



# VICTORIA GOVERNMENT GAZETTE.

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[1940

Factories and Shops Acts.

## DETERMINATION OF THE ELECTRO-PLATERS BOARD.

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

(b) On the 7th day of February, 1938, the Tinsmiths Board was deprived of the power to determine the lowest prices or rates which may be paid to any persons employed in the process, trade or business of metal polishing, and such power was conferred exclusively on the Electro-platers Board.

IN accordance with the provisions of the Factories and Shops Acts the Wages Board appointed to "determine the lowest prices or rates which may be paid to—

(i) any person or persons or classes of persons employed in the process, trade, or business of—

- (a) Electro-plating ;
- (b) Metal polishing ;
- (c) Enamelling or japanning metals—

other than persons subject to the Determination of any one of the following Boards:—

Bedstead Makers Board,  
Brassworkers Board,  
Jewellers Board,  
Ovenmakers Board,  
Tinsmiths Board ;

(ii) any person employed electro-plating, grinding, polishing, or finishing articles of tableware"—  
has made the following Determination, viz.:—

(1) That on the 21st December, 1940, the adjusted Determination of this Board, which came into force as from the beginning of the first pay period to commence in August, 1940, shall be revoked and replaced by this Determination.

(2)

Apprentices—All Classes of Work other than First Class Electroplating.			Improvers—All Classes of Work other than First Class Electroplating.									
Experience.	Wages Per Week of 44 Hours.		Experience.	Males.						Wages Per Week of 44 Hours.		
				Wages Per Week of 44 Hours.								
				Commencing Age—								
	Males.	Females.		15 years or under.	16 years.	17 years.	18 years.	19 years.	20 years.		Females.	
	s. d.	s. d.		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.		
1st year—1st 6 months ..	14 9	14 9	1st year—1st 6 months ..	15 6	18 6	26 0	28 3	41 0	48 6	15 6		
2nd .. ..	14 9	14 9	2nd .. ..	18 6	26 0	38 3	41 0	48 6	65 6	18 6		
2nd year—1st .. ..	24 0	24 0	2nd year—1st .. ..	26 0	28 3	41 0	48 6	65 6	..	26 0		
2nd .. ..	24 0	24 0	2nd .. ..	28 3	41 0	48 6	65 6	76 6	..	28 3		
3rd year—1st .. ..	33 0	33 0	3rd year—1st .. ..	41 0	48 6	65 6	76 6	..	..	41 0		
2nd .. ..	33 0	33 0	2nd .. ..	48 6	65 6	76 6	82 0	..	..	47 0		
4th year .. ..	42 9	42 9	4th year .. ..	65 6	76 6	82 0	..	..	..	..		
5th year .. ..	50 3	..	5th year .. ..	76 6	82 0	..	..	..	..	..		
6th year .. ..	61 6	..	6th year .. ..	82 0	..	..	..	..	..	..		

### PROPORTION (BY ANY EMPLOYER).

#### Males.

Three male apprentices to every three or fraction of three male workers receiving not less than 84s. per week of 44 hours.

#### Females.

Two female apprentices to every three or fraction of three female workers receiving not less than 47s. 9d. per week of 44 hours.

### PROPORTION (BY ANY EMPLOYER).

#### Males.

One male improver to every three or fraction of three male workers receiving not less than 97s. 6d. per week of 44 hours.

#### Females.

Two female improvers to each female worker receiving not less than 47s. 9d. per week of 44 hours.

## APPRENTICESHIP—FIRST CLASS ELECTROPLATING ONLY.

- (a) Minors shall not be engaged in the occupation of First Class Electroplating except under contracts of apprenticeship.
- (b) The proportion of apprentices who may be taken by any employer shall be one apprentice for every three, or fraction of three tradesmen (i.e., male workers receiving not less than 114s. 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.
- (c) The periods of apprenticeship shall be as follow:—  
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.
- (d) 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.
- (e) Minors may be taken on probation for three months, and if apprenticed, such three months shall count as part of their period of apprenticeship.
- (f) 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 and training 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.
(g) Five-year terms—						
1st year	..	..	..	..	..	15 0
2nd year	..	..	..	..	..	20 6
3rd year	..	..	..	..	..	36 3
4th year	..	..	..	..	..	59 0
5th year	..	..	..	..	..	74 6
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	..	..	..	..	..	35 6
3rd year	..	..	..	..	..	59 0
4th year	..	..	..	..	..	74 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.

(h) 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.

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

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

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

(l) 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.

(m) 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.

(n) 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.

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

(p) 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.

(q) 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.

(3)

Juvenile Workers, i.e.							Other Employees.		
Persons under 21 years of age (other than apprentices or improvers) employed at slinging and unslinging, hanging, cleaning, scouring, scratch-brushing, drying-out, or cleaning old enamel off cycle wheels or frames or other old iron or tinware, filling up, rubbing down and firing in connexion with glass enamels for badges or medallions; or polishing legging clips, clips and plugs for rugs, nuts, screws, bolts, washers, or caps, all builders' brass and ironware, up to 1½-in. diameter, and knitting needles—							Wages Per Week.	Hours Per Week.	
							s. d.		
Experience.									
Wages Per Week of 44 Hours.									
Commencing Age—									
15 years or under.	16 years.	17 years.	18 years.	19 years.	20 years.				
s. d.	s. d.	s. d.	s. d.	s. d.	s. d.				
1st year—1st six months ..	15 6	18 6	26 0	28 3	41 0	48 6	105 6	44	
2nd ..	18 6	26 0	28 3	41 0	48 6	65 6	114 0	44	
2nd year—1st ..	26 0	28 3	41 0	48 6	65 6	..	104 0	44	
2nd ..	28 3	41 0	48 6	65 6	76 6	..	92 0	44	
3rd year—1st ..	41 0	48 6	65 6	76 6	..	..	105 6	44	
2nd ..	48 6	65 6	76 6	82 0	..	..	97 6	44	
4th year ..	65 6	76 6	82 0	..	..	..	84 0	44	
5th year ..	76 6	82 0	..	..	..	..	..	..	
6th year ..	82 0	..	..	..	..	..	..	..	

  

Males.				Females.			
Grinders or polishers ..	..	..	..	Females employed at—			
Electro-platers—	..	..	..	(a) Hand burnishing, hand finishing,	..	..	..
First Class ..	..	..	..	or lacquering ..	69 3	44	..
Second Class ..	..	..	..	(b) Polishing—Ash trays, bottle	..	..	..
Third Class ..	..	..	..	tops, butter dishes, butter	..	..	..
Liners or hand decorators ..	..	..	..	knives, children's mugs, dish	..	..	..
Coaters ..	..	..	..	mounts, egg cups, forks,	..	..	..
All others ..	..	..	..	spoons, match-box slides,	..	..	..
				pepper shakers, pin trays,	..	..	..
				salt pourers, serviette rings,	..	..	..
				tea strainers, vases, or any	..	..	..
				similar articles 3 inches or	..	..	..
				less in diameter or 5 inches	..	..	..
				or less in length ..	105 6	44	..
				All others ..	47 9	44	..

## SPECIAL RATES.

(4) In addition to the wages prescribed in clauses (2) or (3) 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.
- (c) 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.
- (d) Persons engaged at cleaning out plating tanks—1½d. per hour extra whilst so engaged.
- (e) Where more than one of the disabilities mentioned in this clause, 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.

#### SPECIAL RATES FOR GRINDERS AND POLISHERS.

(5) (a) When a person is continuously engaged grinding or polishing any article the size or shape of which does not permit of the hood required by Regulation No. 25, of Chapter IX. of the Regulations made under the Factories and Shops Acts on the 4th day of March, 1930, being kept close up to the wheel in the manner prescribed by the said Regulation, he shall be paid for each week whilst so engaged an additional sum of 3s.

(b) A person shall be deemed to be continuously engaged within the meaning of this provision if he is so occupied for not less than fifteen hours in any week, and shall be entitled to receive the full sum of three shillings aforementioned.

#### 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.

#### 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 it 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) For any afternoon or night shift which has been in operation for five nights or more and less than one month 10 per cent. more than ordinary rates shall be paid and after such shifts have continued for more than one month 5 per cent. more than ordinary rates shall be paid.

(i) Shift workers shall be paid overtime at the rate of time and a half for the first 4 hours and double time thereafter for all time worked in excess of shift hours.

#### 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.

#### HOLIDAYS AND SUNDAY WORK.

(10) (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.

#### PIECE-WORK RATES.

(11) 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.

(12) Extra rates in this Determination, including rates prescribed in clause 4, are not cumulative so as to exceed the maximum of double the ordinary rates.

#### PAYMENT OF WAGES.

(13) (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.

(14) (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 (3) 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) An employee starting work on hourly hiring shall be entitled to a minimum of four consecutive hours' work or to four hours' pay for the job—such hours may be deemed to be consecutive if worked in ordinary hours at the end of a day and the beginning of the next succeeding day.

#### MISCELLANEOUS PROVISIONS.

(15) (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.

#### SHOP STEWARDS.

(16) Shop stewards appointed by employees in each workshop shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom they represent.

#### 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.

#### ANNUAL LEAVE.

(18) (a) A period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave) in any one or more of the occupations to which this Determination applies.

(b) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than one week's notice to the employee provided that the giving of annual leave may, with the consent of the Secretary for Labour be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of six months.

(c) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such a case, a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(d) If after six months' continuous service, an employee leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid one-sixth of a week's wage in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.

(e) Each employee before going on leave shall be paid a week's wage:—For the purpose of this sub-clause and sub-clause (d) hereof the week's wage shall be at the rate prescribed by clauses (2 and 3) of this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be, including in the case of leading hands the additional allowance prescribed by clause (4) of this Determination but not including any other special rates prescribed by this Determination and including in the case of employees whose employment is by the hour the loading prescribed by sub-clause (b) of clause (14) of this Determination. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

(f) The annual leave provided for by this clause shall be allowed and shall be taken, and except as provided by sub-clause (d) hereof, payment shall not be made or accepted in lieu of annual leave.

(g) Notwithstanding anything herein provided an employer who gives to an employee leave of absence without loss of pay throughout the interval of time—

(i) between the day observed under this Determination as the Christmas Day holiday and the day observed thereunder as the New Year's Day holiday; or

(ii) between the day immediately preceding the Good Friday holiday and the Monday next after the Easter Monday holiday—

shall be deemed thereby to fulfil all obligations to that employee under this clause in respect of the period of twelve months' service referred to in sub-clause (a) hereof. The provision of sub-clause (c) hereof shall apply to this sub-clause.

(h) Where leave has been granted to an employee pursuant to sub-clauses (c) or (g) hereof before the right thereto has accrued due, and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may for each two complete months of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by this Determination.

(i) In the case of employees in the employment of an employer on the 21st day of December, 1940, service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave, and persons in employment on the 21st day of December, 1939, shall, for the purposes of this clause, be deemed to have commenced their service on that date.

(j) For the purpose of this clause service shall be deemed to be continuous notwithstanding—

(i) any interruption or determination of the employment by the employer, if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;

(ii) any absence from work on account of sickness or accident or military service, and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service;

(iii) any termination of employment by the employee if such termination has been made merely with the intention of preventing the operation of sub-clause (g) hereof.

(k) Except as provided by sub-clause (g) hereof the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by this Determination and if any such holiday falls within an employee's period of annual leave there shall be added to that period one day for each such holiday falling as aforesaid.

(l) For the purpose of this clause a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month, and if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.

(m) Where the employer is a successor or assignee or transferee of a business, if an employee was in the employment of the employers' predecessor at the time when he became such successor or assignee or transferee the employee in respect of the period during which he was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

#### DEFINITIONS.

(19) "First Class Electroplater" means an adult employee who maintains the solutions used and is responsible for the electroplating of ware.

"Second Class Electroplater" means an adult employee not responsible for the solutions used and engaged mainly on nickel plating.

"Third Class Electroplater" means an adult employee engaged in electroplating on the barrel-plating system.

"Year" means 365 consecutive days, starting from the day of commencement of operation of this Determination.

"Shift work"—afternoon shift means any shift finishing after 6 p.m. 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.

#### PERIODICAL ADJUSTMENT OF WAGES.

(20) The wages rates set out in clause (3) are based upon the following basic wage and, pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, this Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time, as such basic wage. Provided that the wages of females and of apprentices, improvers and juvenile workers in receipt of 20s. per week or more shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause (21):—

#### Basic Wage.

Place.	Basic Wage	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies .. .. .	3 18 0	Melbourne

#### ADJUSTMENT OF BASIC WAGE.

(21) (a) For work done before the beginning of the first pay period to commence in February, 1941, the amount of the basic wage prescribed in clause (20) shall be paid.

(b) For work done during each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician:—

- (1) The index number set to be applied is that assigned to Melbourne.
- (2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.
- (3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period.

Table.

Index Number Divisions.				Basic Wage.	Index Number Divisions.				Basic Wage.
				£ s. d.					£ s. d.
735-746	..	..	..	3 0 0	859-870	..	..	..	3 10 0
747-759	..	..	..	3 1 0	871-882	..	..	..	3 11 0
760-771	..	..	..	3 2 0	883-895	..	..	..	3 12 0
772-783	..	..	..	3 3 0	896-907	..	..	..	3 13 0
784-796	..	..	..	3 4 0	908-919	..	..	..	3 14 0
797-808	..	..	..	3 5 0	920-932	..	..	..	3 15 0
809-820	..	..	..	3 6 0	933-944	..	..	..	3 16 0
821-833	..	..	..	3 7 0	945-956	..	..	..	3 17 0
834-845	..	..	..	3 8 0	957-969	..	..	..	3 18 0
846-858	..	..	..	3 9 0	970-981	..	..	..	3 19 0

Any extension of this table must be of the same construction as the table.

H. J. RICHARDSON, J.P., Chairman.

J. B. McINDOE, Secretary.

Melbourne, 6th December, 1940.



# VICTORIA GOVERNMENT GAZETTE.

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THURSDAY, DECEMBER 19.

[1940

Factories and Shops Acts.

## DETERMINATION OF THE BOILERMAKERS BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which now has power to "determine the lowest prices or rates which may be paid to any persons employed in the trade of—

- (a) Boilermaking;
- (b) Iron or steel working in connexion with—
  - (1) Ship or bridge building,
  - (2) Girder, tank, wagon, or truck making,
  - (3) Wrought iron or steel pipe making,
  - (4) Structural iron or steel work"—

has made the following Determination, namely:—

(1) That on the 19th December, 1940, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices or Improvers.				Juvenile Workers, i.e., Persons under 21 Years of Age (other than Apprentices or Improvers).			
Wages per Week of 44 Hours.				Wages per Week of 44 Hours.			
			s. d.		Weekly Hiring. s. d.	Hourly Hiring. s. d.	
1st year's experience	..	..	15 0	Employed in—			
2nd "	"	..	21 6	(a) All operations in "manufacturing"			
3rd "	"	..	37 6	as defined in this Determination—			
4th "	"	..	61 0	1st year's experience	15 6	16 8	
5th "	"	..	76 6	2nd "	24 6	26 0	
				3rd "	33 6	35 7	
				4th "	45 3	48 1	
				5th "	57 9	61 4	
				6th "	67 0	71 2	
				7th "	71 3	75 8	
				(b) All occupations other than "manufacturing" as defined, at heating rivets, assisting apprentices or improvers, or labouring—			
				Under 16 years of age	17 0	18 3	
				16 years of age	27 3	28 11	
				17 "	48 3	51 3	
				18 "	61 0	64 9	
				19 and 20 years of age	73 6	78 0	

### PROPORTION.

#### Apprentices.

One apprentice to every two or fraction of two workers receiving not less than 114s. per week of 44 hours.

An indenture of apprenticeship prescribed by the Board was approved on 6th August, 1912.

#### Improvers.

One improver to the first four or fraction of four workers receiving not less than 93s. per week of 44 hours, and thereafter one improver to every additional four workers receiving not less than that wage.

(3)

Other Employees.	Day Shift.		
	Wages per Week of 44 Hours.		
	Within a Radius of 20 Miles of G.P.O. Melbourne; Mildura and Gippsland Districts; and within a Radius of 10 Miles of Geelong or Warrnambool Post Offices.	At Yallourn.	Other Parts of Victoria.
	£ s. d.	£ s. d.	£ s. d.
Tradesmen engaged in window-frame making .. ..	5 14 0	6 0 6	5 11 0
Assembler (not coming within definition of tradesman) engaged in window-frame making .. ..	5 2 0	5 8 6	4 19 0
Machinist—engaged in window-frame making—			
First class .. ..	5 14 0	6 0 6	4 11 0
Second class .. ..	5 4 0	5 10 0	5 1 0
Third class .. ..	4 18 0	5 4 6	4 15 0
Process worker engaged in window-frame making .. ..	4 12 0	4 18 6	4 9 0
Welder—			
First class (other than when using Cutler machine) .. ..	5 17 0	6 3 6	5 14 0
First class (using Cutler machine) .. ..	5 6 0	5 12 6	5 3 0
Second class .. ..	4 18 0	5 4 6	4 15 0
Third class .. ..	4 14 0	5 0 6	4 11 0
Tack welder .. ..	4 16 0	5 2 6	4 13 0
Tradesman employed in boilermaking, ship, bridge, and girder construction .. ..	5 14 0	6 0 6	5 11 0
Tradesman employed in boilermaking, ship, bridge, and girder construction, the greater part of whose time is occupied in marking off and/or template making .. ..	5 18 0	6 4 6	5 15 0
Boilersmiths and/or angle-iron smiths .. ..	5 17 0	6 3 6	5 14 0
Plate setters and frame benders .. ..	5 16 0	6 2 6	5 13 0
Drillers using portable machines in boilermaking and ship construction .. ..	5 11 0	5 17 6	5 8 0
Drillers using stationary machines in boilermaking and ship construction .. ..	4 14 0	5 0 6	4 11 0
Tradesman employed on steel construction and/or standardized frame buildings made in quantities .. ..	5 14 0	6 0 6	5 11 0
Tradesman employed on steel construction and/or standardized frame buildings made in quantities, the greater part of whose time is occupied in marking off and/or template making .. ..	5 18 0	6 4 6	5 15 0
Machinist—			
First class, employed on standardized frame buildings made in quantities .. ..	5 0 0	5 6 6	4 17 0
Second class, employed on standardized frame buildings made in quantities .. ..	4 14 0	5 0 6	4 11 0
Emery wheel attendant .. ..	4 15 0	5 1 6	4 12 0
Blacksmith's striker .. ..	4 13 0	4 19 6	4 10 0
Blacksmith's striker on double fires .. ..	4 15 0	5 1 6	4 12 0
Furnaceman .. ..	4 19 0	5 5 6	4 16 0
Attendants on small rivet heating or bolt beating or similar types of fires .. ..	4 15 0	5 1 6	4 12 0
Holder up .. ..	4 15 0	5 1 6	4 12 0
Benders of iron and steel frames used for reinforcing concrete .. ..	4 15 0	5 1 6	4 12 0
Painters of ironwork other than ship painters (brush) .. ..	4 13 0	4 19 6	4 10 0
Painters of ironwork using spray .. ..	4 14 0	5 0 6	4 11 0
Friction saw operators .. ..	4 13 0	4 19 6	4 10 0
Cold saw operators .. ..	4 15 0	5 1 6	4 12 0
Dogman .. ..	4 15 0	5 1 6	4 12 0
Riggers and splicers except on ships and buildings .. ..	4 15 0	5 1 6	4 12 0
Riggers and splicers on ships and buildings .. ..	4 19 0	5 5 6	4 16 0
Cleaners and chippers (inside of boilers) .. ..	4 19 0	5 5 6	4 16 0
Workmen engaged directly assisting tradesmen, machinists, and welders .. ..	4 13 0	4 19 6	4 10 0
Labourers .. ..	4 4 0	4 10 6	4 1 0
Steel pipe making section—			
Pipe builders .. ..	4 16 6	5 2 6	4 13 0
Machine operators (in charge of machines) .. ..	4 16 6	5 2 6	4 13 0
Faucet maker in charge of furnace .. ..	4 19 0	5 5 6	4 16 0
Man assisting furnace faucet maker .. ..	4 12 0	4 18 6	4 9 0
Man in charge of ring-making machine .. ..	4 16 0	5 2 6	4 13 0
Man assisting at ring-making machine .. ..	4 12 0	4 18 6	4 9 0
Man on tar dip and sand rolling .. ..	4 12 0	4 18 6	4 9 0

## Leading hands—

In charge of not less than three and not more than ten employees, 6s. per week extra.

In charge of more than ten employees and not more than twenty employees, 12s. per week extra.

In charge of more than twenty employees, 18s. per week extra.

**NOTE.**—If the employment is for hourly hiring, the rates prescribed in clause (3) shall be increased 5s. per week (see clause 13 (b)).(4) **OTHER SHIFTS.**—The following percentages shall be added to the rates fixed for the day shift for persons employed on any of the following shifts:—

## Afternoon or night shift—

During first month's employment on such shift .. .. 10 per cent.

Thereafter .. .. 7½ per cent.

Shift workers in continuous process employed on a shift other than a day shift .. .. 5 per cent.

Shift workers on ship repairs work, not less than three consecutive nights .. .. Time and a quarter.

(5) **ALLOWANCES**—

## Persons working—

(a) for more than one hour in the shade where the artificial temperature is between 115° and 130° Fahr., 1½d. per hour extra;



(b) for more than one hour in the shade where the artificial temperature exceeds 130° Fahr., 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130° Fahr., employees shall be entitled to twenty minutes rest after every two hours without deduction of pay;

(c) for more than one hour where the artificial temperature is below zero, 1½d. per hour extra. Where work continues for more than two hours in temperatures below zero, employees shall be entitled to a rest period of twenty minutes every two hours without deduction of pay.

All employees working in wet places, 1½d. per hour extra:

All employees working in confined spaces, 3d. per hour extra.

Boilermakers and their assistants and drillers engaged in the erection of steel frame buildings, bridges, and gasometers at a height of 50 feet or more above the nearest horizontal plane shall be paid 6s. per week extra.

All employees working in ships' bilges or in boiling-down works, lead works, sanitary works, or slaughter-yards shall be paid 1d. per hour extra.

Employees working on repairs to smoke-boxes or fire-boxes of locomotives, or on repairs to the smoke-box, uptake 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.

Employees working on repairs in oil tanks or meat digesters, 1½d. per hour extra.

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

Tradesmen employed in large operating power houses, i.e., power houses developing more than 8,000 kilowatts, other than tradesmen not on the regular staff, engaged on new construction work, shall be paid 6s. per week extra; such amount shall be deemed to include the special rate for leading hands.

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.

Shift workers working eight hours per shift without any break for meals on six days in each week shall be deemed to work 44 hours per week, provided that they are given one fortnight's holiday in each year on full pay as compensation for working on Saturday afternoons, holidays, or Sunday shifts, provided that any shift worker ceasing to be employed on shift by the employer concerned before the completion of any year shall be paid one day's pay for each month or part of a month's service in lieu of the fortnight's holiday herein prescribed.

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 disabilities so prevailing.

(6) **SHIFTS.—That—**

(a) The hour of beginning and the hour of ending each shift shall be between—

	Where one Shift is worked.	
	Time of Beginning.	Time of Ending.
Monday to Friday (day shift) .. .. .	7 a.m.	5.30 p.m.
Saturday (day shift) .. .. .	7 a.m.	12 noon
Monday to Saturday (day shift) .. .. .	7 a.m.	3 p.m.
Monday to Saturday (afternoon shift) .. .. .	3 p.m.	11 p.m.
Monday to Saturday (day shift) .. .. .	7 a.m.	3 p.m.
Monday to Saturday (afternoon shift) .. .. .	3 p.m.	11 p.m.
Monday to Saturday (night shift) .. .. .	11 p.m.	7 a.m.

Any of the above times of beginning and ending may be varied on any job by mutual consent of the employer and the majority of the employees concerned, but in no case shall the total length of any shift be increased without payment for overtime.

(b) *Continuous Work Shifts.*—For the purposes of this clause, the expression "Continuous Work" means work carried on with consecutive shifts of men throughout the 24 hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks (if any).

(c) 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 eight hours inclusive of meal breaks (if any) nor to be discontinuous except for meal breaks (if any).

(d) 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 44 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.

(e) For all time of duty outside the limits of the ordinary hours prescribed in sub-clause (d) 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.

(f) Employees on continuous work shifts, working afternoon and night shifts, shall be paid 5 per cent. more than ordinary rates for such shifts.

(g) 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.

(h) *Shift Work in other than Continuous Work.*—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.

(i) 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.

(j) 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  $7\frac{1}{2}$  per cent. more than ordinary rates.

(k) Shift workers shall be paid overtime at the rate of time and a half for the first four hours and double time thereafter for all time worked in excess of shift hours.

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

(k) (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.

When 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.

(7) OVERTIME—

(a) An employee recalled after leaving his workshop to work overtime shall be paid for a minimum of three hours' work at the appropriate rate.

(b) An employee occasionally required to hold himself in readiness to work after ordinary hours shall, until released, be paid standing time at ordinary rates from the time from which he is to so 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.

(c) Any employee (other than on shifts) who has worked up to or beyond midnight shall not be bound to continue work on the following day.

(d) For work done during meal hours and thereafter until a meal hour break is allowed, time and a half rates shall be paid. No employee shall be compelled to work for more than six hours without a break for a meal.

(e) An employee working overtime shall be allowed a cribtime 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.

(f) 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  $1\frac{1}{4}$  hours. Any employer and his employees may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

(g) Any employee required to work overtime for more than two hours without being notified prior to 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.

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.

(h) Any employee engaged in the maintenance of plant shall, when breakdowns occur, work meal hours at the ordinary rates herein prescribed whenever instructed to do so.

(i) In computing overtime, each day's work shall stand alone.

(j) 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.

(8) TRAVELLING TIME—

Persons employed on work away from the workshop shall receive :—

(a) The fares necessarily expended in going to and fro.

(b) For time occupied in travelling either during or outside the usual working hours, payment at rates fixed in Clause (3) up to a maximum of twelve hours out of every 24, except on Sundays, when time and a half shall be paid.

(c) An employee engaged in Melbourne 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.

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

(e) 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.

(f) Any employee engaged for the erection of a job who has previously been engaged by the same employer in the fabrication of the job in a workshop shall be paid fares in excess of those incurred in travelling to and from the workshop.

(9) HOLIDAYS AND SUNDAY WORK.—(a) Employees shall be entitled to the following public holidays (without pay except as hereinafter provided) :—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.

Exceptions.—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 eight 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.

(10) PIECE-WORK.—The Board determines, under the provisions of section 150 of the Factories and Shops Acts, that any employer may fix and pay piece-work prices to any person or persons or classes of persons employed at any work for which the Board has fixed the minimum wage, provided that any such employer shall base such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than the wages that are fixed by the Board for such work.

(11) DEFINITIONS—

"Boilermaking and ship construction" means the fabrication, erection, and/or repairing of steel or iron ships, or of boilers or other vessels subject to greater pressure than the weight of their contents, bridges, girders, columns, principals (roof or otherwise) and trusses used in steel frame buildings (other than standardized frame buildings made in quantities), but does not include drilling by stationary machines.

"Window-frame making" means the making in quantities of metal window frames, metal doors and grilles, and metal ornamentations used in buildings.

"Tradesman" means an adult employee who is required to develop work from scale drawings or prints, or to make templates, or to apply general trade experience, and includes riveting by hand or machine, caulking, chipping, and working rivet busters, and upon all machines used in connexion with boilermaking, as defined, other than drilling by stationary machines.

- "First class machinist" means an adult employee engaged solely in working one or more of the following machines :—  
Bending rollers, gag straight liners (straightening machines), guillotines, shearing machines, hydraulic presses of over 200 tons pressure, portable drills, portable reamers and tappers.
- "Second class machinist" means an adult employee engaged solely in operating one or more of the following machines :—  
Mangling, nipping and notching, roll straightening, punching, cropping, hydraulic presses of 200 tons pressure or under, stationary drills, stationary reamers and tappers, cold saw, friction saw, plate edge planers, and other machines.
- "First class welder" means an adult employee using electric arc or acetylene blowpipe or coal gas cutting plant on work other than cutting scrap metal, using jigs, or doing work covered by definitions of second and third class welder.
- "Second class welder" means an adult employee engaged in manufacturing of sheet metal goods or welding with the aid of jigs, 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.
- "Rigger and splicer" means an adult workman responsible for the erection of tackle and who, amongst other duties, is required to splice wire rope.
- "Manufacturing" means the making and assembling in quantities of interchangeable or standardized parts used in or in connexion with window-frames.
- "Process worker" means an employee engaged on 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).
- "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 in which water accumulates under foot to a depth exceeding 2 inches.
- "Confined space" means a working space 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.
- "Continuous process" means a process in which work is carried on continuously, except for breakdowns, with successive shifts of men throughout the days and nights for at least six days in each week.
- "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.
- "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.
- "Sunday" means all time between midnight Saturday and midnight Sunday.

## (12) ANNUAL LEAVE—

- (a) A period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave) in any one or more of the occupations to which this Determination applies.
- (b) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than one week's notice to the employee provided that the giving of annual leave may, with the consent of the Secretary for Labour, be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of six months.
- (c) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such a case, a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.
- (d) If after six months' continuous service, an employee leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid one-sixth of a week's wage in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.
- (e) Each employee before going on leave shall be paid a week's wage: For the purpose of this sub-clause and sub-clause (d) hereof the week's wage shall be at the rate prescribed by clauses (2) and (3) of this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be, including in the case of leading hands the additional allowance prescribed by clause (3) of this Determination but not including any other special rates prescribed by this Determination and including in the case of employees whose employment is by the hour the loading prescribed by sub-clause (b) of clause (13) of this Determination. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.
- (f) The annual leave provided for by this clause shall be allowed and shall be taken, and except as provided by sub-clause (d) hereof, payment shall not be made or accepted in lieu of annual leave.
- (g) Notwithstanding anything herein provided an employer who gives to an employee leave of absence without loss of pay throughout the interval of time—  
(i) between the day observed under this Determination as the Christmas Day holiday and the day observed thereunder as the New Year's Day holiday; or  
(ii) between the day immediately preceding the Good Friday holiday and the Monday next after the Easter Monday holiday,  
shall be deemed thereby to fulfil all obligations to that employee under this clause in respect of the period of twelve months' service referred to in sub-clause (a) hereof. The provision of sub-clause (c) hereof shall apply to this sub-clause.
- (h) Where leave has been granted to an employee pursuant to sub-clauses (c) or (g) hereof before the right thereto has accrued due, and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may for each two complete months of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by this Determination.
- (i) In the case of employees in the employment of an employer on the 19th day of December, 1940, service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave, and persons in employment on the 19th day of December, 1939, shall, for the purposes of this clause, be deemed to have commenced their service on that date.
- (j) For the purpose of this clause service shall be deemed to be continuous notwithstanding—  
(i) any interruption or determination of the employment by the employer, if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;  
(ii) any absence from work on account of sickness or accident or military service, and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service;  
(iii) any termination of employment by the employee if such termination has been made merely with the intention of preventing the operation of sub-clause (g) hereof.
- (k) Except as provided by sub-clause (g) hereof the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by this Determination and if any such holiday falls within an employee's period of annual leave there shall be added to that period one day of each such holiday falling as aforesaid.

(l) For the purpose of this clause a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month, and if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.

(m) Where the employer is a successor or assignee or transferee of a business, if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee the employee in respect of the period during which was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

(13) **CONTRACT OF EMPLOYMENT—**

(a) With the exceptions hereafter 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 terminates it without such notice) by payment of one week's wages. Except in establishments mainly engaged in shipbuilding or ship repairing, any employee (unless continuing on after working through the night) commencing a day's work at the usual starting time of the workshop shall be paid at least a day's wages; but any employer may engage an employee to start work at any time during the day, provided the work continues as overtime or is resumed the next day until a full day's pay is earned.

A contract for weekly employment may be terminated by any employer, without liability to pay for more than actual time 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 on days for which he produces a certificate from a medical practitioner, or other proof satisfactory to his employer of sickness (aggregating four days of 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.

(b) If the contract of employment is for hourly hiring, the rates prescribed in Clause (3) shall be increased five shillings per week (with a proportionate amount added to the rates fixed for weekly hiring of juvenile workers), but such amount shall not be taken into account in computing overtime, Sunday and holiday rates.

(c) An employee starting work on hourly hiring shall be entitled to a minimum of four consecutive hours' work or to four hours' pay for the job—such hours may be deemed to be consecutive if worked in ordinary hours at the end of a day and the beginning of the next succeeding day.

(14) **TIME AND WAGES BOOK.**—Each employer shall keep a time and wages book showing the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

The time occupied by an employee in filling in any time books or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out at the beginning or end of duty.

(15) **MISCELLANEOUS PROVISIONS—**

(a) **Tools.**—The employer shall provide for each employee all necessary tools. The employee shall replace or pay for any tools so provided if lost through negligence.

(b) 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.

(c) Suitable canvas or leather gloves shall be provided by employers for the operators of pneumatic tools.

(d) Hand riveting on rivets  $\frac{1}{2}$ -in. diameter and upwards shall be performed double handed.

(e) Tradesmen employed in boilermaking, ship construction, and steel construction, who, in the course of their work are called on to operate any machine shall be paid the tradesman's rate for all work done.

(f) 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.

(16) **EXTRA RATES NOT CUMULATIVE.**—Extra rates in this Determination prescribed, including rates prescribed in Clause (5), are not cumulative so as to exceed the maximum of double the ordinary rates.

(17) **RIGHT OF ENTRY OF UNION OFFICIALS.**—For the purpose of interviewing employees on legitimate union business, a duly accredited representative of the Federated Society of Boilermakers Iron Shipbuilders and Structural Iron and Steel Workers of Australia or of the Federated Iron Workers Association of Australia shall have the right to enter, during the midday meal hour, the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed, and shall be permitted to inspect the Time and Wages Book.

If any representative is unduly interfering with, or is creating disaffection amongst his employees, or is offensive in his methods, such employer may refuse the right of entry.

(18) **PERIODICAL ADJUSTMENT OF WAGES.**—The wages rates set out in clause (3) are based upon the following basic wage rates and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, shall be automatically increased or decreased by the same amount, and at the same time as such basic wage rates.

The wages of apprentices or improvers in receipt of not less than 25s. per week, and of all other juniors in receipt of not less than 20s. per week shall be adjusted proportionately to adjustments of the basic wage.

Such adjustments shall be computed to the nearest 3d., half or less than half of 3d. to be disregarded, and shall accord with the rates payable from time to time under the appropriate award of the Commonwealth Court of Conciliation and Arbitration.

The basic wage rates shown hereunder shall be adjusted as prescribed in clause (19).

*Basic Wage.*

Place.	Basic Wage.	Index Number Set Assigned.
Victoria—	£ s. d.	
Within 20 miles of G.P.O., Melbourne, 10 miles of G.P.O., Geelong, at Warrnambool, and within Mildura and Gippsland Districts .. .. .	3 18 0	Melbourne
Yallourn—6s. 6d. in excess of basic wage for Melbourne.		
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne.		

(19) **ADJUSTMENT OF BASIC WAGE.**—(a) Until the beginning of the first pay period to commence in February, 1941, the amounts of the basic wage shall be as prescribed in clause (18).

(b) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, the amounts of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician :—

- (1) The index number set to be applied to a place is that assigned thereto in clause (18).
- (2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.
- (3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period.

Table.

Index Number Divisions.					Basic Wage.	Index Number Divisions.					Basic Wage.
					£ s. d.						£ s. d.
735-746	..	..	..	..	3 0 0	859-870	..	..	..	..	3 10 0
747-759	..	..	..	..	3 1 0	871-882	..	..	..	..	3 11 0
760-771	..	..	..	..	3 2 0	883-895	..	..	..	..	3 12 0
772-783	..	..	..	..	3 3 0	896-907	..	..	..	..	3 13 0
784-796	..	..	..	..	3 4 0	908-919	..	..	..	..	3 14 0
797-808	..	..	..	..	3 5 0	920-932	..	..	..	..	3 15 0
809-820	..	..	..	..	3 6 0	933-944	..	..	..	..	3 16 0
821-833	..	..	..	..	3 7 0	945-956	..	..	..	..	3 17 0
834-845	..	..	..	..	3 8 0	957-969	..	..	..	..	3 18 0
846-858	..	..	..	..	3 9 0	970-981	..	..	..	..	3 19 0

Any extension of this table must be of the same construction as the table.

W. W. HARRIS, Chairman.

J. B. McINDOE, Secretary.

Melbourne, 4th December, 1940.

