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[1938

Factories and Shops Acts.

DETERMINATION OF THE TINSMITHS BOARD.

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

NOTE.—(1) 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; such portions of the City of Sandringham as are not included within the said Metropolitan District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

NOTE.—(2) Sheet Metal.—First Class Bench Work was proclaimed on 24th May, 1938, as an Apprenticeship Trade under the *Apprenticeship Act*, 1928, for the Metropolitan District.

Full particulars of the Apprenticeship Regulations for this trade may be obtained on application to the Secretary Apprenticeship Commission, Geological Museum Buildings, Gisborne-street, Melbourne (price 3d.).

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 10th August, 1938, by the Tinsmiths Board, and published in the *Government Gazette* on the 1st September, 1938, 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 December, 1938, to any person or persons or classes of persons employed in the process, trade, or business of preparing or manufacturing articles made of tin plate or other metal, 10-gauge or lighter, including the japanning of such articles, but not including persons cutting patterns of boots, shoes, and slippers, or persons employed in the process, trade or business of metal polishing.

(1)

WAGES.

	Per Week of 44 Hours.	
	Adults.	The Metropolitan District as defined in the <i>Factories and Shops Acts</i> ; such portions of the City of Sandringham as are not included within the said District, the Cities of Geelong, Geelong West, and Warrambool, and the Town of Newtown and Chilwell.
	£ s. d.	£ s. d.
First-class bench hand	5 7 0	5 4 0
Second-class bench hand	4 19 0	4 16 0
Metal spinner setting up and making his own dies	5 1 0	4 18 0
Other spinners	4 11 0	4 8 0
Die setters	4 11 0	4 8 0
Press operators (heavy)	4 9 0	4 6 0
Press operators (light)	4 7 0	4 4 0
Solderers and dippers	4 9 0	4 6 0
Drop hammer stampers	4 9 0	4 6 0
Guttering machinists	4 7 0	4 4 0
Other power machinists	4 4 0	4 1 0
(a) <i>Welding Division.</i>		
Welder—		
First class, other than when using Cutler machine	5 12 0	5 9 0
First class, using Cutler machine	5 1 0	4 18 0
Second class	4 13 0	4 10 0
Third class	4 9 0	4 6 0
Tack welder	4 11 0	4 8 0
(b) <i>Canister-making</i>		
Die setter and/or leading press hand	4 11 0	4 8 0
Canister-makers by hand and riveters by hand	4 11 0	4 8 0
Solderers and dippers	4 7 0	4 4 0
Canister vent closers and solderers working on tins containing substances with an artificial temperature of 150 degrees Fahrenheit and over	4 11 0	4 8 0
Operators of power capping machines or metal pots on automatic machines	4 9 0	4 6 0
Operators of power presses	4 4 0	4 1 0
Other cap solderers	4 7 0	4 4 0

WAGES.

Adults.	Per Week of 44 Hours.	
	The Metropolitan District as defined in the Factories and Shops Acts; such portions of the City of Sandringham as are not included within the said District, the Cities of Geelong, Geelong West, and Warramboul, and the Town of Newtown and Chilwell.	All other parts of Victoria where this Determination Applies.
	£ s. d.	£ s. d.
(c) Galvanizing.		
Galvanizer	4 17 0	4 14 0
Tinners and grease tanners	4 11 0	4 8 0
Assistant working over metal pot	4 9 0	4 6 0
All other male adults	4 4 0	4 1 0
(d) Painting and Enamelling.		
Stencil cutter	4 18 0	4 15 0
Mixer	4 7 0	4 4 0
Fuser	4 7 0	4 4 0
Flicker	4 7 0	4 4 0
Liquidizer	4 4 0	4 1 0
(e) Japanning.		
Artistic japanners and goldworkers	4 19 0	4 16 0
Spray operators	4 11 0	4 8 0
Grainers, liners, and filliters	4 7 0	4 4 0
Painters and lacquerers	4 7 0	4 4 0
Dippers	4 6 0	4 3 0
All others	3 19 0	3 16 0

(2) APPRENTICESHIP.

(a) Minors shall not be engaged in the following occupation except under contracts of apprenticeship or trainee apprenticeship framed in conformity with this Determination :—(a) Sheet-metal work—first-class bench work.

(b) The proportion of apprentices who may be taken by any employer shall be as follows :—One apprentice for every three, or fraction of three, tradesmen.

For the purpose of ascertaining the number of apprentices, the number of tradesmen shall be deemed to be the average number working during the immediately preceding six months, and in ascertaining such proportion an employer actually working in any workshop shall be deemed to be a tradesman.

(c) The periods of apprenticeship shall be as follow :—If the apprentice when articulated is under the age of seventeen, five years ; if over the age of seventeen, four or five years, at the option of the contracting parties.

(d) An employer especially qualified to teach apprentices may, with the consent of the Secretary for Labour on the recommendation of the Wages Board, employ a greater proportion of apprentices to tradesmen than hereinbefore specified.

(e) Minors may be taken on probation for three months, and if apprenticed, such three months shall count as part of their period of apprenticeship.

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

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

This provision shall also be deemed to be included in contracts of apprenticeship entered into after the 25th day of March, 1930.

(g) Five-year terms— Wages. Per Week of 44 Hours.

	£ s. d.
1st year	15 0
2nd year	21 6
3rd year	35 3
4th year	57 3
5th year	71 9

Four-year terms—when the apprentice enters or has entered his apprenticeship after reaching the age of seventeen years—

	£ s. d.
1st year	18 0
2nd year	34 3
3rd year	57 3
4th year	71 9

Notwithstanding anything elsewhere in this Determination contained, where an apprentice is under the age of 21 years on the expiry of his apprenticeship, he shall be paid four-fifths of the tradesman's time wage until reaching the age of 21 years.

(h) All wages shall be paid without deduction for specified holidays or for unavoidable absences through sickness certified as in Clause 12 (a) to the number of four days per annum.

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

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

(k) An apprentice shall not work under any system of payments by results.

(l) Any apprentice who cannot complete his full term of apprenticeship before reaching his twenty-second birthday may, by agreement with his master, serve as an apprentice until he reaches the age of 23 years.

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

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

(o) Apprentices attending technical colleges or schools and presenting reports of satisfactory conduct shall be reimbursed all fees paid by them.

(p) Where an Apprenticeship Commission or other body under Statutory authority has issued or may hereafter issue any regulations relating to apprentices such regulations so far as they are not inconsistent with this Determination shall operate.

(q) A person who is for a term not exceeding two years taking practical training in a workshop in continuance of a course of training for professional work shall not be taken into account in calculating the proportion of apprentices to journeymen.

(3)

FEMALE AND UNAPPRENTICED JUNIOR LABOUR.

(a) Adult female labour may be employed in such work in the sheet-metal and canister-making industry in which females were employed at the time of this Determination.

The wages of adult females shall be at the following weekly rates of wage:—

	Weekly Hiring.	Hourly Hiring.
	<i>s. d.</i>	<i>s. d.</i>
If of less than twelve months' experience	49 0	52 2
If of twelve months' or more experience	55 6	59 1

(b) Junior females may be employed in the occupations set out in sub-clause (a) of this clause at the following weekly rates of wages:—

	Weekly Hiring.	Hourly Hiring.
	<i>s. d.</i>	<i>s. d.</i>
1st year's experience	14 0	15 0
2nd year's experience	18 9	20 1
3rd year's experience	23 9	30 8
4th year's experience	36 0	38 5
5th year's experience	41 3	44 0
Thereafter until reaching 21 years of age	46 3	49 3

(c) Unapprenticed male juniors may be employed in or in connexion with manufacturing (as defined in Clause 15 of this Determination) in all occupations including as to employment upon all classes of work which before the making of this Determination could be done by female employees under this Determination for which apprenticeship is not provided by the Determination, at the following weekly rates of wages:—

	Weekly Hiring.	Hourly Hiring.
	<i>s. d.</i>	<i>s. d.</i>
1st year's experience	15 6	16 8
2nd year's experience	22 9	24 3
3rd year's experience	31 6	33 7
4th year's experience	42 6	45 4
5th year's experience	54 0	57 7
6th year's experience	62 9	66 11
7th year's experience	66 9	71 2

For the purpose of this and the immediately preceding sub-clause "experience" shall mean any form of employment in any branch covered by this Determination.

Juniors employed under this and the immediately preceding sub-clause shall on dismissal receive from their employer a certificate of the period of employment completed. Employers who wilfully employ juniors without taking into account previous experience shall be guilty of a breach of this Determination.

(d) Unapprenticed male juniors may be employed (other than in manufacturing as defined in Clause 15) in all occupations covered by this Determination for which apprenticeship is not provided at the following weekly rates of wage:—

	Weekly Hiring.	Hourly Hiring.
	<i>s. d.</i>	<i>s. d.</i>
Under sixteen years of age	17 0	18 3
Sixteen and under seventeen years of age	25 9	27 5
Seventeen and under eighteen years of age	45 3	48 3
Eighteen and under nineteen years of age	57 3	61 0
Nineteen and under 21 years of age	68 9	73 3

Subject to the minimum payments herein, females and juniors under this clause may be employed on piecework rates.

(4)

HOURS OF EMPLOYMENT.

With the exceptions herein set out the ordinary hours of employment shall be 44 per week, to be worked in five days of eight hours and one day (Saturday) of four hours, or five days of 8 hours 48 minutes each, continuously except for meal hour breaks at the discretion of the employer between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. to noon on Saturday: Provided that the spread of hours herein prescribed may be altered by mutual agreement between an employer and his employees.

By agreement between any employer and his employees ordinary hours may be worked on the basis of 38 per fortnight with one week of 40 and one of 48 hours.

Exceptions.

(a) Shift workers working eight hours per shift without any break for meals on six days in each week shall be deemed to work 44 hours per week, provided that they are given one fortnight's holiday in each year on full pay as compensation for working Saturday afternoon, holiday, and/or Sunday shifts:

Further provided that such shift workers ceasing to be employed on shift before the completion of any year shall be paid one day's pay for each month or part of a month's service in lieu of the fortnight's holiday herein mentioned.

(b) Employees working in country towns where Wednesday afternoon is recognized as the usual half working day of the week shall work the Saturday afternoon at ordinary rates: Provided that for work done after noon on a Wednesday overtime rates be paid.

(5)

SHIFT WORK.*Continuous Processes.*

(a) Employees working in establishments carrying on continuous process shall work such shifts, up to six per week, as may be required.

(b) A shift shall consist of eight hours inclusive of such time as by mutual arrangement may be taken for meal breaks.

(c) For all time of duty outside ordinary hours or in excess of eight consecutive hours in 24 or of 44 in one week an employee on shift work in a continuous process shall be paid at double rates. But this shall not apply to arrangements between employees themselves or in cases due to rotation of shift or when the relief does not come on duty at the proper time: Provided that where not less than eight hours' notice has been given to the employer by the employee that he will be absent from work and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

(d) Employees working afternoon and night-shifts shall be paid 5 per cent. more than ordinary rates for such shifts.

(e) Employees working any Sunday or holiday shift shall be paid at the rate of time and a half for such shift.

Shift Work in other than Continuous Processes.

(f) In establishments not coming within the definition of continuous processes, any afternoon or night shift which does not continue for five successive working nights or more in a five day workshop, or six successive working nights or more in a six day workshop, shall be paid for at the rate of time and a half.

(g) For any afternoon or night shift which has been in operation for five nights or more and less than one month 25 per cent. more than ordinary rates shall be paid and after such shifts have continued for more than one month 5 per cent. more than ordinary rates shall be paid.

(h) Shift workers shall be paid overtime at the rate of time and a half for the first four hours and double time thereafter for all time worked in excess of shift hours.

(6)

MIXED FUNCTIONS.

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

(7)

OVERTIME.

(a) For all work done outside ordinary hours the rates of wage shall be time and a half for the first four hours and double time thereafter, such double time to continue to be paid until an employee has been relieved from work for at least eight hours: Provided that an employee shall not be entitled to payment for such rest period.

(b) Except as provided above in computing overtime each day's work shall stand alone.

(c) An employee recalled after leaving his workshop to work overtime shall be paid for a minimum of three hours' work at the appropriate rate.

(d) An employee occasionally required to hold himself in readiness to work after ordinary hours shall until released be paid standing-by time at ordinary rates from the time from which he is so to hold himself in readiness. But any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back shall continue.

(e) An employee (other than on shift) who has worked up to or beyond midnight shall not be bound to continue work on the following day.

(f) As far as practicable employees shall not work overtime while competent labour is available.

(g) For work done during meal hours and thereafter until a meal hour break is allowed time and a half rates shall be paid. An employee shall not be compelled to work for more than six hours without a break for a meal.

(h) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each four hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay.

(i) Before starting overtime after working ordinary hours a meal break of at least 45 minutes shall be allowed, unless the period of overtime is less than one and a half hours.

An employer and his employee may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

(j) An employee required to work overtime for more than two hours without being notified the day before that he will be so required to work, shall either be supplied with a meal by the employer or paid 1s. 6d., or if work extends into a second meal hour 2s. 6d. for the two meals, but such payment need not be made to employees living in the same locality as their work-shop who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime he shall be paid for each meal so provided.

(k) Subject to the provisions of the second part of sub-clause (g) of this clause an employee shall work during meal breaks at the ordinary rates herein prescribed whenever instructed so to do for the purpose of making good break-downs of plant or upon routine maintenance of plant which can only be done while such plant is idle.

(l) When an employee working overtime finishes work at a time when reasonable means of transport is not available, the employer shall provide him with a conveyance or pay him his current wage for the time occupied in reaching his home.

(8)

HOLIDAYS AND SUNDAY WORK.

(a) Employees shall be entitled to the following public holidays (without pay except as hereinafter provided):—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.

Exceptions.

By agreement between any employer and his employees, other holidays may be substituted for the said days or any of them as to such employer's undertaking.

(b) Employees not engaged in continuous processes shall be paid at the rate of double ordinary time for work done on Sundays and public holidays, such double time to continue until the employee has been relieved from duty for at least eight hours: Provided that the employee shall not be paid for the time he is resting.

(9)

PIECEWORK RATES.

Subject to the minimum wages herein prescribed an employer may remunerate any of his employees under any system of payment by results.

(10)

EXTRA RATES NOT CUMULATIVE.

Extra rates in this Determination, including rates prescribed in Clause 7, are not cumulative so as to exceed the maximum of double the ordinary rates.

(11)

PAYMENT OF WAGES.

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

(b) An employee kept waiting for his wages on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid at overtime rates after that quarter-hour, with a minimum of a quarter of an hour.

(12) CONTRACT OF EMPLOYMENT.

(a) With the exceptions hereinafter stated, employment may be by the week or by the hour. If by the week it shall be terminable on either side by one week's notice given on any day or (if the employer terminate it without such notice), by payment of one week's wages.

A contract for weekly employment may be terminated by any employer, without liability to pay for more than time actually worked, for misconduct or for absence from work without reasonable excuse.

If an employee engaged by the week absents himself from duty, except on public holidays or for days for which he produces a certificate from a medical practitioner or other proof satisfactory to his employer of sickness (aggregating four days' sickness in each year), a sum proportionate to his time of absence may be deducted from his pay, i.e., one-sixth of the weekly wage for each day of absence, including Saturday in shops working six days and one-fifth in shops working five days per week: Provided that only time actually lost shall be deducted when an employee is absent with leave on a Saturday.

(b) If the contract of employment is for hourly hiring, the total amount of the rates prescribed in Clause 1 hereof shall be increased by 6s. per week (with a proportionate amount added to the wages of females and juniors), but such amount shall not be taken into account in computing overtime, Sunday, and holiday rates.

(c) An employee starting work on hourly hiring shall be entitled to a minimum of four consecutive hours' work or to four hours' pay for the job—such hours may be deemed to be consecutive if worked in ordinary hours at the end of a day and the beginning of the next succeeding day.

(13) MISCELLANEOUS PROVISIONS.

(a) *Tools*.—The employer shall provide for each employee all necessary tools, including micrometer, where used, but excluding other measuring or precision tools less than 13 inches. The employee shall replace or pay for any tools so provided if lost through his negligence.

(b) Employers shall provide proper washing and sanitary conveniences.

(c) Suitable asbestos sheet and coloured glasses shall be provided by employers for the protection of electric arc and oxy-acetylene operators and their assistants, and suitable mica or other goggles for emery-wheel operators.

(14) TIME AND WAGES BOOK.

Each employer shall keep a time and wages book showing the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

The time occupied by an employee in filling in any time books or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out at the beginning or end of duty.

(15) DEFINITIONS.

For the purposes of this Determination the following definitions shall apply:—

"Manufacture and/or manufacturing" means the making and assembling in quantities of interchangeable or standardized parts used in or in connexion with the manufacturing of heating and cooking appliances, tin and aluminium ware, other metallic articles by specialized processes.

"Continuous process" means a process in which work is carried on, except for break-downs, with successive shifts of men throughout the days and nights for at least six days in each week.

"Year" means 365 consecutive days, starting from the day of commencement of operation of this Determination.

"Shift work"—afternoon shift means any shift finishing after 6 p.m. and at or before midnight. Night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

"Sunday" means all time between midnight Saturday and midnight Sunday.

"First-class welder" means an adult employee using electric arc or acetylene blowpipe or coal gas-cutting plant on work other than filling castings, cutting scrap metal, using jigs, or doing work covered by definitions of second and third-class welder, and includes re-welding by hand processes.

"Second-class welder" means an adult employee not required to do first-class welding, but engaged in filling castings or in manufacturing of metal goods or welding with the aid of jigs, or re-welding except by hand processes, or operating automatic welding machines for the setting up of which he is not responsible.

"Third-class welder" means an adult employee using electric spot or butt welding machine, or cutting scrap with oxy-acetylene blowpipe.

"Tradesman—first-class bench hand" means an adult workman working to scaled prints or drawings or applying general trade experience or knowledge to the making of completed articles and/or the erection and installation thereof.

"Second-class bench hand" means an adult workman working at the bench in the making and/or repairing of completed articles not calling for the use of prints or drawings or measurements.

"Canister making" means the making of canisters, tin boxes and other tin containers in quantities by specialized processes.

(16) SPECIAL RATES.

In addition to the wages prescribed in Clause 1 hereof, the following special rates and allowances shall be paid:—

(a) Leading hands in charge of not less than three and not more than ten employees, including apprentices, 6s. per week extra; more than ten and not more than twenty, including apprentices, 12s. per week extra; more than twenty, including apprentices, 18s. per week extra.

(b) Dirty work, i.e., work which a foreman and workman shall agree is of an unusually dirty or offensive nature, 1½d. per hour extra.

(c) Compensation to the extent of damage sustained shall be made for work in which clothing or tools are damaged or destroyed by the use of acids.

(d) Where more than one of the disabilities entitling a workman to extra rates exist on the same job the employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

(17) TRAVELLING TIME, ALLOWANCE, AND BOARD.

(a) When an employee is required to work away from his workshop or depot, all times reasonably spent in excess of time usually spent in travelling to or from his home to the workshop, depot, or district centre shall be paid for at ordinary rates up to a maximum of twelve hours out of every 24 (except on Sunday when payment shall be at the rate of time and a half, or a maximum of eight hours out of each 24). An employee required to work at a job away from his workshop, depot, or district centre shall, at the direction of his employer, present himself for work at such job at the usual time for starting work.

(b) An employee engaged in Melbourne to work in the country or sent from one country centre to work in another, shall be entitled to travelling time, and, for a period not exceeding three months, to expenses.

(c) All excess fares and reasonable travelling expenses, including board and lodging and 2s. for each meal (if any) incurred in such travelling time shall be paid by the employer.

(d) An employer shall be free to engage labour on the site of a job carried on away from the workshop, without payment of any travelling time or fares, unless such employee is sent from the workshop.

Provided that if any employee engaged for the erection of a job had previously been engaged by the same employer in the fabrication of the job in a workshop he shall be paid fares in excess of those incurred in travelling to and from the workshop.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 10th November, 1938.

