



VICTORIA GOVERNMENT GAZETTE.

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No. 1]

MONDAY, JANUARY 4.

[1932

Factories and Shops Act 1928 (No. 3677).

DETERMINATION OF THE GROCERS' SUNDRIES BOARD.

NOTE.—This Determination on the 4th January, 1932, applied to the whole of the State of Victoria.

IN accordance with the provisions of the *Factories and Shops Act 1928* (No. 3677) the Wages Board which, since the 4th November, 1931, has had 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—

- (a) manufacturing cereal foods (except in flour mills), spices, condiments, coffee, chicory, cocoa, or any kind of goods commonly known as Grocers' Sundries; and
- (b) making moulders' blacking, moulders' plumbago preparations, blacklead, boot blacking, boot paste, boot polish, washing blue, harness dressing, harness compounds, ebonite shine, stove polish, knife polish, metal polish; grinding charcoal or coal dust; tinning, putting up, bottling, wrapping, labelling, or otherwise preparing for sale any or all of the following articles, namely, moulders' blacking, moulders' plumbago preparations, black lead, boot blacking, bootpaste, boot polish, washing blue, harness dressing, harness compounds, ebonite shine, stove polish, knife polish, metal polish, charcoal, or coal dust."

has made the following Determination, namely:—

(1) That on the 4th day of January, 1932, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

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(3) EMPLOYMENT.—WEEKLY WAGES.—(a) Employees may be engaged by the week, and when so engaged, must be available, ready, and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employees affected.

(b) Employment for the first two weeks of service shall be from day to day at the weekly rate fixed.

(c) Any weekly employee not attending for duty shall lose his or her pay for the actual time lost unless he or she produces or forwards within 24 hours of the commencement of such absence satisfactory evidence to the employer that his or her non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill-health or accident for more than six days in each year commencing from the 21st December.

(d) An employee is not to be entitled to more than six days' payment in any year for such non-attendance, notwithstanding that he or she may be employed during the year by more than one employer.

(4) HOURS OF WORK.—The number of hours to be worked on any day shall be as follows:—

Monday, Tuesday, Wednesday, Thursday, Friday .. 8½ hours ; except where shift work is carried on as
Saturday .. 4½ hours ; provided for.

The starting and finishing times shall be fixed by the employer in each establishment. Two weeks' notice shall be given of any change in such fixed times.

(5) OVERTIME.—All work performed outside the starting and finishing times as fixed shall be paid for at the rate of half time in addition to the ordinary rate, but when an employee works more than one shift in 24 hours no overtime shall be payable for duty on Saturday until he has worked eight and three-quarter hours on that day. Overtime rates shall be paid on the basis of a quarter of an hour. A fraction of a quarter of an hour shall be paid for as a quarter of an hour. Piece-work done outside the starting and finishing times shall be paid for with the addition of a half rate to the ordinary rate.

(6) SPECIAL RATES.—(a) Employees shall receive payment at double time rate for work done on Sunday, and shall receive payment at ordinary rate in addition to the full weekly rate for work done on Christmas Day, Boxing Day, New Year's Day, Foundation Day (26th January), Eight Hours Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted.

(b) When Christmas Day, Boxing Day, or New Year's Day, or a proclaimed substitute therefor falls on a day other than Sunday, and payment of wages is not included in the weekly wage in consequence of the Christmas holidays having been taken as provided for in sub-clause (f) hereunder, then employees shall receive payment for each of such days calculated as eight hours.

(c) All employees on time work off duty on any of the above-mentioned holidays, other than Sunday, shall be paid for such days at ordinary rate. Piece-workers shall be paid for such holidays and Sundays at the rate payable to employees on time work doing the same class of work.

(d) Where an employee is absent from his or her work on the day before or the day after a public holiday without reasonable excuse, or without the consent of the employer, the employee shall not be entitled to payment for such holidays.

(e) Where the majority of the employees of any establishment or of any department agree with the employer to work part time for any period, or to close down for any period on the days other than the prescribed holidays, the weekly rate shall not apply.

CHRISTMAS HOLIDAYS.—(f) On or before the 14th December in each year the employer shall be given or may obtain notice of the number and names of his adult employees who do not elect to work on the working days between Christmas Day and New Year's Day. If more than 33 per cent. of such of the adult employees in any particular establishment as come within the classification in this Determination indicate to the employer their election not to work on such days, then the employer may, if he chooses, close down his establishment on such days; provided that on or before the 21st December he gives notice to his employees of his intention to do so. Where such number is 33 per cent. or under, then the employer shall keep his establishment open for work on such days, or, if he closes it, he shall pay the ordinary wage to those employees who have declared themselves ready and willing to work on such days and who have not been dismissed in conformity with this Determination.

(g) Where the business is kept open for work, the employer may require the employees presenting themselves for work to work in any capacity he may appoint, provided the employees shall be paid at their ordinary rates for such work as they are called on to do.

(h) If any employee has not indicated to the employer on or before the 14th December that he does not intend to work on the days in question, absents himself from work when the business is open for work on such days, then such employee shall receive no pay therefor.

(7) **TERMINATION OF EMPLOYMENT.**—(a) Seven days' notice of termination of employment shall be given on any day of the week by either employer or employee provided that such notice given to an employee solely for the purpose of avoiding payment for prescribed holidays shall not deprive such employee of payment for holidays occurring between such notice and re-engagement, if any.

(b) Nothing contained in this Determination shall affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct, or to deduct payment for any day on which the employee cannot usefully be employed because of a strike, or stoppage of work for which the employer cannot reasonably be held responsible.

(c) In the event of such dismissal, wages shall be paid up to the time of such dismissal. If an employee's services be terminated during the course of a week he shall be paid all money due to him at the termination of his services, or such money shall be forwarded to him by post within 24 hours thereafter.

(8) **PAYMENT OF WAGES.**—Wages shall be paid weekly on a week day other than Saturday.

(9) **MEAL TIMES.**—A lunch period of at least one half-hour for each employee shall be fixed in each factory between 12 noon and 2 p.m. for other than shift workers. No employee shall be required to work more than five hours from the starting of work in the morning without a break for lunch.

(b) Work performed during the usual meal hours shall be paid for at the rate of time and a half, but where the total hours worked (including time worked during such meal time) do not exceed the prescribed daily number of hours then such time shall be deemed to mean an additional payment at half ordinary rate only for such meal time. Such employee shall be allowed time for a meal.

(10) **REST PERIOD.**—Women workers on time work shall be allowed an interval of ten minutes between 10 a.m. and 11 a.m. for rest, and such interval shall be observed at times convenient to the employer. Such intervals shall count as time worked.

(11) **SHIFT WORKERS.**—(a) Shift workers shall have a break for meals without deduction of pay.

(b) Shift workers engaged on a second or third shift daily, other than overtime, shall receive payment at ordinary time plus 5 per cent.

(c) Shift workers on a second or third shift who are unable to travel to and from work on workmen's tickets shall be paid 1s. 6d. per week in addition to their ordinary rate of pay.

(12) **SUPPLY OF MATERIALS.**—The undermentioned materials shall be provided free of charge by every employer:—

(a) All necessary tools of trade, which shall be kept in good repair by the employer.

(b) Uniforms and caps required by the employer to be worn by the employees.

(c) Goggles for employees engaged in work injurious to the eyes.

(13) **TEA MONEY.**—Any employee required to work overtime for any period in excess of one hour after the usual hour of ceasing duty shall either be supplied with a meal at the employer's expense, or be allowed 2s. for each meal required if the expense is incurred. Provided that this clause shall not apply where the employee was notified the previous day of the intention to work overtime. Provided further that where the employee was notified the previous day of the intention to work overtime and such overtime was not worked he shall be entitled to the meal allowance herein provided.

The provisions of this clause shall not apply in the case of boys under sixteen years of age or women or girls employed in factories whose conditions regarding overtime are governed by section 38 of the *Factories and Shops Act 1928 No. 3677*.

(14) **PIECEWORK.**—The Board determines under Section 150 of the *Factories and Shops Act 1928 (No. 3677)* that the employer may fix his or her own piecework rates, provided such prices enable an employee of average capacity working under like conditions to earn at least 10 per cent. above the minimum weekly wage in their respective classes. The same piecework prices shall be paid to all pieceworkers doing the same operation in the factory, whether they be improvers or juveniles on piecework or otherwise.

(b) Pieceworkers who are requested to wait on or about the employer's premises for work on any one day for more than half an hour shall be paid for such waiting time at the rate based on the minimum weekly wage.

(c) A weekly pieceworker shall be allowed in each week sufficient piecework to enable such employee to earn at least the prescribed rate fixed in this Determination for the class of work performed. If such work is not provided, and the employee is ready and willing to perform all work provided, then such employee shall be paid the minimum wage applicable to the employee so employed.

(d) Pieceworkers working overtime for less than 15 minutes, or any fraction of 15 minutes, shall have their payment computed on the basis of an average amount of work done in 15 minutes.

(15) **WEIGHT CARRYING.**—No woman worker over the age of 18 years shall be required to carry a greater weight than 30 pounds. Section 207 of the *Factories and Shops Act 1928 (No. 3677)* provides that no person employing any girl under the age of 18 years in a factory shall permit such girl while so employed to lift or carry a greater weight than 25 pounds.

(16) **TEMPORARY WORK.**—A temporary employee shall mean a person employed for 24 hours or less in any one week, but no employee shall be deemed to be a temporary worker where after employment for at least one week he is dismissed before he has worked 24 hours in the succeeding week, or where his non-employment for more than 24 hours is wholly attributable to causes over which the employer has no control.

Temporary workers unless dismissed for misconduct shall be paid at the rate of time and a third for all work performed.

(17) **DEFINITION.**—For the purpose of this Determination, year shall mean a period of twelve calendar months commencing on the 21st December in each year.

H. S. RICHARDSON, J.P., Chairman.

GEO. E. PARR, Secretary.

Melbourne, 18th December, 1931.

