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[1941

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 11th September, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices .				Juvenile Workers, i.e., Persons under 21 Years of Age (other than Apprentices).			
Wages per Week of 44 Hours.				Wages per Week of 44 Hours.			
				Weekly Hiring.		Hourly Hiring.	
				s. d.		s. d.	
1st year's experience	..	..	..	..	..	..	..
2nd "	"	"	"	..	..	..	..
3rd "	"	"	"	..	..	..	..
4th "	"	"	"	..	..	..	..
5th "	"	"	"	..	..	..	..
PROPORTION.							
Apprentices.							
One apprentice to every two or fraction of two workers receiving not less than 123s. per week of 44 hours.							
An indenture of apprenticeship prescribed by the Board was approved on 6th August, 1912.							
				(a) Employed in—			
				All occupations including "manufacturing" as defined, at heating rivets, assisting apprentices or labouring—			
				Under 16 years of age .. 20 6 .. 22 0			
				16 years of age .. 29 3 .. 30 9			
				17 " " .. 39 6 .. 42 0			
				18 " " .. 49 6 .. 52 6			
				19 " " .. 62 6 .. 66 6			
				20 " " .. 75 0 .. 79 6			
				(b) A Junior employee who on the 11th September, 1941, in his case was entitled under the previous Determination to a rate higher than that hereby prescribed for an employee of his age and experience shall be paid at not less than the rate prescribed by such previous Determination for an employee of his age or experience, as the case may be, until he completes the year of experience or of age in respect of which the last mentioned wage is prescribed. Upon completion of such year the minimum rate of wage in his case shall be the rate hereby prescribed.			

(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	6 3 0	6 9 6	6 0 0
Assembler (not coming within definition of tradesman) engaged in window-frame making	5 8 0	5 14 6	5 5 0
Machinist—engaged in window-frame making—			
First class	6 3 0	6 9 6	5 0 0
Second class	5 11 0	5 17 0	5 8 0
Third class	5 4 0	5 10 6	5 1 0
Process worker engaged in window-frame making	4 18 0	5 4 6	4 15 0
Welder—			
First class (other than when using Cutler machine)	6 6 0	6 12 6	6 3 0
First class (using Cutler machine)	5 13 0	5 19 6	5 10 0
Second class	5 4 0	5 10 6	5 1 0
Third class	5 0 0	5 6 6	4 17 0
Tack welder	5 2 0	5 8 6	4 19 0
Tradesman employed in boilermaking, ship, bridge, and girder construction	6 3 0	6 9 6	6 0 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	6 7 0	6 13 6	6 4 0
Boilermiths and/or angle-iron smiths	6 6 0	6 12 6	6 3 0
Plate setters and frame bonders	6 5 0	6 11 6	6 2 0
Drillers using portable machines in boilermaking and ship construction	6 0 0	6 6 6	5 17 0
Drillers using stationary machines in boilermaking and ship construction	5 0 0	5 6 6	4 17 0
Tradesman employed on steel construction and/or standardized frame buildings made in quantities	6 3 0	6 9 6	6 0 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	6 7 0	6 13 6	6 4 0
Machinist—			
First class, employed on standardized frame buildings made in quantities	5 6 0	5 12 6	5 3 0
Second class, employed on standardized frame buildings made in quantities	5 0 0	5 6 6	4 17 0
Emery wheel attendant	4 18 0	5 4 6	4 15 0
Blacksmith's striker	4 16 0	5 2 6	4 13 0
Blacksmith's striker on double fires	4 18 0	5 4 6	4 15 0
Furnaceman	5 2 0	5 8 6	4 19 0
Attendants on small rivet heating or bolt beating or similar types of fires	4 18 0	5 4 6	4 15 0
Holder up	4 18 0	5 4 6	4 15 0
Benders of iron and steel frames used for reinforcing concrete	4 18 0	5 4 6	4 15 0
Painters of ironwork other than ship painters (brush)	4 16 0	5 2 6	4 13 0
Painters of ironwork using spray	4 17 0	5 3 6	4 14 0
Friction saw operators	4 16 0	5 2 6	4 13 0
Cold saw operators	4 18 0	5 4 6	4 15 0
Dogman	4 18 0	5 4 6	4 15 0
Riggers and splicers except on ships and buildings	4 18 0	5 4 6	4 15 0
Riggers and splicers on ships and buildings	5 2 0	5 8 6	4 19 0
Cleaners and chippers (inside of boilers)	5 2 0	5 8 6	4 19 0
Workmen engaged directly assisting tradesmen, machinists, and welders	4 16 0	5 2 6	4 13 0
Labourers	4 7 0	4 13 6	4 4 0
Steel pipe making section—			
Pipe builders	4 19 6	5 5 6	4 16 0
Machine operators (in charge of machines)	4 19 6	5 5 6	4 16 0
Faucet maker in charge of furnace	5 2 0	5 8 6	4 19 0
Man assisting furnace faucet maker	4 15 0	5 1 6	4 12 0
Man in charge of ring-making machine	4 19 0	5 5 6	4 16 0
Man assisting at ring-making machine	4 15 0	5 1 6	4 12 0
Man on tar dip and sand rolling	4 15 0	5 1 6	4 12 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. 1d. 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.

Ship Repairing.—Employees engaged on ship repairs shall be paid the following additional rates, viz.:—
 Tradesmen 3s. per week extra
 All other labourers 2s. „ „

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
	Where two Shifts are worked.	
Monday to Saturday (day shift)	7 a.m.	3 p.m.
Monday to Saturday (afternoon shift)	3 p.m.	11 p.m.
	Where three Shifts are worked.	
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 proscribed 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 ornamentalions 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 proscribed 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 proscribed by clause (3) of this Determination but not including any other special rates proscribed by this Determination and including in the case of employees whose employment is by the hour the loading proscribed 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.

- (1) 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 transmittee 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 transmittee 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	4 1 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 November, 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 November, a February, a May, or an August, 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.

A. C. TINGATE, P.M., Chairman.

J. B. McINDOE, Secretary.

Melbourne, 26th August, 1941.



VICTORIA GOVERNMENT GAZETTE.

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[1941

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 23 (ELECTRICAL AND RADIO GOODS).

NOTE.—This Determination on the 18th September, 1941, applied to the following parts of Victoria, namely:—The Metropolitan District and the Geelong District as defined in the Factories and Shops Acts, and the Order in Council thereunder extending such Metropolitan District, such portions of the city of Sandringham as are not included within the said Metropolitan District, the cities of Ballarat, Bendigo, and Warrnambool, and the boroughs of Eaglehawk and Sebastopol.

On the 18th May, 1932, the Shops Board No. 18 (Miscellaneous Shops) was deprived of the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the business of a seller of—

- (a) Electrical goods;
- (b) Wireless (radio) sets, parts, or accessories;

and such power was conferred exclusively on the Shops Board No. 23 (Electrical and Radio Goods).

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 person or persons or classes of persons employed in the business of a seller of—

- (a) Electrical goods;
- (b) Wireless (radio) sets, parts, or accessories"—

has made the following Determination, namely:—

- (1) That on the 18th day of September, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.
- (2)

Apprentices and Improvers.							Other Employees.			
Wages per Week of 47 Hours.							Wages per Week of 47 Hours.			
Experience.	Commencing Age.						Within the Metropolitan District.	Outside the Metropolitan District wherever this Determination applies.		
	15 years or under.	16 years.	17 years.	18 years.	19 years.	20 years.				
Males—							MALES.			
1st year	17 3	18 9	25 9	34 3	45 6	59 6	} 115 0	} 110 0	}	
2nd year	23 0	25 9	31 3	39 9	56 9	70 9				
3rd year	31 3	34 3	43 0	56 9	73 6	.. .. .			
4th year	39 9	45 6	56 9	73 6	.. .. .	.. .. .		
5th year	51 0	56 9	.. .. .	.. .. .	.. .. .	.. .. .
6th year	62 3	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
And thereafter the minimum wage.							(a) Person in charge of a shop Or, (b) Manager in charge of one or more persons in an electrical and/or radio department of a departmental store, the business of which is not confined to the sale of radio or electrical goods			
Females—							(c) Canvassers, travellers, collectors, installers, and all others who are in any way connected with the sale of goods on a merchant's premises, but excluding those selling off such premises if they are paid exclusively by commission and have the right to sell goods for more than one merchant—			
1st year	15 3	15 3	20 9	20 9	25 3	25 3	.. .. .	.. .. .	.. .. .
2nd year	20 9	25 3	27 6	29 3	35 6	.. .. .	.. .. .	.. .. .	.. .. .
3rd year	25 3	29 3	35 6	41 0	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
4th year	29 3	35 6	41 0	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
5th year	35 6	41 0	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
6th year	41 0	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
And thereafter the minimum wage.							21 years of age	82 0	79 6
(1) That on the 18th day of September, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.							22 years of age	92 0	89 6
(2)							23 years of age or over	105 0	100 0
PROPORTION (WITHIN ANY SHOP).							FEMALES.			
Apprentices.							Females			
MALES.							58 0	55 6
One male apprentice to every three or fraction of three workers receiving not less than 79s. 6d. per week.							FEMALES.			
FEMALES.							Females			
One female apprentice to every three or fraction of three workers receiving not less than 55s. 6d. per week.							Improvers.			
Improvers.							MALES.			
MALES.							Females			
One male improver to every two or fraction of two workers receiving not less than 100s. per week.							FEMALES.			
FEMALES.							Females			
One female improver to every two or fraction of two workers receiving not less than 55s. 6d. per week.							.. .. .		

(3) **PENAL RATE.**—Any person who works less than 36 hours in any week shall be paid for such work at the rate of 3s. 3d. per hour. Provided that no employee shall be entitled to receive more than the rate fixed for his particular class of work for a week of 47 hours.

(4) **TIMES OF BEGINNING AND ENDING WORK—**

	Time of Beginning.	Time of Ending.
Friday	7.45 a.m.	9 p.m.
Saturday	7.45 a.m.	12.45 p.m.
On the other working days of the week	7.45 a.m.	6 p.m.

(5) **MEAL INTERVAL.**—No employer shall require any employee to take a longer interval than one hour for a meal.

(6) **OVERTIME—**

Outside the hours fixed in Clause 4

Within the hours fixed in Clause 4 in excess of the number of hours as fixed for an ordinary week's work } Time and a half.

(7) **SPECIAL RATES.**—Time and a half shall be paid for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Melbourne Cup Day, King's Birthday, Christmas Day, and Boxing Day, or after 12.30 p.m. on Show Day (in localities mentioned in Royal Agricultural Show Act). 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.

(8) **TERMINATION OF EMPLOYMENT.**—Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or worker.

(9) **ALLOWANCE.**—When, in conformity with the custom of the trade, an employee wears, when at work, a washable outer garment the laundering of which is not paid for by the employer, such employee shall be paid 2s. 6d. per week in addition to the ordinary rate.

(10) **TEA MONEY.**—Any employee whose weekly rate is not more than 59s. 6d. who is required to work overtime in excess of two hours on any one day, shall receive an allowance of 1s. 6d. as tea money in addition to the rates provided in Clause (6).

(11) **NOTICE TO WORK OVERTIME.**—At least 24 hours' notice shall be given when overtime is required to be worked.

(12) **NOTICE OF INTENTION TO RATION.**—Where an employer, owing to slackness of trade, desires to ration his employees, he shall give at least 24 hours' notice to each employee of his intention to ration such employee.

(13) **ANNUAL LEAVE.**—(a) Any employee who has been in the service of an employer for not less than twelve months shall be granted one week's holiday on full pay, and thereafter one week's holiday (with full pay) on each completed year of service. Provided that after having been in the service of the same employer for three years an employee shall be granted one week and four days' holiday on full pay on each completed year's service. Such holiday or holidays shall be exclusive of the holidays mentioned in clause (7).

(b) Any employee who has been for less than twelve months but not less than nine months in an employer's service and whose engagement is terminated by the employer shall receive one half day's holiday payment for each month spent in such employer's service.

(14) **SICK PAY.**—Any employee not attending for duty who has had not less than twelve months' service with the same employer shall lose his or her pay for the actual time lost unless such employee produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill-health or accident for more than six days in each year commencing from the first day of January, 1939.

(15) **TIME AND WAGES RECORDS.**—An employer shall keep time and wages records showing the name of each employee, the hours worked each week by, and the wages and overtime paid to each employee.

(16) **PAYMENT OF WAGES, ETC.**—Payment of all wages, overtime, special rates, and allowances due, shall be made during working hours not later than Thursday each week.

(17) **REFERENCE.**—An employee, on severing his or her connexion with an employer, shall be entitled to and shall receive from such employer a reference in writing, stating his or her period of service and qualifications. This provision shall only apply in the case of an employee who has been employed continuously for three months or more.

(18) **TRANSPORT ALLOWANCE.—**

(a) When an employee, by arrangement with his employer, uses his own car in the service of the employer he shall be paid an allowance of not less than 4d. per mile; provided that the total allowance payable shall not be less than 40s. per week and shall not exceed 20s. for any one day or £3 for any one week.

(b) When an employee, by arrangement with his employer, uses his own motor cycle or motor cycle and side-car in the service of the employer he shall be paid an allowance of not less than 2d. per mile; provided that the total allowance payable shall not be less than 15s. per week and shall not exceed 7s. 6d. for any one day or 30s. for any one week.

(c) Where a bicycle is provided by an employee and is required to be used in connexion with his employer's business, an allowance of 3s. 6d. per week in addition to the ordinary wage shall be paid to such employee.

(19) **POSTING OF DETERMINATION.**—A copy of this Determination shall be kept posted at or near the entrance to any shop or place to which it applies.

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

J. B. McINDOE, Secretary.

Melbourne, 1st September, 1941.