



# VICTORIA GOVERNMENT GAZETTE.

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[1951

Factories and Shops Acts.

## DETERMINATION OF THE UMBRELLA 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 a maker of Umbrellas" has made the following Determination, namely:—

1. That, as from the beginning of the first pay period to commence in November, 1951, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

(a) APPRENTICES AND IMPROVERS.

Rates per Week of 40 Hours.

Experience.	Males.	Females.	
		First Commencing at the Trade when Under the Age of 18 Years.	First Commencing at the Trade Between the Ages of 18 Years and 21 Years.
	£ s. d.	£ s. d.	£ s. d.
1st six months .. .. .	2 12 0	3 4 6	5 3 6
2nd six months .. .. .	3 0 0	3 12 0	5 14 0
3rd six months .. .. .	3 10 0	3 19 6	6 10 6
4th six months .. .. .	4 6 0	4 11 6	7 5 6
5th six months .. .. .	4 16 0	5 3 6	..
6th six months .. .. .	5 8 0	5 14 0	..
7th six months .. .. .	7 14 0	6 10 6	..
8th six months .. .. .	8 18 0	7 15 6	..
9th six months .. .. .	10 0 0	..	..
10th six months .. .. .	10 4 6	..	..

and thereafter the minimum wage or piece-work price.

- (i) The term to be served at the industry by male apprentices or improvers shall be not more than four years.  
(ii) The term to be served at the industry by female apprentices or improvers shall be not more than four years.

### (b) PROPORTION (IN ANY FACTORY OR PLACE).

*Apprentices or Improvers.*

- (i) Not more than one male apprentice or improver shall be employed to every two or fraction of two journeymen.  
(ii) Not more than three female apprentices or improvers shall be employed to every journeywomen.  
(iii) For the purposes of all clauses relating to apprentices and improvers each class of employee as set out in the weekly wage schedules to this Determination shall be taken separately and each such class shall be deemed to be a distinct section.

### PROHIBITION OF EMPLOYMENT OF MALES OVER SEVENTEEN YEARS ENTERING ANY SECTION OF THE INDUSTRY.

(c) No male who is over the age of seventeen years shall enter any section of the industry for which provision is made in this Determination for compulsory apprenticeship according to the Schedule referred to in the indenture of apprenticeship prescribed by this Determination.

### FEMALE IMPROVERS OVER EIGHTEEN YEARS OF AGE MAY BE EMPLOYED.

(d) Any female without previous experience who has attained the age of eighteen years may be employed in any section of the industry as an improver, and shall be paid at least the minimum rate prescribed by this Determination for a female of her experience.

### PERSONS ELIGIBLE FOR APPRENTICESHIP.

(e) All apprentices shall be indentured in accordance with the form of indenture prescribed by this Board on the 23rd May, 1950, provided that the said person may serve an employer as a probationer for a period not exceeding three months. During the said three months he or she shall be paid at least the minimum rate prescribed by this Determination for the first six months of apprenticeship. If the probationer becomes indentured, his or her indentures shall be taken to have commenced from the commencement of the period of probation.

## INDENTURE COMPLETED.

(f) It shall be the duty of the employer to see that the form of indenture of any apprentice is duly completed and to deliver to the apprentice a complete original copy thereof.

## COMPLETION OF APPRENTICESHIP.

(g) In the event of the employer to whom an apprentice is bound ceasing to carry on business, such apprentice may be bound to another employer for the remainder of the term to be served, provided that if such apprentice be over the age of seventeen years at the time of the original employer ceasing to carry on business, such apprentice may complete the time to be served as an improver.

## APPRENTICES IN ANY GROUP OF THE INDUSTRY ALREADY BOUND.

(h) Within three months of the commencement of this Determination every employer shall, in respect of male or female apprentices already indentured, be bound to observe the full terms of the indentures prescribed by this Determination as to the term of apprenticeship, hours, wages, overtime and all other conditions. Where the existing indentures are inconsistent with indentures herein prescribed the existing indentures shall be deemed to be amended accordingly.

## TIME SERVED IN ANY GROUP TO COUNT.

(i) (i) Notwithstanding anything contained in this Determination the time served by an apprentice or improver in any occupation for which a classification is prescribed by this Determination in any group of this Determination shall be counted as experience for the purpose of apprenticeship indentures or the continuance of improvership, both as regards wages and the term to be served in respect of the continuation of the employment of such apprentice or improver in the occupation covered by such classification.

(ii) Notwithstanding anything contained in this Determination, any person who at the date of the coming into force of this Determination is employed in the industry and whose engagement or continued employment as an improver is by this Determination forbidden shall be entitled to be employed and shall be paid the scale of wages prescribed for an apprentice or improver of like experience.

## 3.

## OTHER PERSONS (EXCEPT APPRENTICES AND IMPROVERS).

	Wages per Week.
<i>Journeymen.</i>	£ s. d.
Cutters, namely, males employed laying up material and/or marking in and/or cutting out and/or separating and/or matching and/or sorting covers for umbrellas and/or parasols .. .. .	12 4 0
Head of a table or a bench of machines, namely, males in charge of four or more persons making any part of an article by hand or by machine .. .. .	11 16 0
Finishers, namely, males employed capping and/or ferruling and/or end finishing umbrellas or parasols ..	11 9 0
Frame makers or repairers, namely, males employed making and/or repairing frames for umbrellas and/or parasols; such work to include the work of cutting slotting and springing handles or sticks and/or assembling ribs and/or drilling notches .. .. .	11 11 0
All other adult males not herein classified .. .. .	10 8 0
<i>Journeywomen.</i>	£ s. d.
Head of a table or a bench of machines, namely, females in charge of four or more persons making any part of an article by hand or by machine .. .. .	8 13 0
Tipplers and/or finishers and/or machinists and/or tablehands namely, females employed sewing by hand or by machine umbrellas or parasols or any part of an umbrella or parasol and/or pressing and/or ironing and/or branding umbrellas or parasols .. .. .	8 8 0
All other adult females not herein classified .. .. .	7 16 0

i.e. journeywomen as defined herein and adult females other than such adult females as are specified in clause 4 of this Determination.

NOTE.—An amount of 5s. per week for journeymen and 3s. 9d. per week for journeywomen included in the above rates shall not be deemed to be portion of the wage for the purpose of computing piece-work rates or task work or overtime, holiday or other penalty rates.

## FEMALES ENTERING THE INDUSTRY AT 21 YEARS OF AGE OR OVER WITHOUT PREVIOUS EXPERIENCE.

4. (a) Any adult female entering the industry as from the date of this Determination without previous experience in the industry shall, in addition to the rate prescribed for "All other adult females not herein classified" be paid the percentage herein set out of the appropriate marginal rate prescribed by this Determination for the class of work being performed:—

	Percentage of Margin.
First three months' experience .. .. .	Nil
Second three months' experience .. .. .	25 per cent.
Third three months' experience .. .. .	50 per cent.
Fourth three months' experience .. .. .	75 per cent.
Thereafter .. .. .	100 per cent.

(b) For the purpose of ascertaining the percentage payable to any adult female entering the industry without previous experience any service with one employer or several shall be taken into consideration and accrued to the credit of that employee.

(c) Any adult female employee who, at the date of this Determination, has had less than twelve months' experience in the industry, shall not, merely as a result of this Determination, suffer any reduction in the rate of wage being paid to her, but such employee shall not receive any increase in her wage, other than cost of living increases in accordance with the adjustment clause herein, until such time as the wage being paid to such employee becomes less than the wage prescribed for the relevant period of experience set out in this clause.

(d) Before the services of a female employee employed in terms of this clause are terminated such employee shall receive from her employer a certificate in the form set out hereunder:—

"This is to certify that \_\_\_\_\_ of \_\_\_\_\_ whose signature appears hereon has been employed by the undermentioned firm as a \_\_\_\_\_ from \_\_\_\_\_ date to \_\_\_\_\_ date."

## PAYMENT OF RATES IN EXCESS OF THOSE PRESCRIBED AND ADJUSTMENT OF TASK RATES.

5. (a) Where any employee is, at the date upon which this Determination comes into operation receiving a rate of wages in excess of that prescribed by the Determination hereby revoked the employer of that employee shall be under no obligation to maintain that excess over the rate prescribed for that employee by this Determination.

(b) Where an employer's task system is, at the date on which this Determination comes into operation, based upon a rate or rates of wages in excess of that or those prescribed by the Determination hereby revoked, that employer shall have the right to have his task rates re-determined in accordance with sub-clause (b) of Clause 17 of this Determination to the intent that he shall be under no obligation to maintain such excess over the rate prescribed for the relevant work by this Determination.

## EMPLOYEES CLASSIFIED.

6. For the purpose of this Determination all employees in the industry shall be classified as belonging to one of the following classes, namely:—

- (a) Journeyman.
- (b) Journeywoman.
- (c) Indentured apprentice.
- (d) Improver.
- (e) Outdoor worker, namely, any male or female who is engaged as an outdoor worker in accordance with the provisions of this Determination.

## DEFINITION OF EMPLOYEES.

7. (a) A Journeyman is a male person other than an apprentice or improver:—
- (i) who has served the time prescribed by this Determination as an apprentice or improver; or
  - (ii) who has attained the age of twenty-one years; or
  - (iii) who, prior to this Determination was in receipt of at least the minimum weekly wage prescribed at the time for the class of work on which such person is engaged, whether on weekly wage or piecework.
- (b) A Journeywoman is a female person other than an apprentice or improver:—
- (i) who has served the time prescribed by this Determination as an apprentice or improver; or
  - (ii) who has attained the age of twenty-one years, other than an adult female covered by clause 4 of this Determination; or
  - (iii) who, prior to this Determination, was in receipt of at least the minimum weekly wage prescribed at the time for the class of work on which such person is engaged, whether on weekly wage or piece-work.

## HOURS OF EMPLOYMENT.

8. Forty hours shall constitute a week's work within the following hours: Time of beginning, 8 a.m.; time of ending, 6 p.m.—on five days of the week. Time of beginning, 8 a.m.; time of ending, 1 p.m.—on the other day of the week on which the half-holiday is usually observed. Provided that if the majority of employees in a factory or workshop desire to start at 7.30 a.m., the work may begin at 7.30 a.m.

## MIDDAY MEAL.

9. (a) An interval shall be allowed of not less than three-quarters of an hour between the hours of 12 noon and 2 p.m. unless a majority of the employees in any establishment decide it shall be otherwise. Under no circumstances shall less than 30 minutes be fixed for the midday meal.
- (b) No work shall be performed during such meal time.

## OVERTIME.

10. (a) Any employee who has in any day performed any work outside the working hours ordinarily observed in the factory or workshop in which he or she is employed, shall be paid overtime as follows:—
- (i) Weekly workers shall be paid at the rate of time and one half and shall also be paid 2s. 6d. meal money when such overtime exceeds one hour on week days or on Saturdays in those factories or workshops where a five and a half day week is worked.
  - In those factories or workshops where a five day week is worked all work done on Saturdays shall be paid for at the rate of time and one half and 2s. 6d. meal money shall be paid when such overtime is worked after noon.
  - (ii) Piece workers shall be paid (in addition to the ordinary piece-work rates for work done in the excess time) such sum per hour as is equivalent to the weekly wage divided by 80 and shall also be paid 2s. 6d. meal money when such overtime exceeds one hour on week days or on Saturdays in those factories or workshops where a five and a half day week is worked.
  - In those factories or workshops where a five day week is worked all work done on Saturdays shall be paid for at the rate of time and one half and 2s. 6d. meal money shall be paid when such overtime is worked after noon.
- (b) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.
- (c) No employee under the age of sixteen years shall be employed on overtime.

## REST PERIOD.

11. When any spell of duty is for more than four hours an interval of ten minutes, to be selected by the employer, shall be allowed in the second or third hour to females and apprentices for refreshments. The interval shall be as part of the time of duty without deduction of time work pay. During such rest period the employees may leave their seats but not the premises.

## MIXED FUNCTIONS.

12. (a) Where an employee is engaged in any week for more than half of such week at work in a higher class than he or she is employed to perform, he or she shall be paid for the full week at the highest rate payable for any such work under this Determination; but if he or she is engaged for less than half of any such week he or she shall only be paid at the rates fixed by this Determination for the work he or she actually performs.
- (b) Where an employee is engaged in a higher class than he or she is normally employed to perform, the employer shall keep a record of the time worked by such employee on each class of work; in the absence of any such record the employer shall be required to pay such employee for the full week at the rate fixed by this Determination for the highest class of work performed during such week.

## TERMS OF ENGAGEMENT.

13. (a) The week shall terminate on a day other than Monday or Saturday, and all employees shall be paid all moneys due to them in full during the ordinary working hours not later than two working days following the termination of the week. In order to terminate the employment of an employee (weekly or piece-worker) two days' notice shall be given on any day, with payment to date of termination, or in lieu thereof two days' pay shall be paid or deducted. When employment is terminated by an employer, the employer shall, upon the date of such termination, pay to the employee (weekly or piece worker) all moneys due to him or her, and when employment is terminated by an employee in accordance with the terms of this Determination the employer shall pay to the employee (weekly or piece-worker) all moneys due to him or her.
- (b) All weekly wages shall be paid to the employees in full, with the following exceptions:—
- (1) Turns to be observed—Employers shall, in slack time, observe turns of employment for weekly workers and pieceworkers (including outdoor workers) not engaged in making samples in the respective class or classes of work that they are usually engaged in, provided always that journeymen and journeywomen having apprentices shall be allowed in their turn extra work equivalent to the wages of the apprentice during the time the turn system is in operation. The employer shall keep in the workroom a true record of every turn, which shall be open to the inspection of the employees.
  - (2) Standing off employees in turn—Should any employer during slackness of trade desire to stand off his employees in turn, then the employer on any day during any week shall inform every person whom it is proposed to stand off on any day or days in the following week (other than a Saturday or holiday) that his or her services will not be required; but an employee shall not, except under the conditions provided in paragraph (3) of this sub-clause, be stood off part of a day without being paid for a whole day.

- (3) Employees working shortened hours—If it is desired to work a week of shorter hours in slack time, instead of standing the employees off in turn, the employer may make an arrangement to work his employees for shortened hours, but such arrangement shall only be made where, on the vote of the employees being taken a majority of the whole of the employees vote in favour of such arrangement.

Where such an arrangement is made, the employees shall be informed on the day ending each week of the shortened hours to be worked in the following week.

Where an arrangement is made in compliance with this provision the employer shall pay each employee for the actual hours worked on each day on the basis of his or her weekly wage.

*Classes of Employees.*

(c) For the purpose of this clause (but subject to the provisions of sub-clause (b) hereof in operating the turn system, the various classes of employees shall be taken separately, and "classes of employees" shall mean each class of employee in respect of which a classification of work has been provided under this Determination, but in all cases male improvers and journeymen, or female improvers and journeywomen doing the same class of work shall be deemed to be one class of employee.

*Stoppage of Work re Breakdown of Machinery.*

(d) In the event of the work of a factory or workshop being stopped by a breakdown of machinery, or for any cause for which the employer cannot reasonably be held responsible, all weekly hands who present themselves for work shall be found work for that day or paid one day's wages in lieu thereof but the employer may when such breakdown occurs, give notice to an employee that his or her services will not be required on the following day or days, and the employee shall not be entitled to any further payment in respect of any further days that he or she is out of employment by reason of such break down.

Provided that for any day upon which an employee cannot be usefully employed because of any strike or lockout by any persons whatsoever or any failure or lack of power or any restriction or shortage of power for which an employer cannot justly be held responsible all weekly employees who are required to attend for work and do so attend on that day shall be paid a minimum of two hours' pay at ordinary rates; if required to perform work or remain at work for longer than two hours, payment shall be made at ordinary rates for all time standing by and time worked.

*Terminating Employment in Relation to a Holiday.*

(e) (i) Where the employer terminates the employment of an employee within 14 days of a day on which a holiday occurs and such employee is re-employed within a period of one month after such holiday, the employee 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 one week prior to the termination of the employment.

(ii) Should the employment of an employee be terminated, or should an employee be stood off within fourteen days prior to any holiday or to the commencement of any group of holidays prescribed in this Determination, such employee shall be paid for such holiday or group of holidays, provided that such employee has been employed by the employer for a period of at least one week prior to the termination of the employment.

(iii) When any two or more of the holidays prescribed in this Determination occur within two weeks of one another, such holidays shall for the purposes of paragraph (ii) hereof be deemed to be a group of holidays.

(iv) Where the employer terminates the employment of an employee more than fourteen days, but not exceeding one month prior to a day on which a holiday occurs and such employee is re-engaged within a period of one month, or normal business is resumed within such period of one month after such holiday, the employee 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 one week prior to the termination of employment.

(v) An employer shall be deemed to comply with the requirement of this sub-clause if on terminating the employment of any employee he gives that employee annual holidays or payment in lieu thereof in accordance with Clause 14 hereof.

*ANNUAL HOLIDAY.*

14. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946* No. 5111 and any amendments which may be made thereto from time to time.

*SICK PAY.*

15. (1) Where an employee has been employed by an employer for a period of three months and is subsequently absent from work on account of personal sickness or accident such employer shall not deduct from the pay of such employee on account of such absence the amount which the employee would be entitled to receive if working, but shall pay such employee such amount or amounts as the employee would have been entitled to receive if working, but not exceeding in all in any one year of employment with one employer or several 40 hours' ordinary pay, subject to the following conditions and limitations:—

(a) Sick leave allowable under this clause to an employee which is not availed of during the year in which it accrues shall, while an employee is employed by the same employer be allowed to accumulate up to a maximum of 120 hours, but, after an employee has so accumulated a credit of 120 hours, the employee shall, in each succeeding year of continuous employment with the same employer, be credited with only so many hours as may be necessary to bring the total credit to a maximum of 120 hours.

(b) Should an employee be absent from his work on account of sickness or accident it shall be necessary for such employee to notify his employer that such absence is due to sickness or accident. Such notification shall if required by the employer be in the form of a written message which shall be sent by or on behalf of the employee within 48 hours of the commencement of such absence.

(c) If an employer within seven days after the receipt by him of a written message sent by or on behalf of an absent employee, alleging that his absence is due to sickness or accident, fails to despatch or give to the employee written notice that he does not accept the message as satisfactory evidence of the facts alleged by it, it shall be deemed to be prima facie evidence that the absence of the employee was due to sickness or accident.

(d) If an employer within seven days after the receipt by him of such a message despatches or gives to the employee written notice that he does not accept such message as satisfactory evidence of sickness or accident but requires further evidence the employee must within a reasonable time furnish such further evidence. If the employer requires the employee to obtain a medical certificate or other proof of sickness or accident the employer shall pay or refund any fee and incidental expenses necessarily incurred or paid by the employee in complying with such requirement. The employee shall submit to medical examination at the employer's expense if so required and shall not obstruct or interfere with enquiries deemed to be necessary by the employer.

(e) In any case where the period of seven days referred to in placita (c) and (d) hereof expires after the finish of the last working day in the calendar week, or on a public holiday, the period shall be deemed to extend to noon of the next ordinary working day and in any case where illness commences after the finish of such last working day the said period of forty-eight hours referred to in placita (b) hereof shall be deemed to commence at the starting hour of the next ordinary working day.

(2) In the event of the employee having received in respect of any such sickness or accident as is mentioned in sub-clause (1) hereof any payment or monetary allowance or benefit in pursuance of any Commonwealth or State legislation or regulation or order made thereunder the employer shall be entitled to deduct from the employee's pay during any period of absence in pursuance of the provisions of this clause the equivalent of any such payment or monetary allowance or benefit and shall be liable to the employee for the remainder only.

(3) (a) Before leaving his place of employment for whatsoever cause an employee shall receive from his employer a certificate in the form set out hereunder showing the length of his service with the employer and the amount of sick leave granted, if any, during such employment:—

"I hereby certify that ..... was employed by me from ..... to .....  
and that during such period of employment he/she received payment for ..... hours on account of sickness  
The inclusive dates of the last absence as above were from ..... to .....

Signature "

(b) If no sick leave has been granted to an employee during his period of service with an employer the certificate herein prescribed shall indicate that fact.

(4) In the event of any dispute regarding the right of an employee to sick pay under this clause, the employee shall if so required by his employer produce the afore-mentioned certificate to such employer.

#### DEFINITIONS RELATING TO SICK PAY.

16. "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 prescribed by this Determination for his or her classification.

"Employer" and all variations of such word includes and include respectively all persons, firms and corporations covered by this Determination irrespective of the gender used.

"Service" means service with any employer covered by this Determination as from not earlier than the 1st day of January, 1946. The masculine includes the feminine.

#### TASK SYSTEM.

17. No employer shall make a bonus or merit payment which fluctuates from period to period according to the amount of work performed by the employee concerned, and which is based upon a secret or task rate for measuring the output of such employee. No increase in wages granted to any employee, after the date of operation of this Determination, above the rates herein prescribed shall be deemed to be in contravention of this clause if the same be paid for a period of three months, or for the term of employment, whichever period is the shorter; provided, however, that such increased wages may, at the discretion of the employer, be adjusted according to the wages rates prescribed from time to time by this Determination.

In all factories where a minimum task is set for a minimum wage the following shall be observed:—

- (a) Until after the termination of six months from the coming into operation of this Determination the minimum task in operation in any workshop or factory on the date of this Determination, shall be the minimum task for the minimum wage after the date of this Determination, and shall not during the said period of six months be increased or decreased because of any increase or decrease in wages, and shall not during the said period of six months be increased unless an altered or improved method is introduced.
- (b) The task rate in respect to all garments or parts of garments or other articles or parts of articles shall be determined in the manner following:—
  - (i) Where there are less than twenty employees involved in the work to be performed, the employer or his representative in conference with one employee chosen by and from such employees, shall fix the rates.
  - (ii) Where there are twenty or more employees involved in the work to be performed the employer or his representative in conference with two employees so chosen, shall fix the rates.
  - (iii) Provided that artificial aids such as stop-watches, shall not be used in the fixation of tasks.
- (c) The task rates shall be fixed so as to enable the average worker to earn the minimum wage prescribed by this Determination for the class of work to be performed; and any number of garments or parts of garments or other articles or parts of articles made in excess of the minimum weekly task fixed by the task rates for the minimum weekly wage shall be paid for at pro rata plus ten per cent.
- (d) When an employee is employed for less than a week on the task rates, then the task of the said employee shall be fixed at per day the weekly rate provided for.
- (e) Any excess number of garments or parts of garments or other articles or parts of articles made on any day by the employee shall be subject to the same pro rata payment as would apply if the employee were engaged for the whole week.
- (f) A copy of all task rate schedules shall, within twenty-four hours of their being fixed, be displayed by the employer in a conspicuous place in each and every room of the workshop or factory where such tasks respectively are being performed and shall be kept displayed.
- (g) A combination or team shall mean two or more persons working together on the same class of work, employed on weekly wages where a task has been imposed. Where employees work in a combination or team the additional amount of wages shall be distributed amongst the employees on a percentage basis, according to the amount of their ordinary weekly wages.

#### PIECEWORK.

18. (a) Subject to payment of the minimum weekly wages prescribed by this Determination for employees in their respective classes and to the conditions hereinafter set out, an employer may fix his own piecework rates provided such rates enable a journeyman or journeywoman of average capacity working under like conditions to earn at least ten per cent. more than the minimum weekly wage in their respective classes. The same piecework rate shall be paid to all pieceworkers doing the same operation in the factory or workshop whether they be journeymen, journeywomen, improvers, apprentices, or juveniles.

(b) All pieceworkers who are available and ready and willing to work during the ordinary working hours but for whom work is not provided by the employer shall be paid the appropriate weekly rate for the class of work being performed.

In the case of apprentices or improvers not less than the amount prescribed by this Determination for an apprentice or improver of like experience.

(c) The piecework rate in respect of all garments or parts of garments or other articles or parts of articles shall be determined in the following manner:—

- (i) Where there are less than twenty employees involved in the work to be performed the employer or his representative, in conference with one employee chosen by and from such employees, shall fix the rates.
- (ii) Where there are twenty or more employees involved in the work to be performed the employer or his representative, in conference with two employees so chosen, shall fix the rates.

(d) Provided that artificial aids such as stop-watches shall not be used in the fixation of piecework rates.

(e) A copy of all piecework schedules shall, within 24 hours of their being fixed, be displayed by the employer in a conspicuous place in each and every room of the workshop or factory where such piecework is being performed and shall be kept displayed.

(f) In all factories and workshops where piecework conditions are now in operation, the same shall not be altered except in the manner prescribed in this clause for the determination of piecework rates.

(g) Where piecework is in operation, the employer shall make arrangements for collecting the logs, and the employees need not leave their places.

#### CASUAL WORKERS.

19. Pressers may be employed in any week as casual employees for less than thirty hours (exclusive of overtime) but shall be paid as follows:—

- (a) If on weekly wages—the ordinary time rate plus 33½ per cent.
- (b) If on piecework—the ordinary piecework rate plus 33½ per cent.

## PART-TIME EMPLOYEES.

20. Where an employer is willing to employ female employees full time, but such employees only accept work for a limited number of hours each week, then such females may be employed as part time employees subject to the following terms and conditions:—

- (a) They shall be journeywoman within the meaning of this Determination.
- (b) They shall be employed for not less than twenty hours in any week.
- (c) They shall not be employed both on time work and piecework or both on time work and task work in any week.
- (d) If time workers, they shall be paid for each hour worked at the rate at least of 1/40th of the minimum weekly wage prescribed by this Determination for the class of work performed by them and if piece or task workers they shall be paid at the appropriate piecework rate or task rate payable under this Determination, but in no case shall any of such employees be paid less than so much of the minimum weekly wage prescribed by this Determination as is proportionate to the time worked by them.
- (e) The payment or deduction of payment in lieu of notice of termination of employment shall be 2/5ths of the pay of the preceding week of the employee concerned.
- (f) No employee shall be employed or work as a part-time employee unless a permit in writing is obtained from the Secretary for Labour permitting such employee to be employed or to work as a part-time employee. Provided that the Secretary for Labour shall not issue a permit unless he is satisfied such female employee is unwilling to accept employment as a weekly employee.
- (g) The provisions of this Determination as regards annual leave, sick pay, and holidays shall apply to such part-time employee but they shall be paid in respect of the period of such annual leave and in respect of holidays or sick pay only at the rate actually being received by them at such time.
- (h) Save as aforesaid all the provisions of this Determination shall apply to such part-time employees.

## EMPLOYEES ABSENTING THEMSELVES.

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

## HOLIDAYS.

22. (a) All weekly wage employees, whether in a city or elsewhere, shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day and Boxing Day and any other day proclaimed by the Governor-General of the Commonwealth, as a public holiday. Provided that in the Metropolitan District of Melbourne, Cup Day shall be substituted for King's Birthday.

(aa) Wednesday, the 9th day of May, 1951, and Tuesday, the 13th day of November, 1951, shall be granted to employees without deduction of pay as if such days were included in sub-clause (a) hereof, provided they are then proclaimed or gazetted holidays.

(b) All employees working on piecework or task work shall be granted the same holidays as are granted to weekly wage workers, and they shall, subject as hereinafter provided, be paid for such holidays the amount for each holiday based on the minimum weekly wages set out in this Determination for the class of work performed.

(c) If Christmas Day, Boxing Day or New Year's Day fall on a Saturday or Sunday and is not observed on any other day then an employee shall, notwithstanding that it is a non-working day, be paid for each such day on the following basis:—

- (i) If a weekly wage employee, an amount equivalent to one-fifth of the ordinary weekly wage paid to such employee;
- (ii) If a piece or task worker, one-fifth of the minimum weekly wage as set out in this Determination for the class of work performed.

Provided that an employee whose ordinary week includes Saturday and who in accordance with the provisions of the annual leave clause has added to his or her annual leave an additional day or days shall not be entitled to receive the extra payment prescribed by placita (i) and/or (ii) of this sub-clause.

(d) All other weekly employees, whether in a city or elsewhere, shall be paid for the above holidays an amount for each holiday based on the actual weekly wage paid to them by the employer.

(e) Any employee absenting himself or herself from work on any portion of the working day preceding or any portion of the working day succeeding a holiday provided for herein other than Boxing Day and New Year's Day without permission from the employer or without having reasonable cause for having absented himself or herself from work shall not be entitled to payment for such holiday.

## PAYMENT FOR WORK DONE ON HOLIDAYS.

23. (a) Any weekly employee who is employed on any holiday provided for herein shall for that day be paid at the rate of time and one half of the ordinary time in addition to his or her weekly wage.

(b) Any pieceworker who is employed on any holiday provided for herein shall be paid at ordinary piecework rates, and, in addition, the holiday rates hereinbefore provided for weekly workers for the time so worked.

## PAYMENT FOR WORK DONE ON SUNDAYS.

24. Any employee who is employed on a Sunday shall for that day be paid at the rate of double ordinary rates.

## OUTSIDE WORKERS.

25. (a) Any employer may cause any work covered by this Determination to be done for him by any person (hereinafter called an "outside worker") who shall be the holder of a current outside worker's licence issued to him by the Secretary for Labour authorizing him to work as an outside worker for such employer.

(b) Every such licence shall authorize the holder to work as an outside worker for one and only one employer named therein, and shall be current for a period specified therein not being more than six calendar months from the date of issue thereof.

(c) No such licence shall be issued unless the Secretary for Labour is satisfied that the applicant—

- (i) is in necessitous circumstances;
- (ii) cannot for some sufficient reason seek employment in a factory or workshop;
- (iii) is a person legally entitled to the benefits of this Determination and to recover the rates of pay herein provided, and
- (iv) will not as a result of the issue thereof be the holder of current outside workers' licences relating to more than one employer.

(d) The Secretary for Labour may at any time in his discretion cancel such licence—

- (i) at the request of the holder;
- (ii) if he is satisfied that any of the conditions mentioned in the last preceding sub-clause is no longer complied with; or
- (iii) if he is satisfied that the holder has broken any of the conditions of such licence set forth in sub-clause (e) hereof.

(e) The conditions of any such licence shall be that the outside worker during the currency of such licence—

- (i) shall not do any work covered by this Determination in any workshop or factory or in the company of other persons then also doing any such work, except of persons holding current outside workers' licences and bearing to such outside worker the relation of parent, child, brother, sister, husband or wife.

- (ii) shall be a person legally entitled to the benefits of this Determination and to recover the rates of pay herein provided;
  - (iii) shall not employ any labour whatsoever in connexion with the work entrusted to him;
  - (iv) shall not permit any portion of the work entrusted to him to be done by any other person;
  - (v) shall not suffer from any communicable disease or do any work in any place whereat any person is suffering from any communicable disease;
  - (vi) shall keep in a bound book a correct and complete record in ink of the hours worked by him each day on any such work; and
  - (vii) shall not work on any work covered by this Determination more than 40 hours in any one week.
- (f) An employer by whom work is given to an outside worker shall—
- (i) not cause or permit him to do any part of such work in any workshop or factory;
  - (ii) pay him the piecework prices prescribed by this Determination;
  - (iii) pay him for each public holiday prescribed by this Determination occurring during the period he is doing such work for such employer one-fifth of the weekly wage prescribed by this Determination for employees doing similar work;
  - (iv) record in a bound record book in which each page is consecutively numbered—
    - (1) the name and full address of the outside worker;
    - (2) the description, and number of articles or garments given to the outside worker; and
    - (3) the price paid or agreed to be paid for such work; and
  - (v) obtain the signature of the outside worker to each entry in such book.
  - (vi) shall pay him for annual leave in accordance with the provisions of clause 14 hereof.
- (g) Any such record book so kept shall be open for inspection during business hours by (1) any person or persons authorized by the Secretary for Labour and (ii) any officer or officers of the Amalgamated Clothing and Allied Trades Union of Australia, provided that no more than two of such persons or two of such officers shall inspect such book at any one time.
- (h) No employer shall have more than one outside worker plus such number of outside workers as bears to the numbers of workers directly employed by him in his usual workshop or factory a ratio not exceeding one to ten.
- (i) Outside workers shall be provided free of charge with cotton, silk, thread and all other sewings and trimmings used in the manufacture of articles or garments.
- (j) In the case of an employer delivering and/or collecting the work of any outside worker the same shall be done without charge to such outside worker.

#### AUTHORIZED PERSON MAY ENTER FACTORY.

26. Any person or persons not to exceed two duly authorized by the Secretary for Labour in writing (such authorization shall be terminable at the will of the Secretary for Labour) shall have power to inspect any part of a factory, workshop or place where it is believed that a breach of this Determination is occurring, or has occurred. Any such authorized person or persons prior to his or their actual going on the premises shall notify the employer of his or their arrival and the employer shall in person (accompanied by a nominee, or by his nominees not exceeding two) be entitled to accompany the authorized person or persons and shall provide access to the wages book or timesheet or records of any employee including outdoor workers. The work and duties of the employees shall be interfered with as little as possible by the authorized person or persons.

#### TIME BOOK OR SHEET OR RECORDS.

27. (1) The employer shall provide in each factory, workshop or place where work is being done for him, a time and wages book or sheet or records, which shall have correctly recorded in each and in the English language the following particulars:—

- (a) The name and classification of each employee;
- (b) The number of hours of ordinary time worked by each employee each day;
- (c) The total number of ordinary hours worked by each employee each week;
- (d) The number of hours of overtime worked by each employee each day;
- (e) The total number of hours of overtime worked by each employee each week;
- (f) The total amount of wages paid to each employee each week.
- (g) The actual name of the day and the date of each day of each week and also the name of the day and the date on which each week ends.

(2) Where any employee is employed at piecework rates or on task work, the employer shall keep a correct record of the rates paid and of the class and number of articles or parts of articles on which work is done by such employee each week.

#### UNION OFFICIAL VISITING WORKSHOP.

28. (a) The employer shall permit any person authorized by the Secretary for Labour in writing to enter from time to time the several factories or workshops of the employer during the midday meal and once during each month at a time most convenient to the employer during working hours for the purpose of collecting members' contributions.

(b) Such authorized person shall inform the person in charge of his arrival before entering the workshop or factory. Such official shall have reasonable ingress into the factory and access to the employees. If any official so authorized makes himself objectionable during any such visit to the employer or his manager or foreman or any employee his right to visit may be terminated by the Secretary for Labour on the application of the employer.

(c) For the purpose of this clause the words "factories or workshops" shall include every room or place where work in respect of which a wage is prescribed by this Determination is carried out together with the room in which the employees partake of their meals notwithstanding that such room may be detached from or in a separate building from the main place of business of the employer.

#### SEATING ACCOMMODATION.

29. (a) Where it is necessary for employees to sit at their work, seats shall be provided for the employees by the employer. Such seats shall be reasonably comfortable seats.

(b) A seat provided for any female employee shall have a back to it, unless the work of such employee cannot be conveniently done in such a seat, or unless the employee requests to be allowed to use a seat without a back to it.

#### LIGHT, HEATING AND FLOOR COVERING.

30. (a) In connexion with every factory or workshop, the employer shall make provisions for adequate warmth in winter and adequate light for the employees to perform their work, and as far as possible artificial light shall be avoided.

(b) Suitable floor covering shall be provided to ensure that no employee shall be called upon to work on a bare concrete, brick, or stone floor.

#### FACTORY OR WORKSHOP TO BE CLEANED.

31. Each factory or workshop shall be thoroughly swept each day. Every factory or workshop shall be thoroughly scrubbed out with phenyle and water at least every three calendar months.

## FIRST AID AND AMBULANCE CHEST.

32. Every employer shall provide in every factory or workshop, a first aid ambulance chest, which shall be a suitable dust-proof receptacle made of either metal or wood, for the use of the employees in some accessible place in the said factory or workshop. Such chest shall be equipped and supplied with the following articles, namely :—

Article.	Quantities to be Kept in Ambulance Chest in—	
	Factory or Workshop in which not more than 80 Persons are Employed.	Factory or Workshop in which more than 80 Persons are Employed.
Antiseptic solution .. .. .	1 bottle	1 bottle
Bandages, cotton and gauze .. .. .	1 dozen assorted sizes	1 dozen assorted sizes
Castor oil .. .. .	1 oz.	2 ozs.
Iodine, tincture of .. .. .	1 oz.	2 ozs.
Manual, first aid .. .. .	1	1
Petrolatum, carbolyzed .. .. .	1 jar	1 jar
Picric acid solution, made according to the following recipe or prescription— 1½ teaspoonful of powdered picric acid, 3 ounces of absolute alcohol, and 2 pints of distilled water .. .. .	1 pint	1 pint
Pins, safety .. .. .	1 packet	1 packet
Sal volatile .. .. .	1 oz.	6 oz.
Scissors .. .. .	1 pair	1 pair
Tourniquet .. .. .	1	1
Tweezers .. .. .	1 pair	1 pair
Cotton, absorbent .. .. .	An adequate assortment	An adequate assortment
Gauze, sterilized, plain .. .. .		
Lint, absorbent .. .. .		
Plaster, adhesive .. .. .		
Eye bath .. .. .	1	1

## DETERMINATION TO BE POSTED.

33. A copy of this Determination shall be posted and kept posted by the employer in a prominent place in each and every workroom of the workshop or factory.

## DINING ACCOMMODATION.

34. (a) If any employer of more than five employees in any factory or workshop fails to provide the accommodation and facilities in this clause set out he shall (subject to the following proviso) during the period of such failure pay to each and every such employee an additional amount equivalent to 2½ per centum of the amount of wages prescribed for such employee by this Determination to compensate such employee for the absence of such accommodation and facilities, provided that any employer who has failed for good cause to provide such accommodation and facilities may be exempted by the Secretary for Labour from the requirement that he shall pay during the period of such failure such additional amount.

(b) Every such employer shall set aside a separate room or portion of the factory or workshop as a dining room wherein the employer shall provide adequate table and seating accommodation.

(c) Hot water shall be provided free of charge to be available to employees immediately meal time or rest period commences.

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

## REST ROOM.

35. A properly equipped rest room shall be provided by the employer in any factory or workshop in which females are employed.

Provided that in any prosecution for breach of this clause it shall be a sufficient defence for the employer concerned to satisfy by inspection the authority dealing with the matter that it was impracticable to provide a rest room.

## PERIODICAL ADJUSTMENT OF WAGES.

36. The wages rates set out 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 the rates for adult males shall be automatically adjusted as prescribed in clause 37.

## Basic Wage.

Place.	Basic Wage (Adjustable).	Special Loading (Non-Adjustable).	Total Minimum Rate.	Index Number Set Assigned.
Throughout the State .. .. .	£ s. d. 10 0 0	£ s. d. 0 8 0	£ s. d. 10 8 0	Six Capital Cities (Weighted Average)

## ADJUSTMENT OF BASIC WAGE.

37. (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, 1952, the amounts of the basic wage shall be as prescribed in clause 36.

(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 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 1.03 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.

(d) In all cases where for the same class of work the same rates have been prescribed for journeymen or adult females as are prescribed in this Determination to be paid to journeymen or adult males, the rates for such journeymen or adult females shall be increased or decreased in the same manner and by the same amount as the rates for journeymen or adult males.

(e) The minimum rate of weekly wage to be paid to any journeywoman, as defined herein, or adult female (other than such journeywoman or adult female as is covered by sub-clause (d) hereof) shall be 75 per cent. of the total minimum wage payable from time to time. Such 75 per cent. shall be calculated to the nearest 6d., any fraction of 6d. in the result not exceeding 3d. to be disregarded.



## APPRENTICES OR IMPROVERS.

38. The minimum rates of wages to be paid to apprentices and improvers in all groups of the industry shall be as follows:—

## (a) Males—

Experience.								Percentage of Male Basic Wage (to Nearest Sixpence).	
								Per Week.	
1st six months	..	..	..	..	..	..	..	%	
2nd six months	..	..	..	..	..	..	..	26	
3rd six months	..	..	..	..	..	..	..	30	
4th six months	..	..	..	..	..	..	..	35	
5th six months	..	..	..	..	..	..	..	43	
6th six months	..	..	..	..	..	..	..	48	
7th six months	..	..	..	..	..	..	..	54	
8th six months	..	..	..	..	..	..	..	77	
9th six months	..	..	..	..	..	..	..	89	
10th six months	..	..	..	..	..	..	..	100	
								100 plus constant loading of 4s. 6d.	

and thereafter at least the minimum weekly wage or piece-work rate.

## (b) Females—

Experience.								Percentage of Female Basic Wage (to Nearest Sixpence).	
								Per Week.	
1st six months	..	..	..	..	..	..	..	%	
2nd six months	..	..	..	..	..	..	..	43	
3rd six months	..	..	..	..	..	..	..	48	
4th six months	..	..	..	..	..	..	..	53	
5th six months	..	..	..	..	..	..	..	61	
6th six months	..	..	..	..	..	..	..	69	
7th six months	..	..	..	..	..	..	..	76	
8th six months	..	..	..	..	..	..	..	87	
8th six months	..	..	..	..	..	..	..	97	

and thereafter at least the minimum weekly wage or piecework rate.

## (c) Female improvers who have attained the age of 18 years, but who are under the age of 21 years.

Experience.								Percentage of Female Basic Wage (to Nearest Sixpence).	
								Per Week.	
1st six months	..	..	..	..	..	..	..	%	
2nd six months	..	..	..	..	..	..	..	69	
3rd six months	..	..	..	..	..	..	..	76	
4th six months	..	..	..	..	..	..	..	87	
4th six months	..	..	..	..	..	..	..	97	

and thereafter at least the minimum weekly wage or piecework rate.

## MARGINAL RATES.

39. The margin for skill set out herein opposite each classification shall be paid over and above the minimum wage for males set out in clause 36 of this Determination.

Classifications.								Margins.	
<i>Journeyman.</i>								<i>s. d.</i>	
Cutters, namely, males employed laying up material and/or marking in and/or cutting out and/or separating and/or matching and/or sorting covers for umbrellas and/or parasols	..	..	..	..	..	..	..	36	0
Head of a table or a bench of machines, namely, males in charge of four or more persons making any part of an article by hand or by machine..	..	..	..	..	..	..	..	28	0
Finishers, namely, males employed capping and/or ferruling and/or end finishing umbrellas or parasols	..	..	..	..	..	..	..	21	0
Frame makers or repairs, namely, males employed making and/or repairing frames for umbrellas and/or parasols; such work to include the work of cutting, slotting and springing handles of sticks and/or assembling ribs and/or drilling notches	..	..	..	..	..	..	..	23	0
All other adult males not herein classified	..	..	..	..	..	..	..	Nil	
<i>Journeywomen.</i>								<i>s. d.</i>	
Head of a table or a bench of machines, namely, females in charge of four or more persons making any part of an article by hand or by machine	..	..	..	..	..	..	..	17	0
Tipplers and/or finishers and/or machinists and/or tablehands, namely, females employed sewing by hand or by machine umbrellas or parasols or any part of an umbrella or parasol and/or pressing and/or ironing and/or banding umbrellas or parasols	..	..	..	..	..	..	..	12	0
All other adult females not herein classified.	..	..	..	..	..	..	..	Nil.	

The margin for skill set out herein opposite each classification shall be paid over and above the minimum wage for females set out in clause 37 of this Determination.

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

J. V. WILLOX, Secretary.

Melbourne, 24th October, 1951.

By Authority: J. J. GOURLEY, Government Printer, Melbourne.

