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[1937

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.		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.			£	s. d.
Under 16 years of age .. .. .	.. .. .	1	6 0	(a) Under 16 years of age .. .. .	.. .. .	1	6 0
16 and under 18 years of age .. .. .	.. .. .	1	16 6	16 and under 18 years of age .. .. .	.. .. .	1	16 6
18 and under 19 years of age .. .. .	.. .. .	2	12 6	18 and under 19 years of age .. .. .	.. .. .	2	12 6
19 and under 20 years of age .. .. .	.. .. .	3	2 6	19 and under 20 years of age .. .. .	.. .. .	3	2 6
20 years of age .. .. .	.. .. .	Minimum Wage:		(b) If greasers they sometimes, under the control of an engine-driver, stop or start an engine, 6s. per week extra.			
PROPORTION (by any employer). <i>Apprentices.</i> One apprentice to every three or fraction of three workers receiving not less than the minimum wage.				(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.			
<i>Improvers.</i> One improver to 50 or more workers receiving not less than the minimum wage.							

(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 navy .. .. .	3 18 0	3 19 0	4 4 0	4 4 6	3 15 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 19 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 convertor 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 prescribed shall be paid for at the rate of double time. Provided that time worked on Sundays or holidays as herein prescribed 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 shifts 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.

[Published in lieu of *Gazette* No. 237, dated Thursday, 3rd December, 1936.]

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