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[1937

Factories and Shops Acts.

DETERMINATION OF THE BUTTER BOARD.

NOTES.—(a) This Determination on the 5th December, 1937, applied to the whole of the State of Victoria.

(b) On 21st June, 1913, the powers of the Butter Board were extended by the Governor in Council to enable it to deal with storemen, packers, or sorters employed in a factory in connexion with the trade or business of manufacturing or preparing for trade or sale, milk, cream, butter, or cheese.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale milk, cream, butter, or cheese," has made the following Determination, namely:—

(1) That on the 5th December, 1937, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2) **Employees in Condensed Milk, Dried Milk, and Milk Sugar Factories**

Apprentices or Improvers.	Juvenile Workers.				Other Employees.			
	WAGES.		WAGES.		WAGES.			
	Per week of 48 hours.		Per week of 48 hours.	Per week of 44 hours.	Per week of 48 hours.			
	Shift Workers.	All Others.	Males.	Females.	Shift Workers.	All Others.		
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.		
Under 16 years ..	..	34 0	Under 16 years ..	28 9	24 9	Milk or cream grader, tester or neutralizer ..	95 0	92 0
16-17 years ..	..	39 9	16-17 years ..	32 0	27 9	Foreman of shift or department ..	95 0	92 0
17-18 " ..	..	44 9	17-18 " ..	39 9	31 0	Operator of any of the following machines—		
18-19 " ..	57 6	51 3	17-18 " ..	43 6	36 0	Milk drier (roller system) ..	83 0	85 0
19-20 " ..	63 6	57 0	18-19 " ..	51 6	39 9	Milk drier (sprayer system) ..	89 0	86 0
20-21 " ..	68 0	61 9	19-20 " ..	58 6	43 9	Vacuum pan—condensery ..	90 0	87 0
			20-21 " ..			Vacuum pan-dried milk ..	89 0	86 0
						Vacuum pan-milk sugar ..	..	89 0
						Evaporator ..	88 0	85 0
						Homogenizer or visiolizer ..	86 6	83 6
						Cream retort ..	85 0	80 0
						Powder sifter ..	85 0	78 0
						Tubular heater or ejector ..	86 0	80 0
						Separator ..	85 0	78 0
						Pasteurizer ..	85 0	78 0
						Weighing machine ..	88 0	85 0
						Storemen or stackers or packers ..	85 0	79 0
						Washers of vacuum pan, vacuum holding vats, or evaporator ..	85 0	80 0
						Male adult washing or sterilizing cans or bottles ..	86 6	79 0
						All other male adults not covered by a Determination of any other Wages Board ..	85 0	77 0
						Headwoman, i.e., a person who has charge of employees under, and takes her instruction from, the foreman ..	..	55 0
						Females operating dried milk automatic filler ..	..	53 0
						All other females ..	..	49 9

PROPORTION (IN ANY PLACE).

Males.

One apprentice to every three or fraction of three workers receiving not less than 77s. per week of 48 hours.

One improver to every eight or fraction of eight workers receiving not less than 77s. per week of 48 hours.

Females.

One apprentice and one improver to every three or fraction of three workers receiving not less than 49s. 9d. per week of 44 hours.

Persons employed cleaning drying boxes, where the artificial temperature is over 112° Fahr., shall be paid 9d. per hour in addition to their ordinary wage.

Persons operating more than 2 vacuum pans shall be paid 4s. per pan extra.

Washers of vacuum pans, vacuum holding vats, or evaporators shall be allowed 3d. for each flying clean or 9d. for each full clean in addition to the ordinary week wage for employee concerned.

Persons employed stacking tinplate or unloading tinplate from trucks shall be paid 2d. per hour in addition to their ordinary wage.

(3) DEFINITION OF JUVENILE WORKERS.

Persons under 21 years of age (other than apprentices or improvers) employed at—

- Weighing, filling, emptying, stacking, capping, sealing, opening, labelling, wrapping, packing, cleaning, or sterilizing tins, cartons, or bottles;
- Stamping or branding tins, cartons, cases, bottles, or labels;
- Stamping, branding, lining, or nailing up boxes or shooks;
- Handling empty tins, cans, cases, crates, jars, moulds, or boxes;
- Feeding or assisting on machines; or
- Feeding or taking away from automatic machines.

(4) DEFINITIONS.—“ Ordinary Worker ” is a person who ordinarily works 8½ hours between 7 a.m. and 6 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday, and 4½ hours between 7 a.m. and 12.45 p.m. on Saturday.

“ Shift Worker ” is a person other than an ordinary worker. Males under 21 years of age (other than an apprentice or improver 18 years of age or over) or females of any age shall not be employed on shift work.

(5) OVERTIME.—(a) Ordinary Workers—

On Saturday—

For all time worked in excess of 4½ hours or outside the hours fixed in Clause 4 Double time.

On the other working days of the week—

For all time in excess of 8 hours 45 minutes or outside the hours fixed in Clause 4 Time and a half.

(b) Shift Workers.—All time worked in excess of 8 hours on any day shall be paid for at the rate of time and a half.

(6) MEAL INTERVAL.—An interval of 45 minutes shall be granted for meals between the hours of 12 noon and 1.30 p.m., provided that females and juveniles shall be granted such interval not more than 4½ hours after starting work. Shift workers shall be allowed 45 minutes for meal; such meal time to be not less than three hours, or more than five hours from the time of beginning work.

Meal time, if worked, shall be paid for at the rate of time and a half on prevailing rates, same to continue until such time as the employee has had the full time provided for meal.

(7) CRIB TIME.—An ordinary worker who commences work at 6 a.m. or earlier shall be allowed a rest interval of 15 minutes at not more than three hours from the time of commencing work.

(8) CONTINUITY OF WORK.—The work of each day or shift shall be continuous with the customary break for a meal.

(9) TIME WAGES.—Any person employed on time wages for less than the number of hours fixed for an ordinary week's work between midnight on Sunday and midnight on Saturday shall for each hour worked up to one half the number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of 33 per centum, and for each hour worked beyond the one-half aforesaid the rate of wages payable shall be the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

(10) NOTICE OF INTENTION TO WORK OVERTIME.—In the event of employees being required to work in excess of 60 minutes overtime in any one day, they shall be notified of such intention on the previous day. Failing such notice they shall be paid in addition to the overtime a sum of 1s. 6d. for meal.

When an employee has provided himself with customary meal because of receipt of notice of intention to work overtime in excess of 60 minutes in any one day, he shall be entitled to the sum of 1s. 6d. per meal so provided in the event of the overtime not being worked or ceasing before respective meal time.

(11) WAITING TIME.—When an employee is called to work at a certain hour, but is not put on at such hour, the time that the employee is kept waiting shall be treated as time on duty.

(12) ALLOWANCE.—When an employee is required by his employer to wear a washable outer garment such garment (not exceeding two each year) shall be provided by the employer.

(13) PAYMENT OF WAGES.—All wages shall be paid weekly.

(14) TERMINATION OF EMPLOYMENT.—Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or worker.

(15) WASHING AND DRINKING FACILITIES.—Adequate washing and drinking facilities shall be provided in each factory or department. All employees handling briquettes or coal shall be allowed seven minutes' washing time at the conclusion of the day's work.

(16) TIME BOOK OR OTHER RECORD.—That every employee shall indelibly record daily his or her correct times of beginning and ending work in a book, or on time cards, or by a mechanical contrivance, which shall be furnished by the employer.

(17) INSPECTION OF TIME BOOK.—That the Secretary or Assistant Secretary of the Cold Storage Union be allowed to inspect the Time Record referred to in Clause 6 (covering a period of one month prior to the inspection), during the office hours of the factory.

(18) VARIATION OF DETERMINATION.—Where the exigencies of the industry are such that the best interests of the employers, employees, and the community as a whole may be served by varying any part of this Determination by mutual consent, such variation may be mutually arranged by agreement with an officer of the Department of Labour, an officer of the Cold Storage Union, and the employer or his representative. Full particulars of such variation are to be reported to and approved by the Chief Inspector of Factories or his deputy.

(19) IMPROVER TO RECEIVE ADULT WAGE.—An improver employed at any class of work for which a certificate from the Department of Agriculture is required, shall, unless he is working under the direct supervision of an employee so qualified, be paid the rates of pay prescribed for such an adult employee.

(20) LIFTING OF WEIGHTS.—No person under the age of eighteen years shall lift weights exceeding 30 lb. and no person between the age of 18 and 21 years shall lift weights exceeding 45 lb.

(21) ANNUAL LEAVE.—Any employee who has been in the service of the same employer for a period of not less than twelve months shall be granted two weeks' holiday on full pay in each year, and such holiday shall be given within three months of completion of each twelve months' service.

If the employee leaves or is dismissed before the expiration of twelve months, then such employee shall be given or paid for one day's holiday for each calendar month or part of a calendar month's service.

(22) SPECIAL RATES.—Time and a half shall be the rate payable for all work done on Sunday, New Year's Day, 26th January, (Australia Day), Good Friday, Easter Monday, 21st April (Labour Day), Anzac Day, Christmas Day, Boxing Day, and a holiday to be fixed by each factory in lieu of King's Birthday in accordance with Clause 18; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted. Any employee who works part of a holiday shall be paid ordinary rate for remainder of the day.

(1) Employees in Butter, Cheese, Casein or any other Factories subject to this Determination.

Apprentices or Improvers.			Juvenile Workers.				Other Employees.				
WAGES.			WAGES.				WAGES.				
Per week of 48 hours.			Per week of 48 hours.		Per week of 44 hours.		Per week of 48 hours.				
Shift Workers.		All Others.	Males.		Females.		Shift Workers.		All Others.		
s.	d.	s. d.	s.	d.	s.	d.	s.	d.	s.	d.	
Under 16 years	..	34 0	Under 16 years	28 9	24 9	Milk or cream grader or tester	..	98 0	92 0		
16-17 years	..	39 9	16-17 years	32 0	27 9	Creamery manager	..	96 0	90 0		
17-18	..	44 9	17-18	39 9	31 0	Milk or cream neutralizer	..	94 6	88 6		
18-19	..	57 6	18-19	43 6	36 0	Foreman of shift or department or casein plant	..	95 6	90 0		
19-20	..	63 6	19-20	51 6	39 9	Butter-maker	..	98 0	92 0		
20-21	..	68 0	20-21	58 6	43 9	Operators of any of the following machines, viz. :—					
PROPORTION (IN ANY PLACE).							Separator	..	84 0	78 0	
<i>Males.</i>							Pasteurizer, evacuator, or deodorizer	..	84 0	78 0	
One apprentice to every three or fraction of three workers receiving not less than 77s. per week of 48 hours.							Weighing machine	..	84 0	78 0	
One improver to every eight or fraction of eight workers receiving not less than 77s. per week of 48 hours.							Filling machine for tinning of butter	..	85 0	79 0	
<i>Females.</i>							Storeman or packer	..	84 0	78 0	
One apprentice and one improver to every three or fraction of three workers receiving not less than 51s. 9d. per week of 44 hours.							Casein-maker	..	97 0	91 0	
							Assistant to casein-maker	..	85 6	79 6	
							Cheese-maker	..	98 0	92 0	
							Assistant to cheese-maker	..	85 6	79 6	
							Male adult washing or sterilizing cans or bottles	..	84 0	78 0	
							All other adult males	..	83 0	77 0	
							All adult females	..	..	Per Week of 44 hours.	51 9

(2) DEFINITION OF JUVENILE WORKERS.

Persons under 21 years of age (other than apprentices or improvers) employed at—

- Patting, wrapping, or branding butter or cheese;
- Blending or re-packing cheese;
- Filling or cleaning cheese jars or moulds;
- Filling or emptying casein trays;
- Filling or drying casein in tunnels;
- Filling casein into bags;
- Weighing, filling, emptying, stacking, capping, sealing, opening, labelling, wrapping, packing, cleaning, or sterilizing tins, cartons, or bottles;
- Stamping or branding tins, cartons, cases, bottles, or labels;
- Stamping, branding, lining, or nailing up boxes or shooks, but not lifting full boxes; or
- Handling empty tins, cans, cases, crates, jars, moulds, or boxes.

(3) DEFINITIONS.—“ Ordinary Worker ” is a person who ordinarily works 8 hours 36 minutes between 7 a.m. and 7 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday, and 5 hours between 7 a.m. and 1 p.m. on Saturday.

“ Shift Worker ” is a person other than an ordinary worker. Males under 21 years of age (other than an apprentice or improver 18 years of age or over) or females of any age shall not be employed on shift work.

(4) OVERTIME.—(a) Ordinary Workers—

On Saturday—

For all time worked in excess of 5 hours or outside the hours fixed in Clause 3 Double time.

On the other working days of the week—

For all time in excess of 8 hours 36 minutes or outside the hours fixed in Clause 3 Time and a half.

(b) Shift Workers.—All time worked in excess of 8 hours on any day shall be paid for at the rate of time and a half.

(5) MEAL INTERVAL.—An interval of not less than 30 minutes nor more than 60 minutes shall be granted for meals between the hours of 12 noon and 2 p.m., provided that females and juveniles shall be granted such interval not more than 4½ hours after starting work. Shift workers shall be allowed an interval of not less than 30 minutes nor more than 60 minutes for meal; such meal time to be not less than three hours, or more than five hours from the time of beginning work.

Meal time, if worked, shall be paid for at the rate of time and a half on prevailing rates, same to continue until such time as the employee has had the full time provided for meal.

(6) TIME BOOK OR OTHER RECORD.—That every employee shall indelibly record daily his or her correct times of beginning and ending work in a book, or on time cards, or by a mechanical contrivance, which shall be furnished by the employer.

(7) INSPECTION OF TIME BOOK.—That the Secretary or Assistant Secretary of the Cold Storage Union be allowed to inspect the Time Record referred to in Clause 6 (covering a period of one month prior to the inspection), during the office hours of the factory.

(8) ALLOWANCE.—When an employee is required by law or by his employer to wear a washable outer garment such garment (not exceeding two each year) shall be provided by the employer.

(9) CONTINUITY OF WORK.—The work of each day or shift shall be continuous, with the customary break for a meal.

(10) TIME WAGES.—Any person employed on time wages for less than the number of hours fixed for an ordinary week's work between midnight Sunday and midnight Saturday shall for each hour worked up to one half the number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of 33 per centum, and for each hour worked beyond the one-half aforesaid the rate of wages payable shall be the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

(11) TERMINATION OF EMPLOYMENT.—Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or worker.

(12) WASHING AND DRINKING FACILITIES.—Adequate washing and drinking facilities shall be provided in each factory or department.

(13) DEFINITIONS.—“ Assistant to cheesemaker ” means any person employed in the working of the curd in the vats and processes up to and including unhooping the cheese from the presses.

“ Assistant to caseinmaker ” means any person employed in the working of the curd in the vats up to and including unhooping of the casein curd from the presses.

“ Butter maker ” is a person in charge of not more than three churns.

(14) IMPROVER TO RECEIVE ADULT WAGE.—An improver employed at any class of work for which a certificate from the Department of Agriculture is required shall, unless he is working under the direct supervision of an employee so qualified, be paid the rates of pay prescribed for such an adult employee.

(15) ANNUAL LEAVE.—Any employee who has been in the service of the same employer for a period of not less than twelve months shall be granted two weeks' holiday on full pay in each year, and such holiday shall be given within three months of completion of each twelve months' service.

If the employee leaves or is dismissed before the expiration of twelve months, then such employee shall be given or paid for one day's holiday for each calendar month or part of a calendar month's service.

(16) SPECIAL RATES.—Time and a half shall be the rate payable for all work done on Sunday, New Year's Day, 26th January (Australia Day), Good Friday, Easter Monday, 21st April (Labour Day), Anzac Day, King's Birthday, Christmas Day, and Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted. Any employee who works part of a holiday shall be paid ordinary rate for the remainder of the day.

(1) Employees engaged in Handling or Bottling Cream or Milk in Retail Dairies or in places not already covered by this Determination.

Improvers.					Other Employees.												
WAGES.					WAGES.												
					Per week of 48 hours.												
					Shift Workers.		All Others.										
					s.	d.	s.	d.									
Under 16 years	34	0	Manager	..	..	..	..	101	6	95	6
16-17 years	40	0	Foreman	..	..	..	..	101	6	95	6
17-18	45	0	Operator of—	..	..	..	..	..	..	..	..
18-19	57	9	51	6	Separator, pasteurizer, or milk cooler	..	..	..	..	89	6	83	6
19-20	63	6	57	3	Washer or sterilizer of cans or bottles	..	..	..	..	89	6	83	6
20-21	68	3	62	0	All others	..	..	..	..	88	6	82	6

PROPORTION (IN ANY PLACE).
Males.
One improver to every eight or fraction of eight workers receiving not less than 82s. 6d. per week of 48 hours.

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the *Factories and Shops Act 1934* that this section of the trade is so unskilled that no person should be taken as an apprentice to it.

(2) (a) Ordinary Worker is a person who works his 48 hours in seven days between the hours of 7 a.m. and 7 p.m.

(b) Shift Worker is a person who works his 48 hours in seven days for any period outside the hours fixed in Clause 2 (a).

(3) OVERTIME.—All time worked in excess of 6 hours on Sunday, 7 hours on any other day, or 48 hours in any week shall be paid at the rate of time and a half.

(4) MEAL TIME.—A meal period of not less than 30 minutes and not more than one hour shall be allowed after a period of 5 hours continuous work. Such meal period shall not be calculated as time worked. The rate of time and a half shall be paid for all work done after a period of 5 hours from commencing work until a meal period is taken.

(5) HOLIDAYS.—An employee who works seven days per week shall be allowed two weeks' holiday on full pay at the expiration of each twelve months' service.

If an employee leaves or is dismissed before the expiration of twelve months, he shall be given or paid for holidays pro rata in accordance with the length of service, namely one day for each one month of service.

If the business be sold or transferred during the period of service, the employee shall be entitled to the two weeks' holiday at the conclusion of twelve months' service with the business.

(6) TIME BOOK OR OTHER RECORD.—Every employee shall indelibly record daily his or her correct times of beginning or ending work in a book, or by a mechanical contrivance which shall be furnished by the employer. Such records or time book shall be produced by the employer for inspection to the Secretary of the Cold Storage Union or any official thereof duly authorized in writing by the President and Secretary of the local Branch or sub-branch of the Union.

(7) ALLOWANCE.—When an employee is required by law or by his employer to wear a washable outer garment such garment (not exceeding two each year) shall be provided by the employer.

(8) CONTINUITY OF WORK.—The work of each day or shift shall be continuous, with the customary break for a meal.

(9) TERMINATION OF EMPLOYMENT.—Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or worker.

(10) TERMS OF ENGAGEMENT.—All employees shall be paid the full weekly wage irrespective of the number of hours fixed not exceeding 48 per week. Provided that where an employee also does work subject to the Determination of any other Wages Board, he shall be paid in accordance with Section 174 of the *Factories and Shops Act No. 3877*. Effect shall be given to such provision by dividing the weekly wage herein provided by the number of hours fixed as a week's work. Provided also that if the payment so calculated in accordance with the said provision amounts to less than the weekly wage fixed therein such weekly wage shall be paid.

A. S. HAUSER, P.M., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 19th November, 1937.