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[1938

Factories and Shops Acts.

DETERMINATION OF THE GENERAL BOARD.

(Flax Treating Section.)

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.

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 26th November, 1937, by the General Board, and published in the *Government Gazette* on the 8th 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 December, 1938, to any person or persons or classes of persons employed in treating flax.

(1) WAGES PER WEEK OF 44 HOURS (a) (DAY SHIFT).

(i) Improvers.				(ii) Other Employees.			
Under 17 years of age	..	..	..	—		Within a Radius of 20 Miles of G.P.O., Melbourne; 10 Miles of G.P.O., Geelong; at Warrnambool and within Mildura and Gippsland Districts.	Other Parts of Victoria where this Determination Applies.
17 years of age	..	..	..	..	..	£ s. d.	£ s. d.
18 "	..	..	..	..	..	4 11 0	4 8 0
19 "	..	..	..	..	..	4 5 0	4 2 0
20 "	..	..	..	..	..	4 2 0	3 19 0
20 "	..	..	..	..	..	3 19 0	3 16 0
PROPORTION (in any place).							
One improver to each adult employee.				Foreman in charge		..	..
				Scutcher (hand)		..	..
				Scutcher (machine)		..	..
				All others		..	..

(b) NIGHT SHIFT.—Any employee working on night shift shall be paid 5s. per week in addition to the above rates.

(2) PROHIBITION OF EMPLOYMENT.—The Board determines that no person shall be employed as an apprentice.

(3) WEEKLY HOURS.—That the number of hours to constitute an ordinary week's work shall be 44.

(4) TIMES OF BEGINNING AND ENDING WORK (DAY SHIFT).—That the times of beginning and ending work shall be:—

Time of Beginning (not earlier than).	Time of Ending (not later than).
7.30 a.m.	12 noon on Saturday.
7.30 a.m.	5.30 p.m. on the other working days of the week.

(5) OVERTIME (DAY SHIFT).—That all time worked—

(a) Outside the times of beginning and ending work prescribed in clause (4); or

(b) Within such prescribed times, but in excess of 44 hours in any one week—

shall be paid for at the rate of time and a half for the first four hours' work, and double time thereafter. Provided that, in computing overtime, each day's work shall stand alone.

(6) HOURS AND SPECIAL CONDITIONS FOR NIGHT SHIFT.—(a) The hours of work on night shift shall be 44 per week.

(b) An employee transferred from day work to night work shall be guaranteed his position on day work after he has completed his work on the night shift.

(c) A night shift shall be deemed to be any shift where the majority of the hours of the shift are worked outside the ordinary hours of day work.

(d) No improver under the age of 18 years shall be required to work at night.

(e) No female employee shall be employed on night shift.

(f) The employment on night shifts of adult workers who are not eligible for transfer to day work may be terminated by 24 hours' notice on either side.

(g) The employment of male improvers between 18 and 21 years of age on night shift may be terminated without notice.

(h) For work done outside the recognized hours of duty in any establishment on night shift, overtime shall be paid, after 44 hours have been worked, at the rate of time and a half for the first four hours and double time thereafter.

(7) HOLIDAYS.—(a) All 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 Saturday, 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 is not observed on any other day, then employees shall not be paid for such Sunday, and shall be paid for such Saturday as for a half day only when the working week consists of five and a half days.

(c) All 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.

(d) 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.

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

(8) TERMS OF EMPLOYMENT.—(a) That notice equivalent to 44 working hours shall be given on either side to terminate employment. Such notice may be given at any time. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct (in which case wages shall be paid up to time of dismissal only), or to deduct payment for any day the employee cannot be usefully employed because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot be reasonably held responsible.

(b) In lieu of such 44 working hours' notice, except in circumstances referred to above, the employer may pay 44 hours' wages; and vice versa the employee leaving his employment without notice shall forfeit 44 hours' wages, which may be deducted from any wages due.

(c) Provided that any notice determining the employment solely for the purpose of evading payment for prescribed holidays, and not to determine finally the engagement, shall not deprive the employee of payment for any prescribed holidays occurring or observed between such notice to terminate and the re-engagement, if any.

(9) MARGINAL RATES.—In addition to the current basic wage the margins set out in this clause, plus 6s., shall be the minimum rate payable to employees therein named:—

								Per Week
								s. d.
Foreman in charge of factory	..	..	..	..	..	..	..	12 0
Scutcher (hand)	..	..	..	..	..	..	..	6 0
Scutcher (machine)	..	..	..	..	..	..	..	3 0

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 16th November, 1938.