



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

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

No. 127]

FRIDAY, MARCH 12.

[1948

Factories and Shops Acts.

DETERMINATION OF THE KNITTING TRADE BOARD.

Notes.—(a) This Determination applies to the whole of the State of Victoria.

(b) Work on Sunday, except in certain prescribed circumstances, is prohibited by the *Factories and Shops (Sundays) Act 1932, No. 4102.*

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 person or persons, or classes of persons, employed in the process, trade, or business of—

- (i) knitting or crocheting fabric, or any article of human wear;
- (ii) mending or repairing any knitted or crocheted fabric, or any knitted or crocheted article of human wear;
- (iii) spinning or preparing silk yarn;
- (iv) the printing of jersey piece goods or the like knitting materials"—

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 1st January, 1948, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. (a)

JUNIORS.

Males.	Wages per Week of 40 Hours.	Females.	Wages per Week of 40 Hours.
<i>Age.</i>	<i>£ s. d.</i>	<i>Age.</i>	<i>£ s. d.</i>
Under 16 years of age	1 17 0	Under 16 years of age	1 17 6
16 years of age	2 3 0	At 16 years of age	2 1 6
16½ years of age	2 6 6	At 16½ years of age	2 5 0
17 years of age	2 11 6	At 17 years of age	2 10 6
17½ years of age	2 16 0	At 17½ years of age	2 15 0
18 years of age	3 1 6	At 18 years of age	2 19 6
18½ years of age	3 8 6	At 18½ years of age	3 4 0
19 years of age	3 15 0	At 19 years of age	3 8 0
19½ years of age	4 5 0	At 19½ years of age	3 12 6
20 years of age	4 10 6	At 20 years of age	3 16 6
20½ years of age	5 1 0	At 20½ years of age	4 1 6

Until further order junior male employees engaged in the outer and under garment manufacturing section shall be paid 1s. per week in addition to the above-mentioned weekly rates as a special sectional allowance.

PROPORTION (within any factory).

The proportion of juniors employed shall not exceed two to each employee receiving not less than the minimum adult rate. In determining the proportion of juniors to employees receiving the adult rate each shift shall be taken into account separately.

Provided that, in the full-fashioned department of the knitting section, the proportion of females shall be one junior female to each female receiving the adult wage, and the proportion of males shall be two junior males to each three males receiving the adult wage.

Provided also that, in computing the proportion of juniors in the full-fashioned department of the knitting section, employees in the silk throwing department shall not be counted, and the count for the remainder of the full-fashioned department shall be taken over all the shifts.

The Board has prescribed a form of apprenticeship indenture.

(b) Changes in rates to be effective from the beginning of the first pay period to commence after the attainment of the prescribed age.

(c) A junior female, after four years' experience in the industry shall be paid the rates prescribed for an adult female in the classification in which she is employed.

(d)	OTHER EMPLOYEES.	Wages per Week of 40 Hours
	<i>Adult Males.</i>	
Mechanics on full-fashioned machines		£ s. d. 7 4 0
Mechanics on all other machines		6 17 0
Operators of single unit full-fashioned machines		7 4 0
Operators of other full-fashioned machines (leggers and footers)—		
First year		6 17 0
Thereafter		7 4 0
Pliers		6 17 0
Welt turners and/or assistant operators on full-fashioned machines		6 7 0
Board and press hands		6 6 0
Electric machine cutters		6 11 0
Hand cutters		6 8 0
Warpers		6 6 0
Hand knitters on flat machines		6 7 0
Flat warp and circular machine operators		6 6 0
Millmen, scourers, bleachers, and shrinkers		6 4 0
Leading hand employed on dye machines or vats		6 9 0
All other employees in dye house operating and/or attending machines		6 4 0
All other machine operators and/or attendants		6 4 0
Warehousemen		6 1 0
Oilers and cleaners		6 1 0
Toppers		6 1 0
Other dye or bleach house employees		5 15 0
Adult males not elsewhere specified		5 12 0
	<i>Adult Females.</i>	
Adult Females		4 5 0

Leading hands, other than those provided for above, shall be paid the appropriate rate plus the sum of 5s. per week.

Until further order all adult male employees engaged in the outer and under garment manufacturing section of the industry shall be paid 2s. per week in addition to the above-mentioned weekly rates as a special sectional allowance.

ADDITIONAL PAYMENTS.

3. (a) An employee who is employed as first-aid man or woman and who holds a first-aid certificate shall be paid 5s. per week extra.

(b) Employers shall provide proper facilities for the protection of employees engaged in loading and unloading soda ash from delivery vehicles by hand; in the event of such facilities not being so provided the employer shall pay each employee whilst so engaged the sum of 1s. per hour extra.

PIECEWORK.

4. (a) Any employer may fix piecework rates for any process: Provided such rates enable adult employees of average capacity to earn at least the minimum weekly rate prescribed for their respective classes with the addition of 15 per cent. A schedule of such piecework rates shall be posted in the mill or factory and a copy thereof forwarded to the Secretary of the local branch of the Union.

(b) Piecework prices now paid may be readjusted by employers to meet new circumstances created by this Determination before the expiry of six months from the date on which this Determination comes into force, but thereafter such prices shall not be altered except by mutual agreement between the employer and pieceworkers concerned or by authority of the Secretary for Labour.

(c) Effect shall be given in piecework earnings to alterations of the needs basic wage, and the minimum wage for adult females made in accordance with the provisions of clause 29 of this Determination. For that purpose an employer may alter his piecework rates in accordance with paragraph (b) of this clause, or he may observe the following provisions:—

At the end of each working week the aggregate earnings of each pieceworker for such week shall be ascertained, and where such pieceworker has worked on each and every day ordinarily worked in such week, such aggregate earnings shall be increased or decreased—

(i) In the case of males, by the sum by which the needs basic wage has been increased or decreased in accordance with the provisions of clause 29; and

(ii) in the case of females by the sum by which the minimum wage for adult females has been increased or decreased in accordance with the provisions of clause 29.

but where the pieceworker has not worked on each and every day ordinarily worked in such week, then the aggregate earnings shall be increased or decreased by a part of such sum proportionate to the number of days worked, calculated to the nearest penny.

(d) If any groups of employees in any factory are dissatisfied with alterations made in piecework rates they shall have the right to refer the matter to the Secretary for Labour for investigation.

(e) Where an employee has worked part of the week on piecework, he or she shall be entitled to his or her earnings in full for the actual time worked on piecework if the earnings are higher than the minimum rate for such time.

(f) Adults and juniors doing the same operations shall be paid the same piecework prices.

(g) As far as practicable, different grades of work shall be equitably divided between pieceworkers.

(h) A pieceworker who also instructs learners shall receive 10s. per week in addition to piecework earnings for the first week, 7s. 6d. for the second week, and 5s. for the third week, but at the end of the third week shall not be called upon to continue instructing a learner unless paid 5s. per week in addition to his piecework earnings.

(i) A pieceworker (adult or junior) called upon to perform work before the usual starting time or after the usual finishing time on any day, Monday to Saturday (inclusive), shall be paid, in addition to his or her normal piecework price.

(i) for the first three hours on any one of such days—at a rate per hour equivalent to 1/80th of the weekly rate prescribed for an adult employee of the same sex employed on the same work; and

(ii) for any overtime extending beyond such three hours—at a rate per hour equivalent to 1/40th of the weekly rate prescribed for an adult employee of the same sex employed on the same work.

Youths under 18 years of age and females who work overtime extending over ten hours in any week shall for any overtime beyond such ten hours be paid the rate prescribed by paragraph (ii) hereof. Provided that in mills or factories where 40 hours are worked in five days, Monday to Friday (inclusive), the maximum daily hours under this sub-clause for Saturday shall be not more than four hours, before the increased overtime rate prescribed by paragraph (ii) hereof shall operate.

(j) Pieceworkers 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 occupations.

BONUS PAYMENTS.

5. (a) In all establishments in which tasks are set and employees are paid for extra production the tasks shall be so set as to permit adults of average capacity and juniors of average capacity in receipt of wages in excess of 25s. per week to earn at least 15 per cent. above the rates prescribed for their occupations, and so as to permit juniors of average capacity in receipt of wages between 17s. and 25s. per week to earn at least 20 per cent. in addition to the rates prescribed for their occupations.

(b) Particulars of the basis of bonus rates shall be supplied to the secretary of the local branch of the Union upon request being made to the employer for same.

(c) Adjustments of the bases of bonus rates shall be subject to mutual agreement between the employer and the bonus workers concerned, and if challenged they may be reviewed by the Secretary for Labour.

(d) If the Union claims that any employer has wrongly based a bonus rate on the time rate for juniors, it may submit such claim to the Secretary for Labour.

MIXED FUNCTIONS.

6. An employee engaged for more than half of one day, or shift on duties carrying a higher rate than his or her classification shall be paid the higher rate for such day or shift; if for less than half of one day or shift he or she shall be paid the higher rate for the time so worked.

WEEKLY HOURS.

7. The number of hours to constitute an ordinary week's work shall be 40.

OVERTIME.

8. (a) Overtime shall be paid for work performed before the usual starting time or after the usual finishing time of each shift at time and a half for the first three hours on any one day, Monday to Saturday inclusive, and double time thereafter:

Provided, however, that in mills or factories where the 40 hours are worked in five days, Monday to Friday inclusive, time worked on Saturday shall be paid for at time and a half for the first four hours and double time thereafter.

(b) The usual starting and/or finishing time in any factory or part thereof shall not be altered, except on seven days' notice to the appropriate shop steward as representative of the union.

(c) Employees required to work overtime for more than one hour without being notified the day immediately before that they will be required to work shall either be supplied with a meal by the employer or paid 2s. each. If the notice is given and overtime is not worked (except as a result of a breakdown in machinery or plant) the tea money prescribed herein shall be paid.

(d) Juniors under eighteen years of age for each period of overtime worked shall be paid 6d. up to two hours and 3d. for each additional hour or part of an hour in addition to their overtime earnings and any tea money to which they might be entitled.

Provided that the said sums of 6d. and 3d. shall not be payable to pieceworkers working overtime.

(e) Youths under eighteen years of age and females required to work overtime shall be paid overtime at the rate of time and a half to a maximum of three hours in any one day, Monday to Saturday inclusive, and ten hours in one week, and double time thereafter:

Provided that in mills or factories where the 40 hours are worked in five days, Monday to Friday inclusive, the maximum daily hours under this sub-clause for Saturday shall be not more than four.

(f) All females and males under the age of 16 years shall not work overtime for more than 200 hours in a calendar year:

Provided that further overtime shall be allowed when the Union cannot supply competent and suitable labour and the consent of the Union is first obtained. If the Union refuses to give such consent the matter shall be referred to the Secretary for Labour.

(g) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

SHIFTS.

9. Shifts as hereunder set forth may be worked in the industry:—

(a) A day shift shall be a shift worked between the hours of 7 a.m. and 7 p.m. on Monday to Friday inclusive, and between the hours of 7 a.m. and 12 noon on Saturday.

(b) A night shift shall be a shift worked between the hours of 7 p.m. and 7 a.m. on Monday to Saturday inclusive.

(c) By mutual arrangement between an employer and his employees and with the concurrence of the Union, the hours of duty prescribed herein for night shift workers may be worked in four shifts without payment of overtime.

Under any such arrangement, all hours of duty beyond ten hours, even if they come within the starting and finishing times of a shift, shall be paid for at overtime rates.

(d) Subject to the provisions hereafter appearing, females shall be prohibited from working between the hours of 9 p.m. and 7 a.m.

Female employees and male juniors under seventeen years may be required to work between the hours of 6 a.m. and 9 p.m., subject to the following conditions:—

(1) One shilling per shift extra shall be paid for each short shift.

(2) An additional 6d. per shift shall be paid for each shift commencing before 7 a.m.

(3) Time and a half shall be paid for all time worked after noon on Saturday.

(4) No employee under the age of sixteen years shall be employed before 7 a.m.

(5) (i) No short shift of females under these provisions shall be substituted for any existing afternoon or night shift carried on by male labour.

(ii) Where two shifts of females are employed by virtue of these provisions, as well as a night shift of males, at least one shift of females shall be dispensed with, if and when it is desired to work only two shifts.

(6) Where junior male employees of seventeen years of age are required to work on an afternoon or night shift, they shall be paid the wage rate for a junior male of eighteen years.

(e) Except in the case of employees employed under the provisions of sub-clause (d) hereof, shift workers (adult and junior), whilst working intermediate, afternoon or night shifts, shall for such shifts be paid at the rate of 12s. 6d. per week, in addition to the rates payable to day shift workers.

(f) Short shifts of male employees over sixteen years of age may be worked at the discretion of the employer. For work done on such shifts (other than work done between noon on Saturday and midnight on Sunday) payment shall be made at the rate of 12s. 6d. per week of 40 hours, in addition to the rates payable to dayshift workers.

(g) Employees engaged on permanent night shifts shall be paid at the rate of 15s. per week of 40 hours, in addition to the rates payable to day shift workers.

(h) As far as practicable employees shall work shifts in rotation.

(i) Subject to the provisions of sub-clause (d) hereof for all work done by a shift worker on Saturday afternoon time and a half shall be paid until 5 p.m., and double time thereafter. All time worked by a shift worker between midnight on Sunday and 7 a.m. on Monday shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(j) An employee who is required to change from one shift to another without two days' notice of such change of shifts shall be paid 5s. extra as compensation for change.

(k) Shift workers may be required to work until the completion of their shifts on holidays without the payment of holiday rates, provided they are not required to work on the night shift commencing on a holiday.

Where a holiday prescribed by this Determination is observed on a Monday, shift workers may be given time off on the shift commencing on the Sunday night preceding a holiday, and in such event shall be required to work on the usual night shift commencing on the holiday, without additional pay.

Provided that where an employee works two complete shifts on a holiday both shifts shall be paid for as holiday shifts.

TERMS OF ENGAGEMENT.

10. (a) Engagement in the industry shall be on an hourly basis, except that notice equivalent to 40 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 stand down employees at any time when no work is offering or 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 usefully be employed because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot reasonably be held responsible.

(b) In lieu of such 40 working hours' notice, except in circumstances referred to in sub-clause (a) hereof, the employer may pay 40 hours' wages and, *vice versa*, the employee leaving his or her employment without notice shall forfeit 40 hours' wages which may be deducted from any wages due.

(c) Where the employer terminates the employment of an employee within two weeks prior to a day on which a holiday occurs, and such employee is re-engaged within a period of two weeks after such holiday or holidays, the employer shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee has been employed by the employer for a period of at least two weeks prior to the termination of employment.

(d) Any day worker starting work shall be entitled to at least half a day's pay, and any pieceworker to half a day's work.

MEAL HOURS.

11. (a) A meal interval of not less than 45 minutes and not more than one hour shall be allowed each day, provided that, by mutual arrangement between the employees and the employer, a shorter meal time may be fixed, in which case it shall not be less than 30 minutes.

(b) Time and a half rates shall be paid to any employee required to work during his or her meal hour. No employee shall be compelled to work for more than five hours without a break for a meal. Provided, however, that where three shifts are worked in a continuous process and it is mutually arranged, there shall be no break for meals, but employees may take their meals in the employer's time as opportunity offers.

(c) An employee engaged in the maintenance of plant shall, when breakdowns occur, work meal hours at the ordinary rates herein prescribed whenever instructed so to do.

(d) Meal intervals having been fixed shall not be altered except on seven days' notice to the Union.

HOLIDAYS AND SUNDAY WORK.

12. (a) Subject to the limitations mentioned hereinafter the following days shall be regarded as public holidays under this Determination:—New Year's Day, Good Friday, Easter Saturday (in establishments working a six-day week), Australia Day, Easter Monday, Labour Day, King's Birthday, Anzac Day, Christmas Day, and Boxing Day, or any other day observed in lieu thereof, or observed by local custom and substituted for one of the days hereinbefore mentioned with the consent of the appropriate branch of the Union. Provided that, in the Metropolitan District of Melbourne, Melbourne Cup Day shall be substituted for King's Birthday.

(b) Employees shall be paid for any of such holidays as fall on an ordinary working day of their employer's establishment, such payment to be to the full extent of the ordinary daily wage.

(c) Pieceworkers shall be paid for such holidays even though not worked at the ordinary rates payable to employees on time work doing the same class of work.

(d) Where an employee is absent from his or her employment on the working day or part of the working day before or after holiday without reasonable excuse, or without the employer's consent, the employee shall not be entitled to payment for such holiday.

(e) When an employee is absent through illness or other reasonable cause from his or her employment for a period exceeding fourteen days the employee shall not be entitled to payment for any holidays occurring during such period of absence:

Provided that where an employer consents to an employee having leave beyond the fourteen days abovementioned, payment shall be made for such holiday or holidays occurring in the period of absence.

(f) Production work in any factory is prohibited on Sundays unless in extraordinary circumstances and then only with the consent of the Secretary for Labour.

(g) All work done by time workers on the holidays prescribed in sub-clause (a) hereof and all work done by time workers on Sundays shall be paid for at the rate of ordinary time in addition to the ordinary rate; all such work done by pieceworkers shall be paid for at the ordinary rate payable to employees on time work doing the same class of work in addition to such piecework earnings.

(h) All employees engaged on repairs or renewals of the employer's plant or machinery necessary for the resumption of work the next following working day, or for maintaining the continuity of electric light and power (not including the installation of new machinery) shall, if worked on holidays and Sundays be paid at the rate of time and a half.

SICK LEAVE.

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

(i) He shall not be entitled to paid leave of absence unless he has been in the service of the employer concerned for at least three months immediately prior to such absence.

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

(iii) He 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.

(iv) He shall prove to the satisfaction of the employer (or, in the event of dispute, to the Secretary for Labour) that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed. For such purpose the employer may require an employee to make a statutory declaration verifying the cause of his absence.

(v) He shall not be entitled in any year to leave in excess of 40 hours of working time, nor to payment in excess of 40 hours at ordinary rates, nor in the case of an employee working short shift, payment in excess of a week's wages for such shift.

(b) A piece worker entitled to paid leave of absence under this clause shall be paid at the time-work rate applicable to his classification.

(c) For the purpose of sub-clause (a) hereof an employer may arrange with the secretary of the local branch of the Union for the recognition of a specified date as the commencing date of each year; and when so arranged such date shall be binding for that purpose on the Union, that employer and all his employees. In the absence of any such arrangement, "year," for the purpose of sub-clause (a) hereof shall mean:—

(i) In the case of an employee in the service of an employer on the 1st May, 1943, a year of service commencing on that date; except in a case where the employer has before that date allowed paid sick leave, when it shall mean the year of service then current.

(ii) In other cases, a year of service in the employ of the employer concerned.

ANNUAL LEAVE.

Period of Leave.

14. (a) 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.

Seven-day Shift Workers.

(b) In addition to the leave hereinbefore prescribed seven-day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays shall be allowed seven consecutive days' leave including non-working days.

Where an employee with twelve months' continuous service is engaged for part of the twelve-monthly period as a seven-day shift worker, he shall be entitled to have the period of fourteen consecutive days' annual leave prescribed in sub-clause (a) hereof increased by half a day for each month he is continuously engaged as aforesaid.

Annual Leave Exclusive of Public Holidays.

(c) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays proscribed 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 the period of annual leave time equivalent to the ordinary time which the employee would have worked if such day had not been a holiday.

Where a holiday falls as aforesaid and the employee fails without reasonable cause proof whereof shall be upon him to attend for work 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.

(d) 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.

(e) For the purposes of this clause 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 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 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. A notification given by an employee pursuant to clause 13 shall be accepted as a notification under this sub-clause.

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 each 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.

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.

Calculation of Service.

(f) Service before the date of operation of this Determination 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 varied. The annual leave shall be allowed at the rate of 6½ hours for each completed one month of continuous service. 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 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.

Calculation of Month.

(g) 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.

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

Time of Taking Leave.

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

Leave Allowed Before Due Date.

(j) 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 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 proscribed by clause 12 of this Determination.

Payment for Period of Leave.

(k) Each employee before going on leave shall be paid two weeks' wages, except a seven-days shift worker who shall be paid the amount of wage 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 (l) 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 result shall be at time rates.

Proportionate Leave on Dismissal.

(l) 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 6½ 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.

(m) 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 subject to sub-clause (f) hereof 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 time of 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 (l) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

LIMITATIONS.

15. (a) Where practicable, each machine must be stopped when being cleaned, the cleaning to be done in his or her working hours by the employee whose duty it is to do so.

(b) No female shall be required to lift or carry any article or goods weighing more than 30 lb. without one assistant for every 30 lb. weight.

(c) The occupations in which females are employed at the time of the making of this Determination shall not be extended in any factory without the consent of the Secretary for Labour.

(d) No female shall be required to use an iron weighing more than 8½ lb.

(e) No female shall be employed operating a manual screw press other than those now employed, and the rates now paid to females for such work shall be continued. In factories in which other forms of presswork are done exclusively by males, no females shall do such work until the Secretary for Labour certifies that the conditions are suitable for the introduction of female labour.

(f) One male operator receiving not less than the adult male operator's rate shall be employed on full-fashioned multiple head machines of eighteen heads or more and (after 30th June, 1949) on full-fashioned machines with one or more heads but less than eighteen heads one male operator receiving not less than the adult male operator's rate for each eighteen heads or fraction thereof.

(g) No male employee under 18 years of age shall be permitted to operate the rotary hydros in the finishing department.

GENERAL.

16. (a) *Hot Water.*—Employees shall be provided with hot water free of charge.

(b) *Seats for Female Employees.*—When requested by employees, and where practicable, suitable seats shall be provided by the employer for female employees in positions handy to their work.

(c) *Rest Room.*—In factories where ten or more female employees are employed, a properly ventilated rest room shall be provided by the employer for the use of such female employees. It shall contain a suitable couch, two easy chairs, and a rubber hot water bag. Any dispute under this sub-clause shall be referred to the Secretary for Labour.

(d) *Dining Room.*—Where reasonable and practicable proper dining room accommodation shall be provided by the employer for the use of employees. Any dispute under this sub-clause shall be referred to the Secretary for Labour.

(e) *First Aid Chest.*—In each mill or establishment the employer shall provide a properly equipped first aid chest at a place or places reasonably accessible to all employees. Such chest shall comply, as to its contents, with the requirements of the Factories and Shops Acts.

(f) *Clothing.*—When requested by the Union representative, the employer shall provide employees working in the dye house, bleach house and yarn dyeing departments with suitable protective clothing, such as gloves and top boots or clogs, and (when working with acids) aprons. Employees shall take reasonable care of clothing so provided.

(g) *Tools of Trade.*—All materials and appliances required for the cleaning of machinery shall be supplied by the employer free of charge.

(h) *Changing Accommodation.*—Separate dressing accommodation shall be provided by the employer for male and female employees.

(i) *Tea Break.*—Female employees shall be allowed a period of not less than ten minutes for rest and refreshments during each day or shift, to be taken at times to be mutually arranged; reasonable facilities shall be provided by the employer for female employees to have refreshments during such interval, if they so desire—provided:—

(i) that such period shall not be allowed within one hour of commencing or finishing work for the day, or for a meal break; and

(ii) this sub-clause shall not apply to employees working a short shift who are allowed crib time without deduction of pay; and

(iii) that employees shall conform to such arrangements as the employer may make to ensure the continuity of machine operations.

(j) *Floor Coverings.*—Where practicable suitable floor coverings shall be placed before machines, and no employee shall be called upon to stand on a bare concrete, or brick or stone floor when operating or attending to a machine. Any dispute under this sub-clause shall be referred to the Secretary for Labour.

(k) *Guarding Machinery.*—Nothing in this Determination shall be deemed to override or limit any State law relating to the safe guarding of machinery for the protection of employees from accident.

(l) *Lighting Facilities.*—Adequate lighting facilities shall be provided in all factories.

(m) *Drinking Water.*—Clean and wholesome drinking water shall be provided in places easily accessible to all employees.

PAYMENT OF WAGES.

17. Wages shall be paid weekly not later than Friday. Wages shall be paid during working hours; shift workers finishing work on Friday mornings shall be paid their wages before ceasing work; any employee kept waiting for his or her wages, beyond the ordinary working hours, shall be paid at overtime rates for such waiting time.

Where the services of an employee are dispensed with, wages shall be paid to him on the day of dismissal or forwarded to him by post on the day following.

Not more than two days' pay of each employee shall be kept in hand by an employer.

NOTICE BOARD.

18. The employer shall permit a notice board to be erected in a prominent position in his establishment upon which representatives of the Union shall be allowed to post notices in connexion with union meetings or other legitimate business of the Union, provided such notices are not objected to by the management. In the event of a conflict of opinion as to whether a notice is objectionable, the matter shall be referred to the Secretary for Labour.

POSTING OF DETERMINATION.

19. A copy of this Determination shall be posted by each employer in a prominent and accessible place in his establishment.

SHOP STEWARDS.

20. Shop stewards to the number of one in each department shall be recognized by the employer, and not more than three of such shop stewards shall be allowed time off during working hours to interview the employer if there is any legitimate complaint.

RIGHT OF ENTRY.

21. The secretary or branch secretary of the Union, or any person authorized by the Union, shall have the right to enter any factory or workshop for the purpose of interviewing and conversing with employees during the lunch hour or non-working time.

If any official so authorized makes himself objectionable during any such visit his right to visit may be determined by the employer affected. The official shall have the right to bring such refusal before the Secretary for Labour.

UNION CONFERENCE DELEGATES.

22. Delegates of the Union not exceeding two from each factory shall be granted leave without pay to attend Union conferences provided that reasonable notice has been given to the employer and that such absence will not unduly interfere with the business of the employer.

CERTIFICATE OF SERVICE.

23. An employee, if he or she asks for it, shall be entitled on termination of service, to a certificate of length of service with an employer and the nature of the work he or she was employed upon.

TIME AND WAGES BOOK.

24. (a) An employer shall keep a time and wages book or record in English showing the name of each employee, the age and/or experience of each employee paid as a junior under clause 2 hereof, the occupation of each employee, the hours worked each day or each week, and the wages and/or allowances paid each week.

(b) (i) When any junior employee is engaged the employer shall obtain and file in his records a Certificate or Declaration as to the age and experience of such junior employee, which shall be open for inspection, as provided herein.

(ii) Any employee giving misleading or false information as to his or her experience and/or age shall be liable to penalties or breach of the Determination.

(c) The time occupied by an employee in filling in time books 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 or record shall be open for inspection to a duly accredited official of the Union during the usual office hours at the employer's office or other convenient place, provided that no inspection shall be demanded unless the secretary of the Union, or the branch secretary or organizer of any division, suspects that a breach of this Determination is being, or has been, committed. Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment.

OUTSIDE WORKERS.

25. (a) No work of any description or class covered by this Determination shall be done or performed outside the employer's factory or workshop, except by a person who holds an outside worker's licence issued by the Secretary for Labour: Provided that no such outside worker shall employ any other person or persons whatsoever, save and except members of such worker's own family.

(b) An employer shall not have more than one outside worker for every twenty inside workers or fraction thereof.

(c) An outside worker shall be deemed to be a person who works by himself or herself, except as provided in sub-clause (a), and is not employed in a workshop or factory.

(d) The outside worker shall not work during any part of the day inside a workshop or factory.

(e) Outside workers shall be paid at the rates provided in this Determination.

(f) Outside workers shall be provided free of charge with all yarn and/or other materials used in connexion with their work.

(g) Where an employer delivers and/or collects the work of such outside workers the outside workers shall not be charged for such delivery and/or collection.

(h) Every employer who has work done elsewhere than in his factory or workshop shall complete, each calendar month, in respect of each outside worker in his employ, a return in the form prescribed by Schedule "A" to this Determination. Such return shall be lodged with the Secretary for Labour within seven days after the end of the calendar month to which it refers.

Every outside worker shall complete, each calendar month, in respect of the work done by him or her, a return in the form prescribed by Schedule "B" to this Determination. Such return shall be lodged with the Secretary for Labour within seven days after the end of the calendar month to which it refers.

(i) No employer shall, except as provided in this clause, require or order or cause to be performed or contract for the performance of work of any class covered by or referred to in this Determination (including the work of preparing any material for manufacture or materials so prepared)—

(1) In any place other than his usual workshop or factory; and/or

(2) By any person or persons other than his employees usually employed at such workshop or factory.

(j) Nothing herein contained shall affect the right of the employer covered by this Determination to contract, sub-contract, let, or sub-let to any person employing not less than four persons (exclusive of members of his or her own family) who conducts a workshop or factory, and is affected by this Determination.

LIMITATION OF EMPLOYER'S LIABILITY.

26. Where an employer has made a payment to an employee, which payment purports to be a payment of the wages payable under this Determination to the employee for any period such employee shall not recover from his employer any further sums prescribed by this Determination in respect of any services rendered to such employer during such period, unless within a period of three calendar months after the last day of such period a demand in writing of such further sum claimed has been given to the employer by the employee.

DEFINITIONS.

27. (a) A "leading hand" is an employee who, under the direction of the management, supervises the work of a shift or gang of other employees, not exceeding seven in number.

(b) "Union" means the Victorian branch of the Australian Textile Workers' Union.

(c) "Machine operator and/or attendant" means an employee who in the course of his duty is called upon to operate a machine and does not include an employee whose sole duty is carrying material to and from a machine.

(d) "Continuous process" means the working of three shifts per day between midnight on Sunday and noon on the following Saturday.

(e) "Experience" for the purpose of calculating rates under clause 2 of this Determination shall include all experience in the classification concerned, whether as a junior or an adult.

PERIODICAL ADJUSTMENT OF WAGES.

28. (a) ADULT MALES.—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 determines that such rates shall be automatically adjusted as prescribed by clause 29.

Place.	Needs Basic Wage (Adjustable).	Constant Loading.	Total Basic Wage.	Index Number Set Assigned.						
	£ s. d.	s. d.	£ s. d.							
Throughout the State	5 4 0	5 0	5 9 0	<table border="0"> <tr> <td>Sydney ..</td> <td rowspan="5">} Weighted average.</td> </tr> <tr> <td>Melbourne ..</td> </tr> <tr> <td>Adelaide ..</td> </tr> <tr> <td>Perth ..</td> </tr> <tr> <td>Hobart ..</td> </tr> </table>	Sydney ..	} Weighted average.	Melbourne ..	Adelaide ..	Perth ..	Hobart ..
Sydney ..	} Weighted average.									
Melbourne ..										
Adelaide ..										
Perth ..										
Hobart ..										

(b) ADULT FEMALES.—The minimum wage for adult females shall be 75 per centum of the total basic wage for males and the margin for "Adult males not elsewhere specified" calculations to be made to the nearest 8d., any exact 3d. in the result to be reckoned as 6d.

(c) MARGINS, ADULT MALES.—To adult males of the undermentioned classes there shall be paid the total basic wage referred to in clause 28 (a) hereof, with the addition of the marginal additions set opposite such classes respectively.

	Margin.
	£ s. d.
Mechanics on full-fashioned machines	1 15 0
Mechanics on all other machines	1 8 0
Operators of single unit full-fashioned machines	1 15 0
Operators of other full-fashioned machines—leggers and footers—	
First year	1 8 0
Thereafter	1 15 0
Pliers	1 8 0
Welt turners and/or assistant operators on full-fashioned machines	0 18 0
Board and press hands	0 17 0
Electric machine cutters	1 2 0
Hand cutters	0 19 0
Warpers	0 17 0
Hand knitters on flat machines	0 18 0
Flat warp and circular machine operators	0 17 0
Millmen, scourers, bleachers and shrinkers	0 15 0
Leading hand employed on dye machines or vats	1 0 0
All other employees in dye house operating and/or attending machines	0 15 0
All other machine operators and/or attendants	0 15 0
Warehouseman	0 12 0
Oilers and cleaners	0 12 0
Toppers	0 12 0
Other dye or bleach house employees	0 6 0
Adult males not elsewhere specified	0 3 0

(d) JUNIOR RATES.—The minimum rates to be paid to junior employees shall be as follows:—

(i) Junior Males—

Age.	Percentage of Needs Basic Wage.	Constant Loading.
		Per Week.
		s. d.
Under 16 years of age	35	0 6
16 years of age	40½	0 9
16½ years of age	44	0 9
17 years of age	48½	1 0
17½ years of age	53	1 0
18 years of age	58	1 0
18½ years of age	65	1 0
19 years of age	70	2 0
19½ years of age	80	2 0
20 years of age	85	2 0
20½ years of age	95	2 0

(ii) Junior Females—

Age.	Percentage of Needs Basic Wage.
Under 16 years of age	35½
At 16 years of age	40
At 16½ years of age	43½
At 17 years of age	48½
At 17½ years of age	53
At 18 years of age	57
At 18½ years of age	61½
At 19 years of age	65½
At 19½ years of age	69½
At 20 years of age	73½
At 20½ years of age	78½

(iii) The total wage to be calculated to the nearest 6d., any exact 3d. in the result to be reckoned as 6d.

ADJUSTMENT OF BASIC WAGE.

29 (i) (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, 1948, the amounts of the Basic Wage shall be as prescribed in clause 28.

(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.

(ii) ADJUSTMENT OF WAGES OF ADULT FEMALES.—(a) For work done by adult female employees until the beginning of the first pay period to commence in February, 1948, the amounts of wage rates prescribed for them by clause 2 hereof shall be paid.

(b) Thereafter the amounts of wage rates prescribed for them by clause 2 hereof shall be increased or decreased (as the case may be) whenever and wherever there is any alteration in the total basic wage for adult males calculated in accordance with clause 29 hereof.

SCHEDULE "A"—See clause 25 (h).

EMPLOYER'S RETURN IN RESPECT OF OUTSIDE WORKER.

Return for the month of _____

Name of employer _____

Address _____

	Type of Garment.	Weight.	Gauge of Machine.	Quantity.	Price.		
					Knitting.	Finishing.	Total.
				Dozen.	£ s. d.	£ s. d.	£ s. d.
Knitted Fabrics ..							
Garments							
Hose							
Half Hose							

Weight and description of raw material supplied _____

By whom made .. { Name _____
Address _____

Signature of employer _____

NOTE.—Supplies of this form may be obtained from the Secretary for Labour, Spring-street, Melbourne.
To be lodged within seven days after the end of each calendar month.

SCHEDULE "B"—See clause 25 (A).
 OUTSIDE WORKER'S RETURN.

For month of _____

Name of outside worker _____

Address _____

	Type of Garment.	Weight.	Gauge of Machine.	Quantity.	Price.		
					Knitting.	Finishing.	Total.
				Dozen.	£ s. d.	£ s. d.	£ s. d.
Knitted Fabrics ..							
Garments ..							
Hose							
Half Hose ..							

Weight and description of raw material supplied _____

For whom made .. { Name _____
 Address _____

Signature of outside worker _____

NOTE.—Supplies of this form may be obtained from the Secretary for Labour, Spring-street, Melbourne.
 To be lodged within seven days after the end of each calendar month.

P. A. RANGLES, J.P., Chairman.
 J. V. WILLOX, Secretary.

Melbourne, 8th December, 1947.