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[1938

Factories and Shops Acts.

DETERMINATION OF THE RUBBER TRADE BOARD.

Adjusted pursuant to Section 21 of the *Factories and Shops Act 1934* (No. 4275.)

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the *Factories and Shops Acts* and the Order in Council thereunder, and such portions of the city of Sandringham as are not included within the said District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

I, FRANCIS ANTHONY MARZORINI, in pursuance of the powers contained in the *Factories and Shops Acts* and in consequence of the provisions contained in a Determination made on the 16th November, 1937, by the Rubber Trade Board, and published in the *Government Gazette* on the 2nd December, 1937, hereby issue an adjusted Determination showing the adjusted wages rates to be paid as from the beginning of the first pay period to commence in September, 1938, to any persons—

1. Employed in or in connexion with the trade of—
 - (a) a maker of all kinds of rubber goods;
 - (b) a reclaimer of rubber, and
 - (c) a maker of solution;

2. Employed in the repairing of all kinds of rubber goods—

(1) APPRENTICES OR IMPROVERS.

	Wages per Week of 44 Hours.	
	Males.	Females.
	s. d.	s. d.
Under 16 years of age	15 0	14 0
16 years of age	22 6	17 9
17 " "	29 9	22 3
18 " "	37 6	26 0
19 " "	45 3	30 6
20 " "	52 6	34 3

Except in the fancy goods section no female shall be employed until she attains the age of sixteen years.

And thereafter the minimum wage.

Proportion.

MALE APPRENTICES.

One male apprentice to every three or fraction of three adult male workers receiving not less than 78s. per week of 44 hours.

MALE IMPROVERS.

Such number of improvers as shall not together with apprentices exceed, in the aggregate, one to every three or fraction of three adult male workers receiving not less than 78s. per week of 44 hours.

FEMALE APPRENTICES.

Fancy Goods Section.

Three female apprentices to every adult female worker receiving not less than 41s. 6d. per week of 44 hours.

All other Sections.

One female apprentice to each adult female worker receiving not less than 41s. 6d. per week of 44 hours.

FEMALE IMPROVERS.

Fancy Goods Section.

Such number of improvers as shall not together with apprentices exceed, in the aggregate, three to each adult female worker receiving not less than 41s. 6d. per week of 44 hours.

All Other Sections.

Such number of improvers as shall not together with apprentices exceed, in the aggregate, one to each adult female worker receiving not less than 41s. 6d. per week of 44 hours.

(a) Except in the fancy goods section of the industry, the number of adult female or adult male workers respectively employed at any given time shall be deemed to be the weekly average number employed (exclusive of any female employees employed in the fancy goods section of the industry) during the immediately preceding period of twelve calendar months and for the purpose of ascertaining the proportion of improvers to adult male or female workers, there shall be a weekly count and any Union official making an inspection of the books to ascertain such proportion shall take the weekly average number of such male or female adults as the case may be, and the average number of male or female improvers employed during the week in which the inspection is made.

(b) Notwithstanding anything hereinbefore contained, female workers receiving the adult female wage prescribed for the class of work being performed by them, shall be counted as adult female workers in calculating the proportion of females, but in calculating such wage, bonuses shall not be considered as part of the wage.

(2)

ADULT MALES.

	Wages per Week of 44 Hours.
	s. d.
Operator in charge of calender over 72 inches	102 0
Operator in charge of calender 72 inches and under	98 0
Maker of wrapped hose by hand-made process; operator on mixing mill. Spreader of waterproof piece-goods for making garments and/or spreader of rugs and/or printers blankets	
Operator in charge of person engaged in the moulding of and/or on any operation directly connected with the moulding of motor and/or motor cycle tires ..	91 0
Maker of air bags	
Operator engaged in the individual making of surgical mechanical and/or sporting goods, who designs, lays out, cuts to shape, and/or builds up, and responsible for making complete articles	
Operator in charge of—	
Lead covering hose machine	
Vulcanizing press	
Making transmission, conveyor and/or elevator belting	
Forcing machine	
Operator—	
Building pneumatic tire on core (excluding bicycle tires)	
Employed on mechanical lathe fashioning hand-made mechanical or surgical goods	
Engaged in the moulding of and/or any operation directly connected with the	
moulding of motor and/or motor cycle tires and/or air bags; making and/or	
moulding solid motor tires; laying mats, tiles, or rubber flooring ..	88 6
Designer and/or maker of inlaid mats and/or inlaid floor matting (including punched mats)	
Moulder in charge other than moulder engaged on motor and/or motor cycle and/or solid tire moulding	
Repairer of second-hand motor and/or motor cycle tire and/or tube and/or airbags, including employees retreading new tires	
First assistant on calender	
Operator building pneumatic tire on flat and/or crown drum (excluding bicycle tire) or operator employed fitting solid tire to wheel (motor vehicle or otherwise) ..	86 0
Weigher and/or assembler of compounds for mixing and calendaring, employee on digester machine; spreader in charge of machine (not otherwise classified); treadmaker for pneumatic motor tire treads built by hand (excluding cutters and/or assemblers)	85 0
Operator engaged making transmission, conveyor and/or elevator belting	85 0
Repairer of blemishes on new motor and/or motor cycle and/or bicycle tire and/or tube; operator in charge of textile cutting machine; inspector and/or examiner and/or tire tester	84 0
Operator engaged on—	
Hose-making machine (wrapped process); warming and/or masticating mill and/or reclaim refining mills; motor, motor cycle and/or bicycle tube, joint curing; mat cutting, guillotine mat-punching, process mat buffing and/or sanding machine; fitting pneumatic tire to wheel; clicking press and/or sole-cutting machine; lathe and/or other power-driven cutting machine engaged in cutting of rings, washers and/or strips and/or buffing cylindrical rollers up to 3 feet in length; dipping ballons and/or other dipped goods; motor, motor cycle and/or bicycle tube joints-curing; self-contained mould and/or heater man in charge of curing pan and/or dry heater; general, surgical, mechanical and/or sporting goods. Weaver in charge of braiding machine and/or circular and/or flat loom and/or knitting machine and/or operator in charge of creels and/or other similar machines and/or winding wire; maker of packing	84 0
Storeman and packer; lead covering machine helper; dough mixer working on mill and/or enclosed mixer; reclaim, or employees engaged on acid tank; cutter of treads and/or assembler of motor, motor cycle and/or bicycle treads by machine; helper on curing pan and/or dry heater; helper on vulcanizing press; operator in charge of drying machine; operator in charge of lead covered hose stripping machine; operator in charge of forcing machine straining rubber; operators engaged on washing mill and/or grinding waste, on motor, motor cycle bicycle tube and/or bicycle tire making and/or joining (not otherwise classified); operator of electric cutting machine (other than cutter in the waterproof) or cutting textile by hand	82 0
Employees engaged on doubling and/or chalking and/or polishing and/or embossing ..	81 0
Sifter and/or drier of compounding ingredients. Wrapper and/or stripper of goods made by wrapped process	80 0
Employees testing with water	79 0
All others	78 0

ADULT FEMALES.

	Wages per Week of 44 Hours.
	<i>s. d.</i>
Employee who individually fabricates complete shoes, goloshes and/or rubber boots or who lasts up shoes, goloshes and/or rubber boots	47 0
Employee employed on tire making and/or casemaking and/or individually fabricating motor and/or motor cycle and/or bicycle tires and/or tubes and/or mechanical surgical sporting goods	46 0
Employee employed on sewing machines	47 0
Employee engaged on machine used in the production of rubber goods and/or goods containing rubber and/or employed on part making any rubber goods and/or goods containing rubber (including rubber footwear and/or bead making)	44 6
Employee employed on dipped goods	44 6
Employee engaged cleaning, finishing, folding, packing, labelling, despatching and/or carton making and despatching	43 0
All others	41 6

HOURS OF DUTY.

(3) (a) The ordinary hours of duty for males without payment of overtime shall not exceed (9) nine hours and a quarter (as either day work or shift work other than continuous process shifts hereinafter provided for) on each of the first five days of the week or four hours on Saturday, and shall not exceed 44 hours in any week.

(b) Employees working on continuous processes shall work such shifts up to six per week as may be required, but subject to sub-clause (b) (1) hereof the ordinary hours of employees shall not exceed 44 per week. Such shifts shall consist of eight hours inclusive in each shift of a meal break without payment of eighteen minutes. Such meal break shall be arranged by the employer at a convenient time as near as practicable to the middle of the shift. Continuous process shifts shall be worked in rotation.

(b) (1) The requirement that shift workers on continuous process work shall not work more than 44 hours per week, ordinary time shall be deemed to be satisfied if in any period of three consecutive weeks such an employee does not in any of those weeks work more than 48 hours, and in the aggregate of any three consecutive weeks does not work more than 132 hours.

(c) The ordinary hours of duty for females without payment of overtime shall not exceed nine hours a day on each of the first five days in the week, or four hours on Saturday, and shall not exceed 44 hours in any week.

NIGHT SHIFTS.

(4) (a) Any night shift worker commencing work after 10.30 p.m. shall be paid 1s. per shift extra in addition to the rates of pay fixed under the various classifications.

(b) The hours of duty of any night shift worker shall be consecutive with breaks for meals.

(c) No male junior worker under the age of eighteen years of age shall work between the hours of 10.30 p.m. and 6 a.m.

OVERTIME.

(5) (a) All time worked before or after the usual starting or finishing time shall be paid for at the rate of time and one-half for the first four hours and double time thereafter.

(b) Except in the case of a breakdown of plant or equipment and except in the case of sickness or an employee not turning up for duty at his usual starting time for the week, his starting and finishing time must be the same for at least one week.

MAXIMUM NUMBER OF HOURS WORKED.

(6) (a) No employee shall be required to work more than twelve hours in any one day or night.

(b) No employee engaged on day work, shift work, or night shift after completing the recognized hours which constitute the day's work or shift shall be called upon to work an extra shift.

(c) No employee shall be required to work more than twelve hours without a break of eight hours' rest before commencing a shift or day's work.

MEALS.

(7) (a) Any employee not informed the day before that he is required to work overtime shall be allowed the sum of two shillings for meal money, if the overtime so worked exceeds one hour in any one day or shift.

If an employee pursuant to notice in that regard has provided himself or herself with a meal and is not required to work overtime he or she shall be paid 2s. for the meal. Provided that this payment need not be paid if the employee concerned could not work overtime on account of a strike by the Union or any other Union, or through any breakdown of machinery or any stoppage of work brought about by any cause whatsoever which the employer could not reasonably prevent.

(b) An interval of not less than thirty minutes shall be allowed for the midday meal as near as possible to the middle of the day's work. Provided that on shift operations other than continuous shift operations a meal period of not less than twenty minutes in any shift shall be provided, and shall count as time worked.

(c) Any employee required for duty during his usual meal time shall be paid at the rate of time and a half until he be allowed the usual length of time for a meal unless he is allowed to have his meal at his job and is then paid at the rate of time and a half during the time of his usual meal time.

TERMS OF ENGAGEMENT.

(8) (a) To become entitled to payment of a weekly wage an employee must perform such work as the management shall from time to time require on the days and during the hours usually worked by the class of employees affected, and in accordance with the terms of the Determination.

(b) An employee engaged for the first time shall for the first three weeks of such engagement be employed from day to day at the weekly rate fixed by this Determination.

(c) Any employee failing to attend for duty shall lose pay for the time of such non-attendance unless such employee produces or forwards, within 48 hours of commencement of such absence, a medical certificate or other evidence satisfactory to the management that such non-attendance was due to personal accident arising out of and in the course of employment in respect of which no payment is received under the Workers Compensation Act, or to personal ill-health necessitating such absence. Provided that any employee shall be entitled to payment for non-attendance on the ground of personal ill-health for not more than four days in any one year of his or her employment.

(d) Employment shall be determined only by a week's notice on either side, but such notice may be given at any time during any week. Provided that any employer may dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct and in any such case the employee shall be paid up to the time of dismissal only. Provided further that any employer may deduct payment for any day an employee cannot be usefully employed because of any strike by the Union, or any other union, or through any breakdown of machinery, or any stoppage of work by any cause whatsoever which the employer cannot reasonably prevent.

(e) Casual employees may be engaged at hourly rates, provided such rates calculated from hour to hour are 10 per centum higher than the rates prescribed for weekly employees doing the same class of work.

HOLIDAYS.

(9) (a) All weekly wage employees 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.

(b) If any of the above holidays occur on a Sunday or Saturday and are not observed on any other day, then employees shall not be paid for such Sunday, and shall be paid for such Saturday if a working day as for a half day but not otherwise. But if the employee is a shift worker, working a full day on Saturday he shall be paid for the full day.

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

(d) Shift workers shall work up till 6 a.m. on holidays without overtime rates, but are not to be required to work on the night shift commencing on a holiday.

(e) Notwithstanding anything to the contrary contained in this Determination, if any employer shall give to any employee a notice of termination of engagement expiring or taking effect as a dismissal within seven days of the date on which any of the said holidays fall, or are observed, such employer shall pay to the employee so dismissed, a day's pay for each such holiday falling or being observed within seven days of the termination of the engagement, unless the engagement is determined by the misconduct of the employee. Provided that this sub-clause shall not apply to any employee who at the date of the expiration of such notice shall not have been employed by the employer concerned for at least 80 per cent. of the ordinary working time of the three consecutive weeks immediately preceding the expiration of such notice. Provided further that when any holiday is observed on a non-working day, the employee concerned shall not be entitled to payment for such holiday.

PAYMENT FOR WORK DONE ON SUNDAYS OR HOLIDAYS.

(10) (a) (i) Subject to clause (ii) hereof, any employee who is employed on a Sunday or any holiday, provided for herein shall for that day be paid at the rate of double time in addition to his weekly wage.

(ii) For work on any shift commencing on Sunday night, the shift work employee shall be paid at the rate of double time. (b) In the event of a holiday falling on a Monday, or holidays at Christmas or Easter vacation, which interfere with the employees' holidays and create a distinct break in shifts, the employer and the accredited representative of the Union (prior to such holiday or holidays) may arrange the shifts suitable to both parties. In the event of suitable shifts not being arranged, sub-clause (d) of clause 9 hereof shall operate.

HEALTH AND HYGIENIC CONDITIONS.

(11) (a) Every employer shall in each factory supply suitable dining-room accommodation.

(b) Every employer shall provide sufficient boiling water for employees at meal hours.

(c) Every employer shall supply drinking water in each department of the factory.

(d) Any employee engaged as a reclaim worker or moulder of motor and/or motor cycle tires shall be provided with a lock-up cupboard, suitable baths or showers and a changing room.

(e) All dipping vats shall be provided with covers.

(f) Sifting boxes or machines shall be rendered reasonably dustproof.

(g) Hoods and exhaust flues shall be installed over all mixing mills, dry heaters and buffs, chalking machines or sifting machines.

A The provisions of sub-clauses (a), (b), (c), and (d) of this clause have no application to repair shops.

SICKNESS.

(12) (a) Any employee may leave work at any time on account of sickness or accident, and shall not be prejudiced in his employment by so doing provided a satisfactory medical or lodge certificate (if demanded) is handed to the departmental foreman on his return.

(b) Any employee injured on the employer's premises, whether the injury is incidental to his or her work or not, shall report such injury at a first-aid room or other appointed place before leaving the premises.

PAYMENT OF WAGES.

(13) (a) Wages shall be paid not later than Wednesday in each week.

(b) No employer shall keep more pay in hand than has accrued to any employee up to the end of the preceding calendar week.

(c) If any employee leaves on proper notice or is dismissed, he shall be paid his wages on leaving or being dismissed, except in cases where the employee is dismissed outside ordinary office hours.

(d) All wages shall be paid during working hours.

MIXED FUNCTIONS.

(14) Where any employee is engaged in any one day or shift for more than two hours or more at work in a higher class than he is employed to perform, he shall be paid for the full day or shift at the highest rate payable for any such work under this Determination, but if he is so engaged for less than two hours he shall only be paid at the rates fixed by this Determination for the work he actually performs.

TOOLS OF TRADE.

(15) (a) The employer shall provide all tools of trade.

(b) Any employee engaged on acid vats, or on reclaiming or washing raw rubber or in wet places shall be supplied with apron or overalls and rubber or other suitable boots free of charge.

SEATS FOR FEMALE WORKERS.

(16) Seats when practical shall be provided for all females while on duty.

HEAVY WEIGHTS.

(17) (a) No male employee shall be required to pull, drag or push more than 10 cwt. Provided that this sub-clause shall not apply to any truck on rails nor to any truck fitted with ball or roller bearings.

(b) No female worker over 18 years of age shall be required to lift or carry more than 30 lb.

REST TIME FOR FEMALES.

(18) A specified rest time of ten minutes shall be allowed to all females in the forenoon and afternoon.

SPECIAL RATES.

(19) (a) Any female or junior (male or female) employed in any way in the making, finishing or packing preventatives, pessaries or sheaths, shall be paid at the rate of 9s. per week of 44 hours.

(b) Any employee engaged in the process of acid curing, cold curing, or vapour curing (as defined in clause 22 (b) of this Determination) shall be paid at the rate of 4s. per hour.

(c) Any employee engaged in processing free carbon, black or slicking, and/or spraying motor and/or motor cycle tires or actually working on acid vats in reclaiming shall be paid the sum of 4d. per day in addition to the rate herein fixed for the class of work performed.

(d) Any employee using a spray gun for the purpose of spraying tires (other than the spraying of trade marks), transfer marks or other distinguishing signs shall be paid the sum of 1s. per day in addition to the rates herein prescribed for the class of work performed. Such payments to include any payments under sub-clause (c) of this clause.

DEFINITION OF EMPLOYEES.

(20) (a) "Storeman and packer" means a male employee employed handling raw materials before manufacture, or a male employee handling manufactured products in the factory immediately they are manufactured and before such manufactured products are delivered to a store or warehouse or such part of a factory as is used for that purpose.

(b) The term "adult female" used in this Determination shall be taken as including juvenile female workers receiving the adult female wage under sub-clause (b) of clause 1.

FIRST AID ATTENDANT.

(21) (a) First aid appliances and a certified first aid attendant shall be provided by employers at all factories, and where female employees are employed such first aid attendant or another first aid attendant shall be a female. Such female attendant may do other work.

(b) The provisions of sub-clause (a) of this clause shall have no application to repair shops.

(c) A sufficient first aid outfit shall be provided and maintained on the premises by employers at all repair shops.

PROCESS OF COLD CURING, ETC.

(22) (a) No person shall be engaged acid curing, cold curing, or vapour curing for more than two consecutive hours, and every person so engaged must at least have four hours interval before resuming same. The employer shall provide fresh milk and respirators free of charge for persons engaged on this class of work.

(b) Provided that vapour curing in sub-clause (a) hereof shall include only vapour curing by bi-sulphide of carbon or benzene with chloride of sulphur.

UNION DELEGATE.

(23) (a) The secretary or branch secretary of the union or any official authorized by the union shall not be prevented by any employer from visiting and conversing with the members of the union in the dining room or waiting room (where provided) at meal time or before or after the hours of work.

(b) If any official makes himself objectionable to the employers or to any manager or foreman or employee his right to visit may be determined by the employer, and another official shall be substituted in his place by the union.

UNION BUSINESS.

(24) Any member of the federal council of the union or any member of the committee of management thereof may leave work to attend to the business of the union, provided that at least three days notice has been given to the employer. Employees so absent shall not be paid for the period of their absence.

RECORD OR TIME BOOK.

(25) (a) Each employer shall keep a time and wages book or some card or check used in connexion with a mechanical clock showing the name of each employee, his occupation, the hours worked each day, and the wages and allowances paid each week.

(b) The time and wages book or card or check used in connexion with a mechanical clock, shall be open for inspection to duly accredited official of the federation, 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 suspects that a breach of the Determination has been committed. Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment. Provided also that no demand for production need be complied with unless 24 hours' notice in writing of the intention to inspect shall have been given to the employer concerned.

MECHANICAL CLOCK.

(26) In lieu of a time-book, an employer may at his option provide a mechanical clock for the purpose of recording the time of each employee. Provided that the employer shall in such case enter at the end of the week the wages and overtime received on some card or check used in connexion with such clock.

DERMATITIS.

(27) (a) Any employee who contracts dermatitis whilst in and as a result of employment and who on account of such dermatitis is absent from his employment shall whilst necessarily so absent be paid his weekly wage at the rate payable from time to time under this Determination for the class of work on which he was engaged immediately before such absence. Any employee being so paid shall, if required by his employer, report to the factory or factory medical officer each day at a time to be fixed by his employer.

NOTICE BOARD.

(28) (a) A notice board shall be provided in the dining room or in some other prominent position at the works.

(b) A copy of this Determination shall be posted and kept posted at the notice board. Any notice previously approved by the management may be posted on such notice board.

DEFINITION OF UNION.

(29) The expression "union" in this Determination shall mean The Federated Rubber Workers Union of Australia.

F. A. MARZORINI,

Secretary for Labour.

Melbourne, 1st August, 1938.

