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[1938

Factories and Shops Acts.

DETERMINATION OF THE CARPENTERS BOARD.

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

NOTE.—This Determination applies to the whole of the State of Victoria.

Carpentry and Joinery were proclaimed on 28th November, 1928, as Apprenticeship Trades under the *Apprenticeship Act 1928* for the Metropolitan District.

Full particulars of the apprenticeship regulations for these trades may be obtained on application to the Secretary, Apprenticeship Commission, 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 8th September, 1937, by the Carpenters Board, and published in the *Government Gazette* on the 23rd September, 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 December, 1938, to any person or persons or classes of persons employed in the process, trade, or business of—

- (i) a carpenter or joiner (other than a carpenter or joiner subject to the Determinations of the Agricultural Implements Board, the Country Agricultural Implements Board, and the Wharfs and Jetties Board);
- (ii) fixing or repairing in or on buildings, architraves, skirtings, or mouldings made of sheet metal 10-gauge or lighter;
- (iii) fixing metal ceilings or laying wood block or parquet flooring.

(1) APPRENTICES OR IMPROVERS. (Except those covered by the *Apprenticeship Act 1928*.)

Wages.

Apprentices.				Improvers.			
Wages per week—				Wages per week—			
			<i>s. d.</i>				<i>s. d.</i>
1st year's experience..	..	..	20 0	Under 17 years of age	..	..	20 0
2nd "	..	..	25 0	17 to 18	..	..	25 0
3rd "	..	..	35 0	18 to 19	..	..	35 0
4th "	..	..	41 0	19 to 20	..	..	41 0
5th "	..	..	60 0	20 to 21	..	..	60 0
An indenture of apprenticeship prescribed by the Board was approved on 17th February, 1913.							

Apprentices and improvers shall be subject to the weekly hours fixed for their respective sections.

PROPORTION (BY ANY EMPLOYER).

Apprentices.

- (a) In workshops or joinery mills.. Two apprentices to every three or fraction of three } workers receiving not less than
 (b) Elsewhere One apprentice to every two or fraction of two } the minimum wage.

The calculation of the above proportion shall be based, when it is proposed to engage a new apprentice, upon the aggregate numbers of persons employed on full time for the preceding six months. If an employer is actually working in the trade he shall count as a journeyman.

Improvers.

- (a) In workshops or joinery mills One improver to every six } workers receiving not less than the minimum wage.
 (b) Elsewhere One improver to every four }

Provided that any employer of two adults may employ one improver.

NOTE.—The employment, within the Metropolitan District, of any improver is illegal.

(2) OTHER EMPLOYEES.
Wages.

	(i) Within 20 Miles of the Post Office at Elizabeth-street, Melbourne;	(ii) Within 3 Miles of the Post Office at Mildura;	(iii) Within the Gippeland District as defined herein (except within a radius of 3 Miles of the Post Office at Yallourn).	(iv) Within 10 Miles of the Post Offices at Geelong and Warrnambool, respectively.	Within 3 Miles of the Post Office at Yallourn.	All Other Parts of Victoria.
*Weekly employees— Any person employed— (a) in a "mixed industry" as herein defined Or (b) in an employer's workshop or mill (including a person who works on a building fixing material made in his employer's workshop or mill)—						
(i) Shop work	Per week. £ s. d. 5 8 6	Per week. £ s. d. 5 15 6	Per week. £ s. d. 5 5 6	Per week. £ s. d. 4 16 0		
(ii) Stock work	4 19 0	5 6 0				
Hourly employees	Per hour. 0 2 7½	Per hour. 0 2 9½		Per hour. 0 2 6½		

* Provided that if within three months after his first employment in such "mixed industry," workshop, or mill (as the case may be), his employment shall have been terminated for any other cause than misconduct or his voluntary act he shall be entitled, on such termination, to be paid such amount as will, on the whole, make his wages during the period of his employment equal to that prescribed for hourly employees.

(3) ALLOWANCES AND ADDITIONAL PAYMENTS.

In addition to the amounts, otherwise prescribed, there shall be paid to:—

- (a) A "casual hand," as defined herein, 3d. per hour extra for the time employed, such time not to be less than two hours.
- (b) A "leading hand," as defined herein, 1s. per day.
- (c) An employee working pursuant to the order of his employer in a "wet place," as herein defined, 1s. per day.
- (d) An employee engaged on insulation work, as herein defined, 4d. per hour extra.
- (e) An employee engaged in the course of his employment to a job necessitating his absence from home for a night, 6s. a day for the first seven days, and 30s. a week thereafter, together with free transport for himself and his tools.
- (f) A workshop employee, the ordinary rate for all time reasonably and necessarily taken by him in travelling to and returning from any job outside the employer's works or premises in excess of that ordinarily taken by him in going to such works and premises from his home, and returning thereto, together with all fares necessarily incurred thereby.
- (g) Except as to work within a radius of 12 miles of the G.P.O., Melbourne, an employee on construction work, other than an employee in a "mixed industry," all fares necessarily incurred in travelling to and returning from the job to his home above 4d. per day. As to work within the above-mentioned radius, performed by an employee on construction work, there shall be added to the wages of such an employee, computed as in the Determination prescribed, an allowance at the rate of 2s. per week in lieu of excess fares.
A fare shall be deemed to have been necessarily incurred, under this paragraph, or such additional payment shall be made if the employee uses a bicycle or other means of locomotion, or walks instead of using a public conveyance, but a fare shall not be deemed to have been so incurred or such payment shall not be required to be made where the employer provides or offers to provide a reasonable conveyance free of charge.
- (h) An employee, on whatever work he be engaged, who completes his work at night after trams and other public conveyances have ceased running, and for whom the employer does not provide a conveyance to take him home, such sum as will provide such a conveyance.
- (i) An employee receiving notice to present himself for work by his employer, and whose services on presentation are not required, the sum of 5s. together with any expenses necessarily incurred in travelling to and from such job, but such expenses shall not be deemed to have been so incurred when the employer provides, or offers to provide, a reasonable conveyance free of charge.
- (j) An employee whose clothes or tools have been spoiled by acids, sulphur, or other deleterious substance, such an amount to cover the loss occasioned thereby, as may be agreed upon mutually, or alternatively assessed by the Board of Reference.

To obtain the benefits of paragraphs (f) or (g) (except as to work performed within 12 miles of the G.P.O., Melbourne), or (h) above, an employee shall inform the employer on engagement of his place of residence, and in the event of a change of residence shall inform the employer within seven days of his new address. An employee giving an incorrect address shall be entitled to claim such benefits only after giving seven days' notice of his correct address.

(4) SHIFTS.

Payment for shift work shall be at the ordinary rates for the first or day shift, and at time and a half for the second and the third shift, if any.

(5) HOURS.

(i) The ordinary working hours, except for persons employed in a "mixed industry" shall be 44 per week to be worked between the hours of 8 a.m. and 5 p.m. from Monday to Friday (with one hour off or such other time as may be agreed upon between the employer and the employees' union for luncheon between noon and 1 p.m.) and between 8 a.m. and noon on Saturday.

Provided that the employees' union and any employer may agree that any earlier time than 8 a.m. may be substituted for 8 a.m. in respect of that employer.

- (ii) The ordinary working hours of employees on shift work shall be eight hours per shift.
- (iii) Employees employed in a "mixed industry" shall work the hours or shifts in that industry.

(6) HOLIDAYS.

(i) An hourly employee shall be entitled to receive the following holidays without pay:—New Year's Day, Australia Day (26th January), Christmas Day, Boxing Day, Good Friday, Easter Saturday, Easter Monday, and Labour Day.

- (ii) An employee on weekly engagement shall be entitled to the above-mentioned holidays without deduction of pay.
- (iii) Employees in a "mixed industry" shall be entitled to receive the holidays of the majority of employees in such industry.

(7)

OVERTIME.

- (i) All time worked beyond the ordinary hours of work as set out in Clause (5) shall be paid for at the rate of time and a half for the first two hours, and double time thereafter.
- (ii) All time worked on Sundays or on any of the holidays prescribed herein shall be paid for at the rate of double time.
- (iii) An employee who is required to work overtime for more than two hours after the usual time for ceasing work on any day without receiving notice on the previous day that he will be so required, shall be paid an allowance of 2s. for a meal, or instead shall be supplied by the employer with a reasonable meal.
- (iv) An employee who has left the premises in which he is employed and is recalled to work after the usual ceasing time for less than one hour shall receive payment for one hour at overtime rates.
- (v) If an employer requires an employee to work during the luncheon time as prescribed in Clause (5) hereof, he shall allow the employee whatever time is necessary to make up the prescribed luncheon time. If an employer requires an employee to work during the prescribed luncheon time, or during such luncheon time and continuously during any further time thereafter up to the substituted luncheon time, he shall pay double time for such work. Provided that the employer shall not be bound to pay in addition for any time allowed in substitution for the prescribed luncheon time, and provided further that if the luncheon time is shortened to 42 minutes at the request of the employee, the employer shall not be required to pay any extra rate in respect of such shortening of the luncheon time.
- (vi) Overtime work by shift workers on the second or third shifts shall be paid for at double rates.
- (vii) This clause shall not apply to an employee in a "mixed industry" who shall be paid at the rate for overtime of the majority of employees in that industry.

(8)

TERMS OF EMPLOYMENT FOR WEEKLY EMPLOYEES.

- (i) An employee to become entitled to payment of the weekly wages prescribed by this Determination must be ready and willing to perform such work as the employer from time to time shall require on the days and during the hours usually worked by the class of employees to which he belongs.
- (ii) Employment during the first two weeks of such engagement shall be from day to day at the weekly rate prescribed, except in the case of a re-engagement within one month after the termination of a previous service of the employee under the employer.
- (iii) No employee shall be entitled to payment when absent from work consequent on an accident or personal ill health, not attributable in either case to the employee's misconduct, but otherwise however happening, for more than six days in any one year where the employee usually works six days a week, or for more than five days in any one year where the employee usually works five days a week, and then only when he has produced to the employer or his local manager evidence satisfactory to the employer or his local manager.

Such evidence is to be submitted to the employer or his local manager within 48 hours.

Provided that where, under any scheme of insurance or of an accident, relief, or provident fund to secure the benefit of which the employer has paid the necessary premium, compensation becomes payable for any of such days of absence, the employer shall not be bound to pay more of such wage than is sufficient, with such compensation, to make up the full pay of any of such days.

- (iv) Subject to the provisions of the two next succeeding paragraphs, a week's notice of the termination of such engagement shall be given on either side. Such notice may be given on any day during the week to terminate such engagement on the corresponding day of the following week, or on any later day thereof.
- (v) The employer may dismiss any employee peremptorily without notice for malingering, inefficiency, neglect of duty, or misconduct, and pay the employee's wages up to the time of dismissal only.
- (vi) The employer may deduct payment for any day the employee cannot be usefully employed because of any strike, or because of any breakdown of machinery, or because of any other stoppage of work for any other cause for which the employer cannot be held responsible.

(9)

PAYMENT OF WAGES.

- (i) Except as in the next succeeding paragraph provided, payment of wages shall be made on any day in the week not later than Friday. An employer shall not keep more than one day's pay in hand. An employee whose services end before pay time shall be paid at or before the time for its ending, or by post or otherwise, within 24 hours thereafter. Weekly employees shall be paid within fifteen minutes of ceasing work, and if not paid within such fifteen minutes, they shall be paid at overtime rates for all time they are kept waiting after the time of ceasing work.
- (ii) Where the employee is employed in a "mixed industry," the provisions relating to payment of wages prescribed for the majority of employees in that industry shall apply.

(10)

MISCELLANEOUS PROVISIONS.

(a) Tools—

- (i) The employer shall provide the following tools when they are required on the job:—Dogs and cramps of all descriptions, bars of all descriptions, augers of all sizes, star bits, bits not ordinarily used in a brace, all hammers except claw hammers, glue pots and brushes, dowel plates, tramells, hand-and-thumb screws, spanners, and soldering irons.
- (ii) When an employee is discharged, he shall be allowed one and a half hours for grinding tools, or shall receive instead one and a half hours' pay. This sub-clause shall not apply to an employee engaged as a "casual hand" or to an employee dismissed for misconduct or inefficiency.
- (iii) The employer shall provide for the use of carpenters and joiners a suitable grindstone on any job where a grindstone is reasonably necessary, together with power (hand or driven) for turning the same.
- (iv) On all jobs in towns and cities the employer shall provide a suitable waterproof lock-up in which to store employees' tools.

(b) Posting Notices—

No employer shall prevent an official of the employees' union from posting at any time a copy of this Determination, or any notice of the employees' union, not exceeding 14 inches by 9 inches, in a suitable place on any job.

(c) Time Books—

The employer shall keep a record showing the names of the employees, the number of hours worked, the rates of pay, and the wages paid to the employees from week to week.

(d) Sanitary Conveniences and Boiling Water—

On all jobs the employer shall provide for suitable sanitary accommodation to be available, and boiling water ready for the luncheon time when it is necessary.

(e) Prohibition of Employment—

No person under nineteen years of age shall be allowed to attend winches, sling timber, or work power-driven machinery.

(11)

DEFINITIONS.

- (a) "Board of Reference" shall mean a body comprising the President of the Employees' Union as herein defined, the President of the Master Builders' Association of Victoria, or their respective nominees, together with the Chairman of the Carpenters' Wages Board.
- (b) "Casual hand" shall mean any hourly employee employed for a period of less than five days—exclusive of overtime—not dismissed summarily for misconduct or inefficiency and not voluntarily leaving his employment.
- (c) "Employees' Union" shall mean the Victorian Section of the Amalgamated Society of Carpenters and Joiners of Australia.
- (d) "Insulation work" shall mean such work as involves the handling of charcoal, pumice, or other recognized insulating material, but shall not include the handling of malthoid or the making of ice-chests or insulated doors, nor such work as is ordinarily done in aactory.

(e) "Leading hand" shall mean such tradesman as is given the responsibility by the employer or his duly authorized representative of directing and supervising the work of not fewer than two other tradesmen.

(f) "Mixed industry" shall mean an industry where the work performed by carpenters (that is, any work to which the Determination of this Board applies) is subsidiary and auxiliary to the chief and principal purpose and business of such industry.

(g) "Rate of double time" for weekly employees shall mean, as to holidays in sub-clause (i) of Clause (6) hereof, and as to continuous work after overtime work during luncheon hour in sub-clause (v) of Clause (7), an extra payment at the ordinary rate in addition to the rate ordinarily receivable.

(h) "Wet place" shall mean a place where water is dripping from overhead so that the clothing of an employee becomes saturated, or a place where the employee has to stand in water exceeding 2 inches in depth, so that the feet of such employee become wet.

(i) "Carpenter making stock work" shall mean any person making stock doors not larger than 7 feet by 3 feet by 2 inches, double insertion moulded, or ledge doors of the same size; stock sashes not larger than 6 feet by 3 feet by 1½ inches, or stock frames for the same; ladders, step-ladders, skirt-ironing boards, shirt-ironing boards, boot-cutting boards, paste-boards, clothes-horses, fly-wire doors, fly-wire windows, tree-guards, dog-kennels, wheelbarrows, or water closets (other than pedestal seats).

(j) "Gippsland District" shall mean the following area, viz.:—From Hallam (beyond Dandenong) to the south to Lyndhurst, to Wonthaggi, across to Port Albert, to Orbost, to Briagolong, to Walhalla, to Noojee, to Hallam.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 16th November, 1938.