s. d.
Under 16 years of age										17 0	18 3
16 and under 17 years of age										26 0	27 8
17 and under 18 years of age										45 9	48 9
18 and under 19 years of age										58 0	61 9
19 and under 21 years of age										69 9	74 3

Juniors under the age of 16 shall not be employed on oil or gas burners or fires used for heating of small articles.

Juniors under the age of 18 shall not be employed as furnacemen or assistants to furnacemen—juniors over the age of 18 so employed shall be paid 3s. per week in addition to the junior rates of wage herein prescribed.

HOURS OF EMPLOYMENT.

6. 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.

Exceptions.

(i) The ordinary hours of employment of forgers and forge furnacemen shall be five shifts per week of 9½ hours each, including crib time, for which no deduction of pay shall be made.

(ii) Employees working in country towns where Wednesday afternoon is recognized as the usual half working day of the week shall work the Saturday afternoon at ordinary rates: Provided that for work done after noon on a Wednesday overtime rates be paid.

*SHIFT WORK.**Continuous Work Shifts.*

7. (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 (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. 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) Except as hereinafter provided 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 7½ per cent. more than ordinary rates shall be paid.

(i) On ship repair work shifts may be worked for not less than three successive nights at the rate of time and a quarter, but when five or more successive night shifts have been worked the rate shall be 10 per cent. more than ordinary rates, and after such shifts have continued for more than one month 7½ per cent. more than ordinary rates.

(j) 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.

(j) (i) Employees who, during a period of engagement, work only on night shifts shall be paid at the rate of time and a quarter.

(j) (ii) When employees are called on to work afternoon and night shifts only they shall change over week and week about, and shall be paid 10 per cent. above ordinary rates for both shifts.

Where men work day and afternoon shifts only they shall change over week and week about, and shall be paid 10 per cent. extra for afternoon shifts.

MIXED FUNCTIONS.

8. 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.

9. (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.

SPECIAL CONDITIONS APPLICABLE TO EMPLOYMENT IN UNDERTAKINGS RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, AND SUPPLY OF ELECTRIC LIGHT AND POWER.

10. The following special conditions shall apply to all employees employed in undertakings concerned in the installation, maintenance, and supply of electric light and power :—

(a) (in lieu of clause 6 "Hours of Employment" of this Determination)—

The hours of employment, except of employees who were working 44 hours on this date shall be 48 per week to be worked (with the exception of shift workers and patrolmen) in five and a half days consecutively between 6 a.m. and 6 p.m., but this spread of hours may be altered by mutual agreement between an employer and his employees. Patrolmen, subject to continuance of existing conditions, shall work at such hours as the employer may direct.

(b) (in lieu of clause 7 "Shift Work" of this Determination)—

(i) Employees working in continuous work shall work such shifts as may be required.

(ii) A shift shall consist of 8 hours inclusive of such time as by mutual arrangement may be taken for meal breaks.

By agreement with his employees an employer may allow a fixed meal hour for each shift without payment for such break. Employees engaged on continuous work on afternoon and night shifts shall be paid 5 per cent. extra for such shifts and all employees working on any Sunday or holiday shift shall be paid time and a half for such shifts.

(iii) Employees not engaged in a continuous work working on afternoon or night shift which does not continue for more than three successive nights shall be paid for such shifts at the overtime rates prescribed in this clause.

(iv) Shift workers shall be paid at the rate of time and a half for all time worked in excess of shift hours, except when such overtime is due to arrangement between the employees themselves, or is necessary in effecting periodical rotation of shifts, or is owing to the failure of a shiftman, who should relieve, to present himself for duty at the appointed time, in which cases ordinary time only shall be paid.

(v) All prevailing customs for holidays and annual leave of absence for shift workers, shall continue.

(c) The following sub-clause is added to clause 9 :—

Employees effecting repairs to and engaged in the maintenance necessary for continuity of supply of electric light and of power plant and equipment shall be paid for all such overtime at the rate of time and a half.

(d) In lieu of clause 9 (c)—

An employee recalled after leaving work to work overtime shall be paid for a minimum of one hour's work at the appropriate rate.

(e) Clause 9 (f) and 9 (i) shall not be applicable to employees mentioned in this clause.

(f) If an employee works 8 hours on a Sunday he shall be given a day off duty during the following week, but payment shall not be made for such day off duty. If, in case of emergency, the employee cannot be granted such day off he shall be paid for any such day (which would have been his rest day) at the rate of time and a half for the hours worked on that day.

HOLIDAYS AND SUNDAY WORK.

11. (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.

PIECERATE RATES.

12. 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.

13. Extra rates in this Determination, including rates prescribed in clause 18, are not cumulative so as to exceed the maximum of double the ordinary rates.

PAYMENT OF WAGES.

14. (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.

15. (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 2 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) Casual employees, i.e., employees for whom a full week's work is not provided shall for any such work be paid 10 per cent. in addition to the total wage prescribed for their occupations.

MISCELLANEOUS PROVISIONS.

16. (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.

(d) Patternmakers at the conclusion of their employment shall be allowed one hour for grinding tools.

(e) Suitable canvas or leather gloves shall be provided by employers for the operators of pneumatic tools and/or punch and shearing machines.

(f) All ladles of a holding capacity of 15 cwt. or more shall be fitted with safety-work gear or an equivalent safety fitting.

(g) Not more than $\frac{1}{2}$ cwt. of molten metal per man shall be placed in ladles carried by hand.

(h) Where molten metal is carried by hand a clear passageway not less than 2 feet wide shall be made.

TIME AND WAGES BOOK.

17. 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.

SPECIAL RATES.

18. In addition to the wages prescribed in clause 2 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.

Working in confined spaces—3d. per hour extra.

Working in ship's bilges or in boiling-down works, lead works, sanitary works, or slaughter-yards—1d. 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 degrees 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) Working on repairs to smoke-boxes or fire-boxes of locomotives or on repairs to the smoke-box, up-take, funnel, flue, furnace 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.

(f) Working on repairs in oil tanks or meat digestors, 1½d. per hour extra.

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

(h) Patternmaker in lignum vitae outside the workshop and fitting to stern bushes, 3d. per hour extra.

(i) Tradesmen and/or welders employed in large operating power-houses, i.e., power-houses developing more than 8,000 kilowatts, other than those not on the regular staff, engaged on new construction shall be paid 6s. per week extra ; such amount shall be deemed to include all special rates provided in this clause except in sub-clause (a).

(j) 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.

(k) Except when dismissed for misconduct or when leaving 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.

(l) 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.

(m) The rate for forger and/or faggoter set out herein and the rate for forge furnacemen shall be for a 44-hour week. The hourly rate shall be ascertained by dividing the respective weekly rate as adjusted by 44.

TRAVELLING TIME, ALLOWANCE, AND BOARD.

19. (a) When an employee is required to work away from his workshop or depot, all time reasonably spent in excess of time usually spent in travelling to or from his home to the workshop, depot, or district centre shall be paid for at ordinary rates up to a maximum of twelve hours out of every twenty-four (except on Sunday when payment shall be at the rate of time and a half, or a maximum of eight hours out of each twenty-four). An employee required to work at a job away from his workshop, depot, or district centre shall, at the direction of his employer, present himself for work at such job at the usual time for starting work.

(b) An employee engaged in a capital city to work in the country or sent from one country centre to work in another, shall be entitled to travelling time, and, for a period not exceeding three months, to expenses.

All excess fares and reasonable travelling expenses including board and lodging and 2s. for each meal (if any) incurred in such travelling time shall be paid by the employer.

The fares allowed shall be first class on coastal boats or on interstate boats where there is no second class as distinct from steerage, and on trains second class, except where all night travelling is involved when they shall be first class.

(c) On jobs of less than three months' duration a camping allowance of 3s. per day for every day, including Sunday, shall be paid to employees engaged on country jobs at places where ordinary board and residence is not obtainable and camping in tents or other temporary shelters is necessary.

(d) An employer shall be free to engage labour on the site of a job carried on away from the workshop, without payment of any travelling time or fares, unless such employee is sent from the workshop.

Provided that if any employee engaged for the erection of a job had previously been engaged by the same employer in the fabrication of the job in a workshop he shall be paid fares in excess of those incurred in travelling to and from the workshop.

DEFINITIONS.

20. For the purposes of this Determination the following definitions shall apply :—

"Manufacture and/or manufacturing" means the making and assembling in quantities of interchangeable or standardized parts used in or in connexion with machinery and mechanical apparatus and of electrical machinery and apparatus and of locks, scales, window frames, and other metallic articles.

"Process worker" means an employee engaged on—

(1) Repetition work on any automatic, semi-automatic, or single-purpose machine or any machine fitted with jigs, gauges, or other tools rendering operations mechanical (and in connexion with which he is not responsible for the setting up of the machine nor for the dimensions of the products other than by checking with gauges which gauges shall be either unadjustable or, if adjustable, shall not be set by the operator), or

- (2) in the assembling of parts of mechanical appliances or other metallic articles so made, in which no fitting or adjustment requiring skill is required, or
- (3) in specialized processes—not requiring the use of hand tools (except hammers, screw drivers, or spanners) in or in connexion with manufacturing, or
- (4) in the assembling of typewriters, and/or book-keeping, and/or adding, and/or calculating, and/or duplicating machines, for the first time in Australia, but does not include tuning, and/or testing, and/or adjustment of such machines.
- “First Class Mechanic” means an adult employee who fits, repairs, maintains, and/or services wholly or in part any typewriter and/or duplicating machine.
- “Second Class Mechanic” means an adult employee who adjusts or aligns machines for the first time in Australia.
- “Tradesman in making or repairing typewriters, bookkeeping, adding, calculating, or duplicating machines,” means an adult employee who makes parts.
- “Tradesman” means an adult workman who, in the course of his employment, works from drawings or prints required to be scaled, and/or measured from drawings or prints, or makes precision measurements, or applies general trade experience, and includes locksmith and first-class machinist.
- “Precision measurements” means measurements of a finer accuracy than is possible with the naked eye from caliper, measuring scale, or rule.
- “Tradesman in gun armament, instrument, and torpedo work” means a tradesman who is required to lay out and repair or make naval gun optical instrument or torpedo mechanisms, and includes a tradesman engaged dismantling, assembling, and rating torpedoes, also tradesmen engaged dismantling, assembling, and fitting in turrets of actual parts of gun mountings and guns.
- “Patternmaker” means a tradesman engaged in the making of patterns in wood.
- “Toolmaker” means a tradesman making and/or repairing any precision tool, gauge, die, or mould to be affixed to any machine, who designs or lays out his work and is responsible for its proper completion.
- “First-class machinist” means 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 and grinding machine.
- “Second-class machinist” means an adult not engaged as a tradesman and who is not required to work from drawings or prints required to be scaled and/or measured from drawings or prints or to make precision measurements, but who is engaged in operating or in the setting up and operating of machines enumerated in the definition of “First-class machinist”; or who is engaged operating a key-seating machine, or a second-class brass finisher or as a pipe fitter on low pressure 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.
- “Window-frame making” means the making in quantities of metal window frames, metal doors, and grilles, and metal ornamentalments used in buildings.
- “Motor mechanic” means an adult employee engaged in making, repairing, altering, assembling (except for the first time in Australia) or testing the metal parts (including electric) of the engines of motor cars, motor cycles, or other motor vehicles.
- “Locksmith” means a tradesman engaged in the making (except in quantities by manufacturing methods) and/or repairing of locks and the mechanism of safe and strong-room doors.
- “First-class welder” means an adult 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, and includes re-welding by hand processes.
- “Second-class welder” means an adult employee not required to do first-class welding, but engaged in filling castings or in manufacturing of sheet metal goods or welding with the aid of jigs, or re-welding except by hand processes, or operating automatic welding machines for the setting up of which he is not responsible.
- “Third-class welder” means an adult employee using electric spot or butt welding machine, or cutting scrap with oxy-acetylene blowpipe.
- “Other smiths” includes ajax forger, blacksmith bulldozer, Bradley hammer smith, drop-hammer smith, chain smith, engine smith, general smith, motor smith, oliver smith, ship smith, spring smith, rolling-stock smith, and wheelwright smith.
- “Jobbing moulder” means a metal moulder engaged in floor moulding, loam moulding, strickle moulding, or moulding from loose patterns, and/or finishing off bath moulds made by a machine process.
- “Jobbing coremaker” means a moulder engaged in making cores for metal moulds by the use of loam or strickle boards, or by loose boxes, other than loose boxes used for repetition production of cores requiring little or no skill to produce.
- “Plate and machine moulder” means an adult employee engaged in 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” means an adult employee making cores by machines where the core box is a fixture to or part of such machine, or making repetition cores requiring little or no skill to produce.
- “Furnaceman” means an employee in charge of a furnace used for smelting metals or ores, case hardening and/or annealing furnaces, and such heating furnaces where the weight of individual pieces of material is 5 cwt. or more or the area of the material exceeds 4 square feet.
- “Year” means each period of 365 consecutive days, starting from the 15th day of May, 1935.
- “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.
- “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.
- “Ship repairs” means (a) all repair work done on ships, (b) all work other than the making of spare parts and stores done in a workshop used for ship repairs only, (c) work done in a workshop used for both ship repairing, general engineering metal moulding, steel construction, and other heavy metal fabrication on which employees are engaged both on the ship and in the workshop.

SPECIAL EXEMPTIONS.

21. (a) *Motor Body Building*.—Employers engaged in motor body building and the assembling of motor chasses shall be exempt from this Determination as to the making of motor bodies and the assembling of chasses.

(b) *Agricultural Implement Making*.—Except as to the Wages prescribed for Tradesmen.—Employers engaged in the making of agricultural and dairying implements shall, as to employees engaged in the making of such agricultural and dairying implements (including engines used for agricultural purposes), be exempt from this Determination.

F. A. MARZORINI,

Secretary for Labour.

Melbourne, 1st November, 1939.

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No. 315]

FRIDAY, NOVEMBER 10.

[1939

Factories and Shops Acts.

DETERMINATION OF THE BUILDERS' LABOURERS BOARD.

Adjusted pursuant to Section 21 of the *Shops Act* (No. 4275).

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

I, FRANCIS ANTHONY MAZORINI, 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 16th November, 1937, by the Builders Labourers Board, and published in the *Government Gazette* on the 10th December, 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 December, 1939, to any person or persons or classes of persons (other than persons bolting structural ironwork in position, heating rivets, and holding up for boilermakers) employed in the occupation of—

- (a) builder's labourer on or about any building, or assisting any bricklayer, mason, plasterer, carpenter, plumber, or any other tradesman engaged in building operations;
- (b) labourer engaged in the construction, repair, demolition, or removal of buildings and bridges;
- (c) scaffolder, gear hand, gantry hand, crane hand, or dogman, or as a drainer on work in connexion with buildings;
- (d) labourer excavating ground for foundations or basements of buildings, or levelling ground on a proposed building site;
- (e) labourer doing concrete work or mortar mixing in connexion with or incidental to building construction;
- (f) labourer doing tar-paving or asphaltting work, or other work of a similar character in connexion with or incidental to building construction;
- (g) Labourer cleaning bricks on a site on which a building is being demolished, repaired, or constructed,

(1)

Wages
per week.
s. d.

WAGES OF WEEKLY EMPLOYEES.

- | | |
|--|------|
| (a) Labourer employed as steel structural erector (on steel frame buildings), gear hand, rigger, pile driver, tackle hand, gantry hand, dogman, scaffolder (erecting rope scaffolding on buildings exceeding two stories above ground level), powder monkey: Provided always that men employed doing labouring work assisting these classifications shall be paid under sub-clause (b) hereof .. | 92 0 |
| (b) Builders' labourers in occupations other than those set out in sub-clause (a) .. | 86 0 |

(2)

WAGES OF CASUAL EMPLOYEES.

Builders' labourers shall, subject to the conditions hereinafter set out, be deemed to be and shall be paid as casual employees for the first six months of their employment. At the end of six months employees who have been continuously employed for that period without loss of time on all usual working days and with loss of time if such is due to the fault of the employee shall be deemed thereafter to be continuously employed and shall be paid not less than the weekly rate herein prescribed. The period of six months referred to in this clause may have been served during or before or partly during and partly before the date of the coming into operation of this Determination.

Casual employees shall be paid not less than the following per hour:—

	For a 44-hour week.		For a 48-hour week.	
	s.	d.	s.	d.
(a) If doing the work set out in 1 (a) above	2	4½	2	2½
(b) If doing the work set out in 1 (b) above	2	2½	2	0½

(3)

GENERAL PROVISIONS.

Where the employer has made a payment, which payment purports to be a payment of the wages payable to an employee for any period, the employer shall not be liable to pay to such employee any further sum prescribed by this Determination in respect of any services rendered to the employer during such period, unless within three months after the last day of such period a demand in writing of such further sum claimed has been made to the employer by such employee or by some person on his behalf and/or if proceedings to recover the amount claimed are not taken within nine months.

Wherever in this Determination time worked is required to be paid for at more than the ordinary rate, such time shall not be subject to more than one penalty, but shall be subject to that penalty which is to the employee's greatest advantage.

(4)

SPECIAL RATES.

Employees when working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 1½d. per hour extra; employees when working in places where the temperature exceeds 130 degrees Fahrenheit shall be paid 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes rest after every two hours work without deduction of pay. The temperature shall be decided by the representative of the employer after consultation with the employees who claim the extra rate.

Employees when working for more than one hour in places where the temperature is reduced by artificial means below zero, shall be paid 1½d. per hour extra. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes after every two hours without loss of pay.

(5)

FARES AND ALLOWANCES.

Town work.—Except as to work within a radius of twelve miles of the General Post Office at Melbourne and except as to an employee continuously employed, an employee on construction work shall be paid all fares necessarily incurred in travelling to and returning from the job to his home in excess of 3d. per day.

As to work performed by such an employee within the above-mentioned radius there shall be added to the wages of such employee an allowance at the rate of 2s. 6d. per week in lieu of excess fares.

Country work.—When engaged on country work (as hereinafter defined) an employee shall be entitled to an additional payment at the rate of 3d. per hour if he return to his home on completion of the day's work or an additional payment at the rate of 3s. 6d. per day for seven days if the work render it reasonably necessary for him to sleep at a place other than his usual place of residence, and in either case such employee shall be entitled to fares necessarily incurred in travelling from and to his centre, and to have his time of travelling from and to his centre (not exceeding eight hours per day) treated as time on duty.

A fare shall be deemed to be necessarily incurred under this clause, or such additional payment shall be made if the employee use a bicycle or other means of locomotion or walk instead of using a public conveyance, but a fare shall not be deemed to have been so incurred and such payment shall not be required to be made where the employer provides or offers to provide a reasonable conveyance free of charge.

(6)

PUBLIC HOLIDAYS.

Employees other than casual employees shall be entitled to the following days (referred to herein as "public holidays") on full pay, namely:—Christmas Day, Boxing Day, New Year's Day, Anniversary or Foundation Day, Good Friday, Easter Monday, Eight Hours Day, Anzac Day, or such days as are observed from time to time as substitutes for such days respectively in a city or locality: Provided always that if any of the above-mentioned holidays fall on a Saturday or Sunday where a week of six days is worked only the half day in the case of Saturday shall be observed and in the case of Sunday no holiday shall be allowed excepting where a day is generally observed in the locality as a substitute. Provided also that in the case of a five-day week no holiday shall be allowed on a Saturday or Sunday excepting on such a substituted day: And provided further that such employees when engaged in another industry shall be entitled only to the public holidays prescribed for the majority of employees in such other industry.

(7)

TRANSFER FROM JOB TO JOB.

An employee transferred by the employer from one job to another job on the same day shall be paid for the time occupied in travelling as for time worked and the cost of such transfer shall be borne by the employer.

(8)

EMPLOYEES CALLED FOR WORK.

(a) An employee notified to commence duty and actually attending for duty and who is notified by the employer or his representative that his services are not required, shall be paid for two hours as time worked.

(b) An employee who is required to attend for work and is kept waiting to commence work by the instructions of the employer or his representative shall be paid at his ordinary rate of pay for the time he is so kept waiting.

(c) The provisions of sub-clauses (a) and (b) hereof shall not apply where one hour's previous notice that he will not be required to take up duty at the commencement of work has been given to the employee personally or left at his residence provided that if the employee has not given his address to the employer then the employer shall not be required to pay as prescribed by these sub-clauses.

(d) The provisions of sub-clauses (a) and (b) hereof shall not apply in cases where work cannot be commenced or continued on account of wet weather.

(9)

PAYMENT OF WAGES.

(a) Wages accrued may be paid on any day of the week, Monday to Friday inclusive, and shall be paid at or before the cessation of work.

Provided always that—

(i) an employer shall not keep more than one day's pay in hand;

(ii) an employee whose service ends before pay time shall be paid at or before the time of its ending, or shall be paid by post or otherwise within 24 hours thereafter;

(iii) in the case of a mixed industry, payment of wages shall be made in accordance with the practice prevailing for the majority of the employees in such mixed industry.

(b) If wages be not paid within the periods prescribed the employee shall be paid at ordinary rates for all time in excess of fifteen minutes beyond such time until the wages are paid or posted to his last known place of address.

(10)

TERMINATION OF EMPLOYMENT.

Casual employment may be terminated by the employee on giving not less than one hour's notice or by the employer on giving not less than one hour's notice or by the payment of one hour's pay.

(11)

HOURS OF LABOUR.

(a) Except as herein provided the ordinary hours of duty shall be 44 per week to be worked on five days of eight hours and one day (Saturday) of four hours between the hours of 8 a.m. and 5 p.m., with one hour's interval for a meal on week days, and 8 a.m. and noon on Saturday: Provided always that an employer may agree with the Australian Builders Labourers' Federation to vary the hours of starting and finishing work or to work a five-day week within such hours as may be agreed upon or as may be determined by a Board of Reference in default of such agreement. The Board of Reference shall for the purpose of this determination consist of the Chairman of this Wages Board, the President of the Victorian Branch of the Australian Builders Labourers' Federation, and the President of the Master Builders Association, or the respective occupants of those positions for the time being.

(b) Where the standard hours in an employer's industry exceed 44 per week, the hours of duty shall be the standard hours in that particular industry.

(c) The ordinary hours of duty of employees engaged in a continuous process shall be 48 per week to be worked as to day workers eight and three-quarter hours on ordinary week days between 7.30 a.m. and 5 p.m., with three-quarters of an hour interval for a meal, and four and a quarter hours on Saturday between 7.30 a.m. and 11.45 a.m., and as to shift workers eight hours per shift.

(d) Builders' labourers attending on or assisting tradesmen whose ordinary hours of duty are more than 44 per week shall work the hours of such tradesmen and such builders' labourers shall be entitled only to overtime for work done in excess of such hours.

(e) In the case of a mixed industry, builders' labourers shall conform to the daily hours and meal time of the tradesmen they assist.

(12)

OVERTIME.

- (a) Except as hereinafter provided, all time on duty beyond the ordinary hours of duty hereinbefore provided shall be paid for at the rate of time and a half for the first two hours and at the rate of double time thereafter.
- (b) As far as practicable employees shall not be required to work overtime.
- (c) In computing overtime each day's work shall stand alone.
- (d) For the purpose of computing overtime each fraction of a quarter of an hour shall be paid for as if it were a full quarter of an hour.
- (e) In the case of employers employing members in a continuous process, all time on duty beyond 8 hours per day or beyond 48 hours per week shall be paid for at the rate of time and a half, except where the excess time of duty—
- (i) is by arrangement between the employees themselves; or
 - (ii) is for the purpose of effecting the customary weekly rotation of shifts; or
 - (iii) is due to the fact that the relieving man does not come on duty at the proper time.

(13)

MEAL HOURS.

- (a) For work done during meal periods and thereafter until a meal period break is allowed time and a half rates shall be paid. Where owing to the requirements of the work it is necessary for an employee to work beyond noon then the meal period of such employee shall commence not later than 1 p.m.
- (b) An employee working overtime shall be allowed a crib-time of twenty minutes without deduction of pay after each four hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay.
- (c) Before starting overtime after working ordinary hours a meal period 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.

(14)

SUNDAY AND HOLIDAY WORK.

- (a) Except as hereinafter provided, all time on duty on Sundays or public holidays (as herein defined) shall be paid for at the rate of double time.
- (b) In the case of an employer employing workers continuously, all time on duty on Sundays or on the public holidays observed by the majority of the employees in the establishment concerned shall be paid for at the rate of double time.
- (c) Notwithstanding the provisions of sub-clauses (a) and (b) hereof employees engaged in repairs or renewals of their employer's plant or machinery necessary for the resumption of work the next following working day shall on public holidays or Sundays be paid at the rate of time and a half.

(15)

SHIFT WORK.

Within half a mile from the General Post Office at Melbourne the employer may carry on demolition and/or building work or work incidental thereto by shifts subject to the following conditions :—

- (a) Up to three shifts may be worked, namely, morning shift, afternoon shift and night shift.
- (b) As far as practicable shifts shall be worked in rotation.
- (c) The hours of work in each shift be as follows :—
- (i) Night shift from midnight Sunday to 7 a.m. Monday, from 11 p.m. Monday to 7 a.m. Tuesday, from 11 p.m. Tuesday to 7 a.m. Wednesday, from 11 p.m. Wednesday to 7 a.m. Thursday, from 11 p.m. Thursday to 7 a.m. Friday, and from 11 p.m. Friday to 7 a.m. Saturday.
Day shift from 7 a.m. to 3 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.
Afternoon shift from 3 p.m. to 11 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday with an allowance of half an hour in each shift for a meal.
 - (ii) The wages to be paid to builders' labourers as such who are employed on the said works shall be as follows :—
Morning shift—Ordinary rate.
Afternoon shift—Time and one-eighth.
Night shift—Time and a quarter.
 - (iii) All time on duty in each shift beyond the hours of work mentioned shall be paid for at the rate of time and a half for the first two hours and double time thereafter.
 - (iv) That any builder's labourer properly presenting himself for work and no work being then available for him shall be allowed and paid two hours wages at shift rates.
 - (v) That so far as possible 44 hours' work shall be made available for each builder's labourer in each week.
 - (vi) That in the event of any builder's labourer having to cease work on account of any stoppage operations after trams and trains have ceased running, provision shall be made by the employer for conveying him to his home or alternatively he shall be paid in respect thereof two hours wages.
- (d) If it is desired to work shifts in any other place then the question shall be referred to the Secretary for Labour and he shall determine whether under all the circumstances it is proper for the work to be carried on by shift. If he should so determine, then the above provisions relating to shift work shall apply.
- (e) Except where inconsistent with the provisions of this clause the other provisions of this Determination shall apply to such work.

(16)

SANITARY CONVENIENCES.

Suitable and adequate sanitary conveniences shall be provided by the employer.

(17)

SUPPLY OF WATER.

Employers shall provide pure drinking water for employees and boiling water at meal times. Where the water is not conveyed by pipe it shall be kept in a covered receptacle.

(18)

FIRST AID.

- (a) A sufficient first aid chest shall be supplied and maintained by the employer and shall be kept under the control of a responsible person in a place accessible to the employees. In case of any dispute as to the adequacy of any first aid equipment the matter shall be referred to the Secretary for Labour.
- (b) An employee meeting with an accident on the job necessitating his removal to hospital or to a doctor for medical attention shall be conveyed by ambulance or other suitable conveyance at the expense of the employer.

(19)

LOADS.

- (a) No employee shall be required to carry more than the following loads by hand :—
Up to a height of 15 feet—12 bricks.
Over a height of 15 feet—10 bricks.
- (b) In cases where bricks are carried by wheelbarrow the employee shall not be required to carry more than 36 bricks in a load on scaffolding at a height of more than 15 feet from the ground, or more than 40 bricks in a barrow in any other place.
- If any other barrow than that which is commonly in use at the time of this award is introduced by an employer then any question as to the load which may be carried in such barrow shall be determined by the Secretary for Labour.

(20) TOOLS.

(a) Employers shall provide all necessary plant and tools except picks, shovels, hods and larries, which are to be provided by employees.

(b) The employer shall be responsible for the sharpening of picks.

(c) Employers shall provide a suitable lock-up place in which to store employees' tools.

(21) CHANGE HOUSE.

Where practicable and where not less than a total of fifteen men are employed the employer shall provide a suitable change house for the keeping of the clothes of the workmen employed. No cement, lime or building materials shall be stored in such change house. This clause shall come into force after the expiration of two months from the coming into force of this Determination.

(22) WET PLACES.

(a) Where an employee is obliged by the employer to work spreading or packing wet concrete so that his boots are liable to become saturated, then the employer shall provide the employee with gum boots.

(b) Where an employee is obliged to work in conditions where boots become saturated with water, the employer shall supply the employee with gum boots for use on such work.

(c) If an employee is required to work in a place in which water is continually dripping from overhead so as to saturate the clothing of the employee he shall be provided with an oilskin coat so as to protect him from getting wet or in lieu thereof shall be paid 1s. extra for the day whatever amount of work may be done by him on such day.

(23) DEFINITIONS.

For the purposes of this Determination—

"Continuous process" means a process in which during an unbroken period of not less than one week operations are continued during all the hours of the day from midnight to midnight or during sixteen hours of the day. Such a process shall be deemed to be a continuous process even if, through no fault of the employer, the work ceases for a time to be carried on.

"Shift worker" in a continuous process means an employee engaged for not less than a week in such continuous process.

"Country work" means work on a job distant more than 20 miles from the employee's centre (in case the centre be in Melbourne or in the suburbs thereof respectively) or more than 6 miles in other places.

"Employee's centre" means his residence or his nearest post office, whichever be the nearer to the job.

(24) CONTRACTING, SUB-CONTRACTING.

(a) No employer shall permit any of the classes of work covered by this Determination to be carried on by a contractor or other person except in accordance with the terms and conditions of this Determination as if the contractor or other person were himself an employer and bound by this determination.

(b) No employer shall enter into any contract for the carrying on of any of the classes of work covered by this Determination by any contractor unless the contract contains a clause binding the contractor to pay the rates and observe the conditions set out in this Determination in respect of the work contracted for, and unless a clause is inserted in any such contract to the effect that the employer can determine the contract if there is any breach of the condition above referred to.

F. A. MARZORINI,

Secretary for Labour.

Melbourne, 6th November, 1939.