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[1940

Factories and Shops Acts.

DETERMINATION OF THE TENTMAKERS BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the 13th September, 1927, has had the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the trade of manufacturing:—

(a) Articles made of canvas or a substitute for canvas such as—

Sails, tents, marquees, ships' gear, wings of aeroplanes, horse rugs, cow rugs, water bags, outside blinds (except Venetian blinds), filters, mail bags, tarpaulins;

(b) Any other kind of canvas goods except those subject to the jurisdiction of any of the following Boards:—

Agricultural Implements Board,
Country Agricultural Implements Board,
Boot Board,
Carriage Board,
Leather Goods Board, and
Rubber Trade Board.

(c) Flags"—

has made the following Determination, namely:—

(1) That on the 23rd May, 1940, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2) WAGES PER WEEK OF 44 HOURS.—

| | £ | s. | d. |
|---|---|----|----|
| Journeymen engaged in the manufacture or repair of canvas goods of all descriptions | 4 | 17 | 0 |
| All other Journeymen | 5 | 3 | 0 |
| All other males | 4 | 6 | 0 |
| Journeymen | 2 | 12 | 0 |

Machinists employed on machining on aeroplane hangars shall be paid 3 13/22d. per hour in addition to the rates prescribed for machinists generally under this Determination.

(3) APPRENTICES—MALES.—(a) The probationary period of trainee apprentices or apprentices shall not exceed three months.

(b) The minimum rates of wage to be paid to apprentices or probationers shall be not less than the following:—

| | Wage. |
|----------------------------------|-------|
| Five year terms— | s. d. |
| First year's experience | 18 6 |
| Second year's experience | 25 0 |
| Third year's experience | 32 6 |
| Fourth year's experience | 50 0 |
| Fifth year's experience | 64 0 |
| Four year terms— | |
| First year's experience | 19 6 |
| Second year's experience | 32 0 |
| Third year's experience | 50 0 |
| Fourth year's experience | 64 0 |

(c) Experience in this clause means actual experience, whether as an apprentice or otherwise, in any one or more of the operations provided as apprenticeship operations.

(d) Except as otherwise provided minors may be engaged in the following occupations under contracts of apprenticeship or trainee apprenticeship framed in conformity with this Determination:—

(1) Sail, tent and canvas goods maker;

(2) Ship's gear maker.

(e) The period of apprenticeship shall not exceed four or five years, including any period of experience in the occupation to which the minor is being apprenticed prior to entering into the indenture of apprenticeship.

(f) An employer especially qualified to teach apprentices may, with the consent of this Wages Board, employ a greater proportion of apprentices to tradesmen than hereinbefore specified.

(g) Until further order any contract of apprenticeship may contain the following provision :—

If through lack of order or through financial difficulties the employer is unable at any time to find employment and training for an apprentice and if a transfer to another employer cannot be arranged, the obligations and duties imposed by the indenture may with the concurrence of the apprentice and his guardian be suspended for a period agreed upon or if no such agreement is arrived at may be cancelled by the employer. The onus of proof of circumstances justifying such cancellation shall be on the employer.

(h) Any apprentice who cannot complete his full term of apprenticeship before reaching his twenty-second birthday may by agreement with his master serve as an apprentice until he reaches the age of twenty-three years.

(i) All wages shall be paid without deduction for specified holidays or for unavoidable absences through sickness to the number of four days per annum.

(j) The apprentice at the end of the calendar period of any year in which he has actually given service to the master upon less than the ordinary working days prescribed in this Determination, or in which he has unlawfully absented himself without the master's consent shall, for every day short of the said number of working days, and for every day of such absence, serve one day, and the calendar period of the succeeding year of his service shall not be deemed to begin until the said additional day or days shall have been served.

(k) The ordinary hours of employment of apprentices shall be the same in each workshop as those of journeymen.

(l) An apprentice under the age of eighteen years shall not be liable to work overtime unless he so desires.

(m) An apprentice shall not work under any system of payment by results.

(n) An employer shall not, either directly or indirectly, or by any pretence or device, receive from any person or require or permit any person to pay or give any consideration in the nature of a premium or bonus for the taking or binding of any probationer or apprentice.

(4) JUNIOR WORKERS—MALES.—(a) Junior Workers may be employed at the following rates of pay :—

| Age. | Wage per Week. |
|--------------------------------------|----------------|
| | <i>s. d.</i> |
| Under 16 years of age | 18 6 |
| 16 and under 17 years of age | 25 0 |
| 17 and under 18 years of age | 32 6 |
| 18 and under 19 years of age | 50 0 |
| 19 and under 20 years of age | 64 0 |
| 20 and under 21 years of age | 78 0 |

(b) The proportion of Junior Workers and apprentices allowed shall be :—

| Male Employee receiving at least Adult Male Basic Wage. | Junior Workers including Apprentices. |
|---|---|
| 1 | 1 |
| 2 to 20 | 1 for every 2 such male employees |
| Over 20 | A further 1 for every 3 such male employees over 20 |

In computing the proportion under this sub-clause, the number of such male employees employed for the whole of the previous six months shall be taken.

(5) JUNIOR WORKERS—FEMALES.—(a) Female Junior Workers may be employed at the following rates of pay :—

| Experience. | Wages per Week. |
|---|-----------------|
| | <i>s. d.</i> |
| First year's experience | 18 6 |
| Second year's experience | 25 0 |
| Third year's experience | 31 0 |
| Fourth year's experience | 40 6 |
| And thereafter the minimum wage prescribed for females for the class of work which they are doing | |

(b) For the purposes of this clause "experience" shall mean any form of employment in this industry.

(c) Juniors employed under this clause shall on dismissal receive from their employer a certificate of the period of employment completed. Employers who wilfully employ juniors without taking into account previous experience shall be guilty of a breach of this Determination.

(d) The proportion of female apprentices and junior workers shall not exceed two to one adult female receiving the minimum wage.

(6) DEFINITIONS.—(a) "Journeyman" shall mean a male employee 21 years of age or over, other than apprentices; provided that the rates prescribed for juniors between 19 and 21 years of age in clause 4 hereof shall operate until the junior has reached the age of 21 years.

(b) "Journeywoman" shall mean a female employee 21 years of age or over, or one who has worked four years or more on any work for which the rate prescribed is at least £2 12s. 0d. per week.

(c) "Union" shall mean the Australian Saddlery Leather Sail Canvas Tanning Leather Dressing, and Allied Workers Trades Employees Federation.

(7) HOURS.—(a) 44 hours shall constitute a week's work.

(b) The regular hours of work shall not be earlier than 7 a.m. and not later than 6 p.m. on five days of the week and not earlier than 7 a.m. and not later than noon on Saturday or other day in which a half-holiday is kept.

(c) Not more than eight hours forty-eight minutes (except if paid for at overtime rates) shall be worked in any one day in each week.

(8) MEAL TIME.—(a) Employees shall be allowed one meal break of not less than 30 minutes, such meal break to commence not later than 1 p.m.

(b) Meal intervals having been fixed shall not be altered except on seven days' notice to a shop steward employed in the factory and where there is no shop steward, on notice to the secretary of the local branch of the Union.

(c) Any employee called upon to work during a meal hour shall be paid time and a half, and such time and a half shall continue until he or she has had a meal break.

(9) OVERTIME.—(a) All time worked on any day before or after the regular working hours or in excess of 8 hours 48 minutes on any one day, or 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 and double time thereafter.

(b) In computing overtime each day's work shall stand alone.

(c) Any employees required to work overtime for more than two hours in any one day without being notified the day before that they will be required so to work, shall either be supplied with a meal by the employer or paid 1s. 6d., but such payment need not be made to employees living in the same locality as their workshop who can reasonably return home for meals.

(d) If any employee pursuant to notice under the preceding sub-clause has provided a meal and is not required to work overtime, he or she shall be paid 1s. 6d. for the meal so provided.

(10) **PIECE-WORK.**—(a) Subject to the employee receiving at least the minimum time rate an employer may remunerate, in respect of callings in which employees now work under a system of payment by results, any of his employees under any system of payment by results based on rates which will enable workers of average capacity to earn at least 10 per centum in excess of their weekly rates. Such piece-work rates shall be fixed by the Factory Board consisting of two representatives of any employer, one of his employees and one representative of the employees Union. If any such Board is unable to agree on any rate or rates proposed by the employer the matter in dispute shall be referred to this Wages Board.

(b) If the employees of any factory or the employees Union fail to appoint representation to any such Board or fail to attend a meeting of such Board called by the employer on a date not less than three days after the service of notice on the State Secretary of the employees Union the employer may adopt piece-work rates which he deems reasonable without the authority of any Factory Board.

(c) Where an employee works part of a full week at piece-work rates and part at time rates he or she shall be paid so much as he or she is entitled to receive under such piece-work rates, plus the proportionate amount which he or she is entitled to receive under this Determination at time rates of pay.

(d) The Union may, during the currency of this award, apply to this Wages Board for correction or regulation of any piece-work rate, time bonus rate, task rate or any system of payment by results now in operation or hereafter introduced into any workshop controlled by an employer subject to this Determination.

(e) Where an employer has any person working under any system of payment by results referred to in this clause, he shall reduce into writing the terms under which such person is working, and such document shall be signed by such person and the employer. Upon demand by an officer of the Union such document shall be shown to him, and he shall be allowed to make a copy of the same should he so desire. If the Union considers that any such document does not comply with the provisions of this clause, it may refer the question to this Wages Board for determination.

(f) As far as practicable different grades of work shall be equitably divided between employees working under any system of payment by results.

(g) Employees working on any system of payment by results shall be paid at rate and a half when called upon to work overtime outside their ordinary hours of work or beyond 8 hours 48 minutes on any one day or 44 hours in any one week.

(h) Employees working on any system of payment by results waiting on the employer's premises at the employer's request ready and willing to work shall, for each pay period, receive at least the time rate prescribed for their occupation.

(i) Journeymen on piece-work teaching learners (not in the employ of the piece-worker) on piece-work shall be paid 10 per centum of piece-work rates extra whilst so employed.

(11) **TIME AND WAGES BOOKS, CARDS, ETC.**—(a) Each employer shall keep in each factory, workshop, or place where work is carried on by him, some card or check used in connexion with a mechanical clock or a time and wages book showing the name of each employee and his or her occupation, the hours worked each day and the wages and allowances paid each week.

(b) Where a time-book is kept it shall be correctly entered up in ink, and shall be signed each week by the employee verifying the accuracy of the hours worked and the wages and allowances paid each week.

(c) The time occupied by an employee in filling in any time-books or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out at the beginning or end of duty.

(d) The time and wages book shall be open for inspection to an officer of the Union duly accredited in writing by the Union during the usual office hours at the employer's office or other convenient place: Provided that an inspection shall not be demanded unless the Secretary of the Union or the district secretary or organizer of any division suspects that a breach of the Determination has been committed: Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment.

(e) The official making such inspection shall be entitled to take a copy of entries in a time and wages book relating to the suspected breach of the Determination.

(12) **RIGHT OF ENTRY OF UNION OFFICIAL.**—(a) A duly accredited representative of the Union shall have the right to enter employers' workshops during the midday meal hour for the purpose of interviewing employees on legitimate Union business, on the following conditions:—

(i) that he produces his authority to the gatekeeper or such other person as may be appointed by the employer;

(ii) that he interview employees only at the place where they are taking their meal;

(iii) that not more than one representative in all be in any workshop at any one time;

(iv) that no one representative visit a workshop more than once in each week; and

(v) that if any employer alleges that a representative is unduly interfering with his workshop or is creating disaffection in amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before this Wages Board.

(b) Where a Union official holding the right of entry under this clause suspects that a breach of the Determination is occurring or has occurred he shall be afforded the opportunity to enter the factory during working hours and view the work in question: Provided that during such inspection the official shall not obstruct or interfere with the work in any way or converse with the employees while at work.

(13) **PAYMENT FOR WORK ON SUNDAYS AND HOLIDAYS.**—(a) All work performed on Sundays and holidays shall be paid for at the rate of not less than double time.

(b) An employee called upon to work on a Sunday or holiday shall be paid for a minimum of four hours' duty.

(14) **EMPLOYER TO FIND WORKSHOP, ETC.**—The employer shall find workshops, light, and bench room and supply all materials used in connexion with the trade free of charge to the employees.

(15) **CERTIFICATE OF SERVICE.**—Any junior worker when leaving or being discharged from his or her employment shall be given by the employer a certificate stating the date when such employment began and the date when such employment terminated.

(16) **LIMITATION OF EMPLOYER'S LIABILITY.**—An employee entitled to the benefit of this Determination may at any time within nine months from any payment by way of wages in accordance with this Determination becoming due to him or her, but not later, sue for the same in any court of competent jurisdiction.

(17) **POSTING DETERMINATION AND NOTICES.**—(a) In each factory in which five or more employees are employed the employer shall provide a notice board in the workroom of each department and the Union shall be permitted to post formal shop and Union notices on such board: Provided that the notices so posted shall be signed by the President, Secretary, or shop steward of the Union.

(b) Every employer shall post and keep posted a copy of this Determination and variations thereto in a place accessible to all employees.

(18) **PAYMENT OF WAGES.**—(a) Employers shall pay all moneys due at least once in each week before knock off time, and not later than Thursday in each week, but this, at the option of each employee, shall not come into effect until three months after the date of the commencement of this Determination, and in the meantime the word "Friday" shall be read instead of the word "Thursday."

(b) Any employee dismissed by his employer and who has worked only a portion of a week shall be paid on ceasing work for all time worked during that week less any deductions that the employer may be lawfully entitled to make hereunder.

(c) Each employer shall be entitled to retain in hand from each employee an amount equal to two days' wages of such employee.

(19) **HOLIDAYS.**—(a) All employees shall be entitled to the holidays hereinafter mentioned or any day observed in lieu thereof without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Christmas Day, Boxing Day.

(b) In the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, Melbourne Cup shall be observed as a holiday in lieu of King's Birthday.

(c) Piece-workers shall be paid for such holidays, even though not worked, at the ordinary rates payable to employees not on piece-work doing the same class of work. The rate shall be one-sixth of the appropriate weekly wage in factories working on six days per week and one-fifth in factories working five days per week.

(d) If an employee's engagement is terminated within two weeks of any of the holidays abovementioned, he or she shall be paid for such holiday or holidays unless he or she commences work with another employer and is paid by such employer for such holiday or holidays.

(e) Where an employee is absent from his or her employment on the working day or part of the working day before or after a holiday without reasonable excuse or without the employer's consent, such employee shall not be entitled to payment for such holiday. The amount to be deducted shall be one-sixth or one-fifth as the case may be of the appropriate weekly wage.

(20) ANNUAL HOLIDAY.—(a) Except as hereinafter provided employers shall in each year commencing with the year 1939 give their employees continuously employed as defined a holiday from and after the day observed as Boxing Day to the 31st of December inclusive, and shall pay wages for ordinary working days included in that period. Piece and bonus workers receiving such holiday shall be paid time work rates.

(b) Employees entitled to such holiday and required to work during that period shall be given a week's holiday on full pay at some other time during the year, or if dismissed from employment before receiving such holiday shall be paid an extra week's wages on dismissal.

(c) "Continuously employed" for the purpose of this clause means employed (breaks arising from slackening of work being reckoned as being employed) for the six months immediately preceding the 25th day of each December. Any employee dismissed during the three weeks immediately preceding the 25th day of December shall be entitled to payment of one week's wages for such annual holiday.

(21) CONTRACT OF EMPLOYMENT.—(a) Employment shall be terminable on either side by a week's notice given at any time during the week, or if terminated without notice by (1) the employer by payment of one week's wages, or (2) by the employee by payment of two days' wages.

(b) This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases wages shall be paid up to the time of dismissal only: Provided that the employer may deduct payment for any day or part thereof on which an employee cannot be usefully employed because of any stoppage of work by an organization or groups of employees or through any breakdown of machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible, and may deduct two days' payment for any day or part thereof on which an employee is absent from duty from any cause whatsoever (except sickness or accident) without the consent of the employer.

(c) An employee absent through illness or accident shall not be entitled to payment for more than four days in any one year. For this purpose a year shall commence on the 15th day of October. An employee before becoming entitled to sick pay shall, if required to do so by the employer, produce a doctor's certificate or other sufficient evidence of sickness.

(d) This clause shall not come into operation until two weeks after the commencement of this Determination.

(e) Casual employees, that is employees for whom a full week's work is not provided, may be employed and shall be paid 10 per centum in addition to the total wages prescribed for their occupation.

(22) TRAVELLING TIME.—Any employee sent to work at a place other than his or her ordinary place of employment shall be paid all fares and out of pocket expenses incurred in going to or from such place of employment, and shall, if the travelling is done outside ordinary hours, be paid at ordinary rates for the time spent in travelling with a maximum of eight hours per day.

(23) REST PERIOD.—A rest period of ten minutes shall be given to all female employees between the hours of 9.30 a.m. and 11.30 a.m. The interval shall be counted as time of duty without deduction of pay. During such period the employees may leave their seats but not the premises.

(24) REST ROOM.—In factories where ten or more female employees are employed, a properly ventilated rest room shall be provided for the use of such female employees where reasonably practicable. It shall contain a suitable couch and seating accommodation.

(25) DINING ACCOMMODATION.—(a) In factories where five or more employees are employed, and it is or becomes reasonably practicable so to do, a separate room or portion of the factory or workshop shall be set aside by the employer as a dining room and therein the employer shall provide adequate table and seating accommodation.

(b) Hot water shall be provided free of charge, to be available to employees immediately meal time commences.

(c) The employer shall provide the necessary labour to keep such room clean.

(d) If such dining room is not regularly used by a reasonable number of the employees, the employer shall be released from his obligations under sub-clauses (a) and (b) hereof.

(26) FIRST-AID OUTFIT.—(a) The employer shall provide and continuously maintain an efficient first-aid outfit in each factory controlled by him.

(b) An efficient first-aid outfit shall be that prescribed by the Factories and Shops Acts and the Regulations thereunder, but in cases where there is no legislation on the subject, the first-aid outfit shall contain the following equipment:—

| Article. | Quantities to be kept in Ambulance Chest. | |
|--|---|---|
| | Factories and workshops in which not more than 30 persons are employed. | Factories and workshops in which more than 30 persons are employed. |
| Antiseptic solution | 1 bottle | 1 bottle |
| Bandages, cotton and gauze | ½ dozen assorted sizes | ½ dozen assorted sizes |
| Iodine, tincture | 1 oz. | 2 oz. |
| Castor oil | 1 oz. | 2 oz. |
| Manual, first-aid. | | |
| Petrolatum, carbolicised | 1 jar | 1 jar |
| Picric acid solution, made according to the following recipe or prescription:— 1½ teaspoonful of powdered picric acid; 3 oz. absolute alcohol; 2 pints distilled water. | | |
| Pins, safety | 1 packet | 1 packet |
| Sal volatile | 1 oz. | 6 oz. |
| Scissors | 1 pair | 1 pair |
| Tourniquet | 1 | 1 |
| Cotton, absorbent | An adequate assortment | An adequate assortment |
| Gauze, sterilized and plain | | |
| Lint, absorbent | | |
| Plaster, adhesive | | |

(27) UNION BUSINESS.—Officers or members of the Union or any branch thereof may leave their work to attend to the business of the Union after at least three days' notice has been given to the employer, but without being paid while absent.

H. J. RICHARDSON, J.P., Chairman.

E. G. WILLIAMS, Secretary.

Melbourne, 8th May, 1940.