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GOVERNMENT GAZETTE.

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[1949

Factories and Shops Acts.

DETERMINATION OF THE UMBRELLA BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed "to determine the lowest prices or rates which may be paid to any persons employed in the trade of a maker of Umbrellas" has made the following Determination, namely:—

1. That, as from the beginning of the first pay period to commence on or after 1st December, 1948, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

(i) APPRENTICES AND IMPROVERS.

RATES PER WEEK OF 40 HOURS.

| Experience. | Males. | Females. | |
|-------------------------|---------|---|--|
| | | First Commencing at the Trade when Under the Age of 18 Years. | First Commencing at the Trade Between the Ages of 18 Years and 21 Years. |
| | £ s. d. | £ s. d. | £ s. d. |
| 1st six months | 1 6 0 | 1 19 0 | 3 2 0 |
| 2nd six months | 1 11 0 | 2 4 0 | 3 9 0 |
| 3rd six months | 1 16 6 | 2 8 6 | 3 18 0 |
| 4th six months | 2 1 0 | 2 15 0 | 4 7 0 |
| 5th six months | 2 14 6 | 3 2 0 | .. |
| 6th six months | 3 4 0 | 3 9 0 | .. |
| 7th six months | 4 10 0 | 3 18 0 | .. |
| 8th six months | 5 5 0 | 4 7 0 | .. |
| 9th six months | 5 18 0 | .. | .. |
| 10th six months | 6 2 6 | .. | .. |

and thereafter the minimum wage.

(ii) PROPORTION (IN ANY FACTORY OR PLACE).

APPRENTICES OR IMPROVERS.

Males.

One apprentice or improver to every two or fraction of two journeymen.

Females.

Three female apprentices or improvers to every journeywoman.

All apprentices shall be indentured in accordance with the prescribed form of indenture, provided that a minor may serve an employer as a probationer for a period not exceeding three months. During the said three months he or she shall be paid at least the minimum rates prescribed by this Determination for the first six months of apprenticeship. If the probationer becomes indentured, his or her indentures shall be taken to have commenced from the commencement of the period of probation.

In the event of the employer to whom an apprentice is bound ceasing to carry on business, such apprentice may be bound to another employer for the remainder of the term to be served; provided that if such apprentice be over the age of eighteen years at the time of the original employer ceasing to carry on business, such person may complete the time to be served as an improver.

OTHER PERSONS (EXCEPT APPRENTICES AND IMPROVERS).

| | Males. | | | Females. | | |
|--|--------|----|----|----------|----|----|
| | £ | s. | d. | £ | s. | d. |
| (a) Cutters | 8 | 2 | 0 | 8 | 2 | 0 |
| (b) Frame makers or repairers | 7 | 9 | 0 | 7 | 9 | 0 |
| (c) Finishers | 7 | 7 | 0 | 7 | 7 | 0 |
| (d) Machinists, pressers, or tipplers | | | | 5 | 4 | 6 |
| (e) Persons not provided for otherwise | 6 | 6 | 0 | 4 | 14 | 6 |

NOTE.—Industry loadings of 5s. per week for all males; 5s. per week for females in classifications (a) to (c) inclusive and 3s. 9d. per week for females in classifications (d) and (e) are included in the above rates and shall not be deemed to be portion of the wage for the purpose of computing piecework rates or task work or overtime, holiday or other penalty rates.

3.

DEFINITIONS.

A *journeyman* is a male person other than an apprentice or improver.

A *journeywoman* is a female person other than an apprentice or improver.

- (i) Who has served the term of experience prescribed by this Determination; or
 (ii) Who has attained the age of 21 years; or
 (iii) Who is in receipt of at least the minimum weekly wage prescribed for the class of work on which such person is engaged, whether on weekly wages or piece-work.

An *outdoor worker* is any male or female who is engaged as an outdoor worker in accordance with the provisions of Clause 15 hereof.

4.

HOURS OF EMPLOYMENT.

Forty hours shall constitute a week's work within the following hours:—Time of beginning, 8 a.m.; time of ending, 6 p.m.—on five days of the week. Time of beginning, 8 a.m.; time of ending, 1 p.m.—on the other day of the week on which the half-holiday is usually observed. Provided further that if the majority of the employees desire to start at 7.30 a.m., the work may begin at 7.30 a.m.

5.

OVERTIME.

(a) Any employee who, in any day, has performed any work outside the working hours ordinarily observed in the factory in which he or she is employed, shall be paid overtime as follows:—

- (1) Weekly workers shall be paid at the rate of time and one-half, and shall also be paid 2s. 6d. meal money when such overtime exceeds one hour on week-days or on Saturdays in those factories or workshops where a five and a half-day week is worked.

In those factories or workshops where a five-day week is worked, all work done on Saturdays shall be paid for at the rate of time and a half, and 2s. 6d. meal money shall be paid when such overtime is worked after noon.

- (2) Piece-workers shall be paid (in addition to the ordinary piece-work prices) for work done in the excess time such sum per hour as is equivalent to the weekly wage divided by 80, and shall also be paid 2s. 6d. meal money when such overtime exceeds one hour on week days or on Saturdays in those factories or workshops where a five and a half-day week is worked.

In those factories or workshops where a five-day week is worked, for all work done on Saturdays, piece-workers shall be paid (in addition to the ordinary piece-work prices for work done) such sum per hour as is equivalent to the weekly wage divided by 80, and 2s. 6d. meal money shall be paid when such overtime is worked after noon.

- (b) No employee shall be employed overtime outside the hours fixed, except with his or her consent.
 (c) No employee shall be dismissed, or in any way whatsoever be prejudiced in his or her employment, by reason of his or her refusal to work overtime outside the hours fixed.
 (d) No employee under the age of sixteen years shall be employed on overtime.
 (e) An employer may require any employee to work reasonable overtime at overtime rates and the employee shall work overtime in accordance with such requirement.

6.

MIDDAY MEAL.

(a) An interval of not less than three-quarters of an hour shall be allowed for the midday meal unless a majority of the employees in any place desires it to be otherwise. In no circumstances shall less than 30 minutes be fixed.

- (b) No work shall be performed during such meal time.

7.

TASK SYSTEM.

No employer shall make a bonus or merit payment which fluctuates from period to period according to the amount of work performed by the employee concerned, and which is based upon a secret or task rate for measuring the output of such employee. No increase in wages granted to any employee, after the date of operation of this Determination, above the rates herein prescribed shall be deemed to be in contravention of this clause if the same be paid for a period of three months, or for the term of employment, whichever period is the shorter; provided, however, that such increased wages may, at the discretion of the employer, be adjusted according to the wages rates prescribed from time to time by this Determination.

In all factories where a minimum task is set for a minimum wage the following shall be observed:—

- (a) The task rate in respect of all garments or parts of garments or other articles or parts of articles shall be determined in the manner following:—
 (i) Where there are fewer than twenty employees involved in the work to be performed, the employer or his representative, in conference with one employee chosen by and from such employees, shall fix the rates.
 (ii) Where there are twenty or more employees involved in the work to be performed, the employer or his representative, in conference with two employees so chosen, shall fix the rates.
 (b) The task rates shall be fixed so as to enable the average worker to earn the minimum wage prescribed by this Determination for the class of work to be performed; and any number of garments or parts of garments or other articles or parts of articles made in excess of the minimum weekly task fixed by the task rates for the minimum weekly wage shall be paid for at *pro rata* plus 10 per cent.
 (c) When any employee is employed for less than a week on the task rates, then the task of the said employee shall be fixed at per day at the weekly rate prescribed.
 (d) Any excess number of garments or parts of garments or other articles or parts of articles made in any day by the employee shall be subject to the same *pro rata* payment as would apply if the employee were engaged for the whole week.
 (e) A copy of all task rate schedules shall, within twenty-four hours of their being fixed, be displayed by the employer in a conspicuous place in each room of the factory where such tasks are being performed.
 (f) A combination or team shall mean two or more persons working together on the same class of work, employed on weekly wages where a task has been imposed. Where employees work in a combination or team, the additional amount of wages shall be distributed amongst the employees on a percentage basis, according to the amount of their ordinary weekly wages.

8.

HOLIDAYS.

(a) All weekly wage employees, whether in a city or elsewhere, shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day.

(b) All employees working on piece-work or task-work shall be granted the same holidays as are granted to weekly wage workers' and, subject as hereinafter provided, they shall be paid for such holidays the amount for each holiday based on the minimum weekly wage prescribed by this Determination for the class of work performed.

(c) If Christmas Day, Boxing Day or New Year's Day should fall on a Saturday or Sunday, and is not observed on any other day then an employee shall notwithstanding that it is a non-working day be paid for each such day on the following basis:—

- (i) If a weekly wage employee, an amount equivalent to one-fifth of the ordinary weekly wage paid to such employee;
- (ii) If a piece or task worker, on one-fifth of the minimum weekly wage as set out in this Determination for the class of work performed.

Provided that an employee whose ordinary week includes Saturday and who in accordance with the provisions of clause⁹ 9 sub-clause 3 (a) of this Determination has added to his or her annual leave an additional day or days shall not be entitled to receive the extra payment prescribed by placita (i) and/or (ii) of this sub-clause.

(d) All other weekly employees, whether in a city or elsewhere, shall be paid for the above holidays an amount for each holiday based on the actual weekly wage paid to them by the employer.

(e) Any employee absenting himself or herself from work on any portion of the working day preceding or any portion of the working day succeeding a holiday provided for herein, other than Boxing Day and New Year's Day, without permission from the employer or without having reasonable cause for having absented himself or herself from work, shall not be entitled to payment for such holiday.

(f) Any weekly employee who is employed on a Sunday or any holiday prescribed herein shall be paid for that day at the rate of time and a half in addition to his or her weekly wage.

(g) Any piece-worker employed on a Sunday or any holiday prescribed by this Determination shall be paid, in addition to the prescribed piece-work prices, at the rate of time and a half calculated on the minimum wage prescribed for the class of work performed.

9.

ANNUAL LEAVE.

(1) Except as hereinafter provided a period of fourteen consecutive days leave with payment of ordinary pay for two weeks shall be allowed annually by each employer to each of his employees after a period of twelve months continuous service with him by the employee concerned.

(2) Such period of annual leave shall not include any public holiday granted by the said Determination, observed on a working day, but shall include all other non-working days within the period of annual leave of the employee concerned.

(3) (a) If any public holiday granted by the said Determination falls within an employee's period of annual leave and is observed on a day which, in the case of that employee, would have been an ordinary working day, there shall be added to his period of annual leave one day, being an ordinary working day on ordinary pay for each such holiday observed as aforesaid.

(b) Where an employee without reasonable excuse, proof whereof shall lie upon him, is absent from his employment on the working day or part of the working day prior to the commencement of his annual leave, or fails to resume work at his ordinary starting time on the working day immediately following the last day of the period of his annual leave, the employee shall not be entitled to payment for the public holidays which fall within his period of annual leave.

(4) Continuity of service shall not be broken nor be deemed to be broken by:—

- (a) any interruption or termination of the employment of an employee by his employer, if such interruption or termination has been made with the intention of avoiding any obligation under the Determination in respect of annual leave, and proof that it has not been made with such intention shall be on the employer;
- (b) any absence from work less than fourteen days in the twelve months on account of sickness or accident, proof whereof shall be on the employee;
- (c) any absence on account of leave granted, imposed or agreed to by the employer;
- (d) any absence due to reasonable cause proof whereof shall be on the employee;
- (e) the standing off of an employee or the working of shortened hours by an employee pursuant to clause 13 of the Determination, or the non-attendance for work by an employee after receipt of notice by him under sub-clause (d) of such clause that his services will not be required on the following day or days;
- (f) any absence from work of more than fourteen days in the twelve months on account of sickness or accident proof whereof shall be on the employee;
- (g) absences from work due to sickness or accident as prescribed in (b) and (f) of this sub-clause shall be subject to the provisions set out in sub-clause (10) hereof.

(5) In calculating a period of twelve months continuous service:—

- (a) any annual leave taken therein;
- (b) any absences of the kind mentioned in (a), (b) and (e) of sub-clause (4) above;
- (c) any absence on account of leave granted imposed or agreed to by the employer shall be counted as part of such period.
- (d) in respect of absences of the kind mentioned in placita (c) (other than absences on account of leave imposed by the employer) (d) and (f) of sub-clause (4) above the employee shall serve such additional period as part of his qualifications for annual leave as will equal the period of such absences.

(6) Notwithstanding any of the other provisions of this clause proportionate payment for annual leave shall be made by an employer in respect of each completed month of continuous service when the employee so serving leaves his employment or his employment is terminated by the employer before the completion of any twelve monthly qualifying period under this clause. Such payment shall be made forthwith on such employee so leaving or on his employment being so terminated as the case may be.

(7) Notwithstanding any of the other provisions of this clause, annual leave shall be allowed and shall be taken and payment shall not be made or accepted in lieu thereof.

(8) (a) Such annual leave shall be given by the employer and taken by the employee before the expiration of a period of six weeks after the date upon which the right to such annual leave accrues unless otherwise agreed to by the employer and employee concerned.

(b) An employee who has not completed his qualifying period of twelve months by the day on which the customary Christmas holiday period commences in the case of his employer in the year concerned, shall (unless the exigencies of the business otherwise require) be granted such proportionate leave and pay as his service prior thereto entitles him, and thereafter his qualifying period shall in cases not covered by sub-clause (9) hereof start afresh as from the commencement of such proportionate leave.

(c) The employer shall give the employee at least thirty days notice of the date from which such annual leave shall be taken.

(d) Each employee shall be paid in advance by his employer before the commencement of the employee's annual leave his ordinary pay for the said period of annual leave.

(e) Notwithstanding any of the other provisions of this clause, in no case shall annual leave be given and taken later than the expiration of three months after the date on which such annual leave accrues.

(9) Where an employer closes down his factory or workshop or a section or sections thereof for the purpose of allowing annual leave to all or the majority of the employees in the factory or workshop or section or sections concerned the following provisions shall apply:—

- (a) He may by giving to the employees concerned not less than one month's notice of his intention so to do, stand off for the duration of the close down all employees in the factory or workshop or section or sections concerned and allow to those who are not then qualified for two full weeks leave paid leave on a proportionate basis of one sixth of a week's leave for each completed month of continuous service.

- (b) An employee who has then qualified for two full weeks' leave, and has also completed a further month or more of continuous service shall be allowed his leave and shall also be paid one-sixth of a week's wages in respect of each completed month of continuous service performed since the close of his last twelve-monthly qualifying period.
- (c) The next twelve-monthly qualifying period of each employee affected by such close down shall commence from the day on which the factory or workshop or section or sections concerned is closed down for the annual leave in question.
- (d) If in the first year of his service with an employer an employee is allowed proportionate annual leave under sub-clause (8) (b) hereof, and subsequently within such year lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, he shall be entitled to the benefit of sub-clause (6) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.
- (e) Provided always that any employee leaving his employment by reason of non-compliance with clause 13 (a) of the Determination and who when so leaving suffers a deduction of pay under such clause shall be entitled notwithstanding such non-compliance to the benefit of sub-clause (6) of this clause.
- (10) (a) Should an employee be absent from his work on account of sickness or accident, it shall be necessary for such employee to notify his employer that such absence is due to sickness or accident. Such notification shall if required by the employer, but not otherwise be in the form of a written message which shall be sent by or on behalf of the employee within forty-eight hours after the commencement of such absence.
- (b) If an employer within seven days after the receipt by him of advice or when required of a written message sent by or on behalf of an absent employee, alleging that his absence is due to sickness or accident, fails to despatch or give to the employee written notice that he does not accept the message as satisfactory evidence of the facts alleged by or in it, such message shall be deemed to be prima facie evidence that the absence of the employee was due to sickness or accident.
- (c) If an employer within seven days after the receipt by him of such a message despatches or gives to the employee written notice that he does not accept such message as satisfactory evidence of sickness or accident, but requires further evidence thereof the employee shall within a reasonable time furnish such further evidence. If the employer requires the employee to obtain a medical certificate or other proof of sickness or accident the employer shall pay or refund any fee and incidental expenses necessarily incurred or paid by the employee in complying with such requirement. The employee shall submit to medical examination at the employer's expense if so required and shall not obstruct or interfere with inquiries deemed to be necessary by the employer.
- (d) In the event of any dispute arising in regard to any of the foregoing placita (a), (b) and/or (c) of this sub-clause such dispute may be referred for determination to the Wages Board and the said Wages Board shall thereupon consider and determine such dispute and the employee concerned in such dispute shall, if his claim succeeds and the Wages Board so decides, but not otherwise in such cases, be entitled to be paid by his employer for all time lost and for any reasonable expenses incurred consequent on his attendance before such Wages Board.
- (e) In any cases where the period of seven days referred to in placita (b) and/or (c) hereof expires after the finish of the last working day in the calendar week, or on a public holiday, such period shall be deemed to extend to noon of the next ordinary working day and in any case where illness commences after the finish of such last working day such period of forty-eight hours shall be deemed to commence at the starting hour of the next ordinary working day.
- (11) (a) Any absence from work shall not be deemed to break the continuity of service of any employee unless within seven days of the commencement of such absence his employer gives or despatches to such employee notice in writing that he regard either conditionally or unconditionally, such absence as constituting a break in the continuity of the service of such employee.
- (b) In any case where an employee has been absent from his employment for any cause not mentioned in any of the placita (a), (b), (c), (d), (e) or (f) of sub-clause (4) hereof and such employee has been notified in accordance with sub-clause (11) (a) hereof that his employer regards such absence as constituting a break in the continuity of the employee's service, such employee may apply to the said Wages Board within fourteen days of receiving such notification for a decision that it is, under all the circumstances, unduly harsh and unconscionable (proof whereof shall be on the employee) that he should suffer the loss to the full extent of such portion of a qualifying period for annual leave as he may have served up to the time of such absence. The said Wages Board shall upon receipt of any such application consider and make a decision thereon with due regard to all the circumstances of the absence and may decide that, despite the said absence, either the period of continuous service served by the employee prior thereto shall not be lost to him as portion of a qualifying period for annual leave, or that his period of annual leave should be reduced. But in the former case the decision shall be subject to a condition that he serve such period of continuous service as an addition to and part of his full qualifying period as the Wages Board may determine. Such additional period of continuous service shall not be less than the time lost by the employee as a result of the absence of the subject of the dispute.

For the purposes of this clause :—

"Ordinary Pay" means in the case of a time worker the ordinary remuneration he received for the normal weekly number of hours worked by him and in the case of a piece task or bonus worker the ordinary time rate.

"Employer" and all variations of such word includes and include respectively all persons firms and corporations covered by the said Determination irrespective of the gender used.

"Service" means service with any employer covered by the said Determination as from not earlier than the 1st day of January, 1946.

The masculine includes the feminine.

10.

SICK PAY.

- (1) When an employee has been employed by an employer during a period of three months and is subsequently absent from work on account of personal sickness or accident such employer shall not deduct from the pay of such employee on account of such absence the amount which the employee would be entitled to receive if working, but shall pay such employee such amount or amounts as the employee would have been entitled to receive if working, but not exceeding in all in any one year of his employment with such employer forty hours ordinary pay.
- (2) (a) Should an employee be absent from his work on account of sickness or accident it shall be necessary for such employee to notify his employer that such absence is due to sickness or accident. Such notification shall if required by the employer be in the form of a written message which shall be sent by or on behalf of the employee within forty-eight hours of the commencement of such absence.
- (b) If an employer within seven days after the receipt by him of a written message sent by or on behalf of an absent employee alleging that his absence is due to sickness or accident, fails to despatch or give to the employee written notice that he does not accept the message as satisfactory evidence of the facts alleged by it, it shall be deemed to be prima facie evidence that the absence of the employee was due to sickness or accident.
- (c) If an employer within seven days after the receipt by him of such a message despatches or gives to the employee written notice that he does not accept such message as satisfactory evidence of sickness or accident, but requires further evidence thereof the employee must within a reasonable time furnish such further evidence. If the employer requires the employee to obtain a medical certificate or other proof of sickness or accident the employer shall pay or refund any fee and incidental expenses necessarily incurred or paid by the employee in complying with such requirements. The employee shall submit to medical examination at the employer's expense if so required and shall not obstruct or interfere with inquiries deemed to be necessary by the employer.
- (d) In the event of any dispute arising in regard to any of the foregoing placita (a) and/or (b) and/or (c) of this sub-clause such dispute may be referred for determination to the appropriate Wages Board and the said Wages Board shall thereupon consider and determine such dispute and the employee concerned in such dispute shall, if his claim succeeds and the Wages Board so decides, but not otherwise in such case, be entitled to be paid by his employer for all time lost and for any reasonable expenses incurred consequent on his attendance before such Wages Board.
- (e) In any case where the period of seven days referred to in placita (b) and (c) hereof, expires after the finish of the last working day in the calendar week, or on a public holiday, the period shall be deemed to extend to noon of the next ordinary working day and in any case where illness commences after the finish of such last working day the said period of forty-eight hours referred to in placita (a) hereof shall be deemed to commence at the starting hour of the next ordinary working day.
- (3) If an employee be not entitled to receive in any one year the whole or part of forty hours ordinary pay on account of sickness or accident the whole or part of such pay to which he is not so entitled in such year shall accumulate from year to year up to, but not exceeding three years or in such accumulation 120 hours ordinary pay as sick pay.

(4) In the event of the employee having received in respect of any such sickness or accident as is mentioned in sub-clause (1) hereof any payment or monetary allowance or benefit in pursuance of any Commonwealth or State legislation or regulations or order made thereunder the employer shall be entitled to deduct from the employee's pay during any period of absence in pursuance of the provisions of this clause the equivalent of any such payment or monetary allowance or benefit and shall be liable to the employee for the remainder only.

(5) Notwithstanding anything in this clause contained an employee shall not be entitled to more than forty hours ordinary pay as sick pay in respect of any one period of twelve months.

(6) (a) Before leaving his place of employment for whatsoever cause an employee shall receive from his employer a certificate in the form set out hereunder showing the length of his service with the employer and the amount of sick leave granted, if any, during such employment:—

I hereby certify that was employed by me from to and that during such period of employment he/she received payment for hours on account of sickness.

The inclusive dates of the last absence as above were from to.....

Signature.

(b) If no sick leave has been granted to an employee during his period of service with an employer the certificate herein prescribed shall indicate that fact.

(7) In the event of any dispute regarding the right of an employee to sick pay under this clause, the employee shall if so required by his employer produce the aforementioned certificates to such employer.

For the purposes of this clause:—

"Ordinary Pay" means in the case of a time worker the ordinary remuneration he received for the normal weekly number of hours worked by him and in the case of a piece task or bonus worker the ordinary time rate.

"Employer" and all variations of such word includes and include respectively all persons firms and corporations covered by the said Determination irrespective of the gender used.

"Service" means service with any employer covered by the said Determination as from not earlier than the 1st day of January, 1946.

The masculine includes the feminine.

11. DINING ACCOMMODATION.

(a) If any employer of more than five employees in any factory or workshop fails to provide the accommodation and facilities in this clause set out he shall (subject to the following proviso) during the period of such failure pay to each and every such employee an additional amount equivalent to 2½ per centum of the amount of wages prescribed for such employee by this Determination to compensate such employees for the absence of such accommodation and facilities, provided that any employer who has failed for good cause to provide such accommodation and facilities may be exempted:—

(i) by the Union, or if the Union refuses or neglects on application to it by the employer to issue a certificate of exemption;

(ii) by the Wages Board

from the requirement that he shall pay during the period of such failure such additional amount.

(b) Every such employer shall set aside a separate room or portion of the factory or workshop as a dining room wherein the employer shall provide adequate table and seating accommodation.

(c) Hot water shall be provided free of charge to be available to employees immediately meal time or rest period commences.

(d) The employer shall provide the necessary labour to keep such room clean.

12. DISPUTES.

Any disputes as to the rights of employees or the duties or obligations of an employer under this Determination shall be dealt with by the Wages Board.

13. TERMS OF ENGAGEMENT.

(a) The week shall terminate on a day other than Monday or Saturday, and all employees shall be paid all moneys due to them in full during the ordinary working hours not later than two working days following the termination of the week. In order to terminate employment of a weekly employee, two days' notice shall be given on any day, with payment to date of termination, or in lieu thereof two days' pay shall be paid or deducted. When employment is terminated by an employer, the employer shall, upon the date of such termination, pay to the employee (weekly employee or piece-worker) all moneys due to him or her, and, when employment is terminated by an employee in accordance with the terms of this Determination, the employer shall pay to the employee (weekly employee or piece-worker) all moneys due to him or her.

(b) All weekly wages shall be paid to the employees in full, with the following exceptions:—

(1) *Turns to be Observed.*—In slack times the employer shall observe turns of employment for weekly workers and piece-workers (including outside workers) not engaged on making samples in the respective class or classes of work at which they are engaged, provided always that journeymen and journeywomen having apprentices under their control shall be allowed in their turn extra work equivalent to the wages of the apprentice during the time the turn system is in operation. The employer shall keep in the workroom a true record of every turn, which shall be open to the inspection of the employees.

(2) *Standing Off Employees in Turn.*—Should any employer during slackness of trade desire to stand off his employees in turn, then the employer on any day during any week shall inform every person whom it is proposed to stand off of any day or days in the following week (other than a Saturday or holiday) upon which his or her services will not be required; but an employee shall not, except under the conditions provided in sub-clause (3) of this clause, be stood off for part of a day without being paid for a whole day.

(3) *Employees Working Shortened Hours.*—If it is desired to work a week of shorter hours in slack times, instead of standing the employees off in turn, the employer may make an arrangement to work his employees for shortened hours, but such arrangement shall be made only where, on the vote of the employees being taken, a majority of the whole of the employees votes in favour of such arrangement.

Where such an arrangement is made, the employees shall be informed on the day ending each week of the shortened hours to be worked in the following week.

Where an arrangement is made in compliance with this provision the employer shall pay each employee for the actual hours worked on each day on the basis of his or her weekly wage.

(4) *Vacation Periods.*—Nothing contained in this sub-clause shall apply in the case of the usual vacation period at Christmas or Easter.

(c) *Classes of Employees.*—For the purpose of this clause (but subject to the provisions of sub-clause (b) hereof), in operating the turn system the various classes of employees shall be taken separately, and "classes of employees" shall mean each class of employee in respect of which a classification of work has been provided under this Determination, but in all cases, male improvers and journeymen, or female improvers and journeywomen doing the same class of work, shall be deemed to be one class of employee.

(d) *Stoppage of Work re Breakdown of Machinery.*—In the event of the work of a factory being stopped by a breakdown of machinery or a stoppage of supply of power, or for any cause for which the employer cannot reasonably be held responsible, all weekly hands who present themselves for work shall be found work for that day, or paid one day's wages in lieu thereof, but when such breakdown or stoppage occurs the employer may give notice to an employee that his or her services will not be required on the following day or days, and the employee shall not be entitled to any further payment in respect of any further days on which he or she is out of employment by reason of such break-down or stoppage.

(e) Terminating Employment in Relation to a Holiday.—

- (i) Where the employer terminates the employment of an employee within fourteen days of a day on which a holiday occurs, and such employee is re-employed within a period of one month after such holiday, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee has been employed by the employer for a period of at least one week prior to the termination of the employment.
- (ii) Should the employment of an employee be terminated, or should an employee be stood off within fourteen days prior to any holiday or to the commencement of any group of holidays prescribed in this Determination, such employee shall be paid for such holiday or group of holidays, provided that such employee has been employed by the employer for a period of at least one week prior to the termination of the employment.
- (iii) When any two or more of the holidays prescribed in this Determination occur within two weeks of one another, such holidays shall for the purposes of sub-clause (ii) hereof be deemed to be a group of holidays.
- (iv) Where the employer terminates the employment of an employee more than fourteen days, but not exceeding one month prior to a day on which a holiday occurs and such employee is re-engaged within a period of one month, or normal business is resumed within such period of one month after such holiday, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee has been employed by the employer for a period of at least one week prior to the termination of employment.

An employer shall be deemed to comply with the requirements of this sub-clause if on terminating the employment of any employee he gives that employee annual holidays or payment in lieu thereof in accordance with clause 9 hereof.

*(f) Employees Absenting Themselves.—*No employee shall, without just cause, be absent from his or her place of employment during the prescribed hours whilst there is work ready to be done by such employee, and, where weekly wages are fixed, the employee, to be entitled to the sums so fixed, must be available and ready and willing to do the work on the days and during the hours fixed by this Determination.

14.

PART-TIME EMPLOYEES.

Females may be employed as part-time employees in any branch of the clothing industry covered by this Determination upon and subject to the following terms and conditions:—

- (a) They shall be journeywoman within the meaning of this Determination.
- (b) They shall be employed for not less than twenty hours in any week.
- (c) They shall not be employed both on time work and piece work or both on time work and task work in any week.
- (d) If time workers, they shall be paid for each hour worked at the rate of 1/40th of the minimum weekly wage prescribed by this Determination for the class of work performed by them and if piece or task workers they shall be paid at the appropriate piece work rate or task rate payable under this Determination, but in no case shall any of such employees be paid less than so much of the minimum weekly wage prescribed by this Determination as is proportionate to the time worked by them.
- (e) The payment or deduction of payment in lieu of notice of termination of employment shall be 2/5ths of the pay of the preceding week of the employee concerned.
- (f) No employee employed or working as a full-time employee in any branch of the clothing industry on or after the first day of May, 1944, shall be employed or work as a part-time employee unless a permit in writing is obtained from the Secretary for Labour permitting such employee to be employed or to work as a part-time worker.
- (g) The provisions of this Determination as regards annual leave and holidays shall apply to such part-time employees but they shall be paid in respect of the period of such annual leave and in respect of holidays only at the rate actually being received by them at such time.
- (h) Save as aforesaid all the provisions of this Determination shall apply to such part-time employees.

15.

OUTSIDE WORKERS.

(a) Any employer may cause any work covered by this Determination to be done for him by any person (hereinafter called an "outside worker") who shall be the holder of a current outside worker's licence issued to him by the Secretary for Labour authorizing him to work as an outside worker for such employer.

(b) Every such licence shall authorize the holder to work as an outside worker for one and only one employer named therein, and shall be current for a period specified therein not being more than six calendar months from the date of issue thereof.

(c) No such licence shall be issued unless the Secretary for Labour is satisfied that the applicant—

- (i) is in necessitous circumstances;
- (ii) cannot for some sufficient reason seek employment in a factory or workshop;
- (iii) is a person legally entitled to the benefits of this Determination and to recover the rates of pay herein provided, and
- (iv) will not as a result of the issue thereof be the holder of current outside workers' licences relating to more than one employer.

(d) The Secretary for Labour may at any time in his discretion cancel such licence—

- (i) at the request of the holder;
- (ii) if he is satisfied that any of the conditions mentioned in the last preceding sub-clause is no longer complied with; or
- (iii) if he is satisfied that the holder has broken any of the conditions of such licence set forth in sub-clause (c) hereof.

(e) The conditions of any such licence shall be that the outside worker during the currency of such licence—

- (i) shall not do any work covered by this Determination in any workshop or factory or in the company of other persons then also doing any such work, except of persons holding current outside workers' licences and bearing to such outside worker the relation of parent, child, brother, sister, husband or wife.
- (ii) shall be a person legally entitled to the benefits of this Determination and to recover the rates of pay herein provided;
- (iii) shall not employ any labour whatsoever in connexion with the work entrusted to him;
- (iv) shall not permit any portion of the work entrusted to him to be done by any other person;
- (v) shall not suffer from any communicable disease or do any work in any place whereat any person is suffering from any communicable disease;
- (vi) shall keep in a bound book a correct and complete record in ink of the hours worked by him each day on any such work; and
- (vii) shall not work on any work covered by this Determination more than 40 hours in any one week.

(f) An employer by whom work is given to an outside worker shall—

- (i) not cause or permit him to do any part of such work in any workshop or factory;
- (ii) pay him the piecework prices prescribed by this Determination;
- (iii) pay him for each public holiday prescribed by this Determination occurring during the period he is doing such work for such employer one-fifth of the weekly wage prescribed by this Determination for employees doing similar work;
- (iv) record in a bound record book in which each page is consecutively numbered—
 - (1) the name and full address of the outside worker;
 - (2) the description, and number of articles or garments given to the outside worker; and
 - (3) the price paid or agreed to be paid for such work; and
- (v) obtain the signature of the outside worker to each entry in such book.
- (vi) shall pay him for annual leave in accordance with the provisions of Clause 9 hereof.

(g) Any such record book so kept shall be open for inspection during business hours by (1) any person or persons authorized by the Secretary for Labour and (ii) any officer or officers of the Amalgamated Clothing and Allied Trades Union of Australia, provided that no more than two of such persons or two of such officers shall inspect such book at any one time.

(h) No employer shall have more than one outside worker plus such number of outside workers as bears to the number of workers directly employed by him in his usual workshop or factory a ratio not exceeding one to ten.

(i) Outside workers shall be provided free of charge with cotton, silk, thread and all other sewings and trimmings used in the manufacture of articles or garments.

(j) In the case of an employer delivering and/or collecting the work of any outside worker the same shall be done without charge to such outside worker.

16.

MISCELLANEOUS PROVISIONS.

(a) *Record of Time Worked and Wages Paid.*—(1) The employer shall provide in each factory, or place where there are fewer than 30 employees, and where work is carried on for him, a time and wages book. Such time and wages book :—

(i) shall be in the English language and shall contain a correct account of the hours worked each day, and the wages received each week, by each employee;

(ii) shall be kept correctly entered up in ink; and

(iii) shall record clearly the actual date of each day, of each week, and also the date of the day on which the week ends.

(2) The employer shall provide in each factory or place where there are not fewer than 30 employees, and where work is carried on for him, a time-book, or sheet, or record. Such time-book, or sheet, or record shall be in the English language and shall contain a correct account of the hours worked each day and the wages received each week by each employee. Such time-book, or sheet, or record shall be kept correctly and entered up in ink.

(b) *Chairs to have Backs.*—(1) Where it is necessary for employees to sit at their work, seats shall be provided for the employees by the employer. Such seats shall be reasonably comfortable seats.

(2) A seat provided for any female employee shall have a back to it, unless the work of such employee cannot be conveniently done in such a seat, or unless the employee requests to be allowed to use a seat without a back to it.

(c) *Collecting Logs.*—Where piece-work is in operation, the employer shall make arrangements for collecting the logs, and the employees need not leave their places.

(d) *Rest Period.*—When any spell of duty is for more than four hours, an interval of ten minutes, to be selected by the employer, shall be allowed in the second or third hour to females and apprentices for refreshment. The interval shall be as part of the time of duty, without deduction of time-work pay. During such rest period, the employees may leave their seats, but not the premises.

(e) *Authorized Person may Enter Factory.*—

(i) Any person or persons duly authorized, in writing, by the Secretary for Labour (such authorization to be terminable at the will of the Secretary for Labour) shall have power to inspect any part of a factory, workshop, or place where it is believed that a breach of this Determination is occurring or has occurred.

(ii) At least six hours' notice shall be given by the authorized person or persons (not exceeding two) prior to his or their actually going on the premises, and the employer shall be notified of his or their arrival, and shall in person (accompanied by a nominee, or by his nominees, not exceeding two) be entitled to accompany the authorized person or persons, and shall provide access to the wages book or time sheet or records of any employee including outside workers. The work and duties of the employees shall be interfered with as little as possible by the authorized person or persons.

(iii) The Secretary for Labour shall have power to dispense with the said six hours' notice on special application being made for any cause shown and supported by an affidavit setting out the facts. A certificate duly signed by the Secretary for Labour stating that such notice has been dispensed with shall be sufficient proof of such fact.

(f) *Union Official Visiting Employer's Establishment.*—

(1) The employer shall permit any official of the Victorian Branch of the Amalgamated Clothing and Allied Trades' Union of Australia (authorized in writing by the Secretary for Labour) to enter from time to time his or her factory or workshop during the midday meal time for the purpose of—

(i) collecting members' contributions;

(ii) posting union notices and interviewing employees on union matters relating to this industry and/or this Determination.

(2) Such authorized person shall inform the person in charge of his arrival before entering the workshop or factory. Such official shall have reasonable ingress into the factory and access to the employees. If any official so authorized makes himself objectionable during any such visit to the employer or his manager or foreman or any employee his right to visit may be terminated by the Secretary for Labour on the application of the employer.

(3) For the purpose of this clause the words "factory or workshop" shall include every room or place where work in respect of which a wage is prescribed by this Determination is carried out, together with the room in which the employees partake of their meals, notwithstanding that such room may be detached from or in a separate building from the main place of business of the employer.

17.

PIECEWORK.

(a) Subject to payment of the minimum weekly wages prescribed by this Determination for employees in their respective classes and to the conditions hereinafter set out, the employer, in conjunction with the employees, may fix his own piecework prices, provided such prices enable a journeyman or journeywoman of average capacity working under like conditions to earn at least 10 per centum more than the minimum weekly wage in their respective classes. The same piecework prices shall be paid to all pieceworkers doing the same operation in the factory or workshop whether they be journeymen, journeywomen, improvers, apprentices or juveniles.

(b) All pieceworkers, who are available and ready and willing to work during the ordinary working hours but for whom work is not provided by the employer shall be paid in each week:—In the case of males not less than the "all others" rate; and in the case of journeywomen not less than the amount prescribed for "all others"; and in the case of apprentices or improvers not less than the amount prescribed by this Determination for an apprentice or improver of like experience.

(c) The piecework price in respect of all garments or parts of garments or other articles or parts of articles shall be determined in the following manner:—

(i) Where there are fewer than twenty employees involved in the work to be performed the employer or his representative, in conference with one employee chosen by and from such employees, shall fix the prices.

(ii) Where there are twenty or more employees involved in the work to be performed the employer or his representative, in conference with two employees so chosen, shall fix the prices.

(d) In the event of a dispute with reference to piecework prices the matter shall be referred to the Board of Reference.

(e) A copy of all piecework schedules shall, within 24 hours of their being fixed, be displayed by the employer in a conspicuous place in each and every room of the workshop or factory where such piecework is being performed and shall be kept displayed.

(f) In all factories and workshops where piecework conditions are now in operation, the same shall not be altered except in the manner prescribed in this clause for the determination of piecework prices.

18.

PERIODICAL ADJUSTMENT OF WAGES.

The wages rates set out in clause 2 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 the rates for adult males shall be automatically adjusted as prescribed in clause 19.

Basic Wage.

| Place. | Industry Needs Basic Wage (Adjustable). | Constant Loading (Non-Adjustable). | Industry Loading (Non-Adjustable). | Special Loading (Non-Adjustable). | Total Male Minimum Rate. | Index Number Set Assigned. |
|----------------------------|---|------------------------------------|------------------------------------|-----------------------------------|--------------------------|---------------------------------------|
| Throughout the State | £ s. d. 5 14 0 | £ s. d. 0 5 0 | £ s. d. 0 5 0 | £ s. d. 0 2 0 | £ s. d. 6 6 0 | Six Capital Cities (Weighted Average) |

19. ADJUSTMENT OF BASIC WAGE.

(a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all items' 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.

(b) Until the beginning of the first pay period to commence in May, 1949, the amounts of the basic wage shall be as prescribed in clause 18.

(c) During each future successive period beginning with the first pay period to commence in a May or a November, the amount of the needs basic wage shall be adjusted by the following method, namely, by multiplying the last published Commonwealth Statistician's 'all items' retail price index number for the six months ending March or September next, preceding the half year for which the adjustment is made by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

(d) In all cases where for the same class of work the same rates have been prescribed for journeywomen or adult females as are prescribed in this Determination to be paid to journeymen or adult males, the rates for such journeywomen or adult females shall be increased or decreased in the same manner and by the same amount as the rates for journeymen or adult males.

(e) Adult female rates (other than those provided for in sub-clause (d) hereof) shall be adjusted at the same time as adjustments may be made to adult male rates as prescribed in sub-clause (c) hereof, by increasing or decreasing the said female rates by 75 per cent. of the amount by which the rate in this Determination prescribed for the lowest paid adult male worker is increased or decreased.

20. APPRENTICES OR IMPROVERS.

The minimum rates of wages to be paid to apprentices and improvers in all groups of the industry shall be as follows:—

(a) Males—

| Experience. | Per Week Percentage of Needs Basic Wage (to Nearest Sixpence). |
|-------------------------|--|
| 1st six months | 23 |
| 2nd six months | 27 |
| 3rd six months | 32 |
| 4th six months | 36 |
| 5th six months | 48 |
| 6th six months | 56 |
| 7th six months | 79 |
| 8th six months | 92 |
| 9th six months | 104 |
| 10th six months | 108 |

and thereafter at least the minimum weekly wage or piece-work rate.

(b) Females—

| Experience. | Per Week Percentage of Needs Basic Wage (to Nearest Sixpence). | Per Week Special Loading. |
|------------------------|--|---------------------------|
| 1st six months | 30 | s. d. 5 0 |
| 2nd six months | 34 | 5 0 |
| 3rd six months | 38 | 5 0 |
| 4th six months | 44 | 5 0 |
| 5th six months | 50 | 5 0 |
| 6th six months | 56 | 5 0 |
| 7th six months | 64 | 5 0 |
| 8th six months | 72 | 5 0 |

and thereafter at least the minimum weekly wage or piece-work rate.

(c) Female improvers who have attained the age of 18 years, but who are under the age of 21 years.

| Experience. | Per Week Percentage of Needs Basic Wage (to Nearest Sixpence). | Per Week Special Loading. |
|------------------------|--|---------------------------|
| 1st six months | 50 | s. d. 5 0 |
| 2nd six months | 56 | 5 0 |
| 3rd six months | 64 | 5 0 |
| 4th six months | 72 | 5 0 |

and thereafter at least the minimum weekly wage or piece-work rate.

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

J. V. WILLOX, Secretary.

Melbourne, 30th November, 1948.