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THURSDAY, NOVEMBER 23.

[1939]

Factories and Shops Acts.

DETERMINATION OF THE ORGAN BOARD.

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 24th May, 1939, by the Organ Board, and published in the *Government Gazette* on the 23rd June, 1939, hereby issue an adjusted determination showing the adjusted wages rates to be paid to any person or persons, or classes of persons, employed in the process, trade, or business of a builder of pipe organs.

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

Apprentices.			Improvers.		Other Employees.		
WEEKLY WAGES.			WEEKLY WAGES.		WEEKLY WAGES.		
	Per Week of 44 Hours.			Per Week of 44 Hours.		Within 20 Miles of G.P.O., Melbourne, 10 Miles of G.P.O., Geelong, at Warrnambool, and in the Mildura and Gippsland Districts.	Elsewhere in Victoria.
		s. d.		s. d.			
1st year	16	4	Under 16 years of age	14	9		
2nd "	24	9	16 and under 17 ..	16	4		
3rd "	33	2	17 " " 18 ..	18	9		
4th "	49	6	18 " " 19 ..	33	2		
5th "	65	5	19 " " 20 ..	49	6		
			20 " " 21 ..	65	5		
<i>Proportion (in any Place).</i>			<i>Proportion (in any Place).</i>		Organ builder or persons erecting, dismantling, or repairing organs ..		
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.			One improver to every six or fraction of six workers receiving not less than the minimum wage.		..		
An indenture of apprenticeship prescribed by the Board was approved on 23rd April, 1923.			Provided that at least three workers receiving not less than the minimum wage must be employed before an improver can be employed.		Woodworkers ..		
					Polisher required to spirit and/or acid off ..		
					Other polishers ..		
					Voicer ..		
					Tuner ..		
					Metal pipe maker ..		
					All others ..		
					£ s. d.	£ s. d.	
					5 8 0	5 5 0	
					5 8 0	5 5 0	
					5 8 0	5 5 0	
					4 19 0	4 16 0	
					5 8 0	5 5 0	
					5 8 0	5 5 0	
					5 8 0	5 5 0	
					4 1 0	3 18 0	

(3) ORDINARY WEEK'S WORK.—The number of hours to constitute a week's work shall be 44, to be worked between the times of beginning and ending work shown below:—

Times of Beginning.		Times of Ending.	
7.30 a.m.	5 p.m.	Mondays to Fridays.
7.30 a.m.	12 noon	Saturdays.

(4) OVERTIME.—All time worked:—

- (a) Before or after the usual times of beginning and ending work;
- (b) In excess of nine hours per day;
- (c) In excess of 44 hours in any week—

shall be paid for at the rate of time and one half for the first four hours and double time thereafter, provided that all time worked between the hours of 9 p.m. and 7.30 a.m. shall be paid for at double time.

All work done outside the times of beginning and ending work on any holiday specified in clause (14) shall be paid for at the rate of double ordinary time.

No person under the age of seventeen years shall be permitted to work more than four hours overtime in any week.

(5) TEA MONEY.—All employees required to work beyond the usual time of ending work shall be allowed 2s. ten money in addition to overtime rates as prescribed for in this Determination when the usual time of ending work is exceeded by two hours.

(6) TERMS OF ENGAGEMENT.—Except as herein in this Determination provided, all employees shall be employed by the week. Employees to become entitled to the weekly wage prescribed by this Determination must be available and ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employees affected. Where the majority of the employees of any establishment or of any department of such establishment agree to work part-time for any period or to close down for any period on days other than the prescribed holidays, the provisions of the weekly wage shall not apply to any employee of such establishment or department during such periods.

Employment for the first two weeks of service at any time shall be from hour to hour at the weekly rate fixed.

(7) CASUAL LABOUR.—Casual labour at hourly rates may be engaged, provided the rates are 10 per cent. higher than those prescribed for weekly hands.

Casual labour means labour where an employer does not provide a full week's work, but does not include a weekly hand whose engagement is terminated in the middle of a week.

(8) TERMINATING EMPLOYMENT.—Employment to be terminated only by a week's notice on either side, and such notice may be given at any time during the week. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct, or to deduct payment for any time the employee cannot be usefully employed because of any strike, or through any breakdown of machinery, or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

An employer shall not terminate the employment of an employee for the purpose of evading payment for the holidays prescribed by this Determination.

Where an employee is dismissed within seven days prior to any such holiday the re-engagement of such employee within seven days after such holiday shall be prima facie evidence that the employment was terminated for the purpose of evading payment for such holiday.

Where the employer terminates the employment within one week of a day on which a holiday occurs, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee had been employed by the employer for a period of at least one week prior to the termination of the employment.

Should an employee be dismissed during the course of a week, any wages due to him shall be paid to him forthwith or shall be posted to him within 24 hours.

(9) SPECIAL RATES FOR SUNDAYS AND HOLIDAYS.—Any employee who is employed on any holiday specified in clause (14), shall be paid at the rate of the ordinary time in addition to the usual rate.

All work done on Sundays shall be paid for at the rate of double time.

(10) MIDDAY MEAL.—An interval of not less than 30 minutes shall be allowed for the midday meal between the hours of 12 noon and 2 p.m.

(11) MIXED FUNCTIONS.—Where an employee is engaged in any one week for more than half of such week at work in a higher class than he is employed to perform, he shall be paid for the full week at the highest rate payable for any such work under this Determination; but if he is engaged for less than half of any such week, he shall only be paid at the rates fixed by this Determination for the work he actually performs.

(12) MATERIALS TO BE PROVIDED.—Any person employed in wholly or partly preparing or manufacturing any article shall be paid 6d. per hour in addition to the lowest rate fixed by this Determination, unless the following are provided by the employer if required in the performance of the work:—Benches, wood or iron clamps over 2 ft. 6 in., hand screws (in excess of four), glue pots, and glue brushes and varnish brushes. Any employee engaged at French polishing shall be supplied with all materials, including rags, brushes, and kit-box.

(13) ALLOWANCES FOR TRAVELLING TIME AND BOARD.—All time reasonably occupied by an employee in travelling to or from work outside the factory and outside ordinary hours, and in travelling to and from work in a country district, if engaged in the metropolitan district for employment in a country district shall be treated as time of duty and paid for at ordinary rates up to a maximum of eight hours for the journey, except on Sundays, when time and a half rates shall be paid up to a maximum of eight hours for the journey. Provided that, where an employee proceeds direct from his home to a job outside the factory, he shall be paid for all time reasonably occupied in travelling to the job in excess of the time usually taken to go from his home to the factory.

All fares and reasonable travelling expenses incurred by an employee in such travelling, including the cost (if any) incurred for meals—together with the reasonable cost of board and lodging, if the employee has to be away from his home for a night—shall be paid to the employee.

The fares allowed shall be first class, where the employee has to travel all night in connexion with his employer's business, and in other cases the fares shall be second class.

The foregoing travelling and accommodation allowances shall be paid additional to the usual rates for the time employees are working.

When it is more convenient for the employee to go direct to the job from his home, he shall do so, and start and cease work at the usual times customary at the factory, provided that any extra expense incurred by him in travelling shall be borne by the employer.

(14) HOLIDAYS.—All weekly wage employees shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day.

All employees working on piecework or task-work shall be granted the same holidays as are granted to weekly wage workers, and they shall, subject as hereinafter provided, be paid for such holidays the amount for each holiday based on the minimum weekly wage as set out in this Determination for the class of work performed.

If any of the above holidays occur on a Sunday or Saturday and are 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, but not otherwise.

All other weekly employees shall be paid for the above holidays an amount for each holiday based on the actual weekly wage paid to them by the employer.

Any employee absenting himself from work on any portion of the working day preceding 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 from work shall not be entitled to payment for such holiday.

(15) SICKNESS, ACCIDENTS.—Any employee not attending duty shall lose his pay for the actual time of non-attendance unless he produces or forwards within 24 hours of the beginning of his absence evidence satisfactory to the management that his non-attendance was due to personal accident arising out of or in the course of his employment, or to personal ill health sufficient to incapacitate him for his usual work.

An employee shall not be entitled to payment for non-attendance on the ground of accident or ill health for more than six days in each year.

For the purpose of this clause a year shall mean a period of twelve months commencing on the 17th day of August in each year.

(16) PAY DAY.—All employees shall be paid weekly on any other day than Saturday. No employer shall hold more than two days' pay in hand.

Any employee kept waiting for his pay on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid overtime rates after that quarter of an hour, and as for a quarter of an hour at least.

(17) TIME BOOK OR RECORD.—(a) Employers shall provide at each shop, factory, or place where work is being carried on a time book or record which shall contain a correct account of the hours worked and the wages received by each employee. Such time book or record shall be kept correctly entered up in ink and shall be open for inspection by a duly accredited official of the Federated Furnishing Trade Society of Australasia during the usual office hours at the office or other convenient place.

Provided that no inspection shall be demanded unless the accredited official of the said Society suspects that a breach of this Determination has been or is being committed and provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment. The official making such inspection shall be entitled to take a copy of entries in any time and wages book relating to the suspected breach of this Determination.

(b) The time occupied by an employee in filling in any time book or cards, or in making any records, shall be treated as time of duty; but this clause does not apply to "checking" in or out at beginning or end of duty.

(18) RIGHT OF ENTRY OF UNION OFFICIAL.—A duly accredited representative of the Federated Furnishing Trade Society of Australia shall have the right to enter employers' workshops during the midday meal hour for the purpose of interviewing employees on legitimate union business on the following conditions:—

(a) That he produces his authority to the gatekeeper or such other person as may be appointed by the employer;

(b) That he interview employees only at the places where they are taking their meal;

(c) That not more than one representative in all be in any workshop at any one time;

(d) That no one representative visit a workshop more than once in each week;

(e) That if any employer alleges that a representative is unduly interfering with his workshop or is creating disaffection amongst his employees, or is offensive in his methods, or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before this Wages Board.

(19) PIECEWORK.—The employer may fix his own piecework prices or task rates, provided such prices or rates enable an employee of average capacity working under like conditions to earn at least 10 per cent. more than the minimum weekly wage prescribed for the class of work performed. The same piecework prices shall be paid to all pieceworkers doing the same operation in the factory whether they be apprentices or improvers on piecework or otherwise.

All pieceworkers who are available and ready and willing to work during the ordinary working hours shall be paid in each week, not less than 81s.

F. A. MARZORINI,

Secretary for Labour.

Melbourne, 15th November, 1939.