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[1939

Factories and Shops Acts.

DETERMINATION OF THE BOILERMAKERS 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.

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 11th January, 1939, by the Boilermakers Board, and published in the *Government Gazette* on the 26th January, 1939, hereby issue an adjusted Determination showing the adjusted wages rates to be paid to any persons employed in the trade of:—

- (a) Boilermaking;
- (b) Iron or steel working in connexion with—
 - (1) Ship or bridge building,
 - (2) Girder, tank, wagon, or truck making,
 - (3) Wrought iron or steel pipe making,
 - (4) Structural iron or steel work "—

(1) The adjusted rates shown herein shall be paid as from the beginning of the first pay period to commence in December, 1939.

(2)

Apprentices or Improvers.					Juvenile Workers, i.e., Persons under 21 Years of Age (other than Apprentices or Improvers).		
Wages per Week of 44 Hours.					Wages per Week of 44 Hours.		
						Weekly Hiring. s. d.	Hourly Hiring. s. d.
1st year's experience	15 0	Employed in—		
2nd "	"	"	"	21 6	(a) All operations in "manufacturing"		
3rd "	"	"	"	35 9	as defined in this Determina-		
4th "	"	"	"	58 0	tion—		
5th "	"	"	"	72 9	1st year's experience	15 6	16 8
					2nd "	23 3	24 9
					3rd "	31 9	33 10
					4th "	43 0	45 10
					5th "	54 9	58 4
					6th "	63 9	67 11
					7th "	67 6	71 11
					(b) All occupations other than "manu-		
					facturing" as defined, at heating		
					rivets, assisting apprentices or		
					improvers, or labouring—		
					Under 16 years of age	17 0	18 3
					16 years of age	26 0	27 8
					17 "	45 9	48 9
					18 "	58 0	61 9
					19 and 20 years of age	69 9	74 3

PROPORTION.

Apprentices.

One apprentice to every two or fraction of two workers receiving not less than 110s. per week of 44 hours.
An indenture of apprenticeship prescribed by the Board was approved on 6th August, 1912.

Improvers.

One improver to the first four or fraction of four workers receiving not less than 89s. per week of 44 hours, and thereafter one improver to every additional four workers receiving not less than that wage.

(3)

Other Employees.	Day Shift.		
	Wages per Week of 44 Hours.		
	Within a Radius of 20 Miles of G.P.O. Melbourne; Mildura and Gippsland Districts; and within a Radius of 10 Miles of Geelong or Warrnambool Post Offices.	At Yallourn.	Other Parts of Victoria.
Tradesmen engaged in window-frame making	£ s. d. 5 10 0	£ s. d. 5 16 6	£ s. d. 5 7 0
Assembler (not coming within definition of tradesman) engaged in window-frame making	4 18 0	5 4 6	4 15 0
Machinist—engaged in window-frame making—			
First class	5 10 0	5 16 6	5 7 0
Second class	5 0 0	5 6 0	4 17 0
Third class	4 14 0	5 0 6	4 11 0
Process worker engaged in window-frame making	4 8 0	4 14 6	4 5 0
Welder—			
First class (other than when using Cutler machine)	5 13 0	5 19 6	5 10 0
First class (using Cutler machine)	5 2 0	5 8 6	4 19 0
Second class	4 14 0	5 0 6	4 11 0
Third class	4 10 0	4 16 6	4 7 0
Tack welder	4 12 0	4 18 6	4 9 0
Tradesman employed in boilermaking, ship, bridge, and girder construction	5 10 0	5 16 6	5 7 0
Tradesman employed in boilermaking, ship, bridge, and girder construction, the greater part of whose time is occupied in marking off and/or template making	5 14 0	6 0 6	5 11 0
Boilersmiths and/or angle-iron smiths	5 13 0	5 19 6	5 10 0
Plate setters and frame benders	5 12 0	5 18 6	5 9 0
Drillers using portable machines in boilermaking and ship construction	5 7 0	5 13 6	5 4 0
Drillers using stationary machines in boilermaking and ship construction	4 10 0	4 16 6	4 7 0
Tradesman employed on steel construction and/or standardized frame buildings made in quantities	5 10 0	5 16 6	5 7 0
Tradesman employed on steel construction and/or standardized frame buildings made in quantities, the greater part of whose time is occupied in marking off and/or template making	5 14 0	6 0 6	5 11 0
Machinist—			
First class, employed on standardized frame buildings made in quantities	4 16 0	5 2 6	4 13 0
Second class, employed on standardized frame buildings made in quantities	4 10 0	4 16 6	4 7 0
Emery wheel attendant	4 11 0	4 17 6	4 8 0
Blacksmith's striker	4 9 0	4 15 6	4 6 0
Blacksmith's striker on double fires	4 11 0	4 17 6	4 8 0
Furnaceman	4 15 0	5 1 6	4 12 0
Attendants on small rivet heating or bolt beating or similar types of fires	4 11 0	4 17 6	4 8 0
Holder up	4 11 0	4 17 6	4 8 0
Benders of iron and steel frames used for reinforcing concrete	4 11 0	4 17 6	4 8 0
Painters of ironwork other than ship painters (brush)	4 9 0	4 15 6	4 6 0
Painters of ironwork using spray	4 10 0	4 16 6	4 7 0
Friction saw operators	4 9 0	4 15 6	4 6 0
Cold saw operators	4 11 0	4 17 6	4 8 0
Dogman	4 11 0	4 17 6	4 8 0
Riggers and splicers except on ships and buildings	4 11 0	4 17 6	4 8 0
Riggers and splicers on ships and buildings	4 15 0	5 1 6	4 12 0
Cleaners and chippers (inside of boilers)	4 15 0	5 1 6	4 12 0
Workmen engaged directly assisting tradesmen, machinists, and welders	4 9 0	4 15 6	4 6 0
Labourers	4 0 0	4 6 6	3 17 0
Steel pipe making section—			
Pipe builders	4 12 6	4 18 6	4 9 0
Machine operators (in charge of machines)	4 12 6	4 18 6	4 9 0
Faucet maker in charge of furnace	4 15 0	5 1 6	4 12 0
Man assisting furnace faucet maker	4 8 0	4 14 6	4 5 0
Man in charge of ring-making machine	4 12 0	4 18 6	4 9 0
Man assisting at ring-making machine	4 8 0	4 14 6	4 5 0
Man on tar dip and sand rolling	4 8 0	4 14 6	4 5 0

Loading hands—

In charge of not less than three and not more than ten employees, 6s. per week extra.

In charge of more than ten employees and not more than twenty employees, 12s. per week extra.

In charge of more than twenty employees, 18s. per week extra.

NOTE.—If the employment is for hourly hiring, the rates prescribed in clause (3) shall be increased 5s. per week (see clause 12 (b)).(4) **OTHER SHIFTS.**—The following percentages shall be added to the rates fixed for the day shift for persons employed on any of the following shifts:—

Afternoon or night shift—

During first month's employment on such shift 10 per cent.

Thereafter 7½ per cent.

Shift workers in continuous process employed on a shift other than a day shift 5 per cent.

Shift workers on ship repairs work, not less than three consecutive nights Time and a quarter.

(5) **ALLOWANCES—**

Persons working—

(a) for more than one hour in the shade where the artificial temperature is between 115° and 130° Fahr., 1½d. per hour extra;

(b) for more than one hour in the shade where the artificial temperature exceeds 130° Fahr., 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130° Fahr., employees shall be entitled to twenty minutes rest after every two hours without deduction of pay;

(c) for more than one hour where the artificial temperature is below zero, 1½d. per hour extra. Where work continues for more than two hours in temperatures below zero, employees shall be entitled to a rest period of twenty minutes every two hours without deduction of pay.

All employees working in wet places, 1½d. per hour extra.

All employees working in confined spaces, 3d. per hour extra.

Boilermakers and their assistants and drillers engaged in the erection of steel frame buildings, bridges, and gasometers at a height of 50 feet or more above the nearest horizontal plane shall be paid 6s. per week extra.

All employees working in ships' bilges or in boiling-down works, lead works, sanitary works, or slaughter-yards shall be paid 1d. per hour extra.

Employees working on repairs to smoke-boxes or fire-boxes of locomotives, or on repairs to the smoke-box, uptake funnel flue, furnace or combustion chamber of marine type boilers, or on repairs to smoke-boxes, fire-boxes, furnace or flues of other types of boilers, 1d. per hour extra.

Employees working on repairs in oil tanks or meat digesters, 1½d. per hour extra.

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

Tradesmen employed in large operating power houses, i.e., power houses developing more than 8,000 kilowatts, other than tradesmen not on the regular staff, engaged on new construction work, shall be paid 6s. per week extra; such amount shall be deemed to include the special rate for leading hands.

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.

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 on Saturday afternoons, holidays, or Sunday shifts, provided that any shift worker ceasing to be employed on shift by the employer concerned 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 prescribed.

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.

(6) **SHIFTS.—That—**

(a) The hour of beginning and the hour of ending each shift shall be between—

	Where one Shift is worked.	
	Time of Beginning.	Time of Ending.
Monday to Friday (day shift)	7 a.m.	5.30 p.m.
Saturday (day shift)	7 a.m.	12 noon
Monday to Saturday (day shift)	Where two Shifts are worked.	
Monday to Saturday (day shift)	7 a.m.	3 p.m.
Monday to Saturday (afternoon shift)	3 p.m.	11 p.m.
Monday to Saturday (day shift)	Where three Shifts are worked.	
Monday to Saturday (day shift)	7 a.m.	3 p.m.
Monday to Saturday (afternoon shift)	3 p.m.	11 p.m.
Monday to Saturday (night shift)	11 p.m.	7 a.m.

Any of the above times of beginning and ending may be varied on any job by mutual consent of the employer and the majority of the employees concerned, but in no case shall the total length of any shift be increased without payment for overtime.

(b) The higher rate to be paid for each hour or fraction of an hour worked by any employee (other than a shift worker in a continuous process)—

(1) before or after his shift;

(2) in excess of 8 hours 48 minutes on Monday, Tuesday, Wednesday, Thursday, or Friday when 44 hours are worked during five days of the week;

(3) in excess of eight hours on Monday, Tuesday, Wednesday, Thursday, or Friday, or four hours on Saturday when 44 hours are worked during six days of the week—

shall be time and a half for the first four hours, and double time thereafter until an employee has been relieved from work for at least eight hours, provided that no employee be entitled to payment for his rest period.

(c) The higher rate to be paid for each hour or fraction of an hour worked by a shift worker in a continuous process before or after his shift shall be at the rate of double time.

But this does not apply to cases of arrangement between employees themselves, or to cases due to rotation of shifts 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 employee unrelieved shall be paid time and a half for all time on duty after he has finished his ordinary shift.

For all time of duty on Sundays or holidays, even if in due course of rotation of shifts, such an employee shall be paid at the rate of time and a half.

(7) **OVERTIME—**

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

(b) An employee occasionally required to hold himself in readiness to work after ordinary hours shall, until released, be paid standing time at ordinary rates from the time from which he is to so 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.

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

(d) For work done during meal hours and thereafter until a meal hour break is allowed, time and a half rates shall be paid. No employee shall be compelled to work for more than six hours without a break for a meal.

(e) An employee working overtime shall be allowed a cribtime 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.

(f) 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 1½ hours. Any employer and his employees may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

- (g) Any employee required to work overtime for more than two hours without being notified prior to 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.

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.

- (h) Any employee engaged in the maintenance of plant shall, when breakdowns occur, work meal hours at the ordinary rates herein proscribed whenever instructed to do so.
- (i) In computing overtime, each day's work shall stand alone.
- (j) 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) **TRAVELLING TIME—**

Persons employed on work away from the workshop shall receive :—

- (a) The fares necessarily expended in going to and from.
- (b) For time occupied in travelling either during or outside the usual working hours, payment at rates fixed in Clause (3) up to a maximum of twelve hours out of every 24, except on Sundays, when time and a half shall be paid.
- (c) 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.
- (d) On jobs of less than three months' duration, a camping allowance of 3s. per day, including Sundays, shall be paid to employees engaged on country jobs at places where ordinary board and residence is not obtainable, and camping tents or other temporary shelters is necessary.
- (e) 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.
- (f) Any employee engaged for the erection of a job who has previously been engaged by the same employer in the fabrication of the job in a workshop shall be paid fares in excess of those incurred in travelling to and from the workshop.

(9) **SUNDAYS AND HOLIDAYS.**—For all time of duty on Sundays or holidays, employees not engaged in a continuous process shall be paid at double rates, except in the case of employees engaged in repairs to or renewals of their employer's plant or machinery—which it is necessary to effect on Sundays or holidays to enable work to be safely resumed on Monday or the earliest working day—in which case payment shall be made at the rate of time and a half. This exception does not apply to work installing new machinery. Holidays mentioned in this Determination shall include New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day, and Boxing Day; 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.

(10) **PIECE-WORK.**—The Board determines, under the provisions of section 150 of the Factories and Shops Acts, that any employer may fix and pay piece-work prices to any person or persons or classes of persons employed at any work for which the Board has fixed the minimum wage, provided that any such employer shall base such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than the wages that are fixed by the Board for such work.

(11) **DEFINITIONS—**

- "Boilermaking and ship construction" means the fabrication, erection, and/or repairing of steel or iron ships, or of boilers or other vessels subject to greater pressure than the weight of their contents, bridges, girders, columns, principals (roof or otherwise) and trusses used in steel frame buildings (other than standardized frame buildings made in quantities), but does not include drilling by stationary machines.
- "Window-frame making" means the making in quantities of metal window frames, metal doors and grilles, and metal ornamentalations used in buildings.
- "Tradesman" means an adult employee who is required to develop work from scale drawings or prints, or to make templates, or to apply general trade experience, and includes riveting by hand or machine, caulking, chipping, and working rivet busters, and upon all machines used in connexion with boilermaking, as defined, other than drilling by stationary machines.
- "First class machinist" means an adult employee engaged solely in working one or more of the following machines :— Bending rollers, gag straight liners (straightening machines), guillotines, shearing machines, hydraulic presses of over 200 tons pressure, portable drills, portable reamers and tappers.
- "Second class machinist" means an adult employee engaged solely in operation one or more of the following machines :— Mangling, nipping and notching, roll straightening, punching, cropping, hydraulic presses of 200 tons pressure or under, stationary drills, stationary reamers and tappers, cold saw, friction saw, plate edge planers, and other machines.
- "First class welder" means an adult employee using electric arc or acetylene blowpipe or coal gas cutting plant on work other than cutting scrap metal, using jigs, or doing work covered by definitions of second and third class welder.
- "Second class welder" means an adult employee engaged in manufacturing of sheet metal goods or welding with the aid of jigs, 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.
- "Rigger and splicer" means an adult workman responsible for the erection of tackle and who, amongst other duties, is required to splice wire rope.
- "Manufacturing" means the making and assembling in quantities of interchangeable or standardized parts used in or in connexion with window-frames.
- "Process worker" means an employee engaged on repetition work on any automatic, semi-automatic or single purpose machine or any machine fitted with jigs, gauges, or other tools rendering operations mechanical (and in connexion with which he is not responsible for the setting up of the machine nor for the dimensions of the products other than by checking with gauges which gauges shall be either unadjustable or, if adjustable, shall not be set by the operator).
- "Wet place" means a place in which water is continually dripping from overhead to such an extent as to saturate the clothing of a workman, or a place in which water accumulates under foot to a depth exceeding 2 inches.
- "Confined space" means a working space the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, or where confinement within a limited space is productive of unusual discomfort.
- "Continuous process" means a process in which work is carried on continuously, except for breakdowns, with successive shifts of men throughout the days and nights for at least six days in each week.

(12) **CONTRACT OF EMPLOYMENT—**

- (a) With the exceptions hereafter 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 terminates it without such notice) by payment of one week's wages. Except in establishments mainly engaged in shipbuilding or ship repairing, any employee (unless continuing on after working through the night) commencing a day's work at the usual starting time of the workshop shall be paid at least a day's wages; but any employer may engage an employee to start work at any time during the day, provided the work continues as overtime or is resumed the next day until a full day's pay is earned.

A contract for weekly employment may be terminated by any employer, without liability to pay for more than actual time 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 on days for which he produces a certificate from a medical practitioner, or other proof satisfactory to his employer of sickness (aggregating four days of 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.

- (b) If the contract of employment is for hourly hiring, the rates prescribed in Clause (3) shall be increased five shillings per week (with a proportionate amount added to the rates fixed for weekly hiring of juvenile workers), 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. The employee shall replace or pay for any tools so provided if lost through negligence.
- (b) 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.
- (c) Suitable canvas or leather gloves shall be provided by employers for the operators of pneumatic tools.
- (d) Hand riveting on rivets $\frac{1}{4}$ -in. diameter and upwards shall be performed double handed.
- (e) Tradesmen employed in boilermaking, ship construction, and steel construction, who, in the course of their work are called on to operate any machine shall be paid the tradesman's rate for all work done.
- (14) EXTRA RATES NOT CUMULATIVE.—Extra rates in this Determination prescribed, including rates prescribed in Clause (5), are not cumulative so as to exceed the maximum of double the ordinary rates.
- (15) RIGHT OF ENTRY OF UNION OFFICIALS.—For the purpose of interviewing employees on legitimate union business, a duly accredited representative of the Federated Society of Boilermakers Iron Shipbuilders and Structural Iron and Steel Workers of Australia shall have the right to enter, during the midday meal hour, the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed.
- If any representative is unduly interfering with, or is creating disaffection amongst his employees, or is offensive in his methods, such employer may refuse the right of entry.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 1st November, 1939.

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