



VICTORIA GOVERNMENT GAZETTE.

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[1947

Factories and Shops Acts.

DETERMINATION OF THE SADDLERY AND HARNESS 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 persons employed in the trade of manufacturing harness, saddlery, or whiphongs" has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence after the 26th June, 1947, the last previous Determination of this Board, shall be revoked and replaced by this Determination.

2. That the lowest rates to be paid to any persons employed in the trade of manufacturing or repairing harness, saddlery, or whiphongs shall be—

3.

WAGES.

| | | | | | | | | | | | Wages Per Week. |
|--------------|----|----|----|----|----|----|----|----|----|----|-----------------|
| | | | | | | | | | | | £ s. d. |
| Journeyman | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 7 1 0 |
| Journeywomen | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 4 10 9 |

In addition to the above rates the following shall be paid.

Employees engaged in using offensive animal hair or similar offensive material shall be paid 2d. per hour extra, where the foreman and the employee agree that such hair and/or material is of an unusually offensive nature.

In the case of disagreement between the foreman and employee the employee or a shop steward on his behalf shall be entitled, within 24 hours, to ask for a decision on the employee's claim by the employer's industrial officer (if there be one), or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such case a decision shall be given on the employee's claim within 24 hours of its being asked for (unless that time expires on a non-working day in which case it shall be given during the next working day), or else the said allowance shall be paid.

In any case where the Federation alleges that an employer or his representative is persistently unreasonable or capricious in relation to such claims, it shall have the right to bring such case before the Wages Board.

FEMALES TO BE PAID MALE RATE.

4. Where a female is employed to do any of the following classes of work she shall be paid the rate which is prescribed for adult males:—

- Hand stitching or machine sewing with waxed thread of buggy, gig, or cab saddles, winker eyes, fronts, drops, padtops, pad or saddle cloths, folded hand parts, collar side pieces or housings for gig, carriage, spring cart or van harness;
- hand stitching or machine sewing all other harness;
- hand stitching, with waxed thread (other than beeswax), all classes of saddlery and leather goods other than harness;
- machine sewing with waxed thread (other than beeswax), all classes of saddlery and leather goods other than harness;
- quitting or cross barring panels;
- cutting out all classes of work;
- preparing, edging, creasing and finishing all classes of work.

APPRENTICES—MALES.

5. (a) The probationary period of trainee apprentices or apprentices shall not exceed three months.
 (b) The minimum rates of wage to be paid to apprentices or probationers shall be not less than the following :—

| | | | | | | | | | | Wages Per Week. |
|--------------------------|----|----|----|----|----|----|----|----|----|-----------------|
| | | | | | | | | | | s. d. |
| Five-year terms | | | | | | | | | | |
| First year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 29 6 |
| Second year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 32 0 |
| Third year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 48 3 |
| Fourth year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 80 3 |
| Fifth year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 101 9 |
| Four-year terms— | | | | | | | | | | |
| First year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 29 6 |
| Second year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 48 3 |
| Third year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 80 3 |
| Fourth year's experience | .. | .. | .. | .. | .. | .. | .. | .. | .. | 101 9 |

(c) Experience in this clause means actual experience whether as an apprentice or otherwise, in any one or more of the operations provided as apprenticeship operations.

(d) Except as otherwise provided minors may be engaged in the following occupations under contracts of apprenticeship or trainee apprenticeship framed in conformity with this Determination :—(1) Riding Saddle Maker; (2) Harness, harness saddle, bridle work, and strapping maker; (3) Cutting or chieking; (4) Whip and whiphong maker; (5) Collar maker.

(e) The period of apprenticeship shall not exceed four or five years including any period of experience in the occupation to which the minor is being apprenticed prior to entering into the indenture of apprenticeship.

(f) An employer especially qualified to teach apprentices may, with the consent of the Wages Board, employ a greater proportion of apprentices to tradesmen than herein specified.

(g) Until further order any contract of apprenticeship may contain the following provision :—

If through lack of orders or through financial difficulties the employer is unable at any time to find employment and training for an apprentice and if a transfer to another employer cannot be arranged, the obligations and duties imposed by the indenture may, with the concurrence of the apprentice and his guardian, be suspended for a period agreed upon, or if no such agreement is arrived at may be cancelled by the employer. The onus of proof of circumstances justifying such cancellation shall be on the employer.

(h) Any apprentice who cannot complete his full term of apprenticeship before reaching his twenty-second birthday may by agreement with his master serve as an apprentice until he reaches the age of twenty-three years.

(i) All wages shall be paid without deduction for specified holidays or for unavoidable absences through sickness to the number of forty-four hours of working time per annum.

(j) The apprentice at the end of the calendar period of any year in which he has actually given service to the master upon less than the ordinary working days prescribed in this Determination, or in which he has unlawfully absented himself without the master's consent shall, for every day short of the said number of working days, and for every day of such absence, serve one day, and the calendar period of the succeeding year of his service shall not be deemed to begin until the said additional day or days shall have been served.

(k) The ordinary hours of employment of apprentices shall be the same in each workshop as those of journeymen.

(l) An apprentice under the age of eighteen years shall not be liable to work overtime unless he so desires.

(m) An apprentice shall not work under any system of payment by results.

(n) An employer shall not, either directly or indirectly, or by any pretence or device receive from any person or require or permit any person to pay or give any consideration in the nature of a premium or bonus for the taking or binding of any probationer or apprentice.

JUNIOR WORKERS—MALES.

6. (a) Junior workers may be employed at the following rates of pay :—

| | | | | | | | | | | Wages Per Week. |
|------------------------------|----|----|----|----|----|----|----|----|----|-----------------|
| | | | | | | | | | | s. d. |
| Under 16 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 29 6 |
| 16 and under 17 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 37 6 |
| 17 and under 18 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 50 9 |
| 18 and under 19 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 64 3 |
| 19 and under 20 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 80 3 |
| 20 and under 21 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 101 9 |

- (b) The proportion of junior workers and apprentices allowed shall be :—

MALE EMPLOYEE RECEIVING AT LEAST
ADULT MALE BASIC WAGE.

JUNIOR WORKERS INCLUDING
APPRENTICES.

| | | | | | |
|---------|----|----|----|----|---|
| 1 | .. | .. | .. | .. | 1 |
| 2 to 20 | .. | .. | .. | .. | 1 for every 2 such male employees |
| Over 20 | .. | .. | .. | .. | A further 1 for every 3 such male employees over 20 |

In computing the proportion under this sub-clause the number of such male employees employed for the whole of the previous six months shall be taken.

JUNIOR WORKERS—FEMALES.

7. Female junior workers may be employed at the following rates of pay :—

| | | | | | | | | | | Wages Per Week. |
|------------------------------|----|----|----|----|----|----|----|----|----|-----------------|
| | | | | | | | | | | s. d. |
| Under 16 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 29 6 |
| 16 and under 17 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 37 6 |
| 17 and under 18 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 42 9 |
| 18 and under 19 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 48 3 |
| 19 and under 20 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 53 6 |
| 20 and under 21 years of age | .. | .. | .. | .. | .. | .. | .. | .. | .. | 66 9 |

and thereafter the minimum wage prescribed for adult females as adjusted from time to time for the class of work which they are doing, provided, however, that a junior female, after four years' experience in the industry covered by this Determination shall be paid the full adult rate prescribed in Clause 3.

(a) For the purposes of this clause "experience" shall mean any form of employment in this industry.

(b) Employers who wilfully employ juniors without taking into account previous experience shall be guilty of a breach of this Determination.

(c) The proportion of female apprentices and/or junior workers shall not exceed two to one adult female receiving the minimum wage.

CASUAL WORKER.

8. To meet emergencies, any employer may engage a casual employee for a day or more on paying extra wages calculated at the rate of 12½ per cent. higher than those prescribed for similar work.

DEFINITIONS.

9. (a) "Federation" means the Australian Leather and Allied Trades Employees' Federation.
- (b) "Double-time rates" or "Rate of double time" shall mean when applicable to ordinary hours of work on a week-day, holiday or Sunday, the ordinary hour rate payable as part of the weekly wage, and in addition a rate equal to such ordinary hour rate.
- (c) "Casual worker" means an employee (other than a regular employee) employed and paid by the day.
- (d) "Journeyman" shall mean a male employee 21 years of age or over, other than apprentices.
- (e) "Journeywoman" shall mean a female employee 21 years of age or over, or one who has worked four years or more on any work in the industry, for which a rate is prescribed in clause 3 of this Determination.
- (f) "Ordinary pay" means in the case of a time worker the ordinary remuneration he receives for the normal weekly number of hours worked by him and in the case of a piece task or bonus worker the ordinary time rate.

CONTRACT OF EMPLOYMENT.

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

PART-TIME EMPLOYMENT.

11. For a period of not more than twelve months, from the date of operation of this Determination, females may be employed as part-time employees in any branch of the industry covered by this Determination upon and subject to the following terms and conditions:—

- (a) They shall be employed for not less than 20 hours in any week.
- (b) They shall be paid for each hour worked during the regular hours of work at the rate of at least 1/44th of the minimum weekly wage prescribed by this Determination for the class of work performed by them.
- (c) The payment or deduction of payment in lieu of notice of termination of employment shall be two-fifths of the pay of the preceding week of the employee concerned.
- (d) No female employee shall be employed as a part-time worker, unless a permit in writing is obtained from the Secretary or local Secretary of the Federation permitting such employee to be employed as a part-time employee. If he refuses consent, then the matter may be referred to the Wages Board.
- (e) The provisions of this Determination as regards annual leave, sick leave, and holidays shall apply to such part-time employees, but they shall be paid in respect of the period of such annual leave, sick leave, and in respect of holidays, only at the wages rate actually being received by them at such time.
- (f) Save as aforesaid, all the provisions of this Determination shall apply to such part-time employees.

MIXED FUNCTIONS.

12. An employee engaged for more than half of one day on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day. If for less than half of one day, he shall be paid the higher rate for the time so worked.

PAYMENT FOR WORK ON SUNDAYS AND HOLIDAYS.

13. (a) All work performed on Sundays and holidays shall be paid for at the rate of not less than double time.
- (b) An employee called upon to work on a Sunday or holiday shall be paid for a minimum of four hours' duty.

HOURS.

14. (a) Forty-four hours shall constitute a week's work.
- (b) The regular hours of work shall not be earlier than 7 a.m. and not later than 6 p.m. on five days of the week.
- (c) Not more than 8 hours 48 minutes (except if paid for at overtime rates) shall be worked in any one day in each week.

MEAL TIME.

15. (a) Employees shall be allowed one meal break of not less than 30 minutes, such meal break to commence not later than 1 p.m.
- (b) Meal intervals having been fixed shall not be altered except on seven days' notice to a shop steward employed in the factory and where there is no shop steward, on notice to the Secretary of the local branch of the Federation.
- (c) Any employee called upon to work during a meal hour shall be paid time and a half, and such time and a half shall continue until he or she has had a meal break.
- (d) No employee shall be allowed to work more than five hours without a break for midday meals.

REST PERIOD.

16. A rest period of ten minutes shall be given to all employees between the hours of 9.30 a.m. and 11.30 a.m. The interval shall be counted as time off duty without deduction of pay. During such period the employees may leave their seats but not the premises.

OVERTIME.

17. (a) All time worked on any day before or after the regular working hours or in excess of 8 hours 48 minutes on any one day, or in excess of 44 hours in any one week, shall be paid for at the rate of time and a half for the first three hours and double time thereafter.
- (b) In computing overtime each day's work shall stand alone.
- (c) Any employees required to work overtime on Monday to Friday inclusive for more than two hours in any one day shall be paid 2s. 6d. meal money.
- (d) Any employees required to work overtime on Monday to Friday inclusive for more than 1½ hours on any one day shall be allowed ten minutes' crib time with pay at ordinary rates before commencing such overtime, except in cases where a minimum meal break of 30 minutes is given.
- (e) No junior male worker (under the age of 16 years) or any female employee shall work overtime after 9 p.m.
- (f) Any employee shall have completed his normal daily hours before overtime payment commences for such day, excepting in cases where failure to do so is due to causes outside his control or where time off has been with the employer's consent.
- (g) Any employee working on a Saturday morning must have completed his ordinary normal weekly hours before overtime payment commences for such day, excepting in cases where failure to do so is due to causes outside his control or where time off has been with the employer's consent.

HOLIDAYS.

18. (a) All employees shall be entitled to the holidays hereinafter mentioned or any day observed in lieu thereof without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Christmas Day and Boxing Day.

(b) In the Metropolitan District as defined in the Factories and Shops Acts and the Orders in Council thereunder, Melbourne Cup Day shall be observed as a holiday in lieu of King's Birthday.

(c) Piece-workers shall be paid for such holidays even though not worked at the ordinary rates payable to employees not on piece-work doing the same class of work. The rate shall be one-fifth of the appropriate weekly wage.

(d) If an employee's engagement is terminated otherwise than for misconduct within two weeks of any of the holidays above-mentioned, he or she shall be paid for such holiday or holidays unless he or she commences work with another employer and is paid by such employer for such holiday or holidays.

(e) Where an employee is absent from his or her employment on the working day or part of the working day before or after a holiday without reasonable excuse or without the employer's consent such employee shall not be entitled to payment for such holiday. The amount to be deducted shall be one-fifth of the appropriate weekly wage.

PAYMENT OF WAGES.

19. (a) Employers shall pay all moneys due at least once in each week before knock-off time, and not later than Thursday in each week, excepting in cases where the local Branch or Section of the Federation gives written permission to an employer to substitute "Friday" in lieu of "Thursday."

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

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

(d) On any pay day the employer shall state to each employee in writing the amount of wages to which he is entitled, the amount of deductions made therefrom and the net amount being paid to him.

TRAVELLING TIME.

20. Any employee sent to work at a place other than his or her ordinary place of employment shall be paid all fares and out of pocket expenses incurred in going to or from such place of employment, and shall, if the travelling is done outside ordinary hours, be paid at ordinary rates for the time spent in travelling with a maximum of eight hours per day.

SICK AND ACCIDENT PAY.

21. (a) An employee absent through illness or accident shall not be entitled in any year (whether in the employ of one employer or several, except as hereinafter provided) to leave in excess of 44 hours of working time. For this purpose a year shall commence on the 1st day of July.

(b) An employee shall within 24 hours of the commencement of such absence inform the employer of his inability to attend for duty and, as far as practicable, state the nature of the injury or illness and the estimated duration of the absence.

(c) An employee before becoming entitled to sick pay shall if required to do so by the employer produce a doctor's certificate or other sufficient evidence of sickness.

(d) An employee shall not be entitled to sick leave unless he has been in the service of the employer concerned for at least four weeks immediately prior to such absence.

(e) If the full period of leave as prescribed above is not granted in any year with an employer such portion as is not granted shall be cumulative from year to year with that employer up to a period not exceeding eighty-eight hours' working time, which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

(f) Service before the date of coming into force of this clause shall be counted as service for the purpose of qualifying thereunder.

ANNUAL LEAVE.

Period of Leave.

22. (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 18 observed on working days, but shall include all other non-working days.

(ii) If any holiday as prescribed in clause 18 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) Wherever possible thirty days and in any event not less than 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 18 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 termination of the employment by the employer if such interruption or termination 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 purposes 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 Transferee.

(k) 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.

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 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.
- (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 (h) 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.

Operation.

(n) 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 services before the 1st of January, 1946, the annual leave shall be allowed at the rate of 3½ hours for each completed one month of continuous service after that date at the rate of 7½ hours for each completed one month of continuous service.

Any broken part of a month served before the 1st January, 1946, shall for the purpose 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.

OUTDOOR WORK.

23. (a) All work shall be performed at the shop or factory of the employer, and no employer shall give out work to be performed at any other place or permit work to be performed at any other place; and no employee shall perform work for an employer at any other place.

(b) No employee (including an apprentice or unapprenticed junior worker) in employment shall make or assist in the production of goods for sale on his own account or for any other employer.

EMPLOYER TO FIND WORKSHOP, ETC.

24. The employer shall find workshops, light, and bench room and supply all materials used in connexion with the trade free of charge to the employees.

CERTIFICATE OF SERVICE.

25. Any junior worker when leaving or being discharged from his or her employment shall be given by the employer a certificate stating the date when such employment began and the date when such employment terminated.

LIMITATION OF EMPLOYER'S LIABILITY

26. An employee entitled to the benefit of this Determination may at any time within twelve months from any payment by way of wages in accordance with this Determination becoming due to him or her, but not later, sue for the same in any court of competent jurisdiction: Provided that a demand in writing has been made on the employer concerned within three months of the time when the wages or arrears of wages, as the case may be, became due.

TIME AND WAGES BOOKS, CARDS, ETC.

27. (a) Each employer shall keep in each factory, workshop, or place where work is carried on by him, some card or check used in connexion with a mechanical clock or a time and wages book showing the name of each employee and his or her occupation, the hours worked each day, and the wages and allowances paid each week.

(b) Where a time-book is kept it shall be correctly entered up in ink, and shall be signed each week by the employee verifying the accuracy of the hours worked and the wages and allowances paid each week.

(c) 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.

(d) The time and wages book shall be open for inspection to not more than two officers of the Federation duly accredited in writing by the Federation during the usual office hours at the employer's office or other convenient place: Provided that an inspection shall not be demanded unless the Secretary of the Federation or the district secretary or organizer of any division suspects that a breach of the 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.

(e) The official making such inspection shall be entitled to take a copy of entries in a time and wages book relating to the suspected breach of the Determination.

DINING ACCOMMODATION.

28. (a) In factories where five or more employees are employed and it is or becomes reasonably practicable so to do, a separate room or portion of the factory or workshop shall be set aside by the employer as a dining room and therein the employer shall provide adequate table and seating accommodation.

(b) Hot water shall be provided free of charge to be available to employees immediately meal time commences.

(c) The employer shall provide the necessary labour to keep such room clean.

(d) If such dining room is not regularly used by a reasonable number of the employees the employer shall be released from his obligations under sub-clauses (a) and (b) hereof.

(e) Any dispute in respect of this clause shall be referred to the Wages Board.

REST ROOM.

29. In factories where ten or more female employees are employed, a properly ventilated rest room shall be provided for the use of such female employees. It shall contain a suitable couch and seating accommodation.

FIRST-AID OUTFIT.

30. (a) The employer shall provide and continuously maintain an efficient first-aid outfit in each factory controlled by him.

(b) An efficient first-aid outfit shall be that prescribed by the Factories and Shops Acts and the Regulations thereunder, but, in cases where there is no legislation on the subject, the first-aid outfit shall contain the following equipment:—

| Article. | Quantities to be Kept in Ambulance Chest. | |
|---|---|---|
| | Factories and Workshops in which not more than 30 Persons are Employed. | Factories and Workshops in which more than 30 Persons are Employed. |
| Antiseptic solution | 1 bottle | 1 bottle |
| Bandages, cotton and gauze | $\frac{1}{2}$ dozen assorted sizes | $\frac{1}{2}$ dozen assorted sizes |
| Iodine, tincture | 1 oz. | 2 oz. |
| Castor oil | 1 oz. | 2 oz. |
| Manual, first-aid | | |
| Petrolatum, carbolyzed | 1 jar | 1 jar |
| Picric acid solution, made according to the following recipe or prescription:— 1½ teaspoonful of powdered picric acid; 3 oz. absolute alcohol; 2 pints distilled water | | |
| Pins, safety | 1 packet | 1 packet |
| Sal volatile | 1 oz. | 6 oz. |
| Scissors | 1 pair | 1 pair |
| Tourniquet | 1 | 1 |
| Cotton, absorbent | An adequate assortment | An adequate assortment |
| Gauze, sterilized and plain | | |
| Lint, absorbent | | |
| Plaster, adhesive | | |

TOOLS OF TRADE—APPRENTICES.

31. All tools of trade necessarily required by an apprentice in the learning of his trade shall be supplied by the employer to the apprentice. Such tools of trade shall remain the property of the apprentice on completion of his indentures.

SHOP STEWARDS.

32. Shop stewards in each workshop shall be allowed the necessary time during working hours to interview the employer or his representatives on matters covered by this Determination affecting the employees whom they represent.

UNION BUSINESS.

33. Officers or members of the Federation or any branch thereof may leave their work to attend to the business of the Federation after at least three days' notice has been given to the employer but without being paid while absent.

POSTING DETERMINATION AND NOTICES.

34. (a) In each factory in which five or more employees are employed, the employer shall provide a notice board in the workroom of each department and the Federation shall be permitted to post formal shop and Federation notices on such board: Provided that the notices so posted shall be signed by the President, Secretary, or shop steward of the Federation.

(b) Every employer shall post and keep posted a copy of the Determination in a place accessible to all employees.

PIECE-WORK.

35. (a) Subject to the employee receiving at least the minimum time rate an employer may remunerate, in respect of callings in which employees worked on the 2nd October, 1939, work under a system of payment by results, 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 centum in excess of their weekly rates. Such piece-work rates shall be fixed by the Factory Board consisting of two representatives of any employer, one of his employees, and one representative of the Federation. If any such Board is unable to agree on any rate or rates proposed by the employer the matter in dispute shall be referred to the Wages Board.

(b) If the employees of any factory or the Federation fail to appoint representation to any such Board or fail to attend a meeting of such Board called by the employer on a date not less than three days after the service of notice on the State Secretary of the Federation the employer may adopt piece-work rates which he deems reasonable without the authority of any Factory Board.

(c) Where an employee works part of a full week at piece-work rates and part at time rates he or she shall be paid so much as he or she is entitled to receive under such piece-work rates, plus the proportionate amount which he or she is entitled to receive under this Determination at time rates of pay.

(d) The Federation may, during the currency of this Determination, apply to the Wages Board for correction or regulation of any piece-work rate, time bonus rate, task rate, or any system of payment by results now in operation or hereafter introduced into any workshop controlled by an employer subject to this Determination.

(e) Where an employer has any person working under any system of payment by results referred to in this clause, he shall reduce into writing the terms under which such person is working, and such document shall be signed by such person and the employer. Upon demand by an officer of the Federation such document shall be shown to him, and he shall be allowed to make a copy of the same should he so desire. If the Federation considers that any such document does not comply with the provisions of this clause, it may refer the question to the Wages Board for determination.

(f) As far as practicable different grades of work shall be equitably divided between employees working under any system of payment by results.

(g) Employees working on any system of payment by results shall be paid at rate and a half when called upon to work overtime outside their ordinary hours of work or beyond 8 hours 48 minutes on any one day or 44 hours in any one week.

(h) Employees working on any system of payment by results waiting on the employer's premises at the employer's request ready and willing to work shall, for each pay period, receive at least the time rate prescribed for their occupation.

(i) Journeymen on piece-work teaching learners (not in the employ of the piece-worker) on piece-work shall be paid 10 per centum of piece-work rates extra whilst so employed.

RIGHT OF ENTRY OF UNION OFFICIAL.

36. (a) A duly accredited representative of the Federation shall have the right to enter employers' 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 place 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; and

(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 Wages Board.

(b) Where a Union official holding the right of entry under this clause suspects that a breach of the Determination is occurring or has occurred he shall be afforded the opportunity to enter the factory during working hours and view the work in question: Provided that during such inspection the official shall not obstruct or interfere with the work in any way or converse with the employees while at work.

A Union representative shall be a duly accredited representative of the Federation if he be the holder for the time being of a certificate, signed by the General Secretary in the following form, or in a form not materially differing therefrom:—

(Name of Organization).

This is to certify that is a duly accredited representative of the above-named organization.

(SEAL.)

.....
General Secretary.

(Specimen signature of holder)

Date

Strictly not transferable.

PERIODICAL ADJUSTMENT OF WAGES.

Adult Males.

37. The wages rates set out for males in clause 3 are based upon the following basic wage rates, and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 38.

BASIC WAGE.

| Needs Basic Wage (adjustable on capital cities index number). | Needs Basic Wage (Adjustable). | Constant Loading. | Total Base Rate. |
|---|--------------------------------|--------------------|----------------------|
| | £ s. d. | Per Week. s. d. | Per Week. £ s. d. |
| Four Capitals (excluding Perth and Adelaide) | 5 2 0 | 5 0 | 5 7 0 |

ADJUSTMENT OF BASIC WAGE.

38. (a) For the purposes of this Determination the expression "Commonwealth Statistician's 'all items' retail price and 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 November, 1947, the amounts of the basic wage shall be as prescribed in clause 37.

(c) During each future successive period beginning with the first pay period to commence in a November, a February a May, or an August, 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.

In all cases where for the same class of work the same rates have been prescribed for journeymen as are prescribed for journeymen, the rates for such journeymen shall be increased or decreased in the same manner and by the same amount as the rates for journeymen.

The rates for piece-workers shall at the same time be increased or decreased in the same proportion as the weekly rates for the same class of work.

MARGINS.
Adult Males.

39 (a) In addition to the total base rate prescribed in clause 37 the following margins and special allowance shall be paid :—

| Classifications. | Margin. | Special Allowance. |
|--------------------|-----------|--------------------|
| | Per Week. | Per Week. |
| | £ s. d. | s. d. |
| Journeymen | 1 10 0 | 4 0 |

Adult Females.

(b) The minimum rate per week to be paid to adult female employees shall be the equivalent of the below stated percentage of the total base rate for adult male employees indicated in clause 37 hereof calculated to the nearest threepence (half or less than half of threepence to be disregarded) and in addition thereto the special allowance and marginal rate specified.

| Percentage of Total Base Rate. | Special Allowance. | Margin. |
|--------------------------------|--------------------|-----------|
| | Per Week. | Per Week. |
| | s. d. | s. d. |
| 75 per cent. | 2 0 | 8 6 |

Apprentices—Males.

(c) The minimum rates of wage to be paid to apprentices or probationers shall be not less than the following :—

| Experience. | A total payment per week at the equivalent of the below stated percentage of the total base rate for adult male employees indicated in clause 37 hereof, calculated to the nearest 3d. (half or less than half of 3d. to be disregarded). |
|----------------------------------|---|
| | % |
| Five-year term— | |
| First year's experience | 27½ |
| Second year's experience | 30 |
| Third year's experience | 45 |
| Fourth year's experience | 75 |
| Fifth year's experience | 95 |
| Four-year term— | |
| First year's experience | 27½ |
| Second year's experience | 45 |
| Third year's experience | 75 |
| Fourth year's experience | 95 |

Junior Workers—Males.

(d) Junior workers may be employed at the following rates of pay :—

| Age. | A total payment per week at the equivalent of the below stated percentage of the total base rate for adult male employees indicated in clause 37 hereof, calculated to the nearest 3d. (half or less than half of 3d. to be disregarded). |
|--------------------------------------|---|
| | % |
| Under 16 years of age | 27½ |
| 16 and under 17 years of age | 35 |
| 17 and under 18 years of age | 47½ |
| 18 and under 19 years of age | 60 |
| 19 and under 20 years of age | 75 |
| 20 and under 21 years of age | 95 |

Junior Workers—Females.

(e) Female junior workers may be employed at the following rates of pay :—

| Age. | A total payment per week at the equivalent of the below stated percentage of the total base rate for adult male employees indicated in clause 37 hereof, calculated to the nearest 3d. (half or less than half of 3d. to be disregarded). |
|--------------------------------------|---|
| | % |
| Under 16 years of age | 27½ |
| 16 and under 17 years of age | 35 |
| 17 and under 18 years of age | 40 |
| 18 and under 19 years of age | 45 |
| 19 and under 20 years of age | 50 |
| 20 and under 21 years of age | 62½ |

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

J. V. WILLOX, Secretary.

Melbourne, 28th July, 1947.