



VICTORIA GOVERNMENT GAZETTE.

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No. 236]

THURSDAY, DECEMBER 3.

[1936

Factories and Shops Acts.

DETERMINATION OF THE BISCUIT BOARD.

NOTE.—This Determination on the 7th December, 1936, applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portions of the City of Sandringham as are not included in 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 Special Board appointed to “determine the lowest prices or rates which may be paid to any person employed in making biscuits,” has made the following Determination namely:—

NOTE.—On the 21st June, 1913, the powers of the Biscuit Board were extended to enable it to “determine the lowest prices or rates which may be paid to any person employed as storeman, packer, or sorter in connexion with the trade or business of making biscuits.”

(1) That on the 7th December, 1936, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices or Improvers.				Other Employees.					
WAGES PER WEEK OF 44 HOURS.				WAGES.					
							Per week of 44 hours.		
				Male Apprentices or Improvers.	Female Apprentices or Improvers.	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>
				<i>s.</i>	<i>d.</i>				
Under 16 years of age	..	..	..	20	9	19	0	84	0
16 years of age	..	..	..	25	6	19	0	80	6
17	..	..	..	34	3	22	0	78	0
18	..	..	..	40	3	26	0	86	0
19	..	..	..	47	0	27	9	84	0
20	..	..	..	52	3	30	3	84	0
								84	0
								80	6
								78	0
								86	0
								84	0
								84	0
								75	0
								38	0

PROPORTION (IN ANY PLACE).	
<i>Apprentices.</i>	
MALES.	
One male apprentice to every three or fraction of three male workers receiving not less than 75s. per week of 44 hours.	
FEMALES.	
One female apprentice to every three or fraction of three female workers receiving not less than 38s. per week of 44 hours.	
<i>Improvers.</i>	
MALES.	
Two male improvers to every male worker receiving not less than 75s. per week of 44 hours.	
FEMALES.	
Four female improvers to every female worker receiving not less than 38s. per week of 44 hours.	

(3) OVERTIME.—Any time worked in excess of 44 hours in any week shall be paid for at the rate of time and a half.

(4) ALLOWANCES.—Employees who are required to wear, when at work, overalls, the laundering of which is not paid for by the employer, shall be paid the following allowance in addition to their ordinary weekly wage :—

Adult males	..	..	..	..	..	..	..	2s. per week extra.
Males aged 19 years or 20 years	..	..	..	..	..	..	..	1s. 6d. per week extra.
All others	..	..	..	..	..	..	..	1s. per week extra.

(5) SPECIAL RATES.—Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour 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.

(6) PIECE-WORK.—The Board determines, under the provisions of Section 150 of the *Factories and Shops Act 1928*, that any employer may fix and pay piece-work prices to any person or persons or classes of persons employed at any work for which the Board has fixed the minimum wage, provided that any such employer shall base such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than the wages that are fixed by the Board for such work.

H. J. RICHARDSON, J.P., Chairman.

W. L. HARRINGTON, Secretary.

Melbourne, 20th November, 1936.



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No. 237]

THURSDAY, DECEMBER 3.

[1936

Factories and Shops Acts.

DETERMINATION OF THE FACTORY ENGINE-DRIVERS BOARD.

Adjusted pursuant to section 21 of the *Factories and Shops Act 1934* (No. 4275).

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

I, WILLIAM DEMPSTER, in pursuance of the powers contained in the *Factories and Shops Acts* and in consequence of the provisions contained in a determination made on the 25th September, 1935, by the Factory Engine-drivers Board, and published in the *Government Gazette* on the 12th October, 1935, hereby issue an adjusted determination showing the adjusted wages rates to be paid, as from the beginning of the first pay period to commence in December, 1936, to—

(A) Any person or persons or classes of persons wheresoever employed in the occupation of a fireman, boiler attendant, or engine-driver, in connexion with the use of steam-boilers or steam-engines other than steam-boilers or steam-engines connected with mines.

(B) Any person employed in the occupation of—

(a) a boiler cleaner;

(b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines other than internal combustion engines or electrical engines connected with mines.

but not including any person employed in the occupation of—

(a) a fireman, boiler attendant, boiler cleaner, or engine-driver in connexion with steam engines or steam boilers in or about plants for crushing metalliferous ores;

(b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines in or about plants for crushing metalliferous ores—

(1)

APPRENTICES AND IMPROVERS.

	Wages per week.
	£ s. d.
Under 16 years of age	1 6 0
16 and under 18 years of age	1 16 6
18 and under 19 years of age	2 12 6
19 and under 20 years of age	3 2 6
20 years of age	Minimum Wage.

PROPORTION (by any employer).

Apprentices.

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

Improvers.

One improver to 50 or more workers receiving not less than the minimum wage.

JUNIORS, i.e., persons, other than apprentices or improvers, not more than 20 years of age, including greasers and cleaners, and motor-drivers or attendants (provided the motor to which the junior attends does not exceed 50-horse power in all).

	Wages per week.
	£ s. d.
(a) Under 16 years of age	1 6 0
16 and under 18 years of age	1 16 6
18 and under 19 years of age	2 12 6
19 and under 20 years of age	3 2 6
(b) If greasers they sometimes, under the control of an engine-driver, stop or start an engine, 6s. per week extra.	
(c) If cleaners receiving less than £3 5s. per week they sometimes, under the control of an engine-driver, stop or start an engine, 6s. per week extra.	

(2)

ADULT EMPLOYEES.

	Wages per Week.				
	Persons, other than those Employed in Bush Saw-mills.				Persons Employed in— (a) Bush Saw-mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of the G.P.O., Melbourne, and in the Gippsland District.	Within 10 miles of the Principal Post Offices at Geelong and Warrnambool.	Within 15 miles of the Mildura Post Office.	At Yallourn.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
(1) Drivers of navvies drag line excavators or dredge type excavators—					
(a) Where one driver only is employed or leading driver where two are employed	4 19 0	5 0 0	5 5 0	5 5 6	4 16 0
(b) Second driver where more than one driver is employed	4 7 0	4 8 0	4 13 0	4 13 6	4 4 0
(c) Fireman on steam navvy	3 18 0	3 19 0	4 4 0	4 4 6	3 16 0
(2) Locomotive engine-drivers—					
(a) If they sometimes or always carry human beings other than the train crew	4 14 0	4 15 0	5 0 0	5 0 6	4 11 0
(b) If they do not carry human beings	4 8 0	4 9 0	4 14 0	4 14 6	4 5 0
(c) If the gauge is less than 3 feet, 6d. per day less in each case.					
(3) Winch-drivers (as herein defined)—					
(a) If on bucket dredge	4 4 0	4 5 0	4 10 0	4 10 6	4 1 0
(b) If on log haulers on timber mills or on tramways on timber mills exceeding two 8-in. diameter cylinders	4 1 0	4 2 0	4 7 0	4 7 6	3 18 0
(c) Not otherwise provided	4 0 0	4 1 0	4 6 0	4 6 6	3 17 0
(4) Drivers of traction engines or road rollers (steam or oil)	4 5 6	4 6 6	4 11 6	4 12 0	4 2 6
(5) Drivers of grab cranes	4 6 6	4 7 6	4 12 6	4 13 0	4 3 6
(6) Drivers of pile-driving machines	4 6 0	4 7 0	4 12 6	4 13 0	4 3 0
(7) Steam crosscut sawyers	4 1 0	4 2 0	4 7 0	4 7 6	3 18 0
(8) Other steam engine-drivers—					
(a) If the engine or engines have a single cylinder with a bore of 12 inches in diameter or over, or have singly or together two or more cylinders the sum of the area of whose bores equals or exceeds the area of a circle 12 inches in diameter, or if turbine—					
(i) With condenser	4 5 6	4 6 6	4 11 6	4 12 0	4 2 6
(ii) Without condenser	4 2 6	4 3 6	4 8 6	4 9 0	3 19 6
(b) If the engine or engines have a single cylinder with a bore less than 12 inches in diameter, or have singly or together two or more cylinders the sum of the area of whose bores is less than the area of a circle 12 inches in diameter—					
(i) With condenser	4 2 6	4 3 6	4 8 6	4 9 0	3 19 6
(ii) Without condenser	3 19 6	4 0 6	4 5 6	4 6 0	3 16 6
(9) Drivers of suction gas or other internal combustion engines—					
(a) If 50 h.p. or over	4 2 6	4 3 6	4 8 6	4 9 0	3 9 6
(b) If under 50 h.p.	3 19 6	4 0 6	4 5 6	4 6 0	3 16 6
(10) If an engine-driver also attends to a refrigerating compressor he shall be paid an additional sum of 6d. per shift.					
(11) If an engine-driver also attends to an electric generator or dynamo exceeding ten kilowatt capacity he shall be paid an additional sum of 1s. per shift.					
(12) If an engine-driver is in charge of a plant (as herein defined) he shall be paid an additional sum of 1s. per shift.					
(13) Crane-drivers—					
(a) Drivers of lofty cranes on buildings in course of erection or demolition where the driving platform is from 25 to 100 feet above the ground	4 13 0	4 14 0	4 19 0	4 19 6	4 10 0
(b) If above 100 feet	4 19 0	5 0 0	5 5 0	5 5 6	4 16 0
(c) Drivers of cantilever cranes with driving platforms more than 25 feet from the ground	4 13 0	4 14 0	4 19 0	4 19 6	4 10 0
(d) Drivers of other lofty cranes outside buildings not in course of erection where the driving platform is situated more than 25 feet from the level of the ground	4 11 6	4 12 6	4 17 6	4 18 0	4 8 6
(e) Drivers of cranes in converter sheds	4 11 6	4 12 6	4 17 6	4 18 0	4 8 6
(f) Drivers of locomotive cranes, that is, cranes mounted upon the superstructure of a locomotive engine running on railway lines used for general locomotive traffic	4 9 0	4 10 0	4 15 0	4 15 6	4 6 0
(g) Drivers of steam travelling cranes with a lifting capacity of over 30 tons	4 9 0	4 10 0	4 15 0	4 15 6	4 6 0
(h) Drivers of steam cranes not elsewhere included	4 5 0	4 6 0	4 11 0	4 11 6	4 2 0
(i) Drivers of electric cranes not elsewhere included—					
(i) Electric cranes with four motions and over					
Overhead traverser cranes with auxiliary hoist	4 5 0	4 6 0	4 11 0	4 11 6	4 2 0
Traverser cranes with jib hoist					
(ii) Electric cranes with two or three motions					
Overhead traverser cranes	3 19 0	4 0 0	4 5 0	4 5 6	3 16 0
Stationary jib cranes					
Stationary jib hoist cranes					
Traverser jib cranes					
(j) Drivers of hydraulic stationary jib cranes	3 19 0	4 0 0	4 5 0	4 5 6	3 16 0
(k) Drivers of cranes and hoists (except pneumatic and small hoists and two motion electric man-power cranes) not elsewhere included	3 19 0	4 0 0	4 5 0	4 5 6	3 16 0
(l) Drivers of cranes not exceeding 5 tons lifting capacity manipulated by strings from the ground	3 15 0	3 16 0	4 1 0	4 1 6	3 12 0
(14) Sub-station attendants in charge of sub-stations (as herein defined)	4 1 0	4 2 0	4 7 0	4 7 6	3 18 0
(15) Electric locomotive or traction motor-driver	3 17 0	3 18 0	4 3 0	4 3 6	3 14 0
(16) Motor-drivers or attendants (as herein defined)	3 15 0	3 16 0	4 1 0	4 1 6	3 12 0

ADULT EMPLOYEES—continued.

	Wages per Week.				
	Persons, other than those Employed in Bush Saw-mills.				Persons Employed in— (a) Bush Saw-mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of the G.P.O., Melbourne, and in the Gippsland District.	Within 10 miles of the Principal Post Offices at Geelong and Warrnambool.	Within 15 miles of the Mildura Post Office.	At Yallourn.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(17) Firemen—					
(a) If a fireman attends to one boiler or one suction gas generator	3 15 0	3 16 0	4 1 0	4 1 6	3 12 0
(b) If a fireman attends to two boilers or two suction gas generators	3 16 6	3 17 6	4 2 6	4 3 0	3 13 6
(c) If a fireman attends to three or more boilers or three or more suction gas generators or boilers and/or generators developing 1,000 i.h.p. in the aggregate	3 19 6	4 0 6	4 5 6	4 6 0	3 16 6
(d) Locomotive firemen	3 16 0	3 17 0	4 2 0	4 2 6	3 13 0
(e) Firemen on refuse destructors	3 16 0	3 17 0	4 2 0	4 2 6	3 13 0
(18) Leading firemen—					
(a) An additional payment of 6d. per day shall be paid to the leading fireman when—					
(i) Two firemen are employed at the plant at the same time, and he is the fireman vested with the responsibility and superintendence, or where he has to accept the responsibility and superintendence, or					
(ii) Two firemen are employed at the plant at the same time, and one of his duties is to attend to the water of boilers that are fired by means of other firemen.					
(b) An additional payment of 1s. per day shall be paid to the leading fireman when—					
(i) Three or more firemen are employed at the plant at the same time, and he is the fireman vested with the responsibility and superintendence, or					
(ii) Three or more firemen are employed at the plant at the same time, and one of his duties is to attend to the water of boilers that are fired by two or more of the other firemen.					
(19) Greasers—	3 13 0	3 14 0	3 19 0	3 19 6	3 10 0
(a) If under the supervision of an engine-driver they stop or start engines, they shall be paid 6s. per week extra, except when they do so only in cases of necessity or emergency.					
(b) If and when called upon in the ordinary course of their duties to do engine-drivers' work other than simply stopping or starting an engine under supervision of an engine-driver, they shall be paid engine-drivers' rates					
(20) Trimmers, fuelmen and engine cleaners	3 13 0	3 14 0	3 19 0	3 19 6	3 10 0
(21) Boiler cleaners	3 13 0	3 14 0	3 19 0	3 19 6	3 10 0
Provided that any person engaged inside the gas or water space of any boiler, flue or economizer, in cleaning or scraping work shall, whilst so employed, be paid 9d. per hour in addition to his ordinary or overtime rate of pay.					
(22) All others	3 9 0	3 10 0	3 15 0	3 15 6	3 6 0

Male adult employees in bush saw mills shall in addition to the wages shown above be paid 2s. per week in lieu of payment under clause (4) (c) for absences arising from sickness or accident.

CASUAL LABOUR.

(3) Casual employees (as hereinafter defined) shall be paid 10 per cent. more than one-sixth of the weekly rate prescribed by this Determination for the work performed by them.

WEEKLY ENGAGEMENT.

(4) (a) Except as provided by clause (3), all employment shall be by the week. Employees to become entitled to payment on a weekly basis shall (except as provided by clause (11), (b)) perform such work as the management shall from time to time require on the days and during the hours usually worked by the class of employees affected.

(b) Employment for the first two weeks of service shall be from day to day at the weekly rate fixed. Provided that any employee who has once served a probationary period of two weeks with any employer shall not be subject to be employed for a second probationary period with the same employer, except when his re-engagement takes place at least one month after the termination of his employment.

(c) Any employee not attending for duty shall lose his pay for the actual time of such non-attendance unless he produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the management that his non-attendance was due to personal accident arising out of and in the course of his employment or to personal ill-health necessitating such absence. Provided that an employee shall not be entitled to payment for non-attendance on the ground of personal accident or personal ill-health or both for more than four days in each year.

(d) Employment shall be terminated only by a week's notice on either side, such notice to be given at any time during the week. This shall not affect the right of the management to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown of machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible. Provided that where an employer orders employees not to work on rainy days because of the state of the weather, such order shall not deprive such employees of their claim for payment under the weekly engagement, but if such employees cease work on rainy days without being ordered to do so they shall not be entitled to payment for time so lost.

HOURS.

- (5) (a) Except as hereinafter provided the ordinary hours of employment shall be 48 per week.
 (b) In an industry, the standard hours for which have been fixed at less than 48 per week, the ordinary hours of employment shall be the same as those of the general body of employees.
 (c) The daily working hours in each establishment (except on shift work for which provision is hereinafter made) shall be the same as those of the general body of employees.
 (d) Time occupied in raising steam or closing down engines or banking fires shall be regarded as time worked.
 (e) In country and bush saw-mills, each engine-driver or fireman, when so engaged, shall be allowed the following time at ordinary rates for preparing or closing down engines or for raising steam or banking fires on boilers :—
 (i) If such engine-driver or fireman be resident at the mill site, one hour per day.
 (ii) Where such engine-driver or fireman resides away from the mill site, one hour and a half per day.

MEAL INTERVAL.

(6) Except on shift work, provision shall as far as practicable be made by the employer to enable an employee to have a mid-day meal interval of not less than 45 minutes nor more than one hour on all working days except Saturday. Such meal interval shall not be deemed to be time worked and the time of ceasing work shall be extended by time equal to the duration of the meal interval.

OVERTIME.

(7) For all time worked on week-days outside the hours prescribed in clause (5) hereof, or during the meal interval prescribed in clause (6) hereof, overtime shall be paid at the rate of time and a half for the first four hours and double time thereafter.

HOLIDAYS.

(8) All employees shall be entitled to the same holidays as are observed by the general body of employees of the industry in which they are employed.

SUNDAY AND HOLIDAY RATES.

- (9) (a) Except in the case of a continuous process, all time on duty on Sundays or holidays as herein proscribed shall be paid for at the rate of double time. Provided that time worked on Sundays or holidays as herein proscribed shall be paid for at the rate of time and a half whenever repairs to, maintenance or renewals of engines, boilers, or other machinery in any undertaking has necessarily to be done on Sundays or holidays to allow work to proceed properly next day.
 (b) To complete a shift an employee may be required to work up to 6 a.m. on a holiday at ordinary rates provided that such employee is not required to work his usual shift commencing on the holiday.

SHIFT WORK.

- (10) (a) Employees on shifts shall work such shifts up to six per week, as may be required.
 (b) A shift shall consist of eight hours inclusive of such time as by mutual arrangement may be taken for meal breaks.
 (c) For work done by a shift worker outside the ordinary hours of his shift double time shall be paid. But this shall not apply to arrangements between employees themselves or in cases due to rotation of shift or when the relief does not come on duty at the proper time. Provided that where not less than eight hours' notice has been given to the employer by the employee that he will be absent from work and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.
 (d) Employees working afternoon and night shifts which continue for more than one month shall be paid 5 per cent. more than ordinary rates for such shifts. If such shifts continue for less than one month but for more than five nights 10 per cent. extra shall be paid. If such shifts only continue for five afternoons and nights or less overtime rates shall be paid.
 (e) Employees working any Sunday or holiday shift shall be paid at the rate of time and a half for such shift.
 (f) The hours worked from 10 p.m. to 12 midnight on Sundays or holidays by ordinary shift employees of the Colonial Sugar Refining Co. Ltd. shall not be considered as worked on Sundays or holidays so as to entitle the employees to Sunday or holiday rates for the two hours mentioned.
 (g) Any employee may agree with his employer to accept less than time and a half for Sunday and holiday work on condition that during each year of service he receives a fortnight's holiday with payment of wages at ordinary rates.
 (h) If after the making of such agreement the employee's engagement from any cause ceases before the completion of any year of service he shall be paid one day's pay for each month's or part of a month's service.

MIXED FUNCTIONS.

- (11) (a) Where the employment or work involves functions of a mixed character, the minimum wages to be paid to the employee for the day or part of a day he is so employed shall be calculated as if he performed such only of the said functions as involve the highest rate of wages under this Determination. If so employed for any part of a day he shall be paid at the highest rate for the whole of such day.
 (b) Engine-drivers whilst in charge of their engines shall only be required to perform such work as may be within the scope of or incidental to the generation, use and application of engine power and engine driving. Provided that engine-drivers in charge of engines supplying power to any intermittent process involving regular stoppages may during such stoppages be required to perform any work necessary or incidental to such intermittent process.

TIME AND WAGES BOOK.

- (12) (a) Each employer shall keep a time and wages book at his depot or yard or at an office convenient thereto showing the name of each employee, the time of starting and finishing work each day, and the amount of overtime worked and the wages paid to each employee.
 (b) Such time and wages book shall on demand be produced at reasonable times by the employer for inspection to an official of the Federated Engine-drivers and Firemen's Association of Australasia duly authorized in writing by the president and secretary of the local branch or sub-branch of the said Association at the place where the time and wages book is kept.
 (c) Provided that an employer may at his option, in lieu of the time and wages book, provide a mechanical clock for the purpose of recording the time of each employee in which case each employee shall, at the end of the week, enter the wages and overtime received on some card or check used in connexion with such clock and such card or check shall be deemed to be the time and wages book.

RIGHT OF ENTRY OF UNION OFFICIALS.

- (13) A duly accredited representative of the Federated Engine-drivers and Firemen's Association of Australasia not more than once a fortnight shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed during the midday meal hour for the purpose of interviewing employees on legitimate union business. If any representative is unduly interfering or is creating disaffection amongst his employees or is offensive in his methods, such employer may refuse the right of entry.

LIMITATION OF EMPLOYER'S LIABILITY.

- (14) Where an employer has made payment to an employee which payment purports to be a payment of the wages payable to the employee for any period, such employer shall not be liable to pay to the employee any further sums prescribed by this Determination in respect of any service rendered to such employer during such period unless within a period of six calendar months after the last day of such period a demand in writing of such further sum claimed has been given to the employer by the employee or some person on his behalf.

EXTRA RATES NOT CUMULATIVE.

(15) Extra rates in this Determination prescribed are not cumulative so as to exceed the maximum of double the ordinary rates.

DEFINITIONS.

(16) (a) "Engine-driver" shall mean and include any person who operates or drives any engine or engines, the motive power of which is either steam, gas, oil, water, compressed air or electricity.

(b) "Winch-driver" shall mean and include an engine-driver in charge of and working a geared winding engine (other than a Holman or similar hoist) with cylinders not more than eight inches in diameter.

(c) An engine-driver shall be deemed to be "in charge of plant"—

(i) When two or more drivers are employed at the plant at one time, and he is the driver invested with the superintendence and responsibility; or

(ii) When a driver, being the only person of his class employed on the plant, does the general repair work of the plant in addition to the work of engine-driving, but not when he merely assists the fitter or engineer to do such work.

(d) "Sub-station attendants in charge of sub-stations" shall mean and include a person in charge of and attending to machinery (other than a static transformer) receiving electric power from a central source and converting such power into a form suitable and used for general distribution.

(e) "Motor-driver or attendant" shall mean and include a person who attends to an electric motor or motors of ten-horse power or more in the aggregate, and performs any duties of oiling, or cleaning, or attending to commutators, brushes, fuses or switches.

(f) "Adult" shall mean and include a male over the age of 20 years.

(g) "Casual employee" shall mean and include an employee competent to do the work he is engaged to do who is dismissed or refused work without any fault of his own before the expiration of six days from the date he starts work, but shall not include an employee usually engaged in another capacity by the employer concerned and who is called upon to do work coming under the terms of this Determination.

APPLICATION OF DETERMINATION.

(17) (a) This Determination shall not apply to the driving of any internal combustion engine of 30 or less b.h.p. or any engine or electric motor or any pump air compressor, pneumatic or small hoist on which no engine-driver or fireman or greaser is employed as such, but the starting and stopping of and attention to which is done by an employee the greater part of whose time is taken up with other work.

(b) So long as the conditions as to annual leave, rates of pay for Sunday work and the granting of three holidays between Christmas and New Year continue the Melbourne and Metropolitan Board of Works is exempted from clause (10), sub-clause (d), of this Determination.

(c) Until further order the Melbourne Harbor Trust Commissioners are exempted from clauses (5) to (16) inclusive of this Determination so long as present conditions of labour are observed with the following additions:—

Employees of the Melbourne Harbor Trust employed driving electrically-driven three-ton travelling jib cranes in connexion with the loading or unloading of cargo to or from vessels shall during the time they are so engaged be paid 10 per cent. more than the ordinary rate prescribed for the first eight hours forty-five minutes worked on Monday to Friday inclusive and four hours fifteen minutes on Saturday.

For all time worked in excess of the times prescribed in this sub-clause overtime shall be paid at the rate of time and a half for the first four hours and double time thereafter.

W. DEMPSTER,

Secretary for Labour.

Melbourne, 30th November, 1936.



VICTORIA GOVERNMENT GAZETTE.

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FRIDAY, DECEMBER 4.

[1936

Factories and Shops Acts.

DETERMINATION OF THE PLATE GLASS BOARD.

Adjusted pursuant to Section 21 of the *Factories and Shops Act 1934* (No. 4275).

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

WILLIAM DEMPSTER, in pursuance of the powers contained in the Factories and Shops Acts and in consequence of the provisions contained in a determination made on the 4th May, 1936, by the Plate Glass Board, and published in the *Government Gazette* on the 29th May, 1936, hereby issue an adjusted determination showing the adjusted wages rates to be paid as from the first pay period to commence in December, 1936, to any persons employed in the trade of—

- (a) designing, bevelling, cutting, embossing, glazing, painting, silvering, or otherwise working all kinds of plate, sheet, or stained glass, or glass lenses or prisms;
 (b) fixing in position all kinds of plate, sheet, or stained glass or glass lenses or prisms;
 (c) packing all kinds of plate, sheet, or stained glass, or glass, lenses or prisms;
 including any labouring work in connexion with any of such operations.

(1)

Apprentices.	Improvers.
WAGES PER WEEK OF 44 HOURS.	WAGES PER WEEK OF 44 HOURS.
<i>s. d.</i>	<i>s. d.</i>
1st year 11 0	1st year 11 0
2nd „ 16 6	2nd „ 16 6
3rd „ 22 3	3rd „ 27 9
4th „ 27 9	4th „ 33 3
5th „ 37 0	5th „ 37 0
and thereafter the minimum wage.	and thereafter the minimum wage.
PROPORTION (BY ANY EMPLOYER).	PROPORTION (BY ANY EMPLOYER).
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.	One improver to every six or fraction of six workers receiving not less than the minimum wage, provided that at least three such workers must be employed before an improver can be employed.

(2)

OTHER EMPLOYEES.

	Wages per Week of 44 Hours.		
	Within 20 miles of G.P.O., Melbourne, and in the Mildura and Gippsland Districts.	Within 10 miles of G.P.O., Geelong, and at Warrnambool.	Elsewhere in Victoria.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Painter and designer on glass	97 0	98 0	94 0
Brilliant cutter			
Other cutters			
Glazier	88 0	89 0	85 0
Plate glass beveller			
Silverer			
Pencil hand embosser	90 0	91 0	87 0
Persons assisting in glazing			
Persons packing or unpacking glass	75 0	76 0	72 0
Persons assisting plate glass cutter			
Rubber-out embosser	72 0	73 0	69 0
Cementer	71 0	72 0	68 0
Persons turning out lead from mill for lead-light glazier			
All others	66 0	67 0	63 0

(3) **TERMS OF ENGAGEMENT.**—Except as herein in this Determination provided, all employees shall be employed by the week. Employees to become entitled to the weekly wage prescribed by this Determination must be available and ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employee affected. Where the majority of the employees of any establishment or of any department of such establishment agree to work part time for any period or to close down for any period on days other than the prescribed holidays, the provisions of the weekly wage shall not apply to any employee of such establishment or department during such periods.

Employment for the first two weeks of service at any time shall be from hour to hour at the weekly rate fixed.

(4) **TEMPORARY WORK.**—(a) Temporary employees shall be paid at the hourly rate prescribed for the particular class of work, with the addition of 10 per cent.

(b) The hourly rate for any work for which a weekly rate is prescribed by this Determination is to be ascertained by dividing the weekly rate by the number of hours which constitute the employee's ordinary working week.

(5) **OVERTIME.**—All time worked before or after the usual times of beginning and ending work, or in excess of eight hours on week days and four hours on Saturdays, shall be paid for at the rate of time and one-half for the first four hours and double time thereafter provided that all time worked between the hours of 9 p.m. and 7 a.m. shall be paid for at double time.

All work done outside the times of beginning and ending work on any holiday specified in Clause 12 shall be paid for at the rate of double ordinary time.

No person under the age of seventeen years shall be permitted to work more than four hours' overtime in any week.

(6) **TERMINATING EMPLOYMENT.**—Employment to be terminated only by a week's notice on either side, and such notice may be given at any time during the week. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct, or to deduct payment for any time the employee cannot be usefully employed because of any strike, or through any breakdown of machinery, or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

An employer shall not terminate the employment of an employee for the purpose of evading payment for the holidays prescribed by this Determination.

Where an employee is dismissed within seven days prior to any such holiday, the re-engagement of such employee within seven days after such holiday shall be prima facie evidence that the employment was terminated for the purpose of evading payment for such holiday.

Where the employer terminates the employment within one week of a day on which a holiday occurs, 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.

Should an employee be dismissed during the course of a week any wages due to him shall be paid to him forthwith, or shall be posted to him within 24 hours.

(7) **PAY DAY.**—All employees shall be paid weekly on any other day than Saturday.

No employer shall hold more than two days' pay in hand.

Any employee kept waiting for his pay on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid overtime rates after that quarter of an hour and as for a quarter of an hour at least.

(8) **MIDDAY MEAL.**—An interval of not less than 30 minutes shall be allowed for the midday meal between the hours of 12 noon and 2 p.m.

(9) **TEA MONEY.**—All employees required to work beyond the usual time of ending work shall be allowed 2s. tea money in addition to overtime rates as prescribed for in this Determination when the usual time of ending work is exceeded by two hours.

(10) **PIECE-WORK.**—The Board determines under the provisions of the Factories and Shops Act that any employer may fix and pay piece-work prices to any person employed at any work for which the Board has fixed a minimum wage, provided that any such employer shall base such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than 10 per centum in addition to the wages rates that are fixed by the Board for such work.

(11) **ALLOWANCES FOR TRAVELLING TIME AND BOARD.**—All time reasonably occupied by an employee in travelling to or from work outside the shop and outside ordinary hours and in travelling to and from work in a country district if engaged in the metropolitan district for employment in a country district, shall be treated as time off duty and paid for at ordinary rates up to a maximum of eight hours for the journey, except on Sundays when time and a half rates shall be paid up to a maximum of eight hours for the journey. Provided that, where an employee proceeds direct from his or her home to a job outside the factory, he or she shall be paid for all time reasonably occupied in travelling to the job in excess of the time usually taken to go from his or her home to the factory.

All fares and reasonable travelling expenses incurred by an employee in such travelling, including the cost (if any) incurred for meals—together with the reasonable cost of board and lodging if the employee has to be away from his home for a night—shall be paid to the employee.

The fares allowed shall be first class where the employee has to travel all night in connexion with his employer's business, and in other cases the fares shall be second class.

The foregoing travelling and accommodation allowances shall be paid additional to the usual rates for the time employees are working.

When it is more convenient for the employee to go direct to the job from his home he shall do so, and start and cease work at the usual times customary at the factory, provided that any extra expense incurred by him in travelling shall be borne by the employer.

(12) **HOLIDAYS.**—All weekly wage employees 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.

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

If any of the above holidays occur on a Sunday or Saturday and are not observed on any other day, then employees shall not be paid for such Sunday, and shall be paid for such Saturday as for a half-day but not otherwise.

All other weekly employees shall be paid for the above holidays an amount for each holiday based on the actual weekly wages paid to them by the employer.

Any employee absenting himself or herself from work on any portion of the working day preceding 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.

(13) **SICKNESS, ACCIDENTS.**—Any employee not attending duty shall lose his or her pay for the actual time of non-attendance unless he or she produces or forwards within 24 hours of the beginning of his or her absence evidence satisfactory to the management that his or her non-attendance was due to personal accident arising out of or in the course of his or her employment or to personal ill-health sufficient to incapacitate him or her for his or her usual work.

An employee shall not be entitled to payment for non-attendance on the ground of accident or ill-health for more than six days in each year.

For the purpose of this clause a year shall mean a period of twelve months commencing on the 17th day of August in each year.

(14) **SPECIAL RATES.**—Double time shall be the rate for all work done on Sundays, New Year's Day, Australia Day (26th January), Good Friday, Labour Day (21st April), Easter Monday, Anzac Day, King's Birthday, Boxing Day, or Christmas 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.

Melbourne, 30th November, 1936.

W. DEMPSIER, Secretary for Labour.