



VICTORIA GOVERNMENT GAZETTE.

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[1943

Factories and Shops Acts.

DETERMINATION OF THE NICKELWARE BOARD.

NOTE.—(a) This Determination applies to the whole of the State of Victoria.

(b) On the 25th June, 1934, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any person employed electroplating, grinding, polishing, or finishing articles of table ware, and such power was conferred exclusively on the Electroplaters Board.

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 persons employed in the trade of making nickel-silver articles of table ware," and whose powers were, by Order in Council dated 16th November, 1920, extended so that it may "fix the lowest prices or rates which may be paid to any persons employed in the trade of making articles of table ware of any base metal," has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 30th June, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. APPRENTICES OR IMPROVERS.

Apprentices.	Wages per Week of 44 Hours.	Improvers.	Wages per Week of 44 Hours.
	<i>s. d.</i>		<i>s. d.</i>
1st year—1st six months' experience	13 4	1st year—1st six months' experience	14 0
2nd six months' experience	14 4	2nd six months' experience	15 0
2nd year—1st six months' experience	17 1	2nd year—1st six months' experience	17 11
2nd six months' experience	18 7	2nd six months' experience	19 7
3rd year—1st six months' experience	30 6	3rd year—1st six months' experience	41 6
2nd six months' experience	42 9	2nd six months' experience	45 0
4th year's experience	58 0	4th year's experience	61 3
5th year's experience	78 9	5th year's experience	82 9
6th year's experience	93 6	6th year's experience	97 9
and thereafter the minimum wage.		and thereafter the minimum wage.	

Proportion (in any place).—Three apprentices and two improvers or two apprentices and three improvers to every three or fraction of three workers receiving not less than 101s. per week of 44 hours.

3:(a). OTHER EMPLOYEES.

	Wages per Week of 44 Hours.
	<i>s. d.</i>
Stamper who puts in die and makes force	131 0
Repairer	131 0
Maker-up	131 0
Spinner, 1st class	126 0
Spinner (other)	113 0
Die setter	113 0
Drop hammer stamper (other than one who puts in die and makes force)	111 0
Press operator (heavy)	111 0
Press operator (light)	109 0
Pickler	110 0
Hand blanker	109 0
All others	101 0

(b) *Leading Hands*.—Leading hands in charge of not less than three and not more than ten employees, 6s. per week extra; more than ten and not more than twenty employees, 12s. per week extra; more than twenty employees, 18s. per week extra.

4. **SPECIAL RATE.**—In addition to the wages prescribed in clauses 2 and 3 hereof, the following special rate shall be paid to employees including apprentices and unapprenticed juniors :—

(a) *Wet Places.*—An employee working in any place where his clothing or boots become saturated, whether by water, oil, or otherwise, shall be paid 2d. per hour extra: Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable protective clothing and/or footwear: And provided further that any employee who becomes entitled to this extra rate shall be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.

(b) *Rate not Subject to Penalty Additions.*—The special rate herein prescribed shall be paid irrespective of the times at which the work is performed, and shall not be subject to any premium or penalty additions.

5. **HOURS OF EMPLOYMENT.**—*Day Workers.*—(a) Subject to the exceptions herein set out, the ordinary hours of employment shall be 44 per week, to be worked in five days of eight hours (Monday to Friday inclusive), and one day (Saturday) of four hours; or five days (Monday to Friday inclusive) of 8 hours 48 minutes each continuously, except for meal 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. and noon on Saturday: Provided that the spread of hours herein prescribed may be altered as to all or a section of the employees by mutual agreement between an employer and the representative of the union in that shop.

(b) In localities where the recognized half-holiday is on a day other than Saturday, the day so recognized may be substituted for Saturday for all purposes of this Determination.

6. **SHIFT WORK.**—(1) In this clause—

“Afternoon shift” means any shift finishing after 6 p.m. and at or before midnight.

“Continuous work” means work carried on with consecutive shifts of men throughout the 24 hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the employer.

“Night shift” means any shift finishing subsequent to midnight and at or before 8 a.m.

“Rostered shift” means a shift of which the employee concerned has had at least 48 hours’ notice.

(2) *Continuous Work Shifts.*—(a) This sub-clause shall apply to shift-workers on continuous work as hereinbefore defined.

(b) The ordinary hours of shift-workers shall not exceed—

- (i) 8 in any one day; or
- (ii) 48 in any one week; or
- (iii) 88 in 14 consecutive days; or
- (iv) 176 in 28 consecutive days.

(c) Subject to the following conditions, shift-workers shall work at such times as the employer may require :—

- (i) a shift shall consist of eight hours, inclusive of crib time;
- (ii) except at the regular change-over of shifts, an employee shall not be required to work more than one shift in each 24 hours;
- (iii) twenty minutes shall be allowed to shift-workers each shift for crib, which shall be counted as time worked.

(d) Shift-workers on continuous work whilst on afternoon or night shifts shall be paid 7½ per cent. more than ordinary rates for such shifts.

(e) Shift-workers for work done on a rostered shift the major portion of which is performed on a Sunday or a holiday shall be paid at the rate of time and a half.

(3) *Shift Work in other than Continuous Work.*—(a) This sub-clause shall apply to shift-workers not upon continuous work as hereinbefore defined. The ordinary hours of such shift-workers shall not exceed—

- (i) 44 in any week to be worked in five shifts of 8 hours 48 minutes, on Monday to Friday inclusive, or five shifts of 8 hours and one shift (Saturday) of 4 hours, or
- (ii) 88 in fourteen consecutive days, in which case an employee shall not, without payment for overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week, or
- (iii) 132 in 21 consecutive days, in which case an employee shall not, without payment of overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week.

(b) Such ordinary hours shall be worked continuously except for meal breaks at the discretion of the employer. An employee shall not be required to work for more than six hours without a break for a meal.

(c) Except at regular change over of shifts, an employee shall not be required to work more than one shift in each 24 hours.

(d) Shift-workers whilst on afternoon or night shifts shall be paid 10 per cent. more than the ordinary rates for such shifts.

(e) Subject to this sub-clause, shift-workers for all time worked on a Sunday or holiday shall be paid at the rates prescribed by clause 9 of this Determination. Where shifts commence between 11 p.m. and midnight on Sundays and/or holidays, the time so worked before midnight shall not entitle the employee to the Sunday or holiday rate: Provided that the time worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending in to a Sunday or holiday shall be regarded as time worked on such Sunday or holiday.

(4) *Shift Work Generally.*—(a) Shift-workers for all time worked in excess of or outside the ordinary working hours prescribed by this Determination or on a shift other than a rostered shift shall—

- (i) if employed on continuous work be paid at the rate of double time; or
- (ii) if employed on other shift work at the rate of time and a half for the first four hours and double time thereafter—except in each case when the time is worked—
- (iii) by arrangement between the employees themselves;
- (iv) for the purpose of effecting the customary rotation of shifts; or
- (v) is due to the fact that the relief man does not come on duty at the proper time.

Provided that when not less than eight hours’ notice has been given to the employer by the relief man that he will be absent from work and the employee whom he should relieve is not relieved, the unrelieved employee shall be paid at the rate of time and a half for the first four hours on duty after he has finished his ordinary shift, and at the rate of double time thereafter except where the employee is required to continue to work on his rostered day off, when he shall be paid double time.

(b) Shift-workers who work on any afternoon or night shift which does not continue for at least five successive afternoons or nights in a five-day workshop or for at least six successive afternoons or nights in a six-day workshop shall be paid at the rate of time and a half.

(c) A shift-worker who, during a period of engagement on shift, works only on night shift and without some regular rotation with some other shift or with day work, shall be paid at the rate of time and a quarter for all time worked during ordinary working hours.

(d) The method of working shifts may in any case be varied by agreement between the employer and the accredited representative of the union to suit the circumstances of the establishment.

7. **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.

8. **OVERTIME.**—(a) For all work done outside ordinary hours, the rates of pay shall be time and a half for the first four hours and double time thereafter, such double time to continue until the completion of the overtime work. Provided that in the case of an apprentice or a junior, the rate for overtime shall be not less than the rate herein prescribed or 1s. 6d. per hour, whichever is the higher.

(b) An employee, other than a casual employee, after the completion of overtime work performed after his usual ceasing time, shall be entitled to be absent until he has had eight consecutive hours off duty, without deduction of pay for ordinary time of duty occurring during such absence.

If, on the instructions of his employer, any employee resumes work without having had such eight hours off duty, he shall be paid at double rates until he is relieved from duty to take such rest period, and he shall then be entitled to be absent until he has had eight consecutive hours off duty without deduction of pay for ordinary time of duty occurring during such absence.

(c) Except as otherwise provided in paragraphs (a) and (b) hereof in computing overtime each day's work shall stand alone.

(d) An employee recalled to work overtime after leaving his employer's business premises, shall be paid for a minimum of three hours' work at the appropriate rate for each time he is so recalled: Provided that, except in the case of unforeseen circumstances arising, the employee shall not be required to work the full three hours if the job he was recalled to perform is completed within a shorter period.

(e) Subject to any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back, an employee 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.

(f) For work done during meal hours and thereafter until a meal hour 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.

(g) An employee working overtime shall be allowed a crib-time of twenty minutes without deduction of pay after each four hours of overtime work, if the employee continues work after such crib-time.

(h) Unless the period of overtime is less than one and a half hours, an employee before starting overtime after working ordinary hours, shall be allowed a meal break of twenty minutes, which shall be paid for at ordinary rates. An employer and employee may agree to any variation of this provision to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of any time allowed in excess of twenty minutes.

(i) 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 2s. and 1s. 3d. for each subsequent meal, 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 as above prescribed for meals so provided.

(j) Subject to the provisions of the second part of sub-clause (f) of this clause, an employee employed as a regular maintenance man shall work during meal breaks at the ordinary rates herein prescribed whenever instructed to do so 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 works overtime, or a shift for which he has not been regularly rostered 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.

9. HOLIDAYS AND SUNDAY WORK.—(a) Employees shall be entitled to the following public holidays without loss of pay as regards employees on weekly hiring:—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, 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.

By agreement between any employer and his employees, other days may be substituted for the said days or any of them as to such employer's undertaking.

(b) *Exceptions.*—An employee not engaged on continuous work, shall be paid at the rate of double time for work done on Sundays and public holidays, such double time to continue until he is relieved from duty:

Provided that where employees are necessarily engaged in repairs to or renewals of their employer's plant and machinery necessary for resumption of work the next following working day, work done on Sundays and holidays shall be paid for at the rate of time and a half for the first eight hours and double time thereafter.

(c) An employee, other than a casual employee, not engaged in continuous work who works on a Sunday or a public holiday and (except for meal breaks) immediately thereafter continues such work shall, on being relieved from duty, be entitled to be absent until he has had eight consecutive hours off duty, without deduction of pay for ordinary time of duty occurring during such absence.

(d) Employees, other than on shift, required to work on Sundays or public holidays shall be paid for a minimum of three hours' work.

10. PIECE-WORK RATES.—Subject to the minimum wages herein prescribed, an employer may remunerate any of his employees under any system of payment by results.

11. EXTRA RATES NOT CUMULATIVE.—Extra rates in this Determination, except the rate prescribed in clause 4, are not cumulative so as to exceed the maximum of double the ordinary rates.

12. PAYMENT OF WAGES.—(a) Wages shall be paid weekly or fortnightly.

(b) On the first pay day occurring during his employment, an employee shall be paid whatever wages are due to him up to the completion of his work on the previous day: Provided that this sub-clause shall not apply to employers who make a practice of allowing advances to employees approximating wages due.

(c) Upon determination of the employment wages due to an employee shall be paid to him on the day of such determination, or forwarded to him by post on the next working day.

(d) 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.

(e) On or prior to pay day, the employer shall state to each employee, in writing, the amount of wages to which he is entitled, the amount of deductions made therefrom, and the net amount being paid to him.

13. CONTRACT OF EMPLOYMENT.—*Weekly Employment.*—(a) 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.

(b) 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 employees 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 break-down in machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(c) An employee not attending for duty shall except as provided by clause 14 hereof lose his pay for the actual time for such non-attendance.

Casual Employment.—A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he performs.

14. 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 limitations:—

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

(ii) (a) He shall, within 24 hours of the commencement of such absence, inform the employer of his inability to attend for duty and, as far as practicable, state the nature of the injury or illness and the estimated duration of the absence.

(b) He shall prove to the satisfaction of his employer (or in the event of dispute, 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 (iii) of this sub-clause, an employer may, within two weeks of the employee entering his employment, require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any 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.

15. 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) In addition to the leave hereinbefore prescribed seven-day shift-workers, that is shift-workers who are rostered to work regularly on Sundays and holidays, shall be allowed seven consecutive days' leave including non-working days: Provided that in the case of shift-workers whose hours have been reduced or whose wages have been increased in accordance with clause 6 of the Determination, service before the 1st January, 1942, shall not be taken into consideration for the purpose of calculating annual leave.

(c) Where an employee with twelve months' continuous service is engaged for part of the twelve-monthly period as a seven-day shift-worker, he shall be entitled to have the period of seven consecutive days' annual leave prescribed in sub-clause (a) of this clause increased by half a day for each month he is continuously engaged as aforesaid.

(d) 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.

(e) 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.

(f) 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.

(g) Each employee before going on leave shall be paid a week's wage except a seven-day shift-worker who shall also be paid for the period of additional leave allowed in his case the amount of wages he would have received for that period if he had not been on such leave. For the purpose of this sub-clause and sub-clause (f) 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.

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

(i) Where leave has been granted to an employee pursuant to sub-clause (e) 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 9 of this Determination.

(j) 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.

(k) 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.

(l) The annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 9 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.

(m) 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.

(n) Where the employer is a successor or assignee or transmittee 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 transmittee, 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.

16. MISCELLANEOUS PROVISIONS.—GENERAL :—

(a) *Tools*.—Until further order the employer shall provide for each employee such tools as were customarily provided at the time of the making of this Determination. The employee shall replace or pay for any tools so provided if lost through his negligence.

(b) *Washing and Sanitary Conveniences*.—Employers shall provide proper and sufficient washing and sanitary conveniences.

(c) *Lockers*.—An employer shall provide a suitable locker or suitable hanging facilities for each employee in a workshop: Provided that this sub-clause shall not for such period or periods as the Wages Board may fix apply to any employer who proves to the satisfaction of the Secretary for Labour that he is unable by reason of lack of space, shortage of material or labour, or any other difficulties to provide lockers or hanging facilities as aforesaid.

(d) *Boiling Water*.—Employers shall provide boiling water for employees in workshops at meal times.

(e) *Goggles*.—Employers shall provide suitable mica or other goggles for emery-wheel operators.

(f) *Protective Clothing*.—Employers shall provide suitable protective aprons, rubber gloves, and rubber boots or clogs to employees engaged in the manual handling of materials over hot galvanizing or tinning pots or pickling or plating baths.

(g) *First-Aid Outfit*.—In each workshop, and at other places where employees are regularly employed, the employer shall provide and continuously maintain at a place or places reasonably accessible to all employees an efficient First-Aid Outfit.

Clause 8 of Chapter 9 of the Regulations under the *Factories and Shops Act 1928* requires that a first-aid ambulance chest shall be kept in some accessible place upon the premises, and that such chest shall be equipped and supplied with the following articles:—

Articles.	Quantities to be Kept in Ambulance Chest—
Antiseptic solution	1 bottle
Bandages, cotton, and gauze	1 dozen assorted sizes
Castor oil	2 oz.
Iodine, tincture of	2 oz.
Manual, first-aid	1
Petrolatum, carbolized	1 jar
Picric acid solution, made according to the following recipe or prescription:— 1½ teaspoonfuls of powdered picric acid, 3 oz. of absolute alcohol, and 2 pints of distilled water	1 pint
Pins, safety	1 packet
Sal volatile	6 oz.
Scissors	1 pair
Tourniquet	1
Tweezers	1 pair
Cotton, absorbent	} An adequate assortment
Gauze, sterilized, plain	
Lint, absorbent	
Plaster, adhesive	

(A) *Damage to Clothing and Tools.*—Compensation to the extent of the damage sustained shall be made where, in the course of the work, clothing or tools are damaged or destroyed by fire or through the use of corrosive substances: Provided that the employer's liability in respect of tools shall be limited to such tools of trade as are ordinarily required for the performance of the employee's duties.

17. *SHOP STEWARDS.*—An employee appointed shop steward in the shop or department in which he is employed shall, upon notification thereof to his employer, be recognized as the accredited representative of the union to which he belongs, and he shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents.

18. *RIGHT OF ENTRY OF UNION OFFICIALS.*—(a) For the purpose of interviewing employees on legitimate union business, a duly accredited union representative shall have the right to enter employers' premises during the midday meal break on the following conditions:—

- (i) That he produces his authority to the gatekeeper or such other person as may be appointed by the employer.
- (ii) That he interviews employees only at places where they are taking their meal.
- (iii) That not more than one representative of each of not more than three unions be on the premises at any one time.
- (iv) That no one representative visit the premises more than once in each week.
- (v) That if any employer alleges that a representative is unduly interfering with his work or is creating dissatisfaction amongst his employees, or is offensive in his methods, or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Secretary for Labour.

Provided that where certain employees are working under a system of shift work which precludes a representative from interviewing them during the midday meal break, the representative shall have the right to enter the employer's premises for the purpose of interviewing such employees at such time and under such conditions as to notice as may be mutually arranged by the representative and the employer or, failing agreement, at such times and under such conditions as the Secretary for Labour may decide.

(b) For the purpose of investigating complaints concerning the application of this Determination, or the employment of females upon work which is alleged to be unsuitable for females, a duly accredited union representative shall be afforded reasonable facilities for entering an employer's workshop or plant during working hours, subject to the following conditions:—

- (i) That he discloses to the employer or his representative the complaint which he desires to investigate.
- (ii) That he makes his investigations in the presence of the employer or his representative (if the employer so desires).
- (iii) That he does not interfere with work proceeding in the workshop or plant.
- (iv) That he conducts himself properly.

(c) A union representative shall be a duly accredited representative of an organization concerned if he be the holder for the time being of a certificate, signed by the general secretary of that organization and bearing the seal of that organization, in the following form, or in a form not materially differing therefrom:—

(Name of organization.)

This is to certify that _____ is a duly accredited representative of the above-named organization.

General Secretary

Date—

(SEAL)

Specimen signature of holder—

Strictly not transferable.

19. *TIME AND WAGES BOOK.*—(a) Each employer shall keep a record from which can be readily ascertained the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

(b) The time occupied by an employee in filling in any time record 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 when entering or leaving the employer's premises.

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

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

20. *NOTICE BOARD.*—The employer shall permit a notice board of reasonable dimensions to be erected in a prominent position in his establishment, upon which accredited Union representatives shall be permitted to post formal Union notices, signed or countersigned by the representative posting same.

DEFINITIONS.—(1) "Sunday" means all time between midnight Saturday and midnight Sunday.

(2) "Year" means the period between the 1st day of June in each year and the next 31st day of May.

21. *PERIODICAL ADJUSTMENT OF WAGES.*—The wages rates set out in clauses 2 and 3 are based upon the following basic wage rates, and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the 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 rates. Provided that the wages of apprentices and improvers in receipt of 20s. per week or more 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 rates shown hereunder shall be adjusted as prescribed in clause 22.

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
Throughout the State	£ s. d. 4 12 0	s. d. 6 0	£ s. d. 4 18 0	Melbourne

22. ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in August, 1943, the amounts of the basic wage shall be as prescribed in clause 21.

(b) During each future successive period beginning with the first pay period to commence in an August, a November, a February, or a May, the amounts 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 to a place is that assigned thereto in clause 21.
- (ii) 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.
- (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.
994-1006	4 1 0	1118-1129	4 11 0
1007-1018	4 2 0	1130-1141	4 12 0
1019-1030	4 3 0	1142-1154	4 13 0
1031-1043	4 4 0	1155-1166	4 14 0
1044-1055	4 5 0	1167-1179	4 15 0
1056-1067	4 6 0	1180-1191	4 16 0
1068-1080	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

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

In addition to the basic wage prescribed by clause 21, any adult employee of a classification specified hereunder shall be paid the margin and loading hereinafter assigned to that classification, and such loading shall be deemed to be part of his ordinary rate of wage for all purposes of this Determination:—

Classification.	Margin.	War-Time Loading.
	s. d.	s. d.
Stamper who puts in die and makes force	27 0	6 0
Repairer	27 0	6 0
Maker-up	27 0	6 0
Spinner, 1st class	24 0	4 0
Spinner (other)	12 0	3 0
Die setter	12 0	3 0
Drop hammer stamper (other than one who puts in die and makes force)	10 0	3 0
Press operator (heavy)	10 0	3 0
Press operator (light)	8 0	3 0
Pickler	9 0	3 0
Hand blanker	8 0	3 0
All others	Nil	3 0

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne. 5th August, 1943.



VICTORIA GOVERNMENT GAZETTE.

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No. 159]

MONDAY, AUGUST 16.

[1943

Factories and Shops Acts.

DETERMINATION OF THE NICKELWARE BOARD ADJUSTED PURSUANT TO SECTION 21 OF THE FACTORIES AND SHOPS ACT 1934 (No. 4275).

1, Raymond Henry Beers, Secretary for Labour, in pursuance of the powers conferred by the Factories and Shops Acts and in consequence of the provisions of the Determination of the Nickelware Board published in *Government Gazette* No. 158 of the 16th August, 1943, hereby issue an adjusted Determination showing the adjusted wages rates to operate from the beginning of the first pay period to commence in August, 1943.

Clauses (2) and (3) of the Determination as published in *Government Gazette* No. 158 of the 16th August, 1943, shall be replaced by the following clauses:—

2.

APPRENTICES OR IMPROVERS.

Apprentices.	Wages per Week of 44 Hours.	Improvers.	Wages per Week of 44 Hours.
	<i>s. d.</i>		<i>s. d.</i>
1st year—1st six months' experience	13 4	1st year—1st six months' experience	14 0
2nd six months' experience	14 4	2nd six months' experience	15 0
2nd year—1st six months' experience	17 1	2nd year—1st six months' experience	17 11
2nd six months' experience	18 7	2nd six months' experience	19 7
3rd year—1st six months' experience	40 0	3rd year—1st six months' experience	42 0
2nd six months' experience	43 3	2nd six months' experience	45 3
4th year's experience	58 9	4th year's experience	61 9
5th year's experience	79 3	5th year's experience	83 6
6th year's experience	94 6	6th year's experience	98 9
and thereafter the minimum wage.		and thereafter the minimum wage.	

Proportion (in any place).—Three apprentices and two improvers or two apprentices and three improvers to every three or fraction of three workers receiving not less than 102s. per week of 44 hours.

3 (a).

OTHER EMPLOYEES.

	Wages per Week of 44 Hours.
	<i>s. d.</i>
Stamper who puts in die and makes force	132 0
Repairer	132 0
Maker-up	132 0
Spinner, 1st class	127 0
Spinner (other)	114 0
Die setter	114 0
Drop hammer stamper (other than one who puts in die and makes force)	112 0
Press operator (heavy)	112 0
Press operator (light)	110 0
Pickler	110 0
Hand blanker	110 0
All others	102 0

(b) *Leading Hands.*—Leading hands in charge of not less than three and not more than ten employees, 6s. per week extra; more than ten and not more than twenty employees, 12s. per week extra; more than twenty employees, 18s. per week extra.

Clauses (4) to (20) inclusive of the Determination as published in *Government Gazette* No. 158 of the 16th August, 1943, shall remain in force.

RAY H. BEERS,

Secretary for Labour.

Dated at Melbourne this 12th day of August, 1943.

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





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MONDAY, AUGUST 16.

[1943

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 2 (BOOT REPAIRERS).

NOTE.—This Determination applies to the following parts of Victoria, viz.:—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 24th May, 1938, has had the power to determine the lowest prices or rates which may be paid to any person employed—

- (a) in the process, trade, business, or occupation of a boot repairer;
(b) in a boot repair shop selling grindery or other goods usually sold in such shops,

has made the following Determination, namely:—

(1) That on the 24th June, 1943, the adjusted Determination which came into force as from the beginning of the first pay period to commence in February, 1943, shall be revoked and replaced by this Determination.

(2)

APPRENTICES OR IMPROVERS.

Males.					Females.					
Wages per Week of 44 Hours.					Wages per Week of 47 Hours.					
	Commencing Age.									
	Under 16 years.	16 years.	17 years.	18 years or over.						
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>					<i>s. d.</i>	<i>s. d.</i>
1st year	16 0	24 0	24 0	35 6	Under 16 years of age .. .. .	..	..	..	25	9
2nd year	24 0	35 6	35 6	45 6	16 and under 17 years of age .. .. .	..	..	..	28	9
3rd year—					17 and under 18 years of age .. .. .	..	..	..	31	9
1st 6 months	35 6	45 6	45 6	64 6	18 and under 19 years of age .. .. .	..	..	..	35	0
2nd 6 months	35 6	45 6	45 6	74 0	19 and under 20 years of age .. .. .	..	..	..	39	0
4th year—					20 and under 21 years of age .. .. .	..	..	..	41	9
1st 6 months	45 6	55 9	64 6	Minimum wage						
2nd 6 months	45 6	55 9	74 0							
5th year—										
1st 6 months	55 9	64 6	Minimum wage							
2nd 6 months	55 9	74 0								
6th year—										
1st 6 months	64 6	Minimum wage								
2nd 6 months	74 0									
Thereafter	Minimum wage									

PROPORTION (BY ANY EMPLOYER).

Apprentices.

One female apprentice to every three or fraction of three female adult workers receiving not less than the minimum wage.

Improvers.

Two female improvers to every female adult worker receiving not less than the rate fixed for age 23.

PROPORTION (IN ANY PLACE).

Apprentices.

One apprentice to every three or fraction of three workers receiving not less than 119s. per week of 44 hours.

Improvers.

One improver to every four workers receiving not less than 119s. per week of 44 hours.

(3)		OTHER EMPLOYEES.			
		Wages per Week of 44 Hours.			
Wages per Week of 47 Hours.			Adjustable Rate.	Emergency Loading (Non-adjustable).	Total Weekly Wage.
Female Receiver, Despatcher, or Saleswoman—	s. d.		s. d.	s. d.	s. d.
21 years of age	46 0	Males	116 0	3 0	119 0
22 years of age	54 0				
23 years of age	61 3				

(4) TIMES OF BEGINNING AND ENDING WORK.—

(a) For Males—	Time of Beginning.	Time of Ending.
On Saturday	8 a.m.	12.30 p.m.
On each of the other working days of the week	8 a.m.	6 p.m.
(b) For Females—		
On Saturday	8 a.m.	1 p.m.
On the usual late trading night	8 a.m.	9 p.m.
On all the other working days of the week	8 a.m.	6 p.m.

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

(a) By Males—		
Outside the times of beginning and ending work .. .. .	..	Double time.
Within the times of beginning and ending work, in excess of 44 hours in any week .. .. .	..	Time and a quarter.
(b) By Females—		
Outside the times of beginning and ending work .. .. .	..	} Time and a quarter.
Within the times of beginning and ending work, in excess of 47 hours in any week .. .. .	..

(6) PAYMENT FOR HOLIDAYS.—All employees shall be entitled to the following holidays without deduction of pay :—New Year's Day, Australia Day, Trade Picnic Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), Good Friday, Easter Monday, Anzac Day, Labour Day, Melbourne Cup Day, Christmas Day, and Boxing Day.

(7) SPECIAL RATES.—Double time shall be the rate for all work done on New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, 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 outside the Metropolitan District another holiday may be substituted for Melbourne Cup Day in Clauses 6 and 7.

(8) MEAL INTERVALS.—

- (a) Males.
- In places where work is done on Saturdays—
A lunch period of not less than three-quarters of an hour shall be allowed on each working day except Saturday.
 - In places where work is not done on Saturdays—
A lunch period of not less than half an hour shall be allowed on each working day.
- (b) Females.
- All female employees shall be allowed the following meal intervals with permission to leave the shop for the whole of such interval, viz. :—From Monday to Friday one hour for lunch and, in addition on the usual late shopping night, three-quarters of an hour for tea.

NOTE.—Section 117 (3) of the *Factories and Shops Act 1928* (No. 3677) provides that no person shall be employed in any shop more than five hours without an interval for a meal.

*(9) TEA MONEY.—Any employee required to work more than one and a half hours overtime on any day shall, in addition to overtime payment, be paid 2s. tea money, unless notified the day before that he will be required to work such overtime. If, having been notified accordingly, his services will not be needed, he shall still be entitled to the payment of 2s.

(10) ANNUAL LEAVE.—(a) A period of six consecutive working days, including Saturday whether work is performed or not, shall be allowed annually on full pay to all employees on completion of twelve months continuous service (less the period of annual leave).

(b) Annual leave shall be given at a time fixed by the employer within a period not exceeding three months from the date when the right to annual leave had accrued and after prior notice of not less than one week is given to the employee.

(c) An employer may allow annual leave to an employee before the right thereto has accrued, 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 to which annual leave had been taken before it had accrued.

*(d) If after two months' continuous service of any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer the employee shall be paid one-twelfth of his week's wage for each completed month's continuous service.

(e) Each employee before going on annual leave shall be paid his or her week's wage immediately prior to the commencement of such leave.

(f) The annual leave shall be allowed and shall be taken; payment shall not be made or accepted in lieu of annual leave.

(g) Notwithstanding anything herein provided an employer may, subject to giving notice as required herein, allow an employee who has had less than twelve months' continuous service, annual leave, and in such a case, shall pay the employee one-twelfth of his or her week's wage prior to the commencement of such annual leave in respect of each completed month's service.

(h) Service shall be deemed to be continuous notwithstanding :—

- An interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations in respect of annual leave.
- Any absence from work on account of sickness or accident, or military service to the extent of 21 days in any twelve months, shall be deemed to be part of continuous service.

(i) The annual leave shall be exclusive of any of the public Holidays as prescribed in clause (6) of this Determination, and if such holidays fall within the period of annual leave there shall be added to the period of annual leave one day for each of such holidays on full pay, and the extra day or days shall be the first working day or days following on the period of annual leave.

(j) Service for the purpose of this clause shall commence on the 24th day of June, 1943, and each succeeding year of service: Provided that where employees were in the service of an employer on the 1st day of December, 1942, and have continued in the service of the same employer during the succeeding twelve-monthly period shall, subject to sub-clause (c) hereof, be entitled to annual leave as from the 1st day of December, 1943, and each succeeding year of service thereafter.

(11) PERIODICAL ADJUSTMENT OF WAGES.—The wages rate for males set out in clause (3) is 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*, the Board hereby determines that such rate shall be automatically increased or decreased by the same amount, and at the same time as such basic wage. The wages of apprentices and improvers and all females 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 (12).

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination applies	£ s. d. 4 12 0	Melbourne

(12) ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in August, 1943, the amount of the basic wage shall be as prescribed in clause (11).

(b) During each future period of or near a quarter beginning with the first pay period to commence in an August, a November a February, or a May, 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:—

- (1) The Index Number set to be applied to a place is that assigned thereto in Clause (11).
- (2) 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.
- (3) The amount assigned in the following table (or any extension thereof) to the Index Number Division comprising that number is to be ascertained.
- (4) 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.
994-1006	4 1 0	1118-1129	4 11 0
1007-1018	4 2 0	1130-1141	4 12 0
1019-1030	4 3 0	1142-1154	4 13 0
1031-1043	4 4 0	1155-1166	4 14 0
1044-1055	4 5 0	1167-1179	4 15 0
1056-1067	4 6 0	1180-1191	4 16 0
1068-1080	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

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

P. A. RANGLES, J.P., Chairman.
J. V. WILLOX, Secretary.

Melbourne. 25th June, 1943.

IN THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of the above Determination of the Shops Board No. 2 (Boot Repairers) dated the 25th day of June, 1943

and

IN THE MATTER of Appeals by the representatives of the employers and of the employees on the said Board.

(Before His Honour Judge Stretton, Mr. C. H. Grant, and Mr. J. V. Stout.)

Friday the 6th day of August, 1943.

These Appeals coming for hearing on the 9th day of June and the 12th day of July 1943 UPON READING the appeals and UPON HEARING Mr. Forrester for the representatives of the employers and Mr. Sheehan for the representatives of the employees THIS COURT DOTH ORDER AND DETERMINE:—

*1. *Tea Money*: that the words of clause (9) be deleted from the said determination and that there be substituted therefor the words:—

.. *Tea Money*.—An employee who is required to work overtime for more than one and one-half hours on any day without having been notified on the previous day that he will be so required to work shall, as the employer shall decide,

(a) either be supplied by the employer with the first or only meal for which he is unable to return to his home, or

- (b) failing his being so supplied with such meal be paid 2s. for such first or only meal and
- (c) be paid 1s. 3d. for each subsequent meal.

Provided that an employee shall be deemed to be unable to return to his home if he does not live at a place within a reasonable distance of the workshop and having reasonably easy means of access between such workshop and such place.

- (d) If the employee, having been notified as aforesaid, provides for himself a meal but is not required to work overtime he shall be paid 2s. for such meal."

*2. *Annual Leave*: that the words of clause 10 (d) be deleted from the said determination and that there be substituted therefor the words:—

"If after six months' continuous service of any qualifying twelve-monthly period the employee leaves or is dismissed from his employment the employee shall, in respect of each completed month of continuous service, be paid one-twelfth of his week's wage."

By the Court.

REX. L. CECIL,
Registrar.



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MONDAY, AUGUST 16

[1943

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 2 (BOOT REPAIRERS) ADJUSTED PURSUANT TO SECTION 21 OF THE FACTORIES AND SHOPS ACT 1934 (No. 4275).

I, Raymond Henry Beers, Secretary for Labour, in pursuance of the powers conferred by the Factories and Shops Acts and in consequence of the provisions of the Determination of the Shops Board, No. 2, (Boot Repairers) published in *Government Gazette* No. 160 of the 16th August, 1943, hereby issue an adjusted Determination showing the adjusted wages rates to operate from the beginning of the first pay period to commence in August, 1943:—

Clauses (2) and (3) of the Determination published in *Government Gazette* No. 160 of the 16th August, 1943, shall be replaced by the following clauses:—

(2)

APPRENTICES OR IMPROVERS.

Males.					Females.					
Wages per Week of 44 Hours.					Wages per Week of 47 Hours.					
	Commencing Age.									<i>s. d.</i>
	Under 16 years.	16 years.	17 years.	18 years or over.						
1st year	16 0	24 6	24 6	36 0	Under 16 years of age .. .. .	..	..	..	..	26 0
2nd year	24 6	36 0	36 0	46 0	16 and under 17 years of age .. .. .	..	..	..	..	29 0
3rd year—					17 and under 18 years of age .. .. .	..	..	..	..	32 3
1st 6 months	36 0	46 0	46 0	65 3	18 and under 19 years of age .. .. .	..	..	..	..	35 3
2nd 6 months	36 0	46 0	46 0	75 0	19 and under 20 years of age .. .. .	..	..	..	..	39 3
4th year—					20 and under 21 years of age .. .. .	..	..	..	..	42 3
1st 6 months	46 0	56 3	65 3	Minimum wage						
2nd 6 months	46 0	56 3	75 0	Minimum wage						
5th year—										
1st 6 months	56 3	65 3	Minimum wage							
2nd 6 months	56 3	75 0	Minimum wage							
6th year—										
1st 6 months	65 3	Minimum wage								
2nd 6 months	75 0	Minimum wage								
Thereafter	Minimum wage									

PROPORTION (BY ANY EMPLOYER).

Apprentices.

One female apprentice to every three or fraction of three female adult workers receiving not less than the minimum wage.

Improvers.

Two female improvers to every female adult worker receiving not less than the rate fixed for age 23.

PROPORTION (IN ANY PLACE).

Apprentices.

One apprentice to every three or fraction of three workers receiving not less than 120s. per week of 44 hours.

Improvers.

One improver to every four workers receiving not less than 120s. per week of 44 hours.

(3)

OTHER EMPLOYEES.

Wages per Week of 47 Hours.		Wages per Week of 44 Hours.			
		Adjustable Rate.	Emergency Loading (Non-adjustable).	Total Weekly Wage.	
		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	
Female Receiver, Despatcher, or Saleswoman—					
21 years of age .. .. .	.. .. .	117 0	3 0	120 0	
22 years of age .. .. .	.. .. .			
23 years of age .. .. .	.. .. .			

Clauses (4) to (10) inclusive of the Determination as published in *Government Gazette* No. 160 of the 16th August, 1943, shall remain in force.

Dated at Melbourne this 12th day of August, 1943.

RAY H. BEERS,
Secretary for Labour.

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



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MONDAY, AUGUST 16.

[1943

Factories and Shops Acts.

DETERMINATION OF THE WHOLESALE GROCERS BOARD.

NOTE—(a) On the 23rd December, 1912, the powers of the Wholesale Grocers Board were extended to enable it to fix rates for persons employed in the business of a wine and spirit merchant.

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 business of a wholesale grocer, including a seller of tea," has made the following Determination, namely:—

(1) That as from the beginning of the first pay period to commence on or after the 5th August, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

APPRENTICES AND IMPROVERS.		ALL OTHER EMPLOYEES.		
		Wages per week.		
Wages per week.		Within the cities of Ballarat and Bendigo, and the boroughs of Eaglehawk and Sebastopol.		All other parts of Victoria where this Determination applies.
£ s. d.		£ s. d.		£ s. d.
Under 16 years of age ..	1 6 9			
16 years of age ..	1 12 6			
17 " " ..	2 1 9			
18 " " ..	2 15 9			
19 " " ..	3 11 3			
20 " " ..	4 6 3			
PROPORTION (IN ANY PLACE).				
<i>Apprentices.</i>				
One apprentice to every three or fraction of three workers receiving not less than 105s. per week.				
An indenture of apprenticeship prescribed by the Board was approved on 24.5.1923.				
<i>Improvers.</i>				
One improver to every three or fraction of three workers receiving not less than 105s. per week.				
		Head cellerman, i.e., the principal employee engaged in testing, blending, reducing, or fining wines or spirits ..	6 0 0	6 3 6
		Leading hand in charge of storemen only—		
		10 or more storemen ..	6 6 6	6 10 0
		6, 7, 8, or 9 storemen ..	6 0 0	6 3 6
		1, 2, 3, 4, or 5 storemen ..	5 11 6	5 15 6
		Leading hand in charge of persons other than storemen or of storemen and other persons—		
		10 or more persons ..	6 0 0	6 3 6
		6, 7, 8, or 9 persons ..	5 11 6	5 15 6
		1, 2, 3, 4, or 5 persons ..	5 10 0	5 14 0
		Storeman employed singly ..	5 11 6	5 15 6
		All others ..	5 5 0	5 10 0

NOTE—"Leading hand" means an adult employee who, notwithstanding that he may be under the orders of a superior, has by the instructions of his employer one or more adult employees usually under his direction.

(3) HOURS OF WORK.—The number of hours to constitute an ordinary week's work shall be 44.

(4) TIMES OF BEGINNING AND ENDING WORK—

Times of Beginning.		Times of Ending.		
Not earlier than—		Not later than—		
7.35 a.m. ..	12 noon ..			On Saturday, or the day on which the weekly half-holiday is observed.
7.35 a.m. ..	5.30 p.m. ..			On the other working days of the week.

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

Outside the times of beginning and ending work in any day ..	.. .. .	}	First two hours—Time and a half, thereafter—Double time.
Within the times of beginning and ending work, in excess of the maximum number of hours prescribed in clause (3) ..	.. .. .	
			Time and a half.

(6) **TEA MONEY.**—Any employee required to work overtime for a period in excess of one hour after the time fixed for ending work shall be allowed 2s. tea money in addition to overtime rates as proscribed for in this Determination. Provided that this clause shall not apply where the employee was notified 24 hours previously of the intention to work overtime.

(7) **RATIONING.**—Where because of the exigencies of the trade it is intended to ration employees, not less than seven days' and not more than ten days' notice shall be given by the employer to the employees affected.

(8) **TIME RATE.**—Any person employed on time wages for less than the number of hours fixed for an ordinary week's work shall for each hour worked up to one half of the maximum number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of fifty per centum, and for each hour worked beyond the one-half aforesaid shall be paid the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

(9) **SPECIAL RATES.**—Double time shall be the special rate for all work done on Sundays, New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, then the special rate shall be payable only for the day so substituted.

(10) **TERMINATION OF EMPLOYMENT.**—Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or worker. If such notice be not given, a week's wages shall be paid or forfeited, as the case may be, in lieu thereof.

(11) **REST INTERVAL.**—There shall be a rest interval of 10 minutes at a time fixed by the employer between 10 a.m. and 11.30 a.m. on each day (Monday to Friday inclusive in each week) for each employee, such time to count as time worked.

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

(13) **PAY DAY.**—Payment of wages shall be made not later than Thursday of each week and during the ordinary working hours.

(14) **PICNIC DAY.**—Double time shall be paid for all work done in the Metropolitan District on the day on which the employees hold their Annual Picnic.

(15) **SICK PAY.**—Any employee not attending for duty shall lose his or her pay for the actual time lost unless such employee has had not less than twelve months' service with the same employer, and he or she produces or forwards within twenty-four hours of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to personal ill health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill health or accident for more than six days in each year.

(16) **ANNUAL LEAVE.**—(a) A period of one week's leave on full pay (exclusive of the holidays mentioned in clause (9)) shall be allowed annually to all employees after twelve months' continuous service.

(b) Annual leave shall be given at a time fixed by the employer within a period not exceeding three months from the date when the right to such annual leave accrued due.

(c) If after six months' continuous service an employee leaves or is dismissed he shall be paid one-twelfth of an ordinary week's wage for each completed month of service in respect of which leave has not been granted hereunder.

Notwithstanding anything contained in this clause an employer may require any employee to take such holiday inclusive of Christmas Day, Boxing Day, or New Year's Day, in which case an employee so required shall be granted within three months thereafter one day in lieu of each of such public holidays aforementioned as was included in his week's annual leave.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 11th August, 1943.



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No. 163]

MONDAY, AUGUST 16.

[1943

Factories and Shops Acts.

DETERMINATION OF THE WATCHMEN'S BOARD.

NOTE.—(i) (a) This Determination applies to the whole of the State of Victoria.

(b) Section 225 of the *Factories and Shops Act 1928* (No. 3677) provides that "every person employed as a watchman shall be granted one holiday in every week."

(ii) On the 21st day of May, 1943, the Industrial Appeals Court granted leave to the above-mentioned Board to review the Determination of the Board as amended by the Courts Determination of the 18th day of March, 1943, in respect of rates of pay for casual watchmen on wharfs and/or ships in connection with overseas and interstate shipping.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed in lieu of the Nightwatchmen's Board to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the occupation of a watchman" has made the following Determination, namely:—

(1) That as from the beginning of the first pay period to commence on or after the 10th August, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Classes of Employees.	Wages per Week of 48 Hours.					
	Within a Radius of 20 Miles of G.P.O., Melbourne, 10 Miles of G.P.O., Geelong, at Warrnambool, and within Mildura and Gippsland Districts.			Other Parts of Victoria where this Determination applies.		
	Wages.	War Time Loading.	Total.	Wages.	War Time Loading.	Total.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Watchman, who in addition to watching, performs manual work not subject to the Determination of any other Wages Board, while performing such work, at the rate of	124 6	3 0	127 6	121 6	3 0	124 6
All others	112 0	3 0	115 0	109 0	3 0	112 0

(3) CASUAL WATCHMEN.—i.e. persons employed by the hour as watchmen on wharfs and/or ships in connection with overseas and/or interstate shipping shall be paid at the rate of 3s. 3¼d. per hour.

(4) OVERTIME.—(a) Any time worked in excess of 48 hours in any one week shall be paid for at the rate of time and a half.

(b) For the purpose of computing overtime, all time actually worked on Sundays or public holidays as shown in Clause 5 herein shall be included and the overtime rate shall be paid in addition to the special rate.

(5) EMPLOYMENT FOR LESS THAN FULL WEEK.—Employees except casual watchmen as defined in clause (3), who are employed during any week for less than the working week of 48 hours shall be paid for the first 24 hours at the rate of time and a quarter, and for every hour thereafter ordinary time up to but not exceeding the ordinary wages rates for an ordinary week's work.

Provided that any person who is not engaged for a week who earns a sum in wages equal to the wages of an ordinary week's work may be required by the employer to complete the week's work without further pay, and if such person refuses to do so he shall forfeit his right to any payment for that week unless his refusal is caused by his illness, inability, or some other sufficient cause beyond his control.

(6) SPECIAL RATES.—Time and a half shall be the special rate for all work done on Sunday, New Year's Day, 28th January (Australia Day), Good Friday, Easter Monday, Labour Day (21st April), Anzac Day, King's Birthday, Christmas Day, and 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 a person who is directed by his employer to absent himself from duty on any of the days above mentioned shall, if he is unable to complete 48 hours' work in that particular week, be paid ordinary rates for any such day on which he is absent.

(7) **TRAVELLING TIME AND FARES.**—Any watchman employed on wharfs, ships, &c., away from the Melbourne wharfs and Victoria Dock shall be paid for travelling time at the ordinary rate together with all fares necessarily incurred by the most economical means of travel from and to the place of engagement to and from the place of employment.

(8) **EMPLOYEE PROVIDING OWN BICYCLE.**—Any patrol watchman required by his employer to provide his own bicycle shall receive 1s. per week extra.

(9) Any watchman called up for duty shall receive at least four hours' pay.

(10) **PAYMENT FOR MEAL TIMES.**—No deduction shall be made in an employee's time for a meal period unless he is permitted to leave his employer's premises for such meal.

(11) **MEAL ALLOWANCE.**—Where an employee is directed by the employer to work more than two hours into the next shift he shall be supplied by the employer with a meal or be paid a meal allowance of 2s., provided he was not notified the previous day that he would be required to work.

(12) **ANNUAL LEAVE.**—(i) Any employee, except casual watchmen as defined in clause (3), who has been in the service of the same employer for a period of not less than twelve months shall be granted twelve working days' holiday on full pay, exclusive of the holidays mentioned in clause (6), in each year of service, and such holiday shall be given within three months after the completion of twelve months' service.

If, after six months' continuous service in any qualifying twelve-monthly period, an employee leaves or is dismissed through no fault of his own, he shall be given or paid for holidays *pro rata* in accordance with the length of service, viz., one day for each complete month of service.

(ii) Each employee before going on leave shall be paid the wages due to him for the period for which he is entitled to leave.

(13) **SICK LEAVE.**—An employee, except casual watchmen as defined in clause (3), who has been in the service of an employer for not less than six months, shall be entitled to a maximum aggregate of four days' sick leave of absence with full pay during each subsequent twelve months' service provided he produces satisfactory evidence to his employer that such absence was caused by ill-health or an accident.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 11th August, 1943.



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MONDAY, AUGUST 16.

[1943

Factories and Shops Acts.

DETERMINATION OF THE LIFT 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 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 in the process, trade, business, or occupation of a lift attendant" has made the following Determination, namely:—

(1) That on and after the 12th August, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

EMPLOYEES.

	Weekly Wage. s. d.	Note.
Lift attendants (male or female)	110 0	The Board has determined that no apprentices shall be taken to the trade.

(3) Employees (other than casuals) shall be paid the weekly wage fixed irrespective of the number of hours worked not exceeding 44 hours per week.

(4) WAGES TO BE PAID IN FULL.—An employer shall not make any deduction from wages for meals supplied to lift attendants in hotels, coffee palaces, clubs, restaurants, or hospitals.

(5) TIME OF BEGINNING AND ENDING WORK FOR LIFT ATTENDANTS, other than those who are employed in lifts in hotels, clubs, coffee palaces, restaurants, or hospitals—

	Time of Beginning.	Time of Ending.
(i) On the day on which the half holiday is observed locally	8 a.m.	1 p.m.
(ii) on the other working days of the week	8 a.m.	6.15 p.m.

(6) OVERTIME.—The following rates shall be paid:—

(1) Lift attendants who are employed in lifts in hotels, clubs, coffee palaces, restaurants, or hospitals—

(a) For all work done in excess of ten hours on any one day	} Time and a half.
(b) For all work done in excess of 44 hours in any week	

(2) All other lift attendants—

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

(7) CASUAL ATTENDANTS.—Casual attendants, i.e., persons who are employed during any week for not more than one-half the maximum number of hours fixed in this Determination as a week's work, shall be paid as follows:—

	Per hour.
Persons employed in lifts in retail shops, hotels, clubs, coffee palaces, restaurants and hospitals	3s.
All other persons—	
(a) Within the times of beginning and ending work	3s.
(b) Outside the times of beginning and ending work	4s.

(8) **SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.**—Lift attendants (including casuals) employed in hotels, clubs, coffee palaces, restaurants, or hospitals shall be paid at the rate of time and a half for work done on New Year's Day, 26th January (Australia Day), Good Friday, Easter Monday, Labour Day, Christmas Day, and Boxing Day; and all other lift attendants (including casuals) shall be paid double time for work done on Sundays, New Year's Day, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), Christmas Day, and 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 be payable only for the day so substituted.

(9) **TERMINATION OF EMPLOYMENT.**—One week's notice of termination of employment shall be given by either employer or employee, or one week's pay shall be paid or forfeited in lieu thereof.

Provided that an employer may dismiss an employee without notice for malingering, inefficiency, neglect of duty, or misconduct, and in such cases wages will be paid up to the time of dismissal only.

(10) **RATIONING OF EMPLOYEES.**—Where an employer desires to ration his employees he shall give at least three days' notice to each employee of his intention to ration such employee.

(11) **SICK LEAVE.**—Lift attendants necessarily absent on account of sickness shall be allowed six days' sick leave each year on full pay, providing satisfactory evidence is produced to the management or employer within 24 hours of the usual hour for commencing work.

(12) **ANNUAL HOLIDAY.**—Any employee who has been in the service of an employer for a period of not less than twelve months shall each year be granted holidays on full pay for twelve consecutive working days, which includes Saturdays, whether work is ordinarily performed or not. Also any employee, if his employment terminates after not less than six months but less than one year, shall be entitled to be paid *pro rata* at the rate of one day's pay for each month worked providing that he is not discharged for misconduct or breach of duty.

(13) **UNIFORMS.**—Where an employee is required by the employer to wear a uniform, such uniform shall be supplied by the employer.

(14) **MEAL HOUR.**—(a) Employees in hotels, clubs, coffee palaces, restaurants, or hospitals shall be allowed meal intervals as follows:—

(i) Day shift employees (i.e. persons employed up to 3 p.m.)	.. .. .	Not more nor less than one hour between 11 a.m. and 3 p.m.
(ii) Afternoon shift employees (i.e. persons employed after 3 p.m.)	.. .. .	Not more nor less than one hour between 5 p.m. and 9 p.m.
(b) Other employees	.. .. .	Not more nor less than one hour between 11.45 a.m. and 2.15 p.m. and not more nor less than three-quarters of an hour between 5 p.m. and 7.15 p.m.

(15) **MEAL MONEY.**—Any employee (other than one employed in a hotel, club, coffee palace, restaurant, or hospital) required to work beyond one hour after the usual finishing hour of work as prescribed in clause 5 (ii) or before the usual commencing hour of work as prescribed in clause 5 (i) shall be paid not less than 1s. 6d. meal money in addition to the overtime rates as prescribed for in this Determination.

(16) **REST PERIOD.**—Each employee (other than one employed in a hotel, club, coffee palace, restaurant, or hospital) shall be allowed two rest intervals on each day as follows:—(a) The first of ten minutes to be allowed between the time of commencing work and the usual meal interval; (b) the second of ten minutes to be allowed between the usual meal interval and the time of ceasing work for the day. Such intervals are to be counted as part of time worked.

(17) **CONTINUITY OF WORK.**—The work of each day shall be continuous with the customary breaks for meals and rest periods as prescribed in clauses (14) and (16).

(18) **PAYMENT FOR HOLIDAYS.**—All employees (other than those employed in hotels, clubs, coffee palaces, restaurants, and hospitals) not being paid casual rates shall be entitled to the following holidays without deduction of pay:—New Year's Day, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), Christmas Day, and Boxing Day.

(19) **PAYMENT OF WAGES.**—All payments of wages shall be made not later than the hour of ceasing work on Thursday of each week.

(20) **SEATING FOR ATTENDANT.**—A suitable seat shall be provided in each passenger lift for the use of the attendant.

(21) **RADIATORS.**—Radiators shall be installed in all passenger lifts.

(22) **RIGHT OF ENTRY OF UNION OFFICIAL.**—A duly accredited representative of the Federated Lift Attendants' Union shall have the right to enter the establishment of any employer to which this Determination applies on one day per calendar month for a time not exceeding ten minutes, providing that such official is not interfering with the employee's work or offensive in his methods.

(23) **TIME AND WAGES BOOK.**—A time and wages book shall be kept by each employee showing times of attendance and amount of wages received. Such book shall be open for inspection by the Secretary of the Federated Lift Attendants' Union during the usual working hours.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 11th August, 1943.