



VICTORIA GOVERNMENT GAZETTE.

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No. 159]

MONDAY, JUNE 9.

[1941

Factories and Shops Acts.

DETERMINATION OF THE NICKELWARE BOARD.

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

(b) On the 25th June, 1934, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any person employed electroplating, grinding, polishing, or finishing articles of table ware, and such power was conferred exclusively on the Electroplaters 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 any persons employed in the trade of making nickel-silver articles of table ware," and whose powers were, by Order in Council dated 16th November, 1920, extended so that it may "fix the lowest prices or rates which may be paid to any persons employed in the trade of making articles of table ware of any base metal", has made the following Determination, namely:—

(1) That on the 5th June, 1941, the adjusted Determination which came into force as from the beginning of the first pay period to commence in May, 1941, shall be revoked and replaced by this Determination.

(2)

APPRENTICES OR IMPROVERS.

Apprentices.			Improvers.		
		Wages per week of 44 Hours. s. d.			Wages per week of 44 Hours. s. d.
1st year—1st six month's experience	13 4	1st year—1st six month's experience	14 0
2nd six month's experience	14 4	2nd six month's experience	15 0
2nd year—1st six month's experience	17 1	2nd year—1st six month's experience	17 11
2nd six month's experience	18 7	2nd six month's experience	19 7
3rd year—1st six month's experience	34 9	3rd year—1st six month's experience	36 6
2nd six month's experience	37 9	2nd six month's experience	39 9
4th year's experience	51 0	4th year's experience	53 9
5th year's experience	69 6	5th year's experience	72 9
6th year's experience	82 6	6th year's experience	86 3
and thereafter the minimum wage.			and thereafter the minimum wage.		

Proportion (in any place)—Three apprentices and two improvers or two apprentices and three improvers to every three or fraction of three workers receiving not less than 90s. per week of 44 hours.

(3)	OTHER EMPLOYEES.	Wages per week of 44 Hours. s. d.	War time loading s. d.	Total Weekly Wage s. d.
Stamper who puts in die and makes force	114 0	6 0	120 0
Repairers	114 0	6 0	120 0
Maker-up	114 0	6 0	120 0
Metal spinner setting up and making his own dies	111 0	4 0	115 0
Other spinners	99 0	3 0	102 0
Die setters	99 0	3 0	102 0
Drop hammer stampers (other than those who put in die and make force)	97 0	3 0	100 0
Press operators (heavy)	97 0	3 0	100 0
Press operators (light)	95 0	3 0	98 0
Pickler who prepares and maintains acid baths	95 0	3 0	98 0
Hand blanker	95 0	3 0	98 0
All others	87 0	3 0	90 0

SPECIAL RATES.

(4) In addition to the wages prescribed in clause (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) Where more than one of the disabilities entitling a workman to extra rates exist on the same job the employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

HOURS OF EMPLOYMENT.

(5) 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.

(6) (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 ($\frac{1}{43}$) of the prescribed weekly wage, and in the case of hourly employees, at the rate of forty-four forty-thirds ($\frac{44}{43}$) of the prescribed rate for such employees which payments the employer shall have the option of making; nor shall they be so reduced if, in addition to other holidays (if any) to be given under this Determination to such employees, such employees are given in each year, one week's holiday on full pay, which week's holiday the employer shall have the option of giving.

(d) For all time of duty outside the limits of the ordinary hours prescribed in sub-clause (c) hereof, an employee on continuous work shift shall be paid at double rates. But this shall not apply to arrangements between employees themselves or in cases due to rotation of shift, or when the relief does not come on duty at the proper time: Provided that where not less than eight hours' notice has been given to the employer by the employee that he will be absent from work, and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

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

(f) Employees on continuous work shifts, working any Sunday or holiday shift, shall be paid at the rate of time and a half for such shift.

Shift Work in other than Continuous Work.

(g) In shift work, not upon continuous work as herein defined, any afternoon or night shift which does not continue for five successive working nights or more in a five-day workshop, or six successive working nights or more in a six-day work shop, shall be paid for at the rate of time and a half.

(h) Except as hereinafter provided for any afternoon or night shift which has been in operation for five nights or more and less than one month 10 per cent. more than ordinary rates shall be paid and after such shifts have continued for more than one month $7\frac{1}{2}$ per cent. more than ordinary rates shall be paid.

(i) (i) 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.

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

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

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

MIXED FUNCTIONS.

(7) 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.

(8) (a) For all work done outside ordinary hours the rates of wages 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 2 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.

(9) (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 3 hours' work.

ANNUAL LEAVE.

(10) (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 purposes 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 sub-clause (a) of 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 the 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 25th 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 25th day of December, 1939, shall, for the purposes of this clause, be deemed to have commenced their service on that date.

(j) For the purposes 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 employer if such termination has been made merely with the intention 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 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 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.

PIECEWORK 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 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.

DEFINITIONS.

(18) "Year" means 365 consecutive days, starting from the 19th July each year.

"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 2 inches.

PERIODICAL ADJUSTMENT OF WAGES.

(19) 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 apprentices and improvers 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 (20) :—

Basic Wage

Place.	Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination Applies	£ s. d. 4 1 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

(20) (a) For work done before the beginning of the first pay period to commence in August, 1941, the amount of the basic wage prescribed in clause (19) shall be paid.

(b) For work done during each future successive period beginning with the first pay period to commence in an August, a November, a February, and a May, 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

RAY B. BEERS, P.M., Chairman.

E. LAITY, Secretary.

Melbourne, 21st May, 1941.



VICTORIA GOVERNMENT GAZETTE

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Factories and Shops Acts.

DETERMINATION OF THE CYCLE TRADE BOARD.

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

(b) RE APPRENTICES OR IMPROVERS.—On the 5th March, 1930, the trade of motor cycle mechanic was proclaimed an Apprenticeship Trade under the Apprenticeship Act 1927, and, so far as the Metropolitan District is concerned, the provisions of that Act and the Regulations thereunder determine the conditions of employment of apprentices indentured after 5th March, 1930, and of improvers permitted to enter the trade after 20th November, 1929.

These provisions, however, do not affect indentures of apprenticeship entered into before 5th March, 1930, or improvers employed prior to 20th November, 1929.

Particulars of such Regulations may be obtained on application to the Secretary, Apprenticeship Commission, Gisborne-street, Melbourne. Price, 3d.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which, since 15th November, 1937, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in any process, trade, or business connected with or incidental to—

(a) the making or repairing of bicycles, tricycles, or motor cycles, or

(b) the making or repairing of any part or parts (other than tyres or engines) of a bicycle, tricycle, or motor cycle,

but not including any process, trade or business subject to the Determination of any Wages Board heretofore appointed, has made the following Determination, namely:—

(1) That on the 12th June, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

(a) *Apprentices.		(b) *Improvers.		(c) Other Employees.	
Weekly Wages.		Weekly Wages.		Weekly Wages. Day Shift.	
s. d.		s. d.		s. d.	
1st year	19 9	1st year	19 0	Foremen, where over five adults are employed ..	126 6
2nd	25 0	2nd	24 0	Foremen, where five adults or fewer are employed	124 3
3rd	39 0	3rd	37 6	Lathe hands	123 0
4th	57 0	4th	54 9	Builders and repairers of motor cycle frames and frames other than cycle frames ..	113 3
5th	75 6	5th	72 6	Builders or repairers or brazers of cycle frames ..	111 0
And thereafter, until attaining the age of 21 years, four-fifths of the journeyman's rate.		And thereafter four-fifths of the journeyman's rate.		Other repairers of motor cycles (except lathe hands)	113 3
PROPORTION (IN ANY PLACE).		Provided that any improver who commences at the trade after attaining the age of 17 years shall be paid 20 per cent. in addition to the above rates.		Other repairers (except lathe hands)	111 0
One apprentice to every three or fraction of three persons receiving not less than 10s. per week.		PROPORTION (IN ANY PLACE).		Assemblers of motor cycles	111 0
		One improver to one person receiving not less than 10s. per week, two improvers to two or three such persons, thereafter two additional improvers to every three additional such persons.		Other assemblers	105 6
				Filers on motor and other cycles	105 6
				Wheel-builders on motor and other cycles ..	105 6
				Foremen in rim-making	115 6
				All others employed in rim-making	105 6
				Persons cleaning off joints by sand-blasting or by shot-blasting	105 6
				Handle-bar benders	105 6
				By the mandrel method	101 0
				By any other method	105 6
				Persons not provided for otherwise	95 0

* Except those covered by the Apprenticeship Act.

(3) ORDINARY WEEK'S WORK.—The number of hours which shall constitute an ordinary week's work shall be 44. Provided that, in any place where the principal work carried on is incidental to and directly connected with the employer's retail business, not more than two persons may be employed for a maximum of 46 hours per week without payment of overtime rates.

(4) **SHIFTS.**—

(a) *Day Shift.*—The hours of duty shall not exceed 8½ hours per day for five days, and 4½ hours on the day on which the statutory weekly half-holiday is observed locally, and shall be worked between the hours of 7 a.m. and 1 p.m. on the day upon which the statutory weekly half-holiday is observed locally, and between 7 a.m. and 6 p.m. on the other working days of the week.

(b) *Afternoon, Night, or Other Shift.*—i. *Hours.*—The hours of duty on any shift other than a day shift shall be arranged mutually between the employer and the majority of the employees providing that 9½ hours shall be the maximum duration of such a shift.

ii. *Wages.*—The following percentages shall be added to the rates fixed for the day shift:—

During the first month's employment on such shift	10 per cent.
Thereafter	7½ per cent.

A statement, setting out the ordinary daily working hours, shall be displayed conspicuously in the workshop.

(5) **CRIB TIME.**—Where three shifts are worked, shift workers shall be allowed, after four hours' work, a crib time of twenty minutes without deduction of pay therefor.

(6) **OVERTIME.**—

(a) For all work done (i) outside the ordinary working hours on any day or shift, or (ii) within the ordinary working hours on any day or shift but in excess of the number of hours fixed in clause (3), the rate of wages shall be time and a half for the first four hours and double time thereafter, such double time to continue to be paid until an employee has been relieved from work for at least eight hours.

(b) Except as provided in the preceding sub-clause, in computing overtime each day's work shall stand alone.

(c) Any employee working overtime for a longer period than two hours shall be allowed twenty minutes' crib time (without deduction of pay) after the completion of his ordinary shift and after each additional four hours of work, unless a mutual agreement has been made for the taking of a longer period of rest without pay.

(7) **FIVE-DAYS' WEEK.**—Notwithstanding anything contained in clause (4) the ordinary week's work may be completed in five days, provided that the employer and the majority of his employees concerned mutually agree in writing.

(8) **CONTRACT OF EMPLOYMENT.**—(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 the public holidays prescribed in clause (9), or for days for which he produces a certificate from a medical practitioner or other proof satisfactory to his employer of sickness (aggregating four 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 establishments working six days and one-fifth in establishments working five days per week. Provided that if an employee is absent with leave on a Saturday, only time actually lost shall be deducted.

If it is desired to work a week of shorter hours in slack times, instead of standing the employees off in turn, the employer may make an arrangement to work his employees for shortened hours, but such arrangement shall be made only where, on the vote of the employees being taken, a majority of the whole of the employees vote in favour of such arrangement.

Where such an arrangement is made, the employees shall be informed on the day ending each week of the shortened hours to be worked in the following week and the employer shall pay each employee for the actual hours worked on each day on the basis of his or her weekly wage.

(b) If the contract of employment is for hourly hiring, the total amount of the rates prescribed in clause 2 (c) hereof shall be increased by 5s. per week (with a proportionate amount added to the wages of apprentices and improvers), 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.

(d) Where the employer terminates the employment, within two weeks prior to a day on which a holiday occurs, of any person employed by the week and such person is re-engaged within a period of two weeks after such holiday or holidays, such person shall be paid for such holiday or holidays prescribed by this Determination, provided that such person has been employed by the employer for a period of at least two weeks prior to the termination of employment.

(9) **SPECIAL RATE FOR SUNDAYS AND PUBLIC HOLIDAYS.**—Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day (21st April), Christmas Day, or Boxing Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the special rate shall be payable only for work done on the day so substituted.

(10) **WORK GIVEN OUT.**—(a) For the purposes of this Determination, every person or body of persons who issues, gives out, or authorizes or permits to be issued or given out any material whatsoever for the purpose of being wholly or partly prepared or manufactured by any process or processes subject to the jurisdiction of this Board, notwithstanding the fact that the person to whom the material is issued or given out supplies additional material, shall be deemed to be the employer of the person to whom such material is issued or given out.

(b) Every employer within the meaning of this clause shall keep a record book, which shall contain a correct account written in ink as follows:—

- (i) The name and full address of the person to whom material is issued or given out;
- (ii) The number of articles and description of work issued or given out;
- (iii) The time spent in carrying out and the price paid for such work;
- (iv) The record book shall be signed each week by each person to whom material is issued or given out, verifying the accuracy of the amount of wages received.

(c) The record book mentioned in the preceding sub-clause shall be open for inspection at any time by any authorized officer of the Department of Labour.

(11) **SUPPLY OF MILK.**—Any person engaged for the greater part of his day's work at cleaning off joints by any method other than filing, shall be supplied free of charge by the employer with one pint of milk each day he is so engaged.

(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 clause (2) 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, and including in the case of employees whose employment is by the hour the loading prescribed by sub-clause (b) of clause (8) 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 20th 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 20th day of December, 1939, shall, for the purposes of this clause, be deemed to have commenced their service on that date.

(j) For the purposes 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 purposes 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 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.

(13) MISCELLANEOUS PROVISIONS :—

(a) *Tools.*—The employer shall provide for each employee all necessary tools.

(b) *Sanitation, &c.*—The employer 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 an undertaking is given that the lockers will be properly cared for, a locker shall be installed by the employer for each workman.

(c) *Protective Apparatus.*—Suitable asbestos sheets and coloured glasses shall be provided by the employer for the protection of electric arc and oxy-acetylene operators and their assistants, and suitable mica or other goggles for emery-wheel operators.

(14) DEFINITIONS.—

(a) "Afternoon Shift" shall mean any shift finishing after 6 p.m., but not later than midnight.

(b) "Night shift" shall mean any shift finishing later than midnight, but not later than 8 a.m.

R. J. EDWARDS, Chairman.

REX L. CECIL, Secretary.

Melbourne, 28th May, 1941.

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