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Factories and Shops Acts.

## DETERMINATION OF THE PAINT AND COLOUR 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 7th February, 1940, by the Paint and Colour Board, and published in the *Government Gazette*, on the 22nd February, 1940, hereby issue an adjusted Determination showing the adjusted wages rates to be paid to any persons—

(a) employed in the trade of preparing any kind of paint, varnish, enamel or colour, either wet or dry;

\* (b) employed in manufacturing titanium white or white lead.

(1) The adjusted rates shown herein shall be paid as from the beginning of the first pay period to commence in May, 1940.

(2)

IMPROVERS.*		Wages per Week of 44 Hours.		OTHER EMPLOYEES.	
		Males.	Females.		
		s. d.	s. d.		
15 years of age .. .. .		22 9	.. .. .	Persons employed in manufacturing titanium white—	
16 " " " .. .. .		27 3	27 3	Day workers .. .. .	90 2 per week of 44 hours
17 " " " .. .. .		32 3	32 3	Shift workers .. .. .	90 0 per week of 48 hours
18 " " " .. .. .		39 9	34 6	Persons employed in preparing any kind of paint, varnish, enamel or colour, either wet or dry, or in manufacturing white lead—	
19 " " " .. .. .		48 9	39 9		Per Week of 44 Hours.
20 " " " .. .. .		64 3	44 0		s. d.
PROPORTION (IN ANY PLACE).				Males—	
Two male improvers to every three or fraction of three workers, and three female improvers to each worker of the same sex receiving not less than the minimum wage.				Varnish maker or natural gum runner .. .. .	109 6
No male under 15 years of age and no female under 16 years of age shall be employed at the trade.				Varnish maker's assistant .. .. .	94 0
				Tinter of paint, lacquer or enamel .. .. .	97 0
				Any person engaged on paint, enamel or lacquer mixing or grinding machine, or kalsomine mixer or dry colour grinding machine, or as chemical colour maker, resin treater, oil boiler or burner, lacquer solution or thinner maker, or as a gum runner (other than a natural gum runner) .. .. .	92 0
				All others .. .. .	89 0
				Females .. .. .	50 9
				A shift worker employed on afternoon or night shift shall be paid an allowance of 1s. per shift in addition to the ordinary rate.	
				Leading hand, i.e., an employee appointed to work under the supervision of a foreman, and who has three or more male employees under his supervision, shall be paid 5s. per week in addition to rate specified.	

\* NOTE.—The Board has determined, in accordance with section 25 (1) of the *Factories and Shops Act 1934*, that the trade is so unskilled that no apprentices shall be taken in the trade.

**(3) TIMES OF BEGINNING AND ENDING WORK FOR PERSONS OTHER THAN SHIFT WORKERS.—**

	Time of Beginning.	Time of Ending.
When the weekly hours are worked in five days—		
Monday to Friday (inclusive) .. ..	.. 7 a.m.	.. 6 p.m.
When the weekly hours are worked in six days—		
Monday to Friday (inclusive) .. ..	.. 7.30 a.m.	.. 5.30 p.m.
Saturday .. ..	.. 7.30 a.m.	.. 12 noon

An employer shall give his employees at least twenty-four hours' notice of any change in the working hours.

**(4) OVERTIME.—The rate of time and a half shall be paid to persons other than shift workers for all work done—**

- (a) Outside the hours fixed as the time of beginning and ending work ;  
 (b) Within the hours so fixed, in excess of 44 hours in any week.

**(5) CALCULATING OVERTIME WHEN HOLIDAY OCCURS.—**If in any week there occurs a holiday to which an employee, whether a shift worker or not, is entitled under clause (7), then such time as would ordinarily have been worked on such day shall, for the purpose of calculating overtime, be regarded as time worked.

**(6) SPECIAL RATES.—**Double time shall be the rate payable to all persons (other than those employed as shift workers in the manufacturing of titanium white) for all work done on Sunday, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, 21st April (Labour Day), King's Birthday, Christmas Day, Boxing Day, and New Year's 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.

**(7) HOLIDAYS.—**All employees (other than those employed in the manufacturing of titanium white) shall be entitled to the following holidays without deduction of pay :—26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, 21st April (Labour Day), Anzac Day, King's Birthday, Christmas Day, Boxing Day, and New Year's Day.

Provided that for a week in which any of the above holidays is observed on a Saturday an employee who works his weekly hours in five days (Monday to Friday inclusive) shall be paid for four hours at ordinary rates in addition to his wages for such week.

**(8) SHIFT WORK.—**(a) The provisions of this sub-clause apply only to shift workers employed in the manufacturing of titanium white :—

- (i) Employees on shifts shall work such shifts up to six per week as may be required.  
 (ii) A shift shall consist of eight hours, inclusive of 40 minutes to be allowed for meal breaks.  
 (iii) All work done by a shift worker outside the ordinary hours of his shift or on Sundays or Public Holidays shall be paid for as follows :—

On Sundays or Public Holidays mentioned in clause (6)—		
if on his day off in the week .. ..	.. ..	.. Double time.
if not on his day off in the week .. ..	.. ..	.. Time and a half.
On any other day, outside the ordinary hours of his shift .. ..	.. ..	.. Time and a half.

(iv) The rates prescribed in paragraph (iii) 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.

(v) The hour worked from 11 p.m. to 12 midnight on Sundays or Public Holidays mentioned in clause (6) by ordinary shift shall not be considered as time worked on Sundays or such Public Holidays.

Provided that the hour from 11 p.m. to 12 midnight on Saturday shall be considered as time worked on Sunday.

(b) The provisions of this sub-clause apply to shift workers, other than those employed in the manufacturing of titanium white :—

- (i) A shift shall consist of 8 hours 48 minutes, inclusive of crib time.  
 (ii) Afternoon or night shift means any shift which commences between 12.30 p.m. and 12.30 a.m.  
 (iii) The rate of time and a half shall be paid to a shift worker for all work done—  
 In excess of 8 hours 48 minutes in any day ;  
 In excess of 44 hours in any week.

**(9) 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.

**(10) BOOTS, GLOVES, AND RESPIRATORS.—**When the character of the work renders protective measures necessary, and the Secretary for Labour so directs, an employer shall provide, free of cost, for the use of employees, boots and gloves.

On the request of any employee using or handling dry pigments or gums, he shall be supplied with a respirator by his employer free of cost.

No two employees shall be required to use the same respirator, but a previously used respirator may, after sterilization, be given up to the exclusive use of another employee.

**(11) MEAL INTERVAL.—**A meal interval of 45 minutes shall be given between 11.30 a.m. and 1.30 p.m. Any employee not having received the prescribed meal interval by 1.30 p.m. shall, until relieved for such meal interval, be paid at the rate of double time for all time worked after 12.45 p.m.

**(12) BOILING WATER.—**A sufficient supply of boiling water for all employees shall be provided at meal times.

**(13) MEAL ALLOWANCE.—**A meal allowance of 1s. 6d. shall be paid to employees on any day when required to work for a period of not less than two hours after the usual finishing time unless notice has been given the day before such extra time is worked.

**(14) WASHING AND CLEANING TIME.—**Employees shall be allowed five minutes in the employer's time for cleaning and washing before any meal time and before finishing time daily. Hot water and soap shall be supplied by the employer for the use of his employees.

**(15) CONDITIONS OF EMPLOYMENT.—**(a) No employee shall be employed other than as a weekly employee.

(b) A weekly employee, to become entitled to the weekly wage prescribed by this Determination, must be available and ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked by such employee.

(c) Seven days' notice 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, neglect of duty or misconduct (in which case wages shall be paid up to time of dismissal only without any allowance for holiday pay) 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.

(16) **SICK LEAVE.**—(a) 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 (7), and as to cases of illness is subject to the sub-clause (b) next hereto.

(b) 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.

(c) If in any year of employment he has not taken sick leave up to four days to which he is entitled under this clause an employee shall, in the next succeeding year, be entitled to one day for each day not so taken, in addition to the days which accrue during such succeeding year.

Sick leave shall not be cumulative beyond this extent.

(17) **ANNUAL LEAVE.**—Any employee who has been in the service of an employer for a period of not less than twelve months, shall be granted as holidays with pay the working days between the Christmas holidays and New Year's Day. Notwithstanding anything contained in this clause, an employer may require his employees to continue work on the working days between the Christmas holidays and New Year's Day, in which case he shall grant within three months thereafter to every employee so entitled a continuous holiday equivalent to the working days between the Christmas holidays and New Year's Day.

Provided that any employee, who leaves or is dismissed before the expiration of any twelve months' service, or who leaves or is dismissed after having completed twelve months' service without receiving holidays under this clause, shall be given or paid for holidays pro rata in accordance with the length of service, viz., one day for each completed four months of service.

Payment for such holiday pay shall be calculated on an average of the four completed weeks immediately preceding such holidays.

(18) **DEFINITIONS.**—Varnish maker is one who (a) is capable of selecting in their proper proportions the ingredients necessary for making standard varnishes, and (b) has the duty of combining these ingredients by the application of heat at the proper time in their proper order and at their proper temperatures, and (c) is so employed, and includes a runner of natural gum.

Tinter of paint, lacquer or enamel is one who is invested with discretion as to the kind and quantity of colouring matter to be added to a mixture in order to make it conform to a certain specified colour, or match a given colour sample or colour standard.

F. A. MARZORINI,  
Secretary for Labour.

Melbourne, 22nd April, 1940.

