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Factories and Shops Acts.

DETERMINATION OF THE HORSEHAIR 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 the power to "determine the lowest prices or rates which may be paid to any persons employed in the process, trade, business, or occupation of preparing horsehair, cowhair, or pighair for trade or sale," has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after 1st January, 1947, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Apprentices.		Improvers and Juvenile Workers.		Other Employees.	
WAGES.		WAGES.		WAGES.	
	Per Week.		Per Week.		Per Week.
	s. d.		s. d.		s. d.
1st year	32 0	1st year	32 0	Person in charge of hair-washing machine	122 0
2nd "	39 6	2nd "	47 6	Persons engaged on hair-washing machines	115 0
3rd "	47 6	3rd "	79 3	Persons engaged on hair-drying machines	115 0
4th "	57 3	4th "	91 3	Persons who press washed and dried hair into bales	115 0
5th "	79 3			All others	111 0
PROPORTION (by any employer).		PROPORTION (by any employer).		Preparing any other kind of Hair.	
One apprentice to every three or fraction of three workers receiving not less than 111s. per week.		One improver to every five workers receiving not less than 111s. per week.			
		Juvenile Workers.			
		One juvenile worker to every Hand Spinner.			
				WAGES.	Per Week.
					s. d.
				Hand Spinners	128 0
				Machine Spinners—	
				1st year	118 0
				2nd "	124 0
				And thereafter	128 0
				Drafters	128 0
				Wet or dry hacklers	128 0
				Teasers and tail pullers	115 0
				Dyers or Scalders	112 0
				All others	111 0

DEFINITIONS.

3. A juvenile worker is a person (other than an apprentice or an improver), under 21 years of age employed assisting and working under the direction of a hand spinner irrespective as to whether such hand spinner is employed as a time wages employee or at piecework.

A hand spinner means an adult worker engaged in hand spinning and/or curling hair with the use of power.

HOURS.

4. The number of hours which shall constitute a week's work shall be 44, which may be worked between the hours of 7 a.m. and 5.30 p.m. on Monday to Friday inclusive.

OVERTIME.

5. Any employee who works in excess of the daily number of hours fixed in clause 4 shall be paid for such extra time at the rate of time and a half for the first two hours and double time thereafter.

TERMS OF ENGAGEMENT.

6. (a) Employees are to be engaged either as weekly or as casual employees. A weekly employee is one engaged by the week and paid by the week, and whose engagement shall be terminable by one week's notice on either side, such notice not to be continued from week to week.

(b) After one full week's work, notice of termination of employment of weekly employees may be given at any time, but one week's wages may be paid or forfeited, as the case may be, in lieu of such notice.

(c) Sub-clauses (a) and (b) of this clause shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct, or to deduct payment for any time the employee cannot be usefully employed because of any strike, or through any breakdown of machinery, or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(d) Casual employees shall be guaranteed not less than two hours' engagement for each and every start.

(e) A weekly employee to be entitled to the weekly wage shall be available ready and, willing to perform his or her usual work during the days and hours usually worked by such class of employee, and may be summarily dismissed for dishonesty, misconduct, neglect of duty, or for absence from work without reasonable cause, and in the event of such dismissal the employee shall be paid only for the time actually worked.

(f) No deduction shall be made from the wages of any employee who has had not less than three months' service with the same employer, and, who is absent through illness for not more than forty-four hours of working time in any year of service, provided he proves to the satisfaction of the employer by statutory declaration that his absence was due to personal illness.

(g) Notwithstanding anything contained in sub-clause (f) hereof, if the full period of sick leave as prescribed is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding eighty-eight hours of working time which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.

For the purposes of this sub-clause service prior to the 1st February, 1945, shall be disregarded.

CASUAL WORK.

7. Casual work, i.e., work for less than a full week, shall be paid for at the ordinary wages rates calculated *pro rata* with the addition of twenty per centum.

MEAL ALLOWANCE.

8. Any employee required to work overtime for any period in excess of one and a half hours after the usual hour of ceasing duty shall be paid 2s. meal money.

MACHINERY TO BE STOPPED DURING MEAL HOURS.

9. In any place where body hair is prepared for trade or sale, all machinery shall be stopped during meal hours.

SHIFT WORK.

10. Employees working afternoon or night shifts shall be paid 5 per cent. more than ordinary rates.

SPECIAL RATES.

11. All work done on Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day, shall be paid for at the rate of double time; but if any other day be by Act of Parliament or Proclamation substituted for any of the above holidays, the special rates shall be payable only for the day so substituted.

HOLIDAYS.

12. Weekly employees shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day, Union Picnic Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day.

ANNUAL LEAVE.

Period of Leave.

13. (a) Except as hereinafter provided a period of fourteen consecutive days leave shall be allowed annually to an employee after twelve months continuous service (less the period of annual leave) as an employee in any one or more of the occupations to which this Determination applies.

Annual Leave Exclusive of Public Holidays.

(b) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 12 of this Determination, and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to that period one working day for each such holiday falling as aforesaid.

Where a holiday falls as aforesaid and the employee fails without reasonable cause proof whereof shall be upon him to attend for work on the working day immediately preceding the first day or at his ordinary starting time on the working day immediately following the last day of the period of his annual leave, he shall not be entitled to be paid for any such holiday.

Broken Leave.

(c) The annual leave shall be given and taken in a continuous period or, if the employee and the employer so agree, in two separate periods and not otherwise.

Calculation of Continuous Service.

(d) 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 personal sickness or accident or on account of leave lawfully granted by the employer; or

(iii) any absence with reasonable cause proof whereof shall be upon the employee.

In calculating the period of twelve months continuous service any such absence as aforesaid shall not, except to the extent of not more than fourteen days in a twelve-monthly period in the case of sickness or accident, be taken into account in calculating the period of twelve months' continuous service.

In cases of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this sub-clause shall inform the employer in writing if practicable within 24 hours of the commencement of such absence of his inability to attend for duty and as far as practicable the nature of the illness injury or cause and the estimated duration of his absence.

Any absence from work by reason of any cause not being a cause specified in this sub-clause shall not be deemed to break the continuity of service for the purposes of this clause unless the employer during the absence or within fourteen days of the termination of the absence notifies the employee in writing that such absence will be regarded as having broken the continuity of service.

In cases of individual absenteeism such notice shall be given in writing to the employee concerned, but in cases of concerted or collective absenteeism notice may be given to employees by the posting up of a notification in the plant, in the manner in which general notifications to employees are usually made in that plant and by posting to the union whose members have participated in such concerted or collective absenteeism a copy of same not later than the day it is posted up in the plant.

A notice to an individual employee may be given by delivering same to him personally or by posting it to his last recorded address, in which case it shall be deemed to have reached him in due course of post.

Calculation of Service.

(e) Service before the 1st January, 1946, shall be taken into consideration for the purpose of calculating annual leave, but an employee shall not be entitled to leave or 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 clause hereby revoked. Provided however, that in respect of service before the 1st January, 1946, the annual leave shall be allowed at the rate of $3\frac{3}{4}$ hours for each completed one month of continuous service and in respect of service after that date at the rate of $7\frac{1}{4}$ hours for each completed one month of continuous service. Any broken part of a month served before the 1st January, 1946, shall for the purposes of this clause be deemed to be service after the 1st January, 1946. The period of annual leave to be allowed under this sub-clause shall be calculated to the nearest day any broken part of a day in the result not exceeding half a day to be disregarded.

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 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.

Calculation of Month.

(f) 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.

Leave to be Taken.

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

Time of Taking Leave.

(h) Annual leave shall be given at a time fixed by the employer within a period not exceeding three months from the date when the right to annual leave accrued and after not less than two weeks' notice to the employee.

Leave Allowed Before Due Date.

(i) 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.

Where leave has been granted to an employee pursuant to this sub-clause 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 one complete month 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-twelfth 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 12 of this Determination.

Payment for Period of Leave.

(j) Each employee before going on leave shall be paid two weeks' wages except an employee taking his leave pursuant to sub-clause (c) of this clause, who shall be paid the amount of wages he would have received in respect of the ordinary time which he would have worked had he not been on leave during the relevant periods. For the purposes of this sub-clause and sub-clause (k) hereof, wages 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.

Proportionate Leave on Dismissal.

(k) If after one month's continuous service in any qualifying twelve-monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid at his ordinary rate of wage for $3\frac{3}{4}$ hours in respect of each completed one month of continuous service before the 1st January, 1946, and for $7\frac{1}{4}$ hours at the same rate in respect of each completed month of continuous service after that date, the service in each case being service in respect of which leave has not been granted hereunder.

Annual Close Down.

(l) Where an employer closes down his plant, or a section or sections thereof, for the purposes of allowing annual leave to all or the bulk of the employees in the plant, or section or sections concerned, the following provisions shall apply—

- (i) He may by giving not less than one month's notice of his intention so to do stand off for the duration of the close down all employees in the plant or section or sections concerned, and allow to those who are not then qualified for two full weeks' leave, paid leave on a proportionate basis of one-sixth of a week's leave for each completed month of continuous service.
- (ii) An employee who has then qualified for two full weeks' leave, and has also completed a further month or more of continuous service shall be allowed his leave, and shall also be paid one-sixth of a week's wages in respect of each completed month of continuous service performed since the close of his last twelve-monthly qualifying period.
- (iii) The next twelve-monthly qualifying period for each employee affected by such close down shall commence from the day on which the plant, or section or sections concerned is re-opened for work. Provided that all time during which an employee is stood off without pay for the purposes of this sub-clause shall be deemed to be service in the next twelve monthly qualifying period.
- (iv) If in the first year of his service with an employer an employee is allowed proportionate annual leave under paragraph (i) hereof, and subsequently within such year lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, he shall be entitled to the benefit of sub-clause (k) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

Disputes.

(m) Any dispute arising in connexion with annual leave shall be referred to the Wages Board.

RIGHT OF ENTRY OF UNION OFFICIAL.

14. A duly accredited representative of the Federated Storeman and Packers' Union of Australia shall have the right to enter employers' establishments during the midday meal hour for the purpose of interviewing employees on legitimate Union business on the following conditions:—

- (a) That he produces his authority to the employer or his representative.
- (b) That he interviews employees only at the place where they are taking their meal.
- (c) That not more than one representative in all be in any establishment at any one time.
- (d) That no one representative visit an establishment more than once a fortnight.
- (e) That if an employer alleges that a representative is unduly interfering with his establishment or is creating dissension 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 this Wages Board.

PIECEWORK.

15. (a) That the lowest piecework prices to be paid to persons for doing work of the kind specified in the following schedule shall be :—

Mixing, spinning, and curling hair with use of power	..	..	..	15s. 9 ¹ d. per 100 lb.
Hand spinning and/or curling of hair with use of power	..	..	..	13s. 6 ¹ d. per 112 lb.
Wet hackling and drafting horsehair 18 inches and over in length	..	..	..	1s. 1 ¹ d. per lb.
" " " under 18 inches in length	..	..	..	2s. 3d. per lb.
Drafting horsehair (already wet hackled) and containing not less than 33 per cent. of hair 18 inches and over in length—clippings not to exceed 3 per cent.	..	..	..	1s. 2 ¹ d. per lb.
Drafting all other horsehair (already wet hackled)—clippings not to exceed 3 per cent	..	..	..	2s. 1 ¹ d. per lb.
Wet hackling and drafting cowhair	..	..	..	1s. 9 ¹ d. per lb.
Drafting cowhair (tails) (already wet hackled)	..	..	..	1s. 4 ¹ d. per lb.
Pulling—taking long count	..	..	..	5 ¹ d. per dozen
Wet hackling horsehair (excluding mane hair and mane hair knots)	..	..	..	22s. 8d. per 100 lb.
" " " (including mane hair and mane hair knots)	..	..	..	28s. 0d. "
" " " mane hair	..	..	..	44s. 10d. "
" " " cowhair (tails)	..	..	..	30s. 3 ¹ d. "
Sorting horsehair	..	..	..	1s. 4 ¹ d. extra

A pieceworker engaged on wet hackling shall, when called upon to remove hair to and from drying rack, be paid an extra 2s. 5½d. per 100 lb.

Employer to supply all tools and material.

In addition to the piecework prices herein prescribed for a hand spinner the employer shall pay in full the wages of every juvenile worker who assists such hand spinner.

(b) All employees working on piecework shall be granted the same holidays, sick leave, and annual leave as are provided for weekly wage workers, and they shall be paid for such holidays, sick leave, and annual leave, an amount based on the minimum weekly wage as set out in this Determination for the class of work performed.

PERIODICAL ADJUSTMENT OF WAGES.

16. The wages set out in Clause 2 are based upon the following basic wage rates, and, pursuant to the provisions of Section 21 of the *Factories and Shops Act* 1934, the Board hereby determines that such rates shall be automatically adjusted as prescribed by Clause 17.

Provided that the wages of apprentices, improvers, and juveniles 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. Provided also that the piecework prices set out shall be increased or decreased by the same percentage and at the same time as the basic wage.

Basic Wage,

Place.	Needs Basic Wage.	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Throughout the State	5 0 0	6 0	5 6 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

17. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all items' 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.

(b) Until the beginning of the first pay period to commence in February, 1947, the amounts of the Basic Wage shall be as prescribed in clause 16.

(c) 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 needs basic wage shall be adjusted by the following method, namely, by multiplying the last published Commonwealth Statistician's "all items" retail price index number by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 18th December, 1946.