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[1939

Factories and Shops Acts.

## DETERMINATION OF THE WOOLLEN AND COTTON TRADE 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 14th December, 1937, by the Woollen and Cotton Trade Board and published in the *Government Gazette* on the 13th January, 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, 1939, to any person or persons or classes of persons employed in the trade of—

- (a) manufacturing woollen, worsted or cotton woven material or wool tops;  
(b) spinning textile yarns (but not spinning or preparing silk yarn)"

### APPRENTICES AND IMPROVERS.

(1)

WAGES PER WEEK OF 44 HOURS.

Experience.	MALES.						Experience.	FEMALES.					
	Commencing Age.							Commencing Age.					
	15 years and under.	16	17	18	19	20		15 years and under.	16	17	18	19	20
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	1st six months	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
1st six months	16 6	18 0	20 6	25 6	30 6	36 0	2nd	14 6	15 0	16 0	18 0	20 0	21 6
2nd	17 6	19 6	23 0	28 0	34 6	57 6	3rd	15 0	17 0	18 0	19 6	22 0	32 6
3rd	18 6	21 0	26 0	31 6	38 0	..	4th	17 6	19 0	20 6	22 6	25 0	..
4th	20 6	24 0	29 0	36 0	58 0	..	5th	19 0	20 6	22 0	25 0	34 0	..
5th	22 6	27 0	32 0	40 6	..	..	6th	20 6	22 0	24 0	27 0	..	..
6th	26 0	31 0	38 0	59 6	..	..	7th	22 0	24 0	26 6	35 0	..	..
7th	29 0	36 0	45 6	..	..	..	8th	24 0	26 6	30 0	..	..	..
8th	35 0	42 0	61 6	..	..	..	9th	26 6	29 6	37 6	..	..	..
9th	40 0	49 6	..	..	..	..	10th	28 6	33 0	..	..	..	..
10th	47 0	64 0	..	..	..	..	11th	30 6	38 0	..	..	..	..
11th	53 6	..	..	..	..	..	12th	34 0	..	..	..	..	..
12th	60 0	..	..	..	..	..	7th year	36 0	..	..	..	..	..
7th year	67 0	..	..	..	..	..		38 0	..	..	..	..	..

Where the experience of a junior is gained over broken periods, the rate of wages payable shall be the rate fixed on experience, or that fixed for his new commencing age, whichever is the higher. The rates prescribed above for apprentices and improvers shall apply only to such employees as are under 21 years of age.

PROPORTION (within any factory).

#### Males.

Two male apprentices or improvers to each male person receiving not less than the minimum wage.

#### Females.

Two female apprentices or improvers to each female person receiving not less than the minimum wage.

The Board has prescribed a form of apprenticeship indenture.

In determining the proportion of apprentices and improvers in proportion to employees receiving the minimum wage each shift shall be taken into account separately.



OTHER EMPLOYEES—*continued.*

WAGES PER WEEK OF 44 HOURS.

*Cotton Section.*

ADULT MALES.

	<i>s.</i>	<i>d.</i>
Assistant foreman or overlocker when or where employed .. .. .	96	6
Dye House and Bleach Craft—		
Leading hand employed on dye or bleaching machines or vats .. .. .	87	0
All other machine operators or attendants .. .. .	83	0
Waste Department—		
Leading hand in Waste Department where more than four hands engaged .. .. .	89	0
Leading hand in Waste Department where three or four hands are engaged .. .. .	86	6
All other machine operators or attendants .. .. .	82	0
Blowing Room—		
Blow room major .. .. .	89	0
Scutching machine hand .. .. .	85	0
All other machine operators or attendants .. .. .	83	0
Carding Department—		
Head stripper and grinder (leading hand in carding room) .. .. .	88	0
Stripper and grinder .. .. .	85	0
All other machine operators or attendants .. .. .	83	0
Combing Department—		
Jobber in charge or comb mechanic in charge .. .. .	94	0
Jobber or comb mechanic .. .. .	86	6
All other machine operators or attendants .. .. .	83	0
Pin Setting Department—		
Pinsetter—		
First year's experience .. .. .	84	0
Second year's experience .. .. .	89	0
Thereafter .. .. .	99	0
Roller coverer—		
First year's experience .. .. .	83	0
Second year's experience .. .. .	87	0
Thereafter .. .. .	95	0
Drawing, Slubbing, Intermediate, Roving and Spinning Departments—		
All machine operators or attendants .. .. .	82	0
Mule Spinning Department—		
Man in charge of one pair of spinning mules .. .. .	84	0
All other machine operators or attendants .. .. .	82	0
Twisting, Winding, Reeling and Warping Departments—		
Warpers .. .. .	84	0
Slasher sizer hand .. .. .	83	0
Ring jobber .. .. .	94	0
All other machine operators or attendants .. .. .	82	0
Weaving Department—		
Twisters-in .. .. .	83	0
Warp drawers-in .. .. .	83	0
Warp tiers .. .. .	82	0
Box loom tuners—		
First year's experience .. .. .	85	0
Second year's experience .. .. .	91	0
Thereafter .. .. .	99	0
Plain loom tuners—		
First year's experience .. .. .	83	0
Second year's experience .. .. .	89	0
Thereafter .. .. .	94	0
Card or chain makers .. .. .	84	0
Yarn storeman, i.e., man employed in the yarn store of any mill engaged in handling or receiving or distributing yarn other than man employed wheeling yarn from one store to another .. .. .	82	0
Weavers .. .. .	85	0
Perchers .. .. .	82	0
Finishing Department—		
Man in charge of finishing machines .. .. .	86	6
Man examining finished cloth .. .. .	87	0
All other machine operators or attendants .. .. .	82	0
Warehouse—		
Leading hand in warehouse where warehouse foreman is not employed .. .. .	86	6
All other adult males .. .. .	79	0

ADULT FEMALES.

	<i>s.</i>	<i>d.</i>
Combing, Drawing, Slubbing, Intermediate, Roving and Spinning Departments—		
All machine operators or attendants .. .. .	45	6
Twisting, Winding, Reeling and Warping Departments—		
Warpers .. .. .	47	6
All machine operators or attendants .. .. .	45	6
Weaving Department—		
Weavers .. .. .	48	6
Mending and Darning Departments—		
Menders and darners—		
First six months' experience .. .. .	44	6
Thereafter .. .. .	47	6
Examiners or passers of pieces after mending .. .. .	48	6
Other examiners and passers .. .. .	46	6
All other adult females .. .. .	42	6

(2) DEFINITIONS.—(a) Leading hand means an employee in charge of any operation where no foreman or assistant foreman is employed, or an employee who is empowered by the management to discharge such duties as would devolve upon such foreman or assistant, if employed.

(b) Machine operator or attendant means an employee who in the course of his duty is called upon to operate a machine, and does not include an employee whose sole duty is carrying material to and from a machine.

(c) Continuous process means either the working of three shifts per day from Mondays to Saturdays inclusive, or in the manufacture of wool tops for export, the working of three shifts per day from Mondays to Sundays inclusive.

(d) Union means the Victorian Branch of the Australian Textile Workers' Union.

- (3) HOURS.—Forty-four hours shall constitute a week's work.
- (4) SHIFTS.—(a) A "day shift" shall be a shift worked between the hours of 7 a.m. and 7 p.m. on Monday to Friday inclusive, and between the hours of 7 a.m. and 12 noon on Saturday.
- (b) A "night shift" shall be a shift worked between the hours of 7 p.m. and 7 a.m. Monday to Saturday inclusive.
- (c) Workers employed on night shift shall be paid 6s. per week in addition to the rate fixed for the day shift unless engaged in a continuous process. If adult employees in a continuous process work three alternating shifts they shall be paid 5 per cent. extra, if alternating afternoon and night shift 7½ per cent. extra. Male juniors employed on afternoon or night shifts shall be paid 1s. per shift extra, with a maximum payment of 6s. per week.
- (d) Workers employed on a shift extending after 7 p.m. shall be paid at night shift rates for the time worked after 7 p.m. provided that workers employed on a shift commencing after 5 p.m. shall be paid at night shift rates throughout, and provided further that by mutual arrangement between an employer and his employees, a short shift may be worked without payment of night shift rates.
- (e) By mutual arrangement between the employer and his employees the hours of duty prescribed herein for workers on night shift may be worked in four shifts without payment for overtime. Under any such arrangement arrived at after the 6th day of July, 1935, all hours of duty beyond ten hours, even if they come within the starting and finishing times of a shift, shall be paid for at overtime rates.
- (f) The employment of females between 9 p.m. and 7 a.m. or of males under 18 years of age after 9 p.m. is prohibited.
- (g) As far as practicable employees shall work shifts in rotation.
- (5) OVERTIME.—(a) For work done by an employee before the usual starting time or after the usual finishing time of his shift or after an employee has completed the ordinary daily hours of work, overtime shall be paid at the rate of time and a half for the first three hours on any one day, Monday to Saturday inclusive, and double time thereafter.
- Provided, however, that in mills or factories where the 44 hours are worked in five days, Monday to Friday inclusive, time worked on Saturday shall be paid for at time and a half for the first four hours and double time thereafter.
- (b) The usual starting or finishing time in any factory or part thereof shall not be altered except on seven days' notice to the employees, and such starting and finishing times shall be posted on the notice board. (See clause 9.)
- (c) Employees called upon to work overtime for more than one hour and not notified the day immediately before shall either be supplied by the employer with a meal or be paid 1s. 6d. tea money. If the notice is given and overtime not worked (except as a result of a breakdown of machinery or plant) the tea money prescribed herein shall be paid.
- (d) Juniors under 18 years of age for each period of overtime worked shall be paid 6d. up to two hours, and 3d. for each additional hour or part of an hour in addition to their overtime earnings and any tea money to which they may be entitled.
- (e) Youths under 18 years of age and females required to work overtime shall be paid overtime at the rate of time and a half to a maximum of three hours in one day, Monday to Saturday inclusive, and ten hours in one week and double time thereafter.
- Provided that in mills or factories where the 44 hours are worked in five days, Monday to Friday inclusive, the maximum daily hours under this sub-clause for Saturday shall be four hours.
- (6) TERMS OF EMPLOYMENT.—(a) Employment shall be on an hourly basis, except 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 stand down employees at any time when no work is offering, or to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct (in which case wages shall be paid up to the 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 for any cause for which the employer cannot be reasonably held responsible.
- (b) In lieu of such 44 working hours' notice, except under circumstances referred to above, the employer may pay 44 hours wages; and vice versa the employee leaving his or her employment without notice shall forfeit 44 hours' wages, which may be deducted from any wages due.
- (c) Where the employer terminates the employment of an employee within two weeks prior to a day on which a holiday occurs and such employee is re-engaged within a period of two weeks after such holiday or holidays the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee has been employed by the employer for a period of at least two weeks prior to the termination of employment.
- (7) MEAL HOURS.—(a) A meal interval of not less than 45 minutes and not more than one hour shall be allowed each day, provided that by mutual arrangement between the employees and the employer a shorter meal time may be fixed, in which case it shall not be less than 30 minutes.
- (b) Time and a half rates shall be paid to any employee required to work during his meal hour. No employee shall be compelled to work for more than five hours without a break for a meal. Provided, however, that where three shifts are worked in a continuous process and it is mutually arranged, there shall be no break for meals, but employees may take their meals in the employer's time as opportunity offers.
- (c) An employee engaged in the maintenance of plant shall, when breakdowns occur, work meal hours at the ordinary rates herein prescribed whenever instructed so to do.
- (d) Meal intervals having been fixed shall not be altered except on seven days' notice posted in the factory.
- (8) NOTICE BOARD.—The employer shall permit a notice board to be erected in his establishment for the purpose of posting any notices thereon in connexion with meetings or other business the employees may require, provided such notices are not objected to by the management, and such notice board shall be in a prominent position.
- (9) TOOLS OF TRADE.—All materials and appliances required for the cleaning of machinery shall be supplied by the employer free of charge.
- (10) LIMITATIONS.—(a) Where practicable each machine shall be stopped when being cleaned, the cleaning to be done in his or her working hours by the employee whose duty it is to do so.
- (b) To each pair of mules in the spinning department one adult shall be employed as in charge thereof.
- (c) No male employee under 18 years of age shall be permitted to operate the rotary hydros and milling machines in the finishing department.
- (d) Work on wet crabbing in the dye house shall be confined to adult employees.
- (e) No female shall be required to lift or carry any article or goods weighing more than 30 lb. without one assistant for every 30 lb. weight.
- (11) PAYMENT OF WAGES.—(a) Wages shall be paid weekly not later than Friday. Provided that where a shift finishes on a Saturday morning payment may be made on the Saturday.
- (b) Wages shall be paid during working hours, and any employee kept waiting for his or her wages beyond the ordinary working hours shall be paid at overtime rates for such waiting time. Provided that the present practice as to payment to employees on night shifts in each factory or mill shall continue.
- (c) Where the services of an employee are dispensed with, all wages due shall be paid to him on dismissal or forwarded to him by post on the day following.
- (d) Not more than two days' pay of each employee shall be kept in hand by an employer.
- (12) TIME AND WAGES BOOK.—(a) An employer shall keep a time and wages book or record in English showing the name of each employee, the age and/or experience of each employee paid as a junior under clause 2 hereof, the occupation of each employee, the hours worked each day or each week and the wages and/or allowances paid each week.
- (b) When any junior employee is engaged he or she shall furnish a certificate or statutory declaration as to his or her age and the employer may rely on such certificate or declaration until or unless he has notice of its inaccuracy. Any junior employee giving misleading or false information as to his or her experience and/or age shall be deemed to be guilty of a breach of this Determination.
- (c) The time occupied by an employee in filling in any time books 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.

(d) The time and wages book or record shall be open for inspection to a duly accredited official of the Union during the usual office hours at the employer's office or other convenient place provided that no inspection shall be demanded unless the Secretary of the Union or the branch secretary or organizer of any division suspects that a breach of the Determination has been committed. Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment.

(13) SUNDAYS AND HOLIDAYS.—Subject to the limitations mentioned hereinafter the following days shall be regarded as public holidays under this Determination:—New Year's Day, Good Friday, Easter Saturday (in establishments working a six-day week), Easter Monday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or any other day observed in lieu thereof.

(b) Employees shall be paid for any of such holidays as fall on an ordinary working day of their employer's establishment, such payment to be to the full extent of the ordinary daily wage.

(c) Piece-workers shall be paid for such holidays (even though not worked) at the ordinary rates payable to employees on time work doing the same class of work.

(d) Where an employee is absent from his or her employment on the working day, or part of the working day, before or after a holiday without reasonable excuse, or without the employer's consent, the employee shall not be entitled to payment for such holiday.

(e) When an employee is absent through illness or other reasonable excuse from his or her employment for a period exceeding fourteen days the employee shall not be entitled to payment for any holidays occurring during such period of absence.

Provided that where an employer consents to an employee having leave beyond fourteen days above-mentioned, payment shall be made for such holiday or holidays occurring in the period of absence.

(f) Production work in any factory is prohibited on Sundays unless in extraordinary circumstances and then only with the consent of the Secretary for Labour.

(g) All work done by time-workers on the before prescribed holidays and all work (other than continuous shift work in the manufacture of wool tops for export) done by time-workers on Sundays shall be paid for at the rate of ordinary time in addition to the ordinary rate; all such work done by piece-workers shall be paid for at the ordinary rate payable to employees on time-work doing the same class of work in addition to such piece-work earnings.

(h) All employees engaged on repairs or renewals of the employer's plant or machinery necessary for the 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, if worked on holidays and Sundays, be paid at the rate of time and a half.

(14) ANNUAL HOLIDAY.—(a) Except as hereinafter provided employers shall in each year give their employees continuously employed as defined a holiday from and after the day observed as Boxing Day to the 31st day of December, inclusive, and shall pay full wages for ordinary working days included in that period. Piece-workers receiving such holiday shall be paid time rates.

(b) Employees entitled to such holiday and required to work during that period shall be given a week's holiday on full pay at some other time during the year or if dismissed from employment before receiving such holiday shall be paid an extra week's wages on dismissal.

(c) "Continuously employed" for the purpose of this clause means employed (except as to breaks arising from slackening of work) for the three months immediately preceding the 25th day of each December. Any employee dismissed during the two weeks immediately preceding the 25th day of December shall be entitled to payment of one week's wages for such annual holiday.

(15) RIGHT OF ENTRY OF UNION OFFICIAL.—The Secretary or branch secretary of the Union or any person authorized by the Union shall have the right to enter any factory or workshop for the purpose of interviewing and conversing with employees during the lunch hour or non-working time.

If any official so authorized makes himself objectionable during any such visit his right to visit may be determined by the employer affected.

(16) PIECE-WORK.—(a) Any employer may fix piece-work prices for any process, provided such prices enable adult employees of average capacity to earn at least the minimum weekly rate prescribed for their respective classes, with the addition of 15 per cent. A schedule of such piece-work prices shall be posted in the mill or factory and a copy thereof forwarded to the secretary of the local branch of the union.

(b) Piece-work prices now paid may be re-adjusted by employers to meet new circumstances created by this Determination before the expiry of six months from the date on which this Determination comes into force, but thereafter such prices shall not be altered except by mutual agreement between the employer and piece-workers concerned.

(c) Where an employee has worked part of the week on piece-work he or she shall be entitled to his or her earnings in full for the actual time worked on piece-work if the earnings are higher than the minimum rate for such time.

(d) Adults and juniors doing the same operations shall be paid the same piece-work prices.

(e) As far as practicable, different grades of work shall be equitably divided between piece-workers.

(f) A piece-worker who also instructs learners shall receive 10s. per week in addition to piece-work earnings for the first week, 7s. 6d. for the second week, and 5s. for the third week, but at the end of the third week shall not be called upon to continue instructing a learner unless paid 5s. per week in addition to the piece-work earnings.

(g) Weavers on commencing a warp shall be provided with a ticket on which shall be entered particulars of class of work, the number of picks per inch, length of cut, speed of loom, and price per cut.

(h) Male piece-workers called upon to perform work before the usual starting time or after the usual finishing time shall for the first three hours be paid 1s. per hour extra on the normal piece-work price, and female piece-workers 7d. per hour extra on the normal piece-work price and for any overtime extending beyond three hours at twice the rates prescribed in this clause.

(i) Piece-workers on the employer's premises at the employer's request ready and willing to work shall for each pay period receive at least the time rate prescribed for their occupations.

(17) LIMITATION OF EMPLOYER'S LIABILITY.—Where an employer affected by this Determination has made a payment to an employee bound by this Determination which payment purports to be a payment of the wages payable under this Determination to the employee for any period such employee shall not recover from his employer any further sums prescribed by this Determination in respect of any services rendered to such employer during such period, unless within a period of nine calendar months after the last day of such period a demand in writing of such further sum claimed has been given to the employer by the employee, or some person on his behalf.

(18) ADDITIONAL PAYMENTS.—(a) An employee who is required to change from one shift to another without two days' notice of such change of shifts shall be paid 3s. extra as compensation for change.

(b) An employee who is employed as first-aid man or woman and who holds a first-aid certificate shall be paid 5s. per week extra.

(19) MIXED FUNCTIONS.—An employee engaged for more than half of one day or shift on duties carrying a higher rate than his or her classification shall be paid the higher rate for such day or shift. If for less than half of one day or shift, he or she shall be paid the higher rate for the time so worked.

(20) DETERMINATION TO BE POSTED.—A copy of this Determination shall be posted by each employer in a prominent and accessible place in his establishment.

(21) CERTIFICATE OF SERVICE.—An employee, if he or she asks for it, shall be entitled on termination of service to a certificate of length of service with an employer and the nature of the work upon which he or she was employed.

(22) HOT WATER.—Employees shall be provided with hot water free of charge.

(23) SEATS FOR FEMALE EMPLOYEES.—When requested by employees, and where practicable, suitable seats shall be provided for female employees in positions handy to their work.

(24) **REST-ROOM.**—In factories where ten or more female employees are employed a properly ventilated rest-room shall be provided for the use of such female employees. It shall contain a suitable couch, two easy chairs, and a rubber hot-water bag.

(25) **DINING-ROOM.**—Proper dining-room accommodation shall be provided by the employer when requested to do so by a majority of his employees.

(26) **FIRST-AID CHEST.**—In each of the establishments of employers a properly equipped first-aid chest shall be provided. Such first aid chest shall conform, as to its contents, with the requirements of the Factories and Shops Acts.

(27) **CLOTHING.**—When requested by the employees concerned the employer shall provide employees working in the wool-scouring dye-house, milling and scouring, yarn dyeing and piece carbonizing (except piece drying) departments with suitable protective clothing such as gloves and top boots or clogs and (when working with acids) aprons. Employees shall take reasonable care of clothing so provided.

(28) **CHANGING ACCOMMODATION.**—Separate dressing accommodation shall be provided by the employer for male and female employees.

(29) **MORNING TEA FOR FEMALES.**—Opportunities for morning tea shall be afforded by the employer to female employees between the hours of 10 a.m. and 11 a.m.

(30) **PLATFORMS, ETC.**—Where practicable wooden platforms shall be placed before machines, and no employee shall be called upon to stand on a bare concrete, or brick or stone floor when operating or attending to a machine.

(31) **BONUS PAYMENTS.**—In all establishments in which tasks are set and employees are paid for extra production, the tasks shall be so set as to permit adults of average capacity and juniors of average capacity in receipt of wages in excess of 25s. per week to earn at least 15 per cent. above the rates prescribed for their occupations and so as to permit juniors of average capacity in receipt of wages between 17s. and 25s. per week to earn at least 20 per cent., and juniors of average capacity in receipt of wages less than 17s. per week at least 25 per cent. in addition to the rates prescribed for their occupations.

(32) **OUTSIDE WORKERS.**—(a) No work of any description or class covered by this Determination shall be done or performed except in the factory or workshop of an employer affected by this Determination unless a permit has been given to an employee by the Chief Inspector of Factories to work outside such factory or workshop.

(b) An employer shall not have more than one outside worker for every twenty indoor workers or fraction thereof.

(c) An outside worker shall be deemed to be a person who works by himself or herself and is not employed in a workshop or factory.

(d) The outside worker shall not work during any part of the day inside a workshop or factory.

(e) Outside workers shall be paid the rates prescribed in this Determination.

(f) Outside workers shall be provided free of charge with all yarn and/or other materials used in connexion with their work.

(g) Where an employer delivers and/or collects the work of such outside workers the outside workers shall not be charged for such delivery and/or collection.

(h) Outside workers shall not employ any labour whatever except members of their own families.

(i) **Record Book.**—An employer who has work done elsewhere than in his factory or workshop shall keep a record book in English which shall contain a correct account written in ink as follows:—

(i) The name and address of the outside worker.

(ii) The number of articles and description of the work given out.

(iii) The price paid for such outside work.

(iv) The record book shall be signed each week by each outside worker verifying the accuracy of the amount of wages received.

(v) The record book shall be open for inspection at any time by any authorized officer of the Department of Labour.

(j) No employer shall, except as provided herein, require or order or cause to be performed or contract for the performance of work of any class covered by or referred to in this Determination (including the work of preparing any material for manufacture or materials so prepared)—

(i) in any place other than his usual workshop or factory; and/or

(ii) by any person or persons other than his employees usually employed at such workshop or factory.

(k) Nothing herein contained shall affect the right of an employer affected by this Determination to contract, sub-contract, let or sub-let to any person employing not fewer than four persons exclusive of members of his own family who conducts a workshop or factory, and is affected by this Determination.

Melbourne, 30th November, 1939.

F. A. MARZORINI,  
Secretary for Labour.