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[1939

Factories and Shops Acts.

DETERMINATION OF THE AERATED WATER TRADE 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 26th October, 1939, by the Aerated Water Trade Board, and published in the *Government Gazette* on the 16th November, 1939, hereby issue an adjusted Determination showing the adjusted wages rates to be paid to any person or persons or classes of persons employed in the process, trade, or business of an aerated water or cordial or non-intoxicating beer manufacturer.

(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, IMPROVERS, OR JUVENILE WORKERS.

	Wages per Week of 44 Hours.	
	Within 20 Miles of G.P.O., Melbourne; Within 10 Miles of G.P.O., Geelong; in Warrnambool; and in Mildura and Gippsland Districts.	Elsewhere in Victoria.
	£ s. d.	£ s. d.
Under 17	1 5 0	1 4 0
17 and under 18	1 12 0	1 10 0
18 and under 19	1 17 6	1 16 0
19 and under 20	2 6 0	2 4 0
20 and under 21	2 14 6	2 12 6

PROPORTION (within any factory or place).

Apprentices.

One apprentice to every three or fraction of three workers receiving not less than 7s. per week of 44 hours.

Improvers.

One improver to every fifteen adult workers receiving not less than 7s. per week of 44 hours.

Provided that not more than one person under the age of 21 years shall be employed by any employer to each two or fraction of two adults employed by the said employer.

ADULT MALES.

	Wages per week of 44 Hours.		
	Within 20 Miles of G.P.O., Melbourne; Within 10 Miles of G.P.O., Geelong; at Warrnambool; and in Mildura and Gippsland Districts.	Yallourn.	Elsewhere in Victoria.
	£ s. d.	£ s. d.	£ s. d.
Cordial Maker, i.e., one who makes up either from his own or his employer's recipe	5 0 0	5 7 0	4 17 0
Employee who under the direction of employer or foreman is in charge of the running, adjustment, and maintenance of machinery, gas generators, or aerated water plant	4 10 0	4 17 0	4 7 0
Employee on automatic combined bottle-washing, syrrupping, bottling, sealing (or crowning), and labelling machine	4 5 0	4 12 0	4 2 0
Employee bottling aerated or carbonated waters	4 2 6	4 9 6	3 19 6
Employee engaged in handling Glauber Salts	4 2 6	4 9 6	3 19 6
All other male adults	4 0 0	4 7 0	3 17 0
Leading hand, is. per day in addition to the above rates.			

(3) DEFINITION OF JUVENILE WORKERS.—Persons under 21 years of age (other than apprentices or improvers, employed in the syrup room or at syphoning, stoppering, capsuling, labelling, wrapping, wiping, cleaning up, marking cases, sighting, wiring, tring, stacking cases at a height of not more than 5 feet, and any other work of a light nature).

Provided that juveniles under the age of 19 years shall not be called on to work on machine labelling unless they are paid the rates fixed for a male juvenile of 19 years.

(4) TIME OF BEGINNING AND ENDING WORK—

Time of Beginning.	Time of Ending.
7.30 a.m.	12 noon on Saturday.
7.30 a.m.	6 p.m. on the other working days of the week.

(5) OVERTIME.—The following rate shall be paid for all work done—

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| (a) Outside the hours fixed in clause (4) | } Time and a half for the first four hours on any one day, and double time thereafter. |
| (b) Within the hours fixed in clause (4) in excess of 4 hours on Saturday or 8 hours on the other working days of the week | |

(6) TERMS OF EMPLOYMENT.—(a) All employees, other than casual employees, shall be engaged by the week and shall be paid weekly.

(b) Except as to casual employees, a week's notice at least shall be given by the employer or employee to terminate employment, or in lieu of such notice a week's wages shall be paid. Such notice shall be given to expire at the end of the regular working week. If the employment is terminated, all money due to the employee shall be paid on the day of termination.

(c) The next preceding sub-clause (b) shall not apply if and when an epidemic, fire, strike, or breakdown of machinery occurs causing a stoppage of labour beyond the control of the employer.

(d) The week's work shall terminate at quitting time on the last day of the regular working week which shall not be later than Thursday or Friday in the week, and the pay day shall not be later than the day next succeeding such last day.

(e) If an employee absents himself from duty, the employer may make a deduction from the employee's wage proportionate to the length of the absence, provided that this sub-clause shall not apply to absence on holidays in accordance with clause (10), and as to cases of illness subject to the sub-clause (f) next hereto.

(f) If the absence from duty of an employee engaged by the week be reasonable because of his own illness, and he produce to the employer satisfactory evidence thereof by medical certificate or otherwise, no deduction shall be made in respect of such absence except so far as it exceeds in the aggregate four days during any one year of the employment or a proportionately less time during any shorter period of the employment. Provided that this sub-clause shall not apply to any employee who has not been in the employment for three months.

(7) MEAL HOURS.—(a) Meal intervals shall not be less than 40 nor more than 60 minutes in duration.

(b) An employee who has worked continuously for a period of five hours shall be allowed an interval off duty without pay of not less than 40 minutes.

(8) CASUAL EMPLOYEES.—A casual employee shall mean and be deemed to be any employee engaged for a less period than one full working week. He shall be paid per hour at a rate not less than one-fourtyfourth of the rate prescribed for an employee engaged by the week for similar work with an addition of one-fifth. Payment of his wages shall not be delayed beyond the termination of his employment.

(9) TEA MONEY.—An employee required to work overtime in excess of one hour and a half after the usual finishing time without having been notified on the previous day that he would be so required shall either be supplied with a meal or be paid 2s. by the employer.

(10) HOLIDAYS AND SUNDAYS.—(a) For the purposes of this Determination the days generally observed as the following shall be holidays:—New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, Union Picnic Day, King's Birthday, Christmas Day, and Boxing Day.

(b) If any of the said-named days falls on a Sunday and no week day is generally observed as such day, a week day in lieu thereof shall be allowed to each employee and shall in respect of such employee be treated as if it were such named day.

(c) All work performed on Sundays or holidays shall be paid for at the rate of double time with a minimum payment as for four hours.

(d) If an employee is required to work on a holiday he shall be notified thereof at least 24 hours before such holiday, and if he is not so notified, shall be paid at the rate of treble instead of double time unless it can be proved that it was not reasonably practicable to notify him.

(e) No deduction shall be made from the wage of any employee engaged by the week because of absence from work on a holiday unless without permission or reasonable excuse he stays away on the day next preceding or next succeeding the holiday.

(f) If an employee is required to work on a holiday he shall be paid treble instead of double time if it can be proved that it was reasonably practicable by working overtime or otherwise to avoid requiring the employee to work on such holiday.

(11) MIXED FUNCTIONS.—Where an employee is called upon to perform two or more classes of work on any one day he shall, for the purpose of assessing the wages to be paid, be deemed to have worked a day at the class for which the highest rate of wages is prescribed.

(12) FIRST AID KIT.—First aid kit as required under the Factories and Shops Acts shall be provided by the employer in each factory, and in the event of an accident occurring the first aid attendant shall be allowed reasonable time to attend to employees concerned in such accident.

(13) TIME AND WAGES SHEET.—(a) All employers shall keep a time and a wages sheet which may be either combined or separate, and which shall be entered in ink showing the hours worked each day and the wages paid to each employee.

(b) The time sheet and the wages sheet shall, as to entries therein in respect of employers covered by this Determination, be open for inspection to a duly accredited official of the Federated Liquor and Allied Trades Employees' Union of Australasia during the usual office hours at the employers' office or other convenient place: Provided that no inspection shall be demanded unless the secretary or district secretary or organizer of such union suspects that a breach of this Determination has been committed: Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment.

(14) WATERPROOF CLOTHING AND BOOTS.—Where it is necessary for an employee to wear waterproof clothing or boots or clogs, the same shall be provided by the employer. The question as to whether waterproof clothing or boots or clogs are necessary for an employee shall be settled by agreement between the employer and the employee, and in default of such agreement by the Secretary for Labour.

(15) GLOVES.—All employees working on bottling machines or required to bring their hands in contact with broken glass shall be supplied with suitable protective gloves by the employer.

(16) DEFINITIONS.—In this Determination, unless a contrary intention appears—

“Foreman” shall mean and be deemed to be a person who is responsible for other employees' work, and has the power to engage or dismiss any person subject to the approval of the employer.

“Leading hand” is an employee who is authorized to exercise and does exercise supervision over the work of at least three other employees.

(17) RIGHT OF ENTRY OF UNION OFFICIALS.—The Secretary or Organizer of the Federated Liquor and Allied Trades Employees' Union of Australasia may enter the employer's premises to interview members of the said Union during non-working hours subject to the approval of the employer, which approval shall not be withheld except for a reasonable excuse.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 16th November, 1939.