



VICTORIA GOVERNMENT GAZETTE.

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[1940

Factories and Shops Acts.

DETERMINATION OF THE NAIL MAKERS 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 which, since the 26th April, 1938, has had the power to determine the lowest prices or rates which may be paid to any person (including storemen, packers, and sorters) employed in the process, trade, or business of—

- (a) making nails;
- (b) weaving wire netting or barbed wire;
- (c) galvanizing;
- (d) drawing wire;

has made the following Determination, namely:—

(1) That on the 29th November, 1940, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices or Improvers.	Juvenile Workers.				Other Employees.	
Wages per Week of 44 Hours.	Wages per Week of 44 Hours.				Wages per Week of 44 Hours.	
—	Day Shift.		Day Shift.		—	Day Shift.
s. d.	s. d.	Weekly Hiring.	Hourly Hiring.	s. d.	s. d.	
1st year's experience .. 15 0					Nail or tack tool maker .. 104 0	
2nd year's experience .. 21 6					Nail machinist .. 98 0	
3rd year's experience .. 37 6					Tack machinist .. 98 0	
4th year's experience .. 61 0					Roofing nail heading machinist 92 0	
5th year's experience .. 76 6					Barb wire tool maker or machinist .. 98 0	
					Rumbler .. 87 0	
<i>Number.</i>					Galvanizer .. 103 0	
One apprentice to every three or fraction of three workers receiving not less than 84s. per week of 44 hours.	Under 16 years of age .. 17 0	18 3			Pickler—Head, or where only one pickler is employed .. 97 0	
	16 and under 17 years of age .. 27 3	28 11			Assistant pickler .. 91 0	
	17 and under 18 years of age .. 48 3	51 3			Assistant working over metal pot .. 94 0	
	18 and under 19 years of age .. 61 0	64 9			Swinger .. 87 0	
	19 and under 21 years of age .. 73 6	78 0			Wiredrawing plate setter .. 96 0	
One improver to every four or fraction of four workers receiving not less than 84s. per week of 44 hours.					Wiredrawing block operator .. 90 0	
					Storeman, packer, or sorter .. 92 0	
					All others .. 84 0	

(3) HOURS OF EMPLOYMENT.—The ordinary hours of employment shall be 44 per week, to be worked in five days of 8 hours and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each, continuously except for meal hour breaks at the discretion of the employer between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. to noon on Saturday: Provided that the spread of hours herein prescribed may be altered by mutual agreement between an employer and his employees.

(4) SHIFT WORK.—(a) Any afternoon or night shift which does not continue for five successive working nights or more, in a five-day workshop, or six successive working nights or more, in a six-day workshop, shall be paid for at the rate of time and a half.

(b) Except as hereinafter provided for any afternoon or night shift which has been in operation for five nights or more, and less than one month, 10 per cent. more than ordinary rates shall be paid, and after such shifts have continued for more than one month, 7½ per cent. more than ordinary rates shall be paid.

(c) Shift workers shall be paid overtime at the rate of time and a half for the first four hours and double time thereafter for all time worked in excess of shift hours.

(i) Employees who, during a period of engagement, work only on night shifts, shall be paid at the rate of time and a quarter.

(ii) When employees are called on to work afternoon and night shifts only, they shall change over week and week about, and shall be paid 10 per cent. above ordinary rates for both shifts.

Where employees work day and afternoon shifts only, they shall change over week and week about, and shall be paid 10 per cent. extra for afternoon shifts.

(5) 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.

(6) OVERTIME.—(a) For all work done outside ordinary hours the rates of wage shall be time and a half for the first four hours and double time thereafter, such double time to continue to be paid until an employee has been relieved from work for at least eight hours: Provided that an employee shall not be entitled to payment for such rest period.

(b) Except as provided above in computing overtime each day's work shall stand alone.

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

(d) An employee occasionally required to hold himself in readiness to work after ordinary hours shall until released be paid standing by time at ordinary rates from the time from which he is so to hold himself in readiness. But any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back shall continue.

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

(f) Employees shall not work overtime while competent labour is available.

(g) For work done during meal hours and thereafter until a meal break is allowed, time and a half rates shall be paid. An employee shall not be compelled to work for more than six hours without a break for a meal.

(h) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each four hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay.

(i) Before starting overtime after working ordinary hours a meal break of at least 45 minutes shall be allowed, unless the period of overtime is less than one and a half hours.

An employer and his employee may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

(j) An employee required to work overtime for more than two hours, without being notified the day before that he will be so required to work, shall either be supplied with a meal by the employer or paid 1s. 6d., or if work extends into a second meal hour 2s. 6d. for the two meals, but such payment need not be made to employees living in the same locality as their work-shop, who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals, and is not required to work overtime, he shall be paid for each meal so provided.

(k) Subject to the provisions of the second part of sub-clause (g) of this clause, an employee shall work during meal breaks at the ordinary rate herein prescribed whenever instructed so to do for the purpose of making good breakdowns of plant or upon routine maintenance of plant which can only be done while such plant is idle.

(l) When an employee working overtime finishes work at a time when reasonable means of transport is not available, the employer shall provide him with a conveyance or pay him his current wage for the time occupied in reaching his home.

(7) HOLIDAYS AND SUNDAY WORK.—(a) Employees shall be entitled to the following public holidays (with payment at ordinary rates):—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, Boxing Day (and the intervening days to the 31st December inclusive), or such other day as is generally observed in the locality as a substitute for any of the said public holidays respectively.

(b) Employees shall be paid at the rate of double ordinary time for work done on Sundays or the days mentioned in sub-clause (a) hereof. Such double time to continue until the employee has been relieved from duty for at least eight hours: Provided that the employee shall not be paid for the time he is resting.

(8) PAYMENT OF WAGES.—(a) Wages shall be paid weekly. Where the services of an employee are dispensed with, wages shall be paid to him on the day of dismissal or forwarded to him by post on the day following.

(b) An employee kept waiting for his wages on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid at overtime rates after that quarter hour, with a minimum of a quarter of an hour.

(9) CONTRACT OF EMPLOYMENT.—(a) With the exceptions hereinafter stated, employment may be by the week or by the hour. If by the week it shall be terminable on either side by one week's notice given on any day, or (if the employer terminate it without such notice) by payment of one week's wages.

A contract for weekly employment may be terminated by any employer, without liability to pay for more than time actually worked, for misconduct or for absence from work without reasonable excuse.

If an employee engaged by the week absents himself from duty, except on public holidays or for days for which he produces a certificate from a medical practitioner, or other proof satisfactory to his employer, of sickness (aggregating four days' sickness in each year), a sum proportionate to his time of absence may be deducted from his pay, i.e., one-sixth of the weekly wage for each day of absence, including Saturday in shops working six days, and one-fifth in shops working five days per week: Provided that only time actually lost shall be deducted when an employee is absent with leave on a Saturday.

(b) If the contract of employment is for hourly hiring, the total amount of the rates prescribed in clause 2 hereof shall be increased by 5s. per week (with a proportionate amount added to the wages of females and juniors), but such amount shall not be taken into account in computing overtime, Sunday, and holiday rates.

(c) Casual employees, i.e., employees for whom a full week's work is not provided shall for any such work be paid 10 per cent. in addition to the total wage prescribed for their occupations.

(10) MISCELLANEOUS PROVISIONS.—(a) Tools—The employer shall provide for each employee such tools as were customarily provided at the time of the making of this Determination.

(b) Employers shall provide proper washing and sanitary conveniences. In any workshop in which employees, through a shop steward or committee, ask for the provision of lockers and shower baths, and an undertaking is given that the baths provided will be used by the majority of the workmen, and that the baths and lockers will be properly cared for, a locker shall be installed by the employer for each workman.

(11) TIME AND WAGES BOOK.—Each employer shall keep a time and wages book showing the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

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.

(12) SPECIAL RATES.—In addition to the wages prescribed in clause (2) hereof, the following special rates and allowances shall be paid :—

(a) Leading hands in charge of not less than three and not more than ten employees, including apprentices, 6s. per week extra; more than ten and not more than twenty, including apprentices, 12s. per week extra; more than twenty, including apprentices, 18s. per week extra.

(13) RIGHT OF ENTRY OF UNION OFFICIALS.—A duly accredited representative of the Federated Ironworkers' Association of Australia, not more than once a week, shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed, during the midday meal hour, for the purpose of interviewing employees on legitimate union business, and shall be permitted to inspect the time and wages book.

If any representative is unduly interfering or is creating disaffection amongst his employees or is offensive in his methods, such employer may refuse the right of entry.

(14) GENERAL DEFINITIONS.—For the purposes of this Determination the following definitions shall apply :—

"Shift work"—afternoon shift means any shift finishing after 6 p.m. and at or before midnight. Night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

"Sunday" means all time between midnight Saturday and midnight Sunday.

"Juvenile worker" means a person under 21 years of age (other than an apprentice or an improver) employed in assisting rumber, sawdusting, filling ladles, washing, scrubbing, drying, brushing off, sorting, packing, watching nail machines or barb wire machines, wiring nail machines or barb wire machines, watching and feeding tack machines, attending nail-rolling machines, attending horseshoe nail-heading machines, attending horseshoe nail-pointing machines, attending roofing nail-heading machines.

(15) PIECEWORK.—That the lowest piecework prices to be paid to persons for doing work of the kinds specified in the following schedules shall be :—

For hand feeding roofing nail machines—

	Power Presses.		Foot Presses.	
	s.	d.	s.	d.
2 inches x 9 gauge nails	10	1	10	7
2½ " 9 " " "	9	3	9	8
2¾ " 9 " " "	7	10	9	3

For feeding horseshoe nail-forging machines—

Number	4 nails	s.	d.
5	18	7
6	14	8
7	13	7
8	10	7
9	10	1
10	9	3
11	8	7
12	7	8

Notwithstanding the prices fixed in this clause, a pieceworker who is available and ready and willing to work during the ordinary working hours, shall be paid in each week at least the amount payable to a weekly employee performing the same class of work.

(16) PERIODICAL ADJUSTMENT OF WAGES.—The wages rates set out in clause (2) are based upon the following basic wage, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, this Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage: Provided that the wages of apprentices, improvers, and juvenile workers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause (17).

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies	3 18 0	Melbourne

(17) ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in February, 1941, the amount of the basic wage shall be as prescribed in clause (16).

(b) During each future successive period beginning with the first pay period to commence in a February, a May, an August or a November, the amount of the basic wage 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 purposes 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 :—

- (i) The index number set to be applied is that assigned to Melbourne.
- (ii) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.
- (iii) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (iv) The basic wage shall be of that assigned amount during such successive period.

Table.

Index Number Divisions.				Basic Wage.	Index Number Divisions.				Basic Wage.
				£ s. d.					£ s. d.
834-845	..	..	..	3 8 0	933-944	..	..	..	3 16 0
846-858	..	..	..	3 9 0	945-956	..	..	..	3 17 0
859-870	..	..	..	3 10 0	957-969	..	..	..	3 18 0
871-882	..	..	..	3 11 0	970-981	..	..	..	3 19 0
883-895	..	..	..	3 12 0	982-993	..	..	..	4 0 0
896-907	..	..	..	3 13 0	994-1006	..	..	..	4 1 0
908-919	..	..	..	3 14 0	1007-1018	..	..	..	4 2 0
920-932	..	..	..	3 15 0	1019-1030	..	..	..	4 3 0

The piecework prices shall be increased or decreased in the same proportion as the rates for journeymen.

W. W. HARRIS, Chairman.

H. N. JONES, Secretary.

Melbourne, 14th November, 1940.