

# VICTORIA

# OVERNMENT GAZETTE.

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TUESDAY, AUGUST 3.

**[1937]** 

Wages per

Factories and Shops Acts.

# DETERMINATION OF THE FACTORY ENGINE-DRIVERS BOARD.

Notes.-(A) This Determination on the 29th July, 1937, applied to the whole of the State of Victoria.

- (B) On the 22nd June, 1914, and 17th August, 1920, respectively, the powers of the Factory Engine-drivers Board were extended to enable it to "fix the lowest prices or rates which may be paid to any person employed in the occupation of—

  - (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."
- (C) On the 16th April, 1935, the Board was deprived of the power to determine the lowest prices or rates which may be paid to 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

and such power was conferred exclusively on the Mining Engine-drivers Board.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices of rates which may be paid to 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," has made the following Determination, namely:—

(1) That on the 29th July, 1937, the last Determination shall be revoked and replaced by this Determination.

(2)

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

# JUNIOR LABOUR.

The minimum rates of wages to be paid by employers to persons working as greasers or as cleaners, or as motor drivers, or attendants, where the motor does not exceed 50 horse-power in all, and when such persons have not reached 20 years of age, shall be as follows :--

		Week.
•		£ s. d.
(a) Under 16 years of age	 	160
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 enginedriver, 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.

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							Wages per Wock.											
							Persons, other than those Employed in Bush Saw-mills.					 l						
			•	٠.			mile G Mel and Gig D 10 the l Pos	thin as of .P.O bourd in the posts is trice miles Prince t Off Geele and rnam	the ne, the nd et, of cipal loes			At Yallourn.			Persons Employed in— (a) Bush Saw- mills; (b) All parts of Victoria not elsewhere included.			
(1) Drivers of navvies dra	g line excavat	ors or dre	edge tyj	pe excav	ators—		£	8.	d.	£	8.	d.	£	8.	d.	£	a.	d.
(a) Where one driver employed (b) Second driver who	re more than	one drive	 ris em	ployed	• •			2 10 1	0 0		8 16 7	0 0 0		8 16 7	6	4	19 7 18	0
(c) Fireman on steam (2) Locomotive engine-dri (a) If they sometimes (b) If they do not ca	vers— or always carry rry human be:	human be	eings otl			crew	4	17 11	0	5	3 17	0	5	3 17	6		14 8	0
(c) If the gauge is les (3) Winch-drivers (as here (a) If on bucket dred	s than 3 feet, in defined)	6d. per da	ay less i	n each o	case.	 	4	7	0	4	เ3	0	4	13	6	4	4	0
(b) If on log haulers of two 8-in, diam	n timber mills o oter cylinders		• •	• •	mills excee	• •	4	4	0		10 9	0		10 9	6 6	4	1	0
(c) Not otherwise pro (4) Drivers of traction en	gines or road	rollers (ste	eam or				4 4	8	6	4	14 15	6	4	15 16	0	4 4	5	6
<ul><li>5) Drivers of grab cranes</li><li>6) Drivers of pile-driving</li><li>7) Steam crosscut sawyer</li></ul>	machines		• •	· · · · · · · · · · · · · · · · · · ·	• • • • • • • • • • • • • • • • • • • •	••	4 4	9 9 4	0	4		6	4	16 10	0	4	6	0
(8) Other steam engine-di (a) If the engine or endiameter or own sum of the area 12 inches in dia (i) With con (ii) Without (b) If the engine or endinches in diam the sum of the	gines have a ser, or have sing a of whose born meter, or if tundenser condenser ngines have a area of whose	dy or toge se equals of rbine—  single cyli- ingly or to	ther two or excee	or moreds the a	e cylinders area of a c re less tha more cylin	n 12	4 4	8 5	6 6		14 11			15 12	0 0	44	5 2	6
inches in diame (i) With cor (ii) Without	denser condenser	 ,					4	5 2	6 6	4	11 8	6 6	4 4	12 9	$_{0}^{0}$	4 3	2 19	6 6
(9) Drivers of suction gas (a) If 50 b.h.p. or or	er	• •	• •	• •			4	5	6		11	6		12	0	4	2	6
(b) If under 50 b.h.p. (10) If an engine-driver a id an additional sum of a (11) If an engine-driver al h kilowatt capacity he sha (12) If an engine-driver is additional sum of 1s. pe (13) Crand drivers—	display a shift. So attends to a sill be paid an a in charge of a r shift.	a refriger n electric g dditional plant (as l	rating of generato sum of herein d	ompressor or dyn ls. per s efined) h	amo excee hift. e shall be	ding paid	4	2		4	8	6	4	9	0	3	19	6
(a) Drivers of lofty of where the driving (b) If above 100 feet	ng platform is	from 25 to	) 100 fee	et above	tne groun	u	4 5	$^{16}_{\ 2}$	0	5	2 8	0	5 5	2 8	6 6		13 19	
(c) Drivers of cantile from the ground (d) Drivers of other l	ver cranes wit id oftv cranes ou	 tside build	 lings no	t in cou	rse of ere	tion.	4	16	0	5	2	U	5	2	6	4	13	v
where the driv level of the gr (c) Drivers of cranes (f) Drivers of locomo	ing platform i ound in convertor s	s situated heds	more:	than 25	reet from	the		14 14		5 5	0	6 6	5 5	1	0		11 11	
structure of a general locomo	locomotive en	gine runn	ing on	railway	lines used	for	4	12	0	4	18	0	4	18	6	4	9	0
(g) Drivers of steam (h) Drivers of steam (i) Drivers of electric	ravelling crane cranes not else	s with a l where inc	eluded		of over 30	tons		12	0		18 14	0		18 14	6 6	4	9 5	Ü
(i) Electric Overhead Traverse	cranes with for traverser cra cranes with cranes with tw	ir motions nes with : jib hoist	and ov auxiliar	ver y hoist	••		}4	8	0	4	14	0	4	14	6	4	5	0
Overhead Stational	i traverser cra	nes					4	2	ņ	4	8	0	4	8	6	3	19	. 0
(i) Drivers of hydrau	y jib hoist cr jib cranes lic stationary	nd cranes			• •	• •	J 4	2	0	4	8	0	4	8	6	3	19	
(k) Drivers of cranes motion electric	and hoists (exc man-power cr	ept pneun anes) not (	natic an elsewher	d small e includ	hoists and	two	4	2	0	4	8	0	4	8	6	1	19	
(l) Drivers of cranes	not exceeding	5 tons in	iting ca	pacity n	nampulate	d by		18	0	.4	4	0	4	4	6		15	
(14) Sub-station attendan (15) Electric locomotive	ta in charge of	sub-static	ons (as l	ierein de	fined)		4			4	10 6	0	4	10 6	6 6		1 17	

# OTHER EMPLOYEES-continued.

	Wages per Week.						
	Persons, of	Employed ls.					
<del></del>	Within 20 miles of the G.P.O., Melbourne, and in the Gippsland District, 10 miles of the Principal Post Offices at Geelong and Warnambool.	Within 15 miles of the Mildura Post Office.	At Yallourn.	Persons Employed in— (a) Bush Saw mills; (b) All parts of Victoria not elsewhere included.			
	£ s. d.	£ s. d.	£ s. d.	£ s. d.			
<ul> <li>(17) Firemen—</li> <li>(a) If a fireman attends to one boiler or one suction gas generator</li> <li>(b) If a fireman attends to two boilers or two suction gas generators</li> <li>(c) If a fireman attends to three or more boilers or three or more suction</li> </ul>	3 18 0 3 19 6	4 4 0 4 5 6	4 4 6 4 6 0	3 15 0 3 16 6			
gas generators or boilers and/or generators developing 1,000 i.h.p. in the aggregate	4 2 .6 3 19 0 3 19 0	4 8 6 4 5 0 4 5 0	4 9 0 4 5 6 4 5 6	3 19 6 3 16 0 3 16 0			
(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.							
<ul> <li>(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.</li> <li>(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</li> </ul>	3 16 0	4 2 0	4 2 6	3 13 0			
drivers' rates (20) Trimmers, fuelmen, and engine cleaners	3 16 0	4 2 0	4 2 6	3 13 0			
(21) Boiler cleaners  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	3 16 0	4 2 0	4 2 6	3 13 0			
of pay. (22) All others	3 12 0	3 18 0	3 18 6	3 0 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 (5) (c) for absences arising from sickness or accident.

# CASUAL LABOUR.

(4) Casual employees (as hereinafter defined) shall be paid per hour an amount equal to one and one-tenth of the weekly rate prescribed by this Determination for the work performed by them, divided by the number of hours worked or to be worked in the establishment as ordinary hours.

# WEEKLY ENGAGEMENT.

- (5) (a) Except as provided by clause (4), all employment shall be by the week. Employees to become entitled to payment on a weekly basis shall (except as provided by clause (12) (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.
- or not nor 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 by any cause for which the employer cannot reasonably be held responsible. Provided that where an employee 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.

- (6) (a) For an employee not working on shift the ordinary working hours per week and per day respectively shall be of the same number as those worked in the particular workshop, factory or working place, at which such employee works, by the majority of the employees not working on shift who are engaged therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee. Provided that if the number of hours worked by such majority exceeds 48 per week the ordinary working hours for such employee shall not exceed 48 per week nor 8½ in any one day if a six-day week be worked nor 9½ hours in any one day if a five-day week be worked.
- (b) For employees not working on shift a regular starting and finishing time shall be fixed which shall not be changed except after notice of at least a week to the employee concerned.
  - (c) For employees working on shift the ordinary working hours shall be as provided in clause (11).
- (d) Time occupied in raising steam or in starting up, closing down engines or banking fires shall be regarded as time worked, but where the number of ordinary working hours as provided in sub-clause (a) is less than 48 per week, and the time so occupied causes the employee to work an excess over such number of working hours, he shall to the extent of the difference between such number and 48 hours per week receive additional payment at the ordinary rate only per hour for working such excess, notwithstanding

#### MEAL INTERVAL.

(7) 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

#### OVERTIME.

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

#### HOLIDAYS.

(9) 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.

- (10) (a) In the case of continuous or recurring work necessarily done in the ordinary course directly for the establishment's usual production or service upon Sundays or holidays, as well as upon other days of the week, ordinary time or shift worked on a Sunday or holiday shall be paid for at the rate of time and a half, but in all other cases 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.

- (11) (a) Except as otherwise provided elsewhere herein, employees on shifts may be required to work up to an average of six shifts per week spread over a period of one, two, three or four weeks, no such shift to exceed eight hours, including such time as by mutual agreement may be taken for meals.
- (b) (i) There shall be a roster of shifts which shall provide for rotation unless all the employees concerned desire otherwise, and for not more than eight shifts to be worked in any nine consecutive days, and which shall not be changed until after four weeks'
  - (ii) So far as employees present themselves for work in accordance therewith shifts shall be worked according to the roster.
- (c) Notwithstanding the preceding sub-clauses (a) and (b) where in any particular workshop, factory or working place at which an employee working on shift is engaged, the majority of the employees working on shift therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee work shifts not in accordance with such sub-clauses (a) and (b), such employee shall for his ordinary hours of work, work shifts similar in length, roster conditions and crib-times to those of such majority, but this sub-clause shall not apply when such shifts exceed in the aggregate 192 hours in any period of four consecutive weeks, in which case the preceding sub-clauses (a) and (b) shall apply.
- (d) Notwithstanding the preceding sub-clauses (a) and (b) where in any particular workshop, factory or working place at which an employee working on shift is engaged, the majority of the employees working therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee work ordinary hours averaging less in number than 48 per week, the shifts of such employees shall be of such a number, duration and arrangement as to limit his ordinary hours on duty to an average number per week of the employment not exceeding the average number of hours per week worked by such majority of other employees. Provided that if the average worked by such majority is less than 44 hours per week, the average number of ordinary hours on duty for such employee shall be 44 per week.
- (e) 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.
- (f) Employees working afternoon or 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. Any shift starting before 6 a.m. or after 10 a.m. shall be deemed to be an afternoon or night-shift.
- (g) Where in any particular workshop, factory or working place at which an employee working on shift is engaged, the majority of the employees working on shift therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee receive compensation by way of annual leave or otherwise for working Saturday afternoon, holiday and/or Sunday shifts, such employee shall be given similar compensation for working such shifts.

# MIXED FUNCTIONS.

- (12) (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.

- (13) (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.

. (14) 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.

(15) 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.

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

#### DEFINITIONS.

- (17) (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) "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.

- (18) (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 (11), sub-clause (f), of this Determination.
- (c) Until further order the Melbourne Harbor Trust Commissioners are exempted from clauses (6) to (17) 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.

D. GRANT, Chairman.

H. N. JONES, Secretary.

Melbourne, 14th July, 1937.

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