



VICTORIA GOVERNMENT GAZETTE.

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[1943

Factories and Shops Acts.

DETERMINATION OF THE BEDSTEADMAKERS BOARD.

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portions of the city of Sandringham as are not within the said Metropolitan District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; 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 appointed to “determine the lowest prices or rates which may be paid to any person or persons or classes of persons (including the moulders of bedsteads and excluding the moulders of fenders) employed in the process, trade, or business of a maker of metal bedsteads or fenders, or parts thereof,” has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 10th December, 1942, the adjusted Determination which came into force as from the beginning of the first pay period to commence in November, 1942, shall be revoked and replaced by this Determination.

(2)	Wages per week of 44 hours.	
	Within the Metropolitan District and such portions of the City of Sandringham as are not included within the said district; the Cities of Geelong, Geelong West and the Town of Newtown and Chilwell and the City of Warrnambool.	Other Parts of Victoria where the Determination applies.
	s. d.	s. d.
Bedstead smiths	111 0	108 0
Chill fitters called on to design and model	124 0	121 0
Other chill fitters	111 0	108 0
Machinists	108 0	105 0
Platers in charge	121 0	118 0
Plater's assistant	109 0	106 0
Polisher and grinder	110 0	107 0
Chipper and caster	107 0	104 0
Bedstead fitter and mounter	111 0	108 0
Employees engaged cutting, binding, straightening, drilling or squaring up parts of bedsteads and frame setters	110 0	107 0
Japanners and lacquerers	108 0	105 0
All others	100 0	97 0

3. SPECIAL RATES.—In addition to the wages prescribed in clause 2 hereof the following special rates and allowances shall be paid:—

- Leading hands in charge of not less than three and not more than ten employees, including apprentices, 6s. per week extra; more than ten and not more than twenty employees, including apprentices, 12s. per week extra; more than twenty employees, including apprentices, 18s. per week extra.
- Working in wet places, 1½d. per hour extra. Working in confined spaces, 3d. per hour extra.
- Working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, 1½d. per hour extra; in places where the temperature exceeds 130 degrees Fahrenheit, 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay. The temperature shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.
- Dirty work, i.e., work which the foreman and the workman shall agree is of an unusually dirty or offensive nature, 1½d. per hour extra.
- Compensation to the extent of the 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 exists on the same job, the employer shall be bound to pay only one rate, viz., the highest for the disabilities so prevailing.

(e) Each employee before going on leave shall be paid a week's wage. For the purpose of this sub-clause and sub-clause (d) hereof the week's wage shall be at the rate prescribed by clauses 2 and 4 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 (e) hereof payment shall not be made or accepted in lieu of annual leave.

(g) Where leave has been granted to an employee pursuant to sub-clause (c) 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 clause 8 of this Determination.

(h) Service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave provided that an employee shall not be entitled to leave or to payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under the Determination hereby rescinded.

(i) 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 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.

(j) The annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 8 of 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.

(k) For the purpose of this clause a month shall be reckoned as commencing from 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.

(l) 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.

9. SICK LEAVE.—(a) An employee on weekly hiring who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitation:—

(i) He shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation.

(ii) He shall prove to the satisfaction of his employer (or in the event of dispute, of the Secretary for Labour) that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(iii) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 44 hours of working time.

For the purpose of administering paragraph (ii) of this sub-clause an employer may within two weeks of the employee entering his employment require any employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year; and upon such statement the employer shall be entitled to rely and act.

(b) Notwithstanding anything contained in sub-clause (a) hereof an employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to Workers' Compensation) necessitating his attendance during working hours on a doctor, chemist, or trained nurse, or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

(c) For the purpose of this clause "year" means the period between the 1st day of May in each year and the next 30th day of April.

10. SHOP STEWARDS.—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.

11. RIGHT OF ENTRY OF UNION OFFICIALS.—A duly accredited representative of the Association shall have the right to enter employer's workshops during the midday meal hour for the purpose of interviewing employees on legitimate union business on the following conditions:—

(i) That he produces his authority to the gatekeeper or such other person as may be appointed by the employer.

(ii) That he interviews employees only at the places where they are taking their meal.

(iii) That not more than one representative in all be in any workshop at any one time.

(iv) That no one representative visit a workshop more than once in each week.

(v) That if any employer alleges that a representative is unduly interfering with his workshop or is creating disaffection amongst his employees, or is offensive in his methods, or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Secretary for Labour.

12. TRAVELLING TIME, ALLOWANCES AND BOARD.—(a) All fares and reasonable travelling expenses—including the cost, if any, incurred for meals—incurred by an employee during travelling shall be paid by the employer. The fares shall be first class on coastal boats, or on inter-state boats where there is no second class distinct from steerage. On trains where the employee has to travel all night, sleeping accommodation shall be provided where available.

(b) Time occupied in travelling during ordinary hours of employment shall be paid for at ordinary rates.

(c) If such employee has to be away from his home overnight he shall be allowed reasonable costs of board and lodging.

(d) When it is more convenient for the employee in the city or town in which his employer's factory is situated to go direct to the job from his home, he shall do so, and start and cease work at the usual time customary at the shop. Provided that any extra expense incurred by him in travelling shall be borne by the employer.

CONTRACT OF EMPLOYMENT.

13.—(a) Except as hereinafter provided employment shall be by the week. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(b) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages as the case may be. This shall not affect the right of the employer to dismiss any employees without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid up to the time of dismissal only or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown in machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(c) An employee not attending for duty shall except as provided by clause 9 hereof lose his pay for the actual time of such non-attendance.

Casual Employment.

A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he or she performs.

14. **PAYMENT OF WAGES.**—(a) Wages shall be paid weekly. 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 of an hour with a minimum of a quarter of an hour.

15. **TIME AND WAGES BOOK.**—Each employer shall keep a time and wages book showing the name of each employee and his occupation, and 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.

The time and wages book shall be open for inspection at the employer's office or other convenient place to a duly accredited official of the Association during the usual office hours. Provided that no inspection shall be demanded unless the Secretary of the Association or the district secretary or organizer of any division of the Association suspects that a breach of this Determination has been or is being committed. Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment. The officer making such inspection shall be entitled to take a copy of the entry in the time and wages book relating to such suspected breach of this Determination.

16. **PAYMENT BY RESULTS.**—(a) Subject to the minimum wages herein prescribed, an employer may remunerate any of his employees under any system of payment by results based on rates which will enable workers of average capacity to earn at least 10 per cent. in excess of their hourly or weekly rates.

(b) Any increases in prevailing daily and hourly wages resulting from this Determination shall not of themselves compel any increase in piecework rates during the term of this Determination. If in a factory piecework is extended to processes now done on weekly or hourly rates sub-clause (a) hereof shall apply.

17. **MISCELLANEOUS.**—(a) "Tools."—The employer shall provide for each employee such tools as were customarily provided at the time of making this Determination. The employee shall replace or pay for any tools so provided if lost through his negligence.

(b) Suitable mica or other goggles for emery wheel operators shall be provided by the employer.

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

(d) Employers shall provide proper washing and sanitary conveniences for the use of their employees.

18. **DEFINITIONS.**—(a) "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.

(b) "Confined space" means a working place, 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.

(c) "Association" or "Union" means The Federated Agricultural Implement Machinery and Ironworkers' Association of Australia.

19. **NOTICE BOARD.**—An employer shall permit a notice board of reasonable dimensions to be erected in a prominent position in his establishment, and representatives of the Association shall be permitted to post notices of Association meetings upon such board.

20. **POSTING DETERMINATION.**—A copy of the Determination relating to work carried on in the establishment shall be kept posted in a prominent position by the employer.

21. **MIXED FUNCTIONS.**—An employee engaged on any day in different grades of work shall be paid at the rates prescribed for the time actually worked in each grade.

22. **EXTRA RATES NOT CUMULATIVE.**—Extra rates prescribed in this Determination are not cumulative so as to exceed the maximum of double the ordinary rates.

23. **PERIODICAL ADJUSTMENT OF WAGES.**—The wages rates set out in clause 2 are based upon the following basic wage rates for adult males 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. Wages of females and juniors in receipt of 20s. or more per week shall be adjusted proportionately to adjustments of the needs basic wage, such adjustment to be made 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 24.

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
	Per week. £ s. d.	Per week. s. d.	Per week. £ s. d.	
Within the Metropolitan District and such portions of the City of Sandringham as are not included within the said district; the Cities of Geelong, Geelong West and the Town of Newtown and Chilwell and the City of Warrnambool	4 11 0	6 0	4 17 0	Melbourne
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne.				

24. **ADJUSTMENT OF BASIC WAGE.**—(a) Until the beginning of the first pay period to commence in February, 1943, the amount of the basic wage shall be as prescribed in clause 23.

(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:—

(i) The index number set to be applied to a place is that assigned thereto in clause 23 hereof.

(ii) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.

(iii) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number are to be ascertained.

(iv) The basic wage shall be of those assigned amounts during such successive period of or near a quarter.

Table.

Index Number Divisions.	Needs Basic Wage. (Adjustable.)	Index Number Divisions.	Needs Basic Wage. (Adjustable.)
	Per week. £ s. d.		Per week. £ s. d.
994-1006	4 1 0	1118-1129	4 11 0
1007-1018	4 2 0	1130-1141	4 12 0
1019-1030	4 3 0	1142-1154	4 13 0
1031-1043	4 4 0	1155-1166	4 14 0
1044-1055	4 5 0	1167-1179	4 15 0
1056-1067	4 6 0	1180-1191	4 16 0
1068-1080	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

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

In addition to the basic wage prescribed by clause 23, any adult employee of a classification specified hereunder shall be paid the margin and loading hereinafter assigned to that classification, and such loading shall be deemed to be part of his ordinary rate of wage for all purposes of this Determination :—

Classification.	Margin.	Loading.
	s. d.	s. d.
Bedstead smith	11 0	3 0
Chill fitter called on to design and model	23 0	4 0
Other chill fitters	11 0	3 0
Machinist	8 0	3 0
Plater in charge	20 0	4 0
Plater's assistant	9 0	3 0
Polisher and grinder	10 0	3 0
Chipper and caster	7 0	3 0
Bedstead fitter and mounter	11 0	3 0
Employees engaged cutting, binding, straightening, drilling or squaring up parts of bedsteads and frame setters	10 0	3 0
Japanners and lacquerers	8 0	3 0
All others	Nil	3 0

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 6th January, 1943.

