



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 220]

THURSDAY, JUNE 6.

[1940

Factories and Shops Acts.

DETERMINATION OF THE PAPER BAG TRADE BOARD.

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portion of the City of Sandringham as is not included within the said District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed either inside or outside a factory or work room in the process, trade, or business of a maker of paper-bags," has made the following Determination, namely:—

(1) That on the 23rd May, 1940, the adjusted Determination which came into force as from the beginning of the first pay period to commence in December, 1939, shall be revoked and replaced by this Determination.

(2)

| First Column. Number of Rate. | Second Column. Description of Employment. | Third Column. Weekly Wage. |
|---|---|-------------------------------|
| <i>Table "A"—Adult Males.</i> | | |
| 1 | Guillotine machine operator | £ s. d. 4 14 0 |
| 2 | Paper bag machinist | 4 18 0 |
| 3 | Storeman | 4 8 0 |
| 4 | Packer and/or despatcher | 4 8 0 |
| 5 | Any other adult male | 4 2 0 |
| 6 | An employee working on a night shift for a week shall be paid 12s. extra for such night shift work; if he works less than a week he shall be paid <i>pro rata</i> for the hours worked by him | |
| <i>Table "B"—Adult Females. (Including non-adult females of at least five years' experience.)</i> | | |
| 1 | Female head packer when employed as such | 2 10 6 |
| 2 | Packer | 2 7 6 |
| 3 | Female hand-made paper bag maker | 2 7 0 |
| 4 | Female machine minder controlling machine | 2 8 6 |
| 5 | But if with stringing attachment and without assistance | 2 9 6 |
| 6 | Female working at a machine and threading paper, looking after paste boxes, or catching and stacking bags by machine | 2 7 0 |
| 7 | A female employee in charge of or who supervises, directs, or is responsible for the work of— | |
| | (a) from three to eight employees (both inclusive) | 2 14 0 |
| | (b) from nine to fifteen employees (both inclusive) | 3 0 0 |
| | (c) over fifteen employees | 3 6 0 |
| 8 | Female employee not otherwise specified .. | 2 4 6 |

FEMALE TO BE PAID MALE RATE.

(3) Where a female is employed to do any work specifically named or described or of the class mentioned in Table "A" which is not specifically named or described in Table "B" she shall be paid the rate which is prescribed for the male; provided that this clause shall not apply to any individual female employee in respect of work which at the date of coming into operation of this Determination was being done by her, and for which no marginal rate for females is herein specifically prescribed.

RATES FOR JUNIORS.

(4) Where the work is performed by a male junior, not being an apprentice—

| | Per week. £ s. d. |
|---|----------------------|
| 1. Under 15 years of age | 0 18 6 |
| 2. Between 15 and 16 years of age | 1 0 6 |
| 3. " 16 " 17 " " | 1 6 0 |
| 4. " 17 " 18 " " | 1 15 6 |
| 5. " 18 " 19 " " | 2 4 6 |
| 6. " 19 " 20 " " | 2 14 0 |
| 7. " 20 " 21 " " | 3 3 0 |

8. A junior working on a night shift for a week shall be paid 9s. extra for such night shift work; if he works less than a week he shall be paid *pro rata* for the hours worked by him.

Where the work is performed by a female junior—

| | Per week. £ s. d. |
|-----------------------------------|----------------------|
| 1. First year's experience | 0 18 6 |
| 2. Second year's experience | 0 19 6 |
| 3. Third year's experience | 1 4 0 |
| 4. Fourth year's experience | 1 8 6 |
| 5. Fifth year's experience | 1 17 6 |

6. And thereafter the minimum wage prescribed for females for the class of work which she is doing.

7. A female junior entering the industry in her eighteenth year or later shall receive the foregoing rate appropriate to her experience and not less than 5s. per week extra until she reaches the age of 21 years, when she shall be paid the minimum wage prescribed for females for the class of work which she is doing.

8. In the above provisions as to work performed by females, "experience" means experience in the industry, including experience in the employ of more than one employer, and any female employee mentioned in such provisions on leaving or being discharged from her employment shall be entitled to a certificate from her employer stating the date when such employment began and the date of its termination duly signed or otherwise authenticated by the employer. Such certificate shall be the property of the employee and shall be returned to her by any subsequent employer within seven days of her engagement.

LIMITATION OF EMPLOYMENT OF JUNIORS.

(5) (a) No department shall be manned exclusively by juniors.

(b) Not more than two male juniors shall be employed to each male adult employed as a weekly employee in each department.

(c) No junior, under 18 years of age, shall be employed on a power-driven guillotine.

(d) In all parts of the industry, juniors shall be given reasonable opportunities to become proficient in different classes of work, and shall be taught higher grade work as they progress in the knowledge of their work.

HOLIDAYS.

(6) (a) An employee shall be entitled to be absent from his employment without deduction of pay on any holiday. In this Determination "holiday" means the day observed as any of the following days: New Year's Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Christmas Day, Boxing Day, Australia Day, King's Birthday, and Melbourne Cup Day.

(b) An employer shall not terminate the employment of a weekly employee for the purpose of evading payment for the holidays prescribed by this Determination.

(c) Where an employee is dismissed within one week before any holiday (or within one week before the first day of several holidays) his re-engagement by the same employer within one week after such holiday (or, as the case may be, within one week after the last day of such several holidays), shall be prima facie evidence that his employment was terminated in breach of sub-clause (b) hereof.

(d) Where the employer terminates the employment within one week of a day on which a holiday occurs, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee had been employed by the employer for a period of at least one week prior to the termination of the employment.

(e) Where an employee is absent from his or her employment on the day before or the day after a public holiday without reasonable excuse or without the consent of the employer, the employee shall not be entitled to payment for such holiday.

(f) The wage payable to a weekly piece-worker under this clause shall be that fixed for a time worker in the same occupation. A junior male shall be paid the time wage appropriate to his age and a junior female the time wage appropriate to her years of experience, provided that a female worker of more than five years' experience shall be deemed to be an adult for the purpose of computing the amount payable to her under this clause.

(g) The provisions of this clause (6) shall apply only to weekly employees.

CONSTANT SERVICE LEAVE OR BONUS.

(7) (a) In addition to the holidays provided for by clause (6) hereof, an employee, whether a time-worker or a piece-worker, who remains in the service of the same employer for at least a year shall, if the employment has not been terminated, be entitled to one day's leave of absence on full pay for every period of two complete consecutive calendar months comprised in his service in respect of which he has not already received leave or bonus hereunder.

(b) The employer shall have the right to fix the time when such leave will be given, but must fix a time so that the leave then accrued due will be wholly given in one continuous period within fifteen months after the beginning of the period of service in respect of which the leave is due, and if he does not so fix the time or so give the leave he shall, for each day of leave then due, forthwith give the employee two days' leave of absence on full pay.

Provided that the employer may, if he think fit, give at any time in advance the period of six or seven days' continuous leave on full pay prospectively due in respect of the six or seven (as the case may be) periods of two months' service comprised within such fifteen months.

Provided further that if the leave be given so that the employee is freed from work for the employer throughout the seven days of a week or throughout a period extended to more than such seven days by reason of holidays as provided in sub-clause (c) hereof, the leave comprised within such seven days or within such extended period shall for the purposes of this clause be deemed to be six days' leave.

(c) Where any of the holidays provided for in clause (6) hereof so falls in the week as in the ordinary course to entitle an employee to be paid in respect of that holiday although he does not work thereon, and that holiday happens to fall within that employee's period of leave of absence, the days in that period shall be reckoned in addition to that holiday.

(d) Any employee who voluntarily leaves or is discharged from his employment after he has been in such employment for at least six complete consecutive calendar months shall be paid a bonus of one day's pay for every period of two complete consecutive calendar months comprised in his service in respect of which he has not already received leave or bonus hereunder, the day's pay to be at the ordinary rate for the class of work usually being done by the employee about the time when he so leaves or is discharged.

Provided that where leave of absence for two instead of one day should have been given in pursuance of sub-clause (b) hereof and has not been so given, such employee shall be paid a bonus of two days' pay in respect of each day of leave of absence that has not been so given.

(e) If the employee is a piece-worker the pay to be given for the period of leave of absence or as a bonus where leave is not given shall be at the rate fixed for a time-worker doing the same class of work as that of the employee.

(f) Where the employer is a successor or assignee or transferee of a business if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee, the employee in respect of the period during which he was in the service of the predecessor shall for the purposes of this clause be deemed to have been in the service of the employer.

(g) In this clause employee means either a male or female employee, and the clause shall be construed accordingly.

(h) For the purposes of this clause the service shall be deemed to have continued and to continue unbroken and constant notwithstanding any interruption or determination of the employment by the employer if such interruption or determination has been or be made merely with the intention of avoiding obligation hereunder in respect of leave of absence or bonus.

(i) For the purposes of this clause, calendar months shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question, and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month, and, if there be no such day in such subsequent month, shall be reckoned as ending at the end of such subsequent month.

Provided that persons in employment on the 1st day of January, 1938, shall for the purposes of this clause be deemed to have commenced their service on that date.

(j) This clause shall come into operation on the 1st day of January, 1938.

(k) On application by any employer, this Wages Board, if satisfied that, because of the economic position of any part of the industry to which this Determination applies, injury to such part will be caused by the operation of this clause, may postpone or suspend such operation for such time as it may think fit.

(l) (i) Notwithstanding anything appearing elsewhere in this clause an employer who gives to an employee leave of absence with full pay throughout the interval of time between the expiration of the day observed under this Determination as the Boxing Day holiday and the resumption or continuation of the employer's operations after the day observed under this Determination as the New Year's Day holiday, shall be deemed thereby to fulfil all obligations to that employee under this clause in respect of six of the periods of two complete consecutive calendar months referred to in sub-clause (a) of this clause.

(ii) Such six periods may be either past, present, or future at the time when such leave is given but shall not include any period as to which the employer's obligations to the employee under this clause have been otherwise fulfilled.

(iii) Any employee who is not given leave in pursuance of paragraphs (i) and (ii) hereof shall be entitled to the benefit of sub-clauses (a) to (k) of this clause, but, if during any part of the interval of time referred to in paragraph (i) hereof, the employer does not carry on work in his establishment and does not require the employee to work, the employee shall be deemed to forgo and not to be entitled to payment of wages in respect of such part.

FEMALES NOT TO OPERATE MACHINES.

(8) A female shall not be required or permitted to operate any guillotine machine.

REST INTERVAL FOR FEMALES.

(9) There shall be an interval of ten minutes at a time fixed by the employer between 10 a.m. and 11 a.m. for rest on each day, Monday to Saturday inclusive, in each week for each female employee on time work or on piece-work, such time to count as time worked. Reasonable facilities shall be provided by the employer for the employee to have refreshments during such interval if the employee so desires.

FIVE-DAY WEEK.

(10) When the employer desires, to work the ordinary working hours in a five-day week, he may do so. The employer and the employees may thereupon agree upon the hours of commencing and finishing work with a starting time not earlier than 7.30 a.m., and a finishing time not later than 6 p.m., and in the event of such agreement being made, the hours so agreed shall be substituted for the hours fixed by this Determination, notwithstanding anything to the contrary contained in clauses (11) (b), (13) (b), and (c), and (13) (h) hereof. In default of agreement, such hours may be decided by this Wages Board.

HOURS.

(11) (a) The day-work hours of duty of employees shall not exceed eight hours on Monday to Friday inclusive and four hours on Saturday, and shall not exceed 44 hours in any week, to be worked between 8 a.m. and 6 p.m. on Monday to Friday inclusive, and between 8 a.m. and noon on Saturday.

(b) The daily working hours of each office shall be conspicuously displayed in each workroom, and shall continue unchanged until altered by agreement between the employer and his employees, and in default of such agreement, as settled by this Wages Board.

NIGHT WORK.

(12) (a) Night-shift work is work other than overtime work done between the hours of 6 p.m. and 8 a.m.

(b) The hours of duty for night-shift workers shall not exceed 44 per week, to be worked within ten hours a shift on Monday to Friday inclusive.

(c) The hours of commencing and finishing duty on each shift, of all employees on night shift or unusual shift, shall be arranged between each particular employer and his employees, and, in default of such agreement, as settled by this Wages Board.

(d) A female employee or an employee under seventeen years of age shall not perform night-shift work.

(e) On any day when the hours of any night shift overlap the day-shift hours, the night-shift hours shall be observed, and the night-shift wage shall be paid for such day.

OVERTIME.

(13) (a) All overtime rates earned by an employee shall be paid in full, and no deduction shall be made from such overtime rates by reason of any time not worked by such employee.

(b) All duty performed by time-workers in excess of or outside the hours mentioned in clauses (11) and (12) hereof, or in excess of the hours of a shift, shall be overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(c) All duty performed by piece-workers in excess of or outside the hours mentioned in clauses (11) or (12) hereof, or in excess of the hours of a shift, shall be overtime, and shall be paid for at the rate of rate and a half for the first three hours and double rate thereafter.

(d) (i) Where a weekly time-worker works on any day of his annual leave or on any public holiday mentioned in clause (6) hereof when he is entitled to be away from his employment, he shall be paid therefor at not less per hour than the hourly rate of his weekly wage, in addition to the weekly wage, and shall be given not less than four hours' work, or pay equivalent thereto.

(ii) Where a weekly piece-worker works on any such day of annual leave, or on any such public holiday, he shall be paid therefor one day's pay of the corresponding time-worker and the usual piece-work rate or rates for work done by him. He shall also be provided with at least four hours' work, and in the event of insufficient piece-work being provided to keep him continuously employed for such four hours he shall be paid for any non-working time at the time-worker's ordinary hourly rate.

(iii) Should a weekly time-worker, or weekly piece-worker, who has worked on a holiday within the hours of his ordinary working day, work on such holiday before the ordinary hour of commencing work or after the ordinary hour of finishing work, he shall be paid double the ordinary time-work rate or double the ordinary piece-work rate, as the case may be, for the hours worked before the ordinary hour of commencing work or after the ordinary hour of finishing work.

(iv) This sub-clause (d) shall, with the necessary changes, be read to apply equally to a night worker as to a day worker.

(e) (i) Double time or double rate shall be paid for all work done on Saturday afternoon, and (with a minimum of four hours' work or pay equivalent thereto) on Sunday.

(ii) Where the hours of the ordinary working week are worked within five days any work done on the sixth day shall be paid for at time and a half or rate and a half for the first four hours worked before noon and at double time or double rate thereafter.

(iii) Where the hours of the ordinary working week are worked within five night shifts, any work done on the sixth night shift shall be paid for at double time or double rate.

(f) An employee, if called upon to work overtime in excess of one hour after the usual finishing time of any shift, shall be paid for two hours' work at overtime rates at the least. Where notice of overtime in excess of one hour has not been given to an adult male employee during the previous shift, or where notice of overtime has been given to him, but overtime has not been worked, 2s. shall be paid as an allowance for tea money. The same allowance shall be made for each meal reasonably occurring during such overtime work. Where any junior or female is required to work overtime, or is given notice of overtime and such overtime is not worked, 1s. shall be paid as an allowance for tea money. The same allowance shall be made for each meal reasonably occurring during such overtime work.

(g) Any employee required to work more than six consecutive shifts without a clear interval of 36 hours after the sixth shift shall be paid double rates for all work performed by him after the sixth shift until he shall have had such clear interval of 36 hours between shifts.

(h) No employee under 16 years of age shall be employed on overtime. No employee under 17 years of age, nor any female shall be on duty in any event before 8 a.m. or later than 9 p.m. on any working day, subject to clauses (10) and (11) (a) hereof.

(i) An employer shall not require or permit any female employee to work overtime after 6 p.m. unless at least one other female person is working with her.

(j) An employer shall not require or permit an employee to work overtime or on night shift in connexion with power-driven machinery unless he works in company with at least one other person.

(k) One hour's time at the least, in addition to the actual time worked and/or the time the employee is required to stand by for work shall be paid for as a "call" to any employee brought in to do any work not in the ordinary working hours, such to be paid for at the rate of time and a half or rate and a half, except on Saturday afternoon, and on Sunday, when double time or double rates shall be paid.

EMPLOYED MISSING USUAL CONVEYANCE.

(14) Whenever the finishing time of any employee working overtime or working on any temporary night shift is such as to cause him to miss the usual means of conveyance home, he shall be conveyed home in a suitable manner, without delay, at the expense of the employer.

MEAL PERIOD.

(15) (a) The minimum time allowance for meals shall be three-quarters of an hour, and the maximum allowance one hour. Provided that an employer and a majority of not less than three-fourths of his employees may agree to a reduced period, but not less than half an hour.

(b) No employee shall be compelled to break shift except for meals, and no shift shall exceed five hours without a break for meals.

(c) Where an employee is required to work during his usual meal period he shall be paid one-half extra on the hourly rate of his weekly wage for the time so worked, and be allowed his usual meal period as soon as it can be arranged.

(d) The lunch period of any employee shall be between the hours of noon and 2 p.m.

TERMS OF EMPLOYMENT AND SICK PAY.

(16) (a) No person shall be employed except as—

- (i) a weekly time-worker; or
- (ii) a weekly piece-worker; or
- (iii) a casual time-worker; or
- (iv) a casual piece-worker.

(b) A weekly time-worker, to become entitled to payment of a weekly wage shall 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) (i) A weekly time-worker not attending for duty shall lose his pay for the actual time lost unless he produces or forwards within twenty-eight hours of the commencement of such absence evidence or a message satisfactory to the employer that his non-attendance was due to personal ill-health necessitating such absence, but notwithstanding that he may be employed by different employers he shall not be entitled to payment for non-attendance on the ground of personal ill-health for more than 44 hours in each year. Such year shall begin on the date on which this Determination came into force.

(ii) A weekly piece-worker shall be excused from presenting himself for employment at the proper time and place each day because of personal ill-health and shall be paid at the corresponding time-worker's wage for the period of ill-health in all respects as if during such period he had been a weekly time-worker employed on such days and during such hours as are usually worked by time-workers upon any day shift, and he shall comply with and be subject to the conditions for time-workers prescribed in paragraph (i) hereof.

(iii) If an employer within 48 hours after the receipt by him of a written message sent by (or on behalf of) an absent employee, alleging that his absence is due to personal ill-health, fails to despatch or give to the employee a written notice that he does not accept the message as satisfactory evidence of the facts alleged by it, it shall be deemed to be prima facie evidence that the absence of the employee was due to personal ill-health.

(iv) If an employer within 48 hours after the receipt by him of such message despatches or gives to the employee a written notice that he does not accept such message as satisfactory evidence of personal ill-health, but requires further evidence, the employee must within a reasonable time furnish such further evidence. If the employer requires the employee to obtain a medical certificate or other proof of personal ill-health, he shall pay or refund any fee and incidental expenses necessarily paid or incurred by the employee. The employee shall submit to medical examination at the employer's expense if so required, and shall not obstruct or interfere with inquiries deemed to be necessary by the employer.

(v) If an employer rejects a claim for sick pay this Wages Board shall have power, upon application by the Printing Industry Employees Union of Australia, or by the employee concerned, to hear such claim, and to make such order thereon as it thinks appropriate; and the employee, if required to attend this Wages Board on the hearing of his claim, shall, if his claim succeeds, but not otherwise, be entitled to be paid by the employer for the time of his attendance, if a time-worker, at his usual rate, or if a piece-worker, at the corresponding time-worker's rate.

(vi) In any case where the period of 48 hours referred to in paragraphs (iii) and (iv) hereof expires after the finish of the last working day in the calendar week, or on a public holiday, the period shall be deemed to extend to noon of the next ordinary working day, and in any case where illness commences after the finish of such last working day the said period of 48 hours shall be deemed to commence at the starting hour of the next ordinary working day.

(d) A weekly piece-worker is a piece-worker engaged as a weekly employee. The following conditions apply to the employment of a weekly piece-worker:—

(i) On each working day or night of the week he shall present himself for employment at the usual time for beginning work at the place of business of the employer unless informed before leaving work by the employer that his attendance on any day or any night is not required.

(ii) If he has not been informed as provided in the foregoing paragraph, and actually presents himself on any such day or any such night he shall receive not less than four hours' continuous employment or be paid for such four hours (or any part of such four hours as would be non-working time) at the appropriate rate for a time-worker. Provided that a weekly piece-worker on day work working on a Saturday shall receive not less than three hours' work or be paid for such three hours (or any part of such three hours as would be non-working time) at the rate aforesaid, and his shift shall finish not later than noon.

(iii) (1) The provisions of this paragraph (iii) shall have full force and effect notwithstanding anything contained in this Determination.

(2) In this paragraph the words "the corresponding time-worker" mean—

(a) As to an adult male, as defined by clause (31) (d) hereof—an adult male weekly time-worker employed in the same calling as the weekly piece-worker who is concerned;

(b) As to an adult female, as defined by clause (31) (d) hereof—an adult female weekly time-worker employed in the same calling as the weekly piece-worker who is concerned; and

(c) As to a male junior—a male junior weekly time-worker of the same age employed in the same calling as the weekly piece-worker who is concerned; and

(d) As to a female junior or any female of less than five years' experience—a female junior weekly time-worker of corresponding experience employed in the same calling as the weekly piece-worker concerned.

(3) For any week in which he has worked the full hours of duty, the weekly piece-worker shall be paid at least the corresponding time-worker's wage.

(4) For any week in which, though he has complied with the provisions of paragraph (i) hereof, he is not required to work the full hours of duty, he shall be paid for that week the corresponding time-workers' wage.

(5) If in any week there occurs a public holiday, as provided in clause (6) hereof, upon which the weekly piece-worker is not required to work, he shall be paid, in addition to his aggregate piece-work earnings for that week, a sum equivalent to that paid to the corresponding time-worker for such public holiday.

(iv) Notwithstanding anything in this Determination contained, lateness shall not, except as in this condition provided, affect the right of a piece-worker to the benefits of this sub-clause (d). A piece-worker's earnings shall not be subjected to deduction for lateness or lost time unless such lateness or lost time would cause an employer to make a payment which he otherwise would not be required to make. Subject to this condition, where a piece-worker is late or loses time on any day he shall be subject only to such a deduction from any moneys due to him as is proportionate to the time actually lost by him.

(c) (i) The employment of a weekly time-worker or piece-worker may be terminated by a week's notice on either side or by the employer at his option by payment of a week's wages in lieu of notice and such notice may be given on any day of the week to take effect one week after the day on which it is given. 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 case wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot usefully be employed because of any strike of the Printing Industry Employees Union of Australia, or any other union, or through any breakdown of machinery or any stoppage of work for any cause for which the employer cannot be held responsible.

Provided always that the notice referred to in this paragraph shall not be given so as to take effect concurrently with any constant service leave to which the employee may be entitled, and such notice or payment in lieu of notice shall be additional to any bonus payable to the employee under clause (7) of this Determination.

(ii) In the event of work being temporarily stopped by a breakdown of machinery, or by any cause for which the employer cannot be held responsible, and the employee has lost at least two days' pay the employee, whether a weekly time-worker or weekly piece-worker, may inform the employer of his intention to terminate his employment, whereupon the employment shall be terminated without the employee being required to give the week's notice mentioned in paragraph (i) hereof, and he shall be paid such moneys as are due to him under this Determination.

(f) Where a weekly piece-worker gives or receives a week's notice of the termination of his employment, he shall during the week that such notice runs, be given the same amount of piece-work as it has been customary for him to perform during the period of his engagement.

(g) If an employee's services be terminated during the course of the week, he shall be paid all money due to him at the termination of his service, or all money due to such employee shall be forwarded to him by post within 24 hours thereafter. Without prejudice to his liability to legal proceedings in respect of such non-observance, an employer not observing this provision shall pay such employee an extra full day's pay for each day after the employer's usual pay day upon which he applies at the employer's place of business for payment of the amount due to him, and does not receive it.

CASUAL EMPLOYEES.

(17) (a) An employer when engaging a person for casual employment shall inform him then and there that he is to be employed as a casual. Except where this is done the employee shall be a weekly time-worker or weekly piece-worker. A casual employee, after two weeks of continuous employment as a casual employee, shall become a weekly time-worker or weekly piece-worker.

(b) If a casual employee commences duty on any day, or is directed to attend for duty and actually attends on any day, such employee, if a time-worker, shall in respect of such day be paid at the rate herein provided and for six hours (either day or night) at the least, except on Saturday, when he shall be paid for three hours at the least, and if a piece-worker, shall, in respect of such day, be given four hours' work at the least, or paid for four hours (or any part of such four hours as would be non-working time) at the appropriate rate for a time-worker, except on Saturday, when he shall be given three hours'

work at the least or paid for three hours (or any part of such three hours as would be non-working time) at the corresponding time-worker's rate.

(c) A casual employee, whether working at piece-work or time-work, and whether working on day or night shift, shall be paid for such work the piece-work rate or the hourly rate prescribed for such work, with the addition of 12½ per cent.

(d) A casual employee, when working overtime, shall have his rate of pay as a casual employee increased by the same proportion (e.g., one-half, or double, as the case may be) as the weekly worker's rate applicable to the class of work done by the casual employees directed to be increased under this Determination for work done on overtime, with the addition of 12½ per cent.

MIXED FUNCTIONS.

(18) Where during any day a time-worker or piece-worker is employed on work requiring the performance of functions involving different rates of wages prescribed by this Determination, the minimum rate of wage to be paid to the employee for that day shall be calculated as if the employee performed such only of the said functions as involved the highest rate of wage.

PIECE-WORK.

(19) (a) The piece-work rates payable to adults and juniors shall be uniform and not differential.

(b) When an employee is employed upon piece-work to perform any of the functions or duties for which a time wage is fixed by this Determination, and for which a piece-work rate is not fixed, then the minimum piece-work rates for such work shall be so calculated by the employer that an average adult worker may earn at the least at such piece-work rate, if employed during the hours fixed for work for time-workers, a sum equal to such time-worker's wage, with the addition of 12½ per cent., and such piecework rates shall be notified to the employee before the work is commenced by him. All such piece-work rates so fixed shall be posted and kept posted in a conspicuous and easily accessible place in the workroom. Any such rate which provides a wage not less than that stipulated herein for an average adult worker, and which has been in operation for one month, shall remain unchanged unless a change is agreed to by the Printing Industry Employees Union of Australia, or is made by this Wage Board.

(c) No undue advantage shall be given to one piece-worker over another. This provision applies to the quantity and to the classes or quality of work to be supplied to the employee.

(d) Piece-workers required to clean bench, glue board or table, or floor, or any machine, shall be paid for the time he or she is occupied on such work at the rate provided herein for time work for the class of work on which the employee is usually employed.

(e) Piece-workers shall have their work counted out for them and so arranged in a convenient place that no time will be lost. Glue, paste, and all other essentials shall be provided by the employer in proper condition to permit of the work being facilitated, and such materials shall be of good average quality.

(f) (i) The piece-worker shall be provided with a book in which the piece-worker is to enter the work performed by such piece-worker in such a manner as to clearly set out each and every operation performed by such piece-worker.

(ii) To the entries made as set out in the foregoing paragraph the employer shall affix the correct price of the work in ink, and shall return the book to the employee at the end of each day's work or within four hours of commencing work on the following day.

(iii) The piece-worker shall be entitled to take away such book at the end of each day's work, but shall bring such book back to the factory when arriving at the factory to commence work each day. Such book shall be and remain the property of the piece-worker.

(iv) All waiting time shall be entered in such book by the piece-worker.

(v) Nothing in this sub-clause (f) shall operate to prevent an employer from having his own book or other form of record for his own purposes kept in any manner he may desire, and in such book or other form of record he may require the piece-worker to make such entries as he deems to be necessary.

(g) When piece-workers are kept waiting for work or any materials, all waiting time shall be totalled up when the day's work is finished, and paid for at not less than the corresponding time-worker's rate. A piece-worker shall be deemed to be waiting for work unless directed not to remain on the employer's premises for work.

(h) A weekly piece-worker of more than five years' experience in the branch of the industry in which he or she is employed shall not for any other reason than inefficiency be changed to time-work (1) unless paid the corresponding time-worker's hourly rate with 12½ per cent. in addition; or (2) unless given one week's notice by the employer of his intention to require him or her to work as a time-worker.

(j) No system of payment by results other than that authorized by this Determination shall be permitted unless agreed to by the Printing Industry Employees Union of Australia or sanctioned by this Wage Board.

(k) Any system of payment by results in operation at the commencement date of this Determination may continue to operate, provided that its terms shall be posted in a conspicuous place in each workroom in which the work is being done, and kept posted. The terms of any such system may be changed from time to time with the consent in writing of the said Union or by this Wage Board. Any such system when discontinued shall not be revived, except as provided in sub-clause (j) herein.

WAGES AND PAY DAY.

(20) Subject to clause (16) (c) hereof, an employee shall be paid his wages on Thursday or Friday in each week, and not more than two days' pay shall be kept in hand by the employer.

WORK NOT TO BE TAKEN OFF EMPLOYER'S PREMISES.

(21) No work shall be taken off the employer's premises to be executed by any employee.

TIME BOOK.

(22) (a) Each employer shall keep a time and wages book, correctly and fully written in ink, showing the name of each employee, and his occupation, the hours worked (including overtime) each day or night, and in respect of waiting time paid for under clause (19) (g) hereof the time of the commencement and the ending of each period of waiting time, and the wages, overtime, and allowance paid each week: provided that the employer may at his option use a mechanical clock in lieu of a time book for the purpose of recording the time of each employee. The book, or, when a clock is installed, the time cards, shall be open for inspection by a duly accredited official of the Printing Industry Employees Union of Australia, or of the employer's employees, during the usual office hours at the office or other convenient place. The inspecting official shall be entitled to take and carry away a copy of any entry in such book or time card, and may in any relevant proceeding tender such copies in evidence. Every book or time card kept or made under this clause shall for at least twelve months after the making of any record thereon be kept by the employer at his place of business and shall be there open for inspection under this clause.

(b) Twenty-four hours' notice of the intention to inspect the time book shall be given to the employer whose book is to be inspected.

AUTHORIZED PERSON MAY ENTER FACTORY.

(23) (a) (1) The secretary-treasurer of the Printing Industry Employees Union of Australia, and

(2) The secretary of the appropriate branch or sub-branch thereof of the said union, or

(3) An officer of the appropriate branch or sub-branch thereof of the said union accredited in writing by the secretary of the branch,

shall have power to enter and inspect during working hours any part of a printing factory or workshop in which any piece-work operation is being carried on, and to interview the employees in regard to piece-work rates and conditions of employment.

(b) At least four hours' notice shall be given to the employer or his representative by any such person or persons prior to his or their actual going on the premises, and the employer shall be notified of his or their arrival, and he or his representative shall be entitled to accompany any such person or persons, and shall provide access to the wages book and time sheet and records of any piece-work employee. Upon request of the said person the employer or his representative shall produce any work or part of any work done or in the course of being done by a piece-work employee. The work and duties of the employees shall be interfered with as little as possible by any such person.

UNION OFFICIAL VISITING FACTORY.

(24) Duly accredited representatives of the Printing Industry Employees Union of Australia shall have the right to

enter employers' working establishments during the midday meal time for the purpose of interviewing employees on legitimate union business, on the following conditions:—

- (a) That the representative produces his authority to the employer or his representative.
- (b) That the representative interviews employees only at places where they are taking their meals.
- (c) That not more than two such representatives shall at any one time visit or be in any one working establishment, and if there are two representatives they shall both be there at the same time.
- (d) That if a working establishment shall have been visited by any such representative during a week it shall not be visited afterwards during the same week by any such representative.
- (e) That if any employer alleges that a representative is unduly interfering with his working establishment, or is creating disaffection 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 said union shall have the right to bring such refusal before this Wages Board which may thereupon rescind or otherwise deal with such refusal.

UNION DELEGATE.

(25) Not more than two delegates, chosen by and from the employees of an employer, shall be allowed the necessary time in working hours to interview the employer or his representative for the purpose of submitting grievances. If the members so chosen be piece-workers they shall be paid for such time the time-worker's wage in their branch of the industry.

SEATING PROVISION.

(26) (a) Any male employee whose work requires him to be seated shall be provided with a reasonably comfortable seat.
 (b) Any female employee whose work permits of her being seated or requires her to be seated shall be provided with a reasonably comfortable seat.

DETERMINATION, ETC., TO BE POSTED.

(27) A copy of this Determination shall be kept posted in a prominent place in each workroom where it may be read by employees. The Printing Industry Employees Union of Australia shall be permitted to post notices as to union meetings on a board at each establishment in a reasonable manner.

HEALTH NOTICES.

(28) Notices containing advice for the preservation of the health and protection of workmen, if provided by the Printing Industry Employees Union of Australia, shall be kept prominently posted and displayed in all workrooms by the employer.

HEALTH PROVISIONS.

(29) (a) Dry cleaning shall not be permitted or carried out in any printing factory, workshop, or place. All establishments and workshops shall be efficiently ventilated.
 (b) The employer shall provide a suitable place for employees to wash their hands.
 (c) Proper facilities shall be provided by the employer so that the clothing of employees taken off during working hours may be protected from the dust of the workroom.
 (d) Where artificial light is in use, effective shades shall be provided by the employer to prevent eye strain. Artificial light shall be so situated as to enable the employee to work without unnecessary strain to the eyes.

FIRST-AID CHEST.

(30) The employer shall provide a first-aid chest, which shall be a suitable dust-proof receptacle, made of either metal or wood, for the use of the employees, in some accessible

place. Such chest shall be equipped and supplied with the following articles, namely:—

| Article. | Quantities to be Kept in Ambulance Chest in— | |
|---|---|---|
| | Factories and Workshops in which not more than 30 Persons are Employed. | Any Factory or Workshop in which more than 30 Persons are Employed. |
| Antiseptic solution | 1 bottle .. | 1 bottle |
| Bandages, cotton and gauze .. | ½ doz. assorted sizes .. | 1 doz. assorted sizes |
| Castor oil | ½ ounce .. | 2 ounces |
| Iodine, tincture of | 1 ounce .. | 2 ounces |
| Manual, First-aid .. .. | .. .. | .. .. |
| Petrolatum, carbolized | 1 jar .. | 1 jar .. |
| Picric acid solution, made according to the following recipe or prescription:—1½ teaspoonsful of powdered picric acid, 3 ounces of absolute alcohol, and 2 pints of distilled water .. .. | .. .. | .. .. |
| Pins, safety | 1 packet .. | 1 packet |
| Sal-volatile | 1 ounce .. | 6 ounces |
| Scissors | 1 pair .. | 1 pair |
| Tourniquet | 1 .. | 1 |
| Tweezers | 1 pair .. | 1 pair |
| Cotton, absorbent .. .. | .. .. | .. .. |
| Gauze, sterilized, plain .. .. | .. .. | .. .. |
| Lint, absorbent .. .. | .. .. | .. .. |
| Plaster, adhesive .. .. | .. .. | .. .. |
| | An adequate assortment | An adequate assortment |

INTERPRETATION OF THE DETERMINATION.

- (31) (a) A time-worker's hourly rate for any work for which a weekly rate is prescribed by this Determination shall be ascertained by dividing the weekly rate by the number of hours which constitute the employee's ordinary working week.
 (b) The word "factory" or the words "factory or workshop" shall include every room or place where work in respect of which a wage is prescribed by this Determination is carried out by employees.
 (c) A day's work shall mean work done between the usual hours of commencing and finishing work on any day or night shift, or any mixed day and night shift.
 (d) "Adult male" shall mean (1) any male employee over 21 years of age, or (2) any employee who has completed his period of apprenticeship but is under 21 years of age; and "adult female" shall mean (1) any female employee over 21 years of age, or (2) any female employee of any age who has had five years' experience in the industry.
 (e) A duly accredited or authorized official or person, member of the Printing Industry Employees Union of Australia, shall mean any officer or member of the said union or of the appropriate branch or sub-branch thereof who may be accredited in writing by the secretary-treasurer of the said union or by the appropriate branch secretary, and shall include the said secretary-treasurer and branch secretary. The words "branch secretary" shall mean the secretary of any State Branch of the said union.

PERIODICAL ADJUSTMENT OF WAGES.

(32) The wages rates set out in clause (2) are based upon the following basic wage and base rate, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, this Board hereby determines that the rates for male adults and female adults shall be automatically increased or decreased by the same amounts, and at the same time as such basic wage and base rate.
 The basic wage and base rate, shown hereunder, shall be adjusted as prescribed in clause (33):—

Basic Wage.

| Place. | Basic Wage for Adult Males. | | | Base Rate for Adult Females. | Index Number Set Assigned. |
|--|--------------------------------|---------------------|-------------------|------------------------------|----------------------------|
| | Needs Basic Wage (Adjustable). | Loading (Constant). | Total Basic Wage. | | |
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. | |
| Within the area to which this Determination applies .. | 3 16 0 | 0 6 0 | 4 2 0 | 2 4 6 | Melbourne |

Adjustment of Needs Basic Wage and Base Rate for Adult Females.

(33) (a) Until the beginning of the first pay period to commence in November, 1940, the amounts of the basic wage and of the base rate shall be as prescribed in clause (32).

(b) During each future half-year, beginning with the first pay period to commence in a November or a May, the amounts of the needs basic wage and the base rate for females shall be adjusted by the following method, according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purpose of this Determination the expression "Commonwealth Statistician's retail price index numbers." or any like expression, means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer, or to be signed by or on behalf of the Commonwealth Statistician:—

- (1) The index number set to be applied is that assigned to Melbourne.
- (2) The index number for the six months ending March and September next preceding the half-year for which the adjustment is made is to be ascertained.
- (3) The amounts assigned in the following table (or in any extension thereof) to the index number division comprising that number are to be ascertained.
- (4) The basic wage and base rate shall be of those assigned amounts during such half-year.
- (5) The base rate for adult females shall be ascertained by calculating approximately 54 per cent. of the

male total basic wage as provided in the following table, to be calculated to the nearest 6d., if any.

| Index Number Divisions. | Basic Wage for Adult Males. | | Base Rate for Adult Females. |
|-------------------------|--------------------------------|---------------------------------|------------------------------|
| | Needs Basic Wage (Adjustable). | Total Basic Wage (Loading 6s.). | |
| 784-786 | £ s. d. 3 4 0 | £ s. d. 3 10 0 | £ s. d. 1 18 0 |
| 797-808 | 3 5 0 | 3 11 0 | 1 18 6 |
| 809-820 | 3 6 0 | 3 12 0 | 1 19 0 |
| 821-833 | 3 7 0 | 3 13 0 | 1 19 6 |
| 834-845 | 3 8 0 | 3 14 0 | 2 0 0 |
| 846-858 | 3 9 0 | 3 15 0 | 2 0 6 |
| 859-870 | 3 10 0 | 3 16 0 | 2 1 0 |
| 871-882 | 3 11 0 | 3 17 0 | 2 1 6 |
| 883-895 | 3 12 0 | 3 18 0 | 2 2 0 |
| 896-907 | 3 13 0 | 3 19 0 | 2 2 6 |
| 908-919 | 3 14 0 | 4 0 0 | 2 3 0 |
| 920-992 | 3 15 0 | 4 1 0 | 2 3 6 |
| 933-944 | 3 16 0 | 4 2 0 | 2 4 6 |
| 945-956 | 3 17 0 | 4 3 0 | 2 5 0 |
| 957-969 | 3 18 0 | 4 4 0 | 2 5 6 |
| 970-981 | 3 19 0 | 4 5 0 | 2 6 0 |
| 982-993 | 4 0 0 | 4 6 0 | 2 6 6 |

Any extension of this table must be of the same construction as the table.

(c) The weekly earnings of a piece-worker shall be increased or decreased in the following manner:—

At the end of each working week, the aggregate earnings of the piece-worker for such week shall be ascertained according to the piece-work provisions of this Determination, and where the piece-worker has worked on each and every day ordinarily worked in such week such aggregate earnings shall be increased or decreased by the sum by which in the case of males the basic wage has been increased or decreased, and in the case of females the base rate for adult females has been increased or decreased in accordance with the foregoing provisions of this clause, but where the piece-worker has not worked on each and every day ordinarily worked in such week, then the aggregate earnings shall be increased or decreased by a part of such sum proportionate to the number of days worked calculated to the nearest 1d.

W. W. HARRIS, Chairman.

H. N. JONES, Secretary.

Melbourne, 8th May, 1940.

