



# VICTORIA GOVERNMENT GAZETTE.

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[1947

Factories and Shops Acts.

## DETERMINATION OF THE TANNERS (FURRED SKINS) 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 appointed 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 a tanner of all kinds of furred skins, or a dresser or a dyer of such skins," has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 1st December, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Apprentices or Improvers.				Other Employees.			
WAGES PER WEEK OF 44 HOURS.				WAGES PER WEEK OF 44 HOURS.			
	Males.	Females employed in beaming, fleshing or slickering of any furred skins.	Other Females.	<i>Males.</i>			
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>		<i>£</i>	<i>s.</i>	<i>d.</i>
14 to 15 years of age ..	20 3	} 62 0	17 6	Beam fleshers, pullers on upright knife, shavers ..	6	7	6
15 to 16 ..	27 0		20 3	Operators of rotary shaving knife .. ..	6	12	0
16 to 17 ..	36 3		26 0	Other males .. .. .	5	12	0
17 to 18 ..	46 3		34 6	<i>Females.</i>			
18 to 19 ..	59 9		43 9	Females employed in beaming, fleshing, or slickering of any furred skins .. .. .	6	7	6
19 to 20 ..	70 6	51 0	Other females .. .. .	3	3	0	
20 to 21 ..	87 0	57 0	<i>WET WORK.</i>				
<p>PROPORTION (IN ANY PLACE).</p> <p><i>Apprentices and Male Improvers.</i></p> <p>Two apprentices or improvers to every three or fraction of three workers receiving not less than the minimum wage.</p> <p><i>Female Improvers.</i></p> <p>One female improver to one, Three female improvers to two, And thereafter, Three additional female improvers to every two additional</p> <p>} Female workers receiving not less than the minimum wage.</p> <p>An indenture of apprenticeship prescribed by the Board was approved on 5th March, 1926.</p>				<p>In addition to the wages hereinbefore prescribed adult employees of the classifications set out herein shall receive a special allowance of 3s. 6d. per week:—Beam fleshers, wet pullers on upright knife, shavers, wet drumhand, paddle or vat hand, hydro extractor operator and ripping machine operator.</p>			
DEFINITIONS.							
3. "Flesher" is an adult person removing flesh from raw wet skins on a beam or upright knife.							
"Shaver" is an adult person shaving partly dressed skins with a sharp-edged knife.							
"Puller" is an adult person employed pulling wet raw skins over an upright knife.							
ORDINARY WEEK'S WORK.							
4. The number of hours which shall constitute an ordinary week's work shall be 44.							

## TERMS OF EMPLOYMENT.

5. (a) That notice equivalent to 44 working hours shall be given on either side to terminate employment. Such notice may be given at any time. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct (in which case 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 of machinery, or any stoppage of work, or any cause for which the employer cannot be reasonably held responsible.

(b) In lieu of such 44 working hours' notice, except in circumstances referred to above, the employer may pay 44 hours' wages; and vice versa the employee leaving his employment without notice shall forfeit 44 hours' wages, which may be deducted from any wages due.

(c) Provided that any notice determining the employment solely for the purpose of evading payment for prescribed holidays, and not to determine finally the engagement, shall not deprive the employee of payment for any prescribed holidays occurring or observed between such notice to terminate and the re-engagement, if any.

(d) No employee shall, without just cause, be absent from his or her place of employment during the prescribed hours whilst there is work to be done by such employee, and where weekly wages are fixed the employee to be entitled to the sums so fixed must be available and ready and willing to do such work on the days and during the hours fixed by this Determination.

## SHIFTS.

6. (a) Day Shift.—The times of beginning and ending work shall be:—

Time of Beginning (not earlier than)—				Time of Ending (not later than)—	
8 a.m.	..	..	..	..	1 p.m. on Saturday.
8 a.m.	..	..	..	..	6 p.m. on the other working days of the week.

Provided that if the majority of the employees in any department desire to begin work at 7.30 a.m., the work may begin in that department at 7.30 a.m.

(b) Afternoon, Night, or Other Shift—

(i) Hours.—The hours of duty on any shift other than day shift shall be arranged mutually between the employer and the majority of the employees, providing that 9 hours shall be the maximum duration of such shift.

(ii) Wages.—An additional 5 per centum shall be added to the rates fixed for a day shift.

## OVERTIME.

7. All time worked—

(a) Outside the times of beginning and ending work prescribed in clause 6 (a) and agreed upon in 6 (b) or

(b) Within such times, but in excess of 44 hours in any one week shall be paid at the rate of time and a half for the first four hours' work and double time thereafter. Provided that, in computing overtime, each day's work shall stand alone.

## HOLIDAYS.

8. All employees shall be granted the following holidays without deduction of pay, viz.—Australia Day, Labour Day, Anzac Day, Good Friday, Easter Saturday, Easter Monday, Melbourne Cup Day, Christmas Day, Boxing Day, and New Year's Day. If any of the above holidays occur on a Saturday or a Sunday and are not observed on any other day, then employees shall not be paid for such Sunday but shall be paid for such Saturday as for a half day.

## SPECIAL RATES.

9. Double time shall be the rate paid for all work done on Sunday, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Melbourne Cup Day, Christmas Day, and 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.

## SICK LEAVE.

10. (a) Any employee who has been in the employment of the same employer continuously for a period of not less than three months and who does not attend for duty shall lose his 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 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 ground of personal ill health or accident for more than forty-four hours of working time in each year of service or a proportionately less time during any shorter period of employment. For the purposes of this clause service prior to 1st October, 1943, shall be disregarded.

(b) Notwithstanding the provisions of sub-clause (a) 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.

## ANNUAL LEAVE.

*Period of Leave.*

11. (a) Except as hereinafter provided a period of fourteen consecutive days' leave with payment of ordinary wages as prescribed shall be allowed annually to an employee by his employer after a period of twelve months' continuous service with such employer.

*Public Holidays Excluded.*

(b) (i) Such period of annual leave shall not include holidays as prescribed in clause 8 observed on working days, but shall include all other non-working days.

(ii) If any holiday as prescribed in clause 8 falls within an employee's period of annual leave and is observed on the day which in the case of that employee would have been an ordinary working day, there shall be added to that period one day, being an ordinary working day for each holiday observed as aforesaid.

(iii) Where an employee without reasonable excuse proof whereof shall lie upon him is absent from his employment on the working day or part of the working day prior to the commencement of his annual leave or fails to resume work at his ordinary starting time on the working day immediately following the last day of the period of his annual leave, the employee shall not be entitled to payment for the public holidays which fall within his period of annual leave.

*Notice of Leave to be Given.*

(c) At least seven days' notice shall be given to an employee as to when he is to commence his leave, and if such notice be withdrawn by an employer, the employee if he postpones his leave, shall be compensated by the employer for any reasonable out of pocket loss occasioned thereby; in the case of dispute to be settled by the Wages Board.

*Time When Leave to be Granted.*

(d) 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 one week's notice to the employee.

*Leave to be Given and Taken.*

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

*Payment of Wages.*

(f) Each employee before going on leave shall be paid two weeks' wages at ordinary rates for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave. Payment in case of employees employed on piece work or bonus work or any other system of payment by results shall be at time rates.

*Leave in Advance.*

(g) (i) An employer may grant 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 the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(ii) Where leave has been granted to an employee pursuant to sub-clause (g) (i) 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 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 in clause 8 of this Determination. Provided that in cases where such leave is granted at the request of the employee, the employer may when making payment under sub-clause (f) hereof, withhold from the employee a sum equal to one-twelfth for each complete month of the qualifying period not served by the employee at the time of going on such leave and retain such sum until the expiration of such qualifying period.

*Proportionate Payment.*

(h) Proportionate payment shall be made in respect of each completed month of continuous service in any qualifying twelve-monthly period when an employee lawfully leaves his employment or his employment is terminated by his employer through no fault of the employee.

*Calculation of Continuous Service.*

(i) (a) Continuity of 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 with the intention of avoiding obligations hereunder in respect of annual leave;
- (ii) any absence from work of not more than fourteen days in the twelve months on account of sickness or accident (proof whereof shall be on the employee);
- (iii) any absence on account of leave granted imposed or agreed to by the employer;
- (iv) any absence due to reasonable cause (including absences on account of sickness or accident of more than fourteen days) (proof whereof shall be on the employee).

Provided that 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 if practicable inform the employer in writing within 24 hours after 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.

(b) In calculating a period of twelve months' continuous service—

- (i) (1) any annual leave taken therein;
- (2) any absences of the kind mentioned in (i) and (ii) of paragraph (a) above shall be counted as part of such period;
- (ii) in respect of absences of the kind mentioned in (iii) and (iv) of paragraph (a) above, the employee shall serve such additional period as part of his qualification for annual leave as will equal the period of such absences;
- (iii) (1) where an employee is absent from work for any cause whatsoever the employer shall, if so requested by the employee, notify the employee within fourteen days of the receipt of such request whether the employer regards such absence as breaking either conditionally or unconditionally the continuity of service of such employee. If the employee does not make such request within seven days of his return to work after any such absence, such absence shall be deemed to have broken such continuity. If the employer does not give such notice within the said fourteen days, such absence shall not be deemed to be such a break.

The employee shall make such request in writing and shall deliver same to the employer's office at the factory where he is employed, or if there be no such office, to the manager of such factory or in his absence to the employee's foreman.

The employer shall give the notification to the employee by having the same delivered to such employee personally in writing;

- (2) where an employee has been absent from his employment, and the employer has notified him that such absence is regarded as a break in the continuity of service, the employee may within fourteen days of such notification from the employer, appeal to the Wages Board against such notification of the employer.

*Calculation of Month.*

(j) 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.

*Successor or Assignee or Transmitlee.*

(k) Where the employer is a successor or assignee or transmitlee 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 transmitlee 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.

*Annual Close Down.*

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

- (i) He may by giving to the employees concerned 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 reopened for work.
- (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 as to the rights of an employee to or with respect to annual leave shall be dealt with by the Wages Board.

**MEAL TIME.**

12. Meal time shall be taken between 12 noon and 2 p.m.

**PAYMENT OF WAGES.**

13. (a) Wages shall be paid not later than Friday of each week in the employer's time or within five minutes of knock off time. Time waiting for payment after such five minutes shall be paid for at overtime rates.

(b) Any employee who has worked only a portion of a week and who is dismissed by his employer shall be paid on ceasing work for all time worked during that week, less any deductions that the employer may be lawfully entitled to make.

(c) Each employer shall be entitled to retain in hand from each employee an amount equal to two day's wages of such employee.

**TOOLS AND APPLIANCES.**

14. Every employer shall provide gloves, apron, leggings with vamps attached, or rubber boots for wet work, or any tools or implements of trade required by employees in the performance of their duties.

**RIGHT OF ENTRY OF UNION OFFICIAL.**

15. A duly accredited representative of the Australian Saddlery, Leather, Sail, Canvas, Tanning, Leather Dressing and Allied Workers' Trades Employees' Federation 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 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 this Wages Board.

**AUTHORIZED PERSON MAY ENTER FACTORY.**

16. (i) Any person or persons duly authorized, in writing, by the Secretary for Labour (such authorization to be terminable at the will of the Secretary for Labour) shall have power to inspect any part of a factory, workshop, or place where it is believed that a breach of this Determination is occurring or has occurred.

(ii) At least six hours' notice shall be given by the authorized person or persons (not exceeding two) prior to his or their actually going on the premises, and the employer shall be notified of his or their arrival, and shall in person (accompanied by a nominee, or by his nominees not exceeding two) be entitled to accompany the authorized person or persons, and shall provide access to the wages book or time sheet or records of any employee including outside workers. The work and duties of the employees shall be interfered with as little as possible by the authorized person or persons.

(iii) The Secretary for Labour shall have power to dispense with the said six hours' notice on special application being made for any cause shown and supported by an affidavit setting out the facts. A certificate duly signed by the Secretary for Labour stating that such notice has been dispensed with shall be sufficient proof of such fact.

**PERIODICAL ADJUSTMENT OF WAGES.**

17. The wages rates for adult males 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 18.

Provided that the wages of any female for whom an amount in excess of the basic wage has been fixed shall receive the same adjustment as a male adult. The rates of all females (other than those fixed at a rate in excess of the basic wage) and male 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.

*Basic Wage.*

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

**ADJUSTMENT OF BASIC WAGE.**

18. (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 17.

(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. RANDELS, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 23rd December, 1946.