



VICTORIA GOVERNMENT GAZETTE.

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[1941

Factories and Shops Acts.

DETERMINATION OF THE WATCH CASES BOARD.

NOTE.—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 appointed 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 or preparing watch cases" has made the following Determination, namely:—

(1) That on the 21st April, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

WAGES PER WEEK OF 44 HOURS.

(a) Apprentices or Improvers.				(b) Other Employees.		
Males.			Females.	Within a radius of 50 miles of the G.P.O., Melbourne.		All other parts of Victoria.
Experience.	Commencing Age.			s. d.	s. d.	s. d.
	Under 17 Years.	17 Years.	18 Years or over.			
				1st year's experience	15 0	
				2nd "	20 3	
				3rd "	31 9	
				4th "	39 9	
				5th "	45 6	
				Thereafter until reaching 21 years of age	51 0	
1st year	16 9	21 6	24 0	Adult Males—		
2nd "	25 3	26 9	32 3	First class watch case tradesman	104 0	101 6
3rd "	34 6	37 6	43 0	Second class watch case tradesman	94 0	91 6
4th "	46 9	46 9	..	All others—		
5th "	59 9	..	..	(a) With less than 3 year's experience	86 0	83 6
6th "	69 3	..	..	(b) With 3 years' experience or more	94 0	91 6
7th "	73 9	..	..	Adult Females—		
				(a) If of less than 12 months' experience	53 3	52 3
				(b) If of 12 months' or more experience	60 6	59 6

NOTE.—The rates prescribed above for apprentices or improvers shall apply only to such employees as are under 21 years of age.

PROPORTION (IN ANY PLACE).

Apprentices.

One apprentice to every one male worker receiving not less than the minimum wage.

Improvers.

Such number of improvers as together with the number of apprentices does not exceed three to every adult worker receiving not less than the minimum wage.

An indenture of apprenticeship has been prescribed by the Board.

(3) DEFINITIONS.—(a) "First Class Watch Case Tradesman" means an employee working at a bench and engaged in making complete cases which require hinges, and making by hand and fitting any special loop attachments.

(b) "Second Class Watch Case Tradesman" means an employee working at a bench engaged in assembling cases, but not being required to make loops by hand, hinge cases, or make and fit any special hand-made attachments.

(c) "Experience" means work done in the trade of watch case making for any employer whether as an adult worker, apprentice, or improver.

(4) TIME OF BEGINNING AND ENDING WORK BY EMPLOYEES NOT ENGAGED ON NIGHT SHIFT.—

	Time of Beginning.	Time of Ending.
Saturday	7.30 a.m.	1 p.m.
On the other working days of the week	7.30 a.m.	6 p.m.
Time of beginning and ending work by employees engaged on night shift	9 p.m.	7.30 a.m.

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

- (a) Outside the hours fixed as the times of beginning and ending work
 (b) Within the hours fixed as the times of beginning and ending work in excess of 44 hours in any week } Time and a half.

(6) SHIFTS.—Where an employee is employed on night shift he shall be paid Ten per cent. in addition to the rates fixed in clause (2).

(7) PAYMENT FOR A SHORT WEEK.—Subject to the provisions of this Determination, where in any week any factory is open for work for less than 44 hours, the legal rate of payment for such week shall be 1/44 of the rate provided in this determination for the class of work done, multiplied by the number of hours actually worked.

(8) SPECIAL RATES.—Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Melbourne Cup Day, Christmas Day, or Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted. Provided that in Bendigo "Picnic Day" shall be observed as a substitute for Melbourne Cup Day.

(9) HOLIDAYS.—All employees shall be entitled to the ten holidays hereinafter mentioned without any deduction from the weekly rate of pay, viz., New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day, or any other day which may be by Act of Parliament or Proclamation substituted therefor. Provided that in Bendigo "Picnic Day" shall be substituted for Melbourne Cup Day.

(10) ANNUAL LEAVE.—(a) A period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave) in any one or more of the occupations to which this Determination applies.

(b) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued, and after not less than one week's notice to the employee, provided that the giving of annual leave may, with the consent of the Secretary for Labour, be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of six months.

(c) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such a case, a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(d) If after six months' continuous service, an employee leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid one-sixth of a week's wage in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.

(e) Each employee before going on leave shall be paid a week's wage.

(f) The annual leave provided for by this clause shall be allowed and shall be taken, and except as provided by sub-clause (d) hereof, payment shall not be made or accepted in lieu of annual leave.

(g) Notwithstanding anything herein provided an employer who gives to an employee leave of absence without loss of pay throughout the interval of time—

(i) between the day observed under this Determination as the Christmas Day holiday and the day observed thereunder as the New Year's Day holiday; or

(ii) between the day immediately preceding the Good Friday holiday and the Monday next after the Easter Monday holiday,

shall be deemed thereby to fulfil all obligations to that employee under this clause in respect of the period of twelve months' service referred to in sub-clause (a) hereof. The provision of sub-clause (c) hereof shall apply to this sub-clause.

(h) Where leave has been granted to an employee pursuant to sub-clauses (c) or (g) hereof before the right thereto has accrued due, and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may, for each two complete months of the qualifying period of twelve months not served by the employee, deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by this Determination.

(i) In the case of employees in the employment of an employer on the 21st April, 1941, service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave, and persons in employment on the 21st April, 1940, shall, for the purposes of this clause, be deemed to have commenced their service on that date.

(j) For the purpose of this clause service shall be deemed to be continuous notwithstanding—

(i) any interruption or determination of the employment by the employer, if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;

(ii) any absence from work on account of sickness or accident or military service, and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service.

(iii) any termination of employment by the employee if such termination has been made merely with the intention of preventing the operation of sub-clause (g) hereof.

(k) Except as provided by sub-clause (g) hereof the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by this Determination, and if any such holiday falls within an employee's period of annual leave, there shall be added to that period one day for each such holiday falling as aforesaid.

(l) For the purpose of this clause, a month 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.

(m) 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 purpose of this clause, be deemed to be in the service of the employer.

(11) TEA MONEY.—Any 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 workshop 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.

(12) TERMINATION OF EMPLOYMENT.—Except where the conduct of an employee justifies instant dismissal, seven days' notice of termination of employment shall be given by either employer or employee, or one week's wages shall be paid or forfeited in lieu thereof. Provided that this clause shall only apply to an employee who has been continuously in the same employment for not less than four weeks.

(13) TOOLS.—The employer shall provide the necessary tools required by him to be used by each employee under 21 years of age.

RAY H. BEERS, P.M., Chairman.

W. HEATH, Secretary.

Melbourne, 1st April, 1941.