



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 5]

MONDAY, JANUARY 6.

[1941

Factories and Shops Acts.

DETERMINATION OF THE WIRE FENCE AND TUBULAR GATE BOARD.

NOTE.—This Determination, applies to the following parts of Victoria, namely:—The Metropolitan District (excepting the Central and Southern Ridings of the Shire of Braybrook) as defined in the *Factories and Shops Act 1928* (No. 3677); the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; such portion of the City of Sandringham as is not included in the said Metropolitan district; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the 22nd November, 1928, has had 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 trade of making or erecting woven wire fence (other than wire netting) and tubular gates, has made the following Determination, namely:—

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

(2)

Apprentices.	Improvers.	Other Employees.
WAGES.	WAGES.	WAGES.
Per Week of 44 Hours.	Per Week of 44 Hours.	Per Week of 44 Hours.
s. d.	s. d.	s. d.
1st year's experience	Under 16 years of age	Paint Spray Operators or Welders
.. 16 3	.. 20 6	98 0
2nd	16 years of age	Machinists, being those engaged in
.. 22 0	.. 26 3	working on ring lock, or any other
3rd	17	class of fence-making machines,
.. 29 3	.. 33 0	chain netting machines, or picket
4th	18	fabric machines
.. 38 3	.. 42 0	95 6
5th	19	Persons employed in attaching
.. 44 6	.. 48 3	chain netting, fabric, or wire
6th	20	cables to gates or frames
.. 56 3	.. 61 0	95 6
And thereafter the minimum wage.	NUMBER (by any employer).	Scroll makers or tubular frame
NUMBER (by any employer).	One improver to every three or fraction	makers
One apprentice to every three or fraction	of three workers receiving not less than	Persons employed in erecting
of three workers receiving not less than	84s. per week of 44 hours.	woven wire fence or tubular gates
84s. per week of 44 hours.		95 6
		Stump bands
		89 0
		All other adult employees
		84 0
		Provided that any person without previous
		experience doing work for which the rate is
		fixed at 95s. 6d. per week, shall be paid 89s.
		per week of 44 hours for the first six weeks
		of such employment.

(3) TIME OF BEGINNING AND ENDING WORK:—

Time of Beginning.	Time of Ending.
7.30 a.m.	5.30 p.m. on each of five days of the week.
7.30 a.m.	1 p.m. on the other working day of the week on which the half-holiday is usually observed.

(4) OVERTIME.—All work done outside ordinary hours shall be paid for at the rate of time and a half for the first four hours and thereafter double time. Provided that, in computing overtime each days work shall stand alone.

(5) SPECIAL RATES.—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), King's Birthday, 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 only be payable for work done on the day so substituted.

(6) **PAYMENT FOR PUBLIC HOLIDAYS.**—Ordinary rates shall be paid for the following holidays if not worked :—New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day (21st April), King's Birthday, Anzac Day, Christmas Day, Boxing Day, or such other days as are observed in lieu of the above days.

(7) **ALLOWANCES.**—(a) All employees engaged on outside work shall be conveyed to and from work free, or shall be allowed expenses to and from the work.

(b) When an employee is sent to work at a distance of more than thirty miles from the employer's usual place of business, the employer shall pay for or provide suitable board and lodging.

(8) **SICK PAY.**—An employee shall be allowed four days' sick leave each year without deduction in pay, provided satisfactory evidence of sickness be produced to the management or employer.

For the purposes of this clause "year" shall mean a period of twelve consecutive calendar months commencing on the first of each July. This clause shall not come into operation until the 1st July, 1940.

(9) **PAYMENT OF WAGES.**—(a) All payments of wages shall be made on a day not later than Friday of each week.

(b) Any employee who is 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 overtime at the rate of time and a third after that quarter of an hour, with a minimum of a quarter of an hour. Provided that this sub-clause shall not apply to any employee who is engaged on outside work at the time of ceasing work on pay day.

(10) **MEAL MONEY.**—Any employee who is required to work overtime for more than two hours on any day and who has not been notified on the previous day that he would be required to work such overtime shall, unless provided with a reasonable meal by the employer, be paid an allowance of one shilling and sixpence.

(11) **TOOLS.**—All tools used by employees on inside work, and wire cutting tools for those employed on outside work, shall be provided by the employer free of charge.

(12) **TERMINATION OF EMPLOYMENT.**—Employment 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.

(13) **PIECEWORK.**—The Board determines, under the provisions of section 15C of the *Factories and Shops Act 1928* (No. 3677) that any employer may fix and pay piecework prices to any person or persons or classes of persons employed in erecting woven wire fence or tubular gates, provided that any such employer shall base such piecework prices on the earnings of an average worker working under like conditions, and such piecework 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.

(14) **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. 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 for each such holiday falling as aforesaid.

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

(m) Where the employer is a successor or assignee or transferee of a business, if an employee was in the employment of the 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.

(15) PERIODICAL ADJUSTMENT OF WAGES.—The wages rates set out in clause (2) 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*, the 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 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 rates shown hereunder shall be adjusted as prescribed in clause (16).

Basic Wage.

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

(16) ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in February, 1941, the amount of the basic wage shall be as prescribed in clause (15).

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

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

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

Table.

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

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

W. W. HARRIS, Chairman.

E. LAITY, Secretary.

Melbourne, 4th December, 1940.

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No. 6]

MONDAY, JANUARY 6.

[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 25th December, 1940, the adjusted Determination which came into force as from the beginning of the first pay period to commence in August, 1940, shall be revoked and replaced by this Determination.

(2) **APPRENTICES 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	.. ..	33 6	3rd year—1st six month's experience	.. ..	35 0
2nd six month's experience	.. ..	36 3	2nd six month's experience	.. ..	38 3
4th year's experience	.. ..	49 3	4th year's experience	.. ..	51 9
5th year's experience	.. ..	67 0	5th year's experience	.. ..	70 0
6th year's experience	.. ..	79 6	6th year's experience	.. ..	83 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 84s. per week of 44 hours.

(3) **OTHER EMPLOYEES.**

	Wages per week of 44 Hours. s. d.
Stamper who puts in die and makes force	111 0
Repairs	111 0
Maker-up	111 0
Metal spinner setting up and making his own dies	106 0
Other spinners	96 0
Die setters	96 0
Drop hammer stampers (other than those who put in die and make force)	94 0
Press operators (heavy)	94 0
Press operators (light)	92 0
Pickler who prepares and maintains acid baths	92 0
Hand blanker	92 0
All others	84 0

SPECIAL RATES.

- (4) In addition to the wages prescribed in clause (3) hereof the following special rates and allowances shall be paid:—
- 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.
 - Working in wet places—1½d. per hour extra.
 - 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.
 - 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—

- 8 in any one day; nor
- 48 in any one week; nor
- an average of 44 per week during the period of employment upon such shifts; nor
- such average reduced to 43 hours 5 minutes if such shifts include Sunday shifts; nor
- a total of 176 hours during any four weeks of the period of employment upon such shifts; nor
- such total reduced to 172 hours 20 minutes during any such four weeks if such shifts include Sunday shifts.

Provided that such average and total shall not be so reduced to 43 hours 5 minutes and 172 hours 20 minutes if the employees on such shifts are for each ordinary hour worked thereon by them paid in the case of weekly employees at the rate of one forty-third (1/43) of the prescribed weekly wage, and in the case of hourly employees, at the rate of forty-four forty-thirds (44/43) of the prescribed rate for such employees which payments the employer shall have the option of making; nor shall they be so reduced 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 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 7½ 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 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 employee 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. 3 18 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

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

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

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

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

Table.

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

RAY. H. BEERS, P.M., Chairman.

E. LAITY, Secretary.

Melbourne, 10th December, 1940.

