

[1647]



# VICTORIA GOVERNMENT GAZETTE.

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[1942

Factories and Shops Acts.

## DETERMINATION OF THE BEDSTEADMAKERS 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 portions of the city of Sandringham as are not within the said Metropolitan 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 (including the moulders of bedsteads and excluding the moulders of fenders) employed in the process, trade, or business of a maker of metal bedsteads or fenders, or parts thereof," has made the following Determination, namely:—

1. That as from the 7th April, 1942, the adjusted Determination which came into force as from the beginning of the first pay period to commence in February, 1941, shall be revoked and replaced by this Determination.

(2)	Wages per week of 44 hours.	
	Within the Metropolitan District and such portions of the City of Sandringham as are not included within the said district; the Cities of Geelong, Geelong West and the Town of Newtown and Chilwell and the City of Warrnambool.	Other Parts of Victoria where the Determination applies.
	<i>s. d.</i>	<i>s. d.</i>
Bedstead smiths .. .. .	103 0	100 0
Chill fitters called on to design and model .. .. .	116 0	113 0
Other chill fitters .. .. .	103 0	100 0
Machinists .. .. .	100 0	97 0
Platers in charge .. .. .	113 0	110 0
Polishers and grinders .. .. .	102 0	99 0
Chippers and casters .. .. .	99 0	96 0
Furnacemen .. .. .	99 0	96 0
Bedstead fitters and mounters .. .. .	103 0	100 0
Employees engaged cutting, binding, straightening, drilling or squaring up parts of bedsteads and frame setters .. .. .	102 0	99 0
Japanners and lacquerers .. .. .	100 0	97 0
All others .. .. .	92 0	89 0

## (3) UNAPPRENTICED MALE JUNIORS AND FEMALES.

	Weekly Hiring.		Hourly Hiring.	
	<i>s. d.</i>		<i>s. d.</i>	
(a) Junior Males.				
Under 16 years of age .. .. .	17 0		18 3	
16 and under 17 years of age .. .. .	29 3		30 9	
17 " " 18 " " .. .. .	51 3		54 3	
18 " " 19 " " .. .. .	64 6		68 6	
19 " " 21 " " .. .. .	77 9		82 6	
(b) Adult Females.				
Of less than 12 months' experience .. .. .	55 3		58 6	
Of 12 months' experience or more .. .. .	62 9		66 3	
(c) Junior Females.				
1st year's experience .. .. .	14 0		15 0	
2nd " " .. .. .	18 9		20 0	
3rd " " .. .. .	32 6		34 9	
4th " " .. .. .	40 9		43 3	
5th " " .. .. .	46 9		49 6	
Thereafter until reaching 21 years .. .. .	52 3		55 3	

4. 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 employees, including apprentices, 12s. per week extra; more than twenty employees, including apprentices, 18s. per week extra.
- (b) Working in wet places, 1½d. per hour extra. Working in confined spaces, 3d. per hour extra.
- (c) Working for more than one hour in the shade where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, 1½d. per hour extra; in places where the temperature exceeds 130 degrees Fahrenheit, 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay. The temperature shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.
- (d) Dirty work, i.e., work which the foreman and the workmen shall agree is of an unusually dirty or offensive nature, 1½d. per hour extra.
- (e) Compensation to the extent of the damage sustained shall be made for work in which clothing or tools are damaged or destroyed by the use of acids.
- (f) Where more than one of the disabilities entitling a workman to extra rates exists on the same job, the employer shall be bound to pay only one rate, viz., the highest for the disabilities so prevailing.

5. HOURS OF EMPLOYMENT.—The ordinary hours of employment shall be 44 per week, to be worked (except as to shift workers) between the hours of 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. and noon on Saturday. Provided that the spread of hours herein prescribed may be altered by mutual agreement between an employer and his employees and also that the weekly hours may be worked in five days.

6. OVERTIME.—(a) For all work done outside ordinary hours the rate of pay shall be 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) 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 after ordinary working hours shall until released be paid standing-by time at ordinary rates from the time from which he is to hold himself in readiness. Any custom now prevailing under which an employee is required to regularly 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) For all work done during meal hours and thereafter until a meal hour break is allowed a time and a half rate shall be paid. An employee shall not be compelled to work for more than six hours without a break for meals.

(g) 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.

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

(i) An employee required to work overtime for more than two hours without being notified the day before that he will be required so 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 provided.

(j) Subject to the provisions of the second part of sub-clause (f) hereof an employee shall work during meal breaks at the ordinary rates 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.

(k) 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 ordinary wage rates for the time occupied in reaching his home.

7. SHIFT WORK.—For any afternoon shift 7½ per cent. and for any night shift 10 per cent. more than ordinary wage rates shall be paid. Shifts which do not continue for five consecutive nights shall be regarded as overtime.

8. HOLIDAYS AND SUNDAY WORK.—(a) Employees shall be entitled to the following public holidays (without pay except as hereinafter provided): New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.

(b) Employees shall be paid at the rate of double ordinary time for work done on Sundays and public holidays, 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.

8A 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 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 war render it impracticable to give it within the 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 in any qualifying twelve-monthly period 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. For the purpose of this sub-clause and sub-clause (d) hereof the week's wage shall be at the rate prescribed by clauses (2) and (3) of this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

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

(g) Where leave has been granted to an employee pursuant to sub-clause (c) 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 clause 8 of this Determination.

(h) Service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave provided that an employee shall not be entitled to leave or to payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under the determination hereby rescinded.

(i) For the purposes 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 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.

(j) The annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 8 of 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.

(k) For the purpose of this clause a month shall be reckoned as commencing from 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.

(l) 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.

9. SHOP STEWARDS.—Shop stewards appointed by employees in each workshop shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom they represent.

10. TRAVELLING TIME, ALLOWANCES AND BOARD.—(a) All fares and reasonable travelling expenses—including the cost, if incurred, for meals—incur by an employee during travelling shall be paid by the employer. The fares shall be first class on coastal boats, or on inter-state boats where there is no second class distinct from steerage. On trains when the employee has to travel all night, sleeping accommodation shall be provided where available.

(b) Time occupied in travelling during ordinary hours of employment shall be paid for at ordinary rates.

(c) If such employee has to be away from his home overnight he shall be allowed reasonable costs of board and lodging.

(d) When it is more convenient for the employee in the city or town in which his employer's factory is situated, to go direct to the job from his home, he shall do so, and start and cease work at the usual time customary at the shop. Provided that any extra expense incurred by him in travelling shall be borne by the employer.

11. 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 an 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 per week 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, but such amount shall not be taken into account when computing overtime, Sunday and Holiday rates.

(c) An employee starting work on hourly hiring shall be entitled to a minimum of four hours' consecutive work or to four hours' pay for the job; such hours may be deemed to be consecutive if worked in ordinary hours at the end of a day and the beginning of the next succeeding day.

(d) Except as hereinafter provided employment shall be by the week. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(e) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages as the case may be. 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 the wages shall be paid up to the time of dismissal only or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown in machinery or any stoppage of work by any cause for which the employer cannot be reasonably held responsible.

(f) An employee not attending for duty shall except as provided by clause 11A of this Determination lose his pay for the actual time of such non-attendance.

11A. SICK LEAVE.—(a) An employee on weekly hiring who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitation:—

(i) He shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation.

(ii) He shall prove to the satisfaction of his employer (or in the event of dispute, of the Secretary for Labour) that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(iii) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 44 hours of working time.

For the purpose of administering paragraph (ii) of this sub-clause an employer may within one month of this Determination coming into operation or within two weeks of the employee entering his employment require any employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from an employer during the then current year; and upon such statement the employer shall be entitled to rely and act.

(b) Notwithstanding anything contained in sub-clause (a) hereof an employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to Workers' Compensation) necessitating his attendance during working hours on a doctor, chemist, or trained nurse, or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

12. 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 pay on pay day for more than a quarter of an hour after the usual time of ceasing work shall be paid at overtime rates after that quarter of an hour with a minimum of a quarter of an hour.

13. TIME AND WAGES BOOK.—Each employer shall keep a time and wages book showing the name of each employee and his occupation, and 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.

14. PAYMENT BY RESULTS.—(a) Subject to the minimum wages herein prescribed, an employer may remunerate 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 cent. in excess of their weekly or hourly rates.

(b) Any increases in prevailing daily and hourly wages resulting from this Determination shall not of themselves compel any increase in piecework rates during the term of this Determination. If in a factory piecework is extended to processes now done on weekly or hourly hiring sub-clause (a) hereof shall apply.

15. MISCELLANEOUS.—(a) "Tools"—The employer shall provide for each employee such tools as are customarily provided at the time of making this Determination, and for sheet metal workers, snips used in the cutting of stainless steel, monel metal and similar hard metals. The employee shall replace or pay for any tools so provided if lost through his negligence.

(b) Suitable mica or other goggles for emery wheel operators shall be provided by the employer.

(c) Suitable canvas or leather gloves shall be provided by employers for the operators of pneumatic tools and/or punch and shearing machines.

(d) Employers shall provide proper washing and sanitary conveniences for the use of their employees.

16. DEFINITIONS.—(a) "Wet place" means place where water is continually dripping from overhead to such an extent as to saturate the clothing of an employee or a place where water accumulates underfoot to a depth exceeding 2 inches.

(b) "Confined space" means a working place, the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, or where confinement within a limited space is productive of unusual discomfort.

17. MIXED FUNCTIONS.—An employee engaged on any day in different grades of work shall be paid at the rates prescribed for the time actually worked in each grade.

18. EXTRA RATES NOT CUMULATIVE.—Extra rates prescribed in this Determination are not cumulative so as to exceed the minimum of double the ordinary rate.

19. PERIODICAL ADJUSTMENT OF WAGES.—The wages rates set out in Clause (2) are based upon the following basic wage rates for adult males and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, shall be automatically increased or decreased by the same amount and at the same time as such basic wage. Wages of females and juniors in receipt of 20s. or more per week shall be adjusted proportionately to adjustments of the needs basic wage; such adjustment to be made to the nearest 3d., half or less than half of 3d. to be disregarded.

#### BASIC WAGE.

20. BASIC WAGE.—The minimum rates of wage required to be paid by employers to adult male employees as prescribed herein are as follow:—

Place.	Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
	Per week. £ s. d.	Per week. s. d.	Per week. £ s. d.	
Within the Metropolitan District and such portions of the City of Sandringham as are not included within the said district; the Cities of Geelong, Geelong West and the Town of Newtown and Chilwell and the City of Warrnambool . . .	4 3 0	6 0	4 9 0	Melbourne
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne				

21. ADJUSTMENT OF NEEDS BASIC WAGE.—(a) For work done before the beginning of the first pay period to commence in May, 1942, the amounts of the basic wage prescribed in clause 20 hereof shall be paid.

(b) For work done during each future period of or near a quarter beginning with the first pay period to commence in a May, an August, a November or a February, the amounts of the needs basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Court'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.

(1) Adjustment is to be based upon the equating of index number 81.0 with 81s., the amount assessed upon that number of the Court's declared needs basic wage per week.

(2) The index number set to be applied to a place is that assigned thereto in clause 20 hereof.

(3) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.

(4) The amounts assigned in the following table (or in any extension thereof) to the index number division comprising that number are to be ascertained.

(5) The basic wage shall be of those assigned amounts during such successive period of or near a quarter.

Table.

Index Number Divisions.	Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage—Victoria.
	Per week. £ s. d.	Per week. s. d.	Per week. £ s. d.
797-808 .. .. .	3 5 0	6 0	3 11 0
809-820 .. .. .	3 6 0		3 12 0
821-833 .. .. .	3 7 0		3 13 0
834-845 .. .. .	3 8 0		3 14 0
846-858 .. .. .	3 9 0		3 15 0
859-870 .. .. .	3 10 0		3 16 0
871-882 .. .. .	3 11 0		3 17 0
883-895 .. .. .	3 12 0		3 18 0
896-907 .. .. .	3 13 0		3 19 0
908-919 .. .. .	3 14 0		4 0 0
920-932 .. .. .	3 15 0		4 1 0
933-944 .. .. .	3 16 0		4 2 0
945-956 .. .. .	3 17 0		4 3 0
957-969 .. .. .	3 18 0		4 4 0
970-981 .. .. .	3 19 0		4 5 0
982-993 .. .. .	4 0 0		4 6 0
994-1006 .. .. .	4 1 0		4 7 0
1007-1018 .. .. .	4 2 0		4 8 0
1019-1030 .. .. .	4 3 0		4 9 0
1031-1043 .. .. .	4 4 0		4 10 0

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

C. TURNBULL, Chairman.

E. G. WILLIAMS, Secretary.

Melbourne, 23rd March, 1942.

By Authority: H. E. DAW, Government Printer, Melbourne.