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[1938

Factories and Shops Acts.

DETERMINATION OF THE GAS WORKS BOARD.

Adjusted pursuant to Section 21 of the *Factories and Shops Act 1934* (4275).

NOTE.—The application of this Determination is as follows:—

- (a) Clauses 1 to 31 inclusive apply to the cities of Ballarat, Bendigo, and Warrnambool, the area within a radius of 20 miles of the G.P.O., Melbourne, 10 miles of the G.P.O., Geelong, and the borough of Castlemaine.
- (b) Clause 1 and clauses 32 to 43 inclusive apply to the whole of the State outside, and excepting those places enumerated in the preceding paragraph.
- (c) Clause 44 applies to the whole of the State.

I, FRANCIS ANTHONY MARZORINI, 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 January, 1938, by the Gas Works Board, and published in the *Government Gazette* on the 31st March, 1938, 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, 1938, to any person or persons or classes of persons employed in or in connexion with making coal gas for trade or sale, but not including any person or persons or classes of persons subject to the Determination of any Wages Board heretofore appointed.

1. (a). Within the Localities Set Out in Note (a).

Improvers.						Wages per Week of 44 Hours.		
						£	s.	d.
Under 15 years of age	..	..	..	..	..	0	15	0
15 years and under 16 years of age	..	..	..	..	..	0	19	0
16 " " " 17 " " " "	..	..	..	..	..	1	3	0
17 " " " 18 " " " "	..	..	..	..	..	1	11	0
18 " " " 19 " " " "	..	..	..	..	..	2	2	6
19 " " " 20 " " " "	..	..	..	..	..	2	13	6
20 " " " 21 " " " "	..	..	..	..	..	3	9	6

For shift work an extra rate of 3s. 6d. shall be paid, but no improver under eighteen years of age shall be employed upon night shift.

(b).

Adults.	Wages per Week of 44 Hours.	
	Within a Radius of 20 Miles of the G.P.O., Melbourne, 10 Miles of the G.P.O., Geelong, and the City of Warrnambool.	Within the Cities of Ballarat and Bendigo, and the Borough of Castlemaine.
	£ s. d.	£ s. d.
Patching and scouring retorts and cleaning flues—man continuously employed as such..	5 0 0	4 17 0
Stoker in charge of gas or steam engine, or other works plant	5 0 0	4 17 0
Stoker, vertical retort	4 17 0	4 14 0
Stoking machine driver	4 17 0	4 14 0
Stoker, horizontal retort (machine)	4 15 0	4 12 0
Stoker, hand charging	4 13 0	4 10 0
Retort (vertical) operator	4 17 0	4 14 0
Operator vertical retort	4 17 0	4 14 0
Fireman retort house	4 17 0	4 14 0
Machine and stage man	4 15 0	4 12 0
Hydraulic and tar main attendant	4 14 0	4 11 0
Augerer and pipe jumper	4 13 0	4 10 0
Coke and coal conveyor attendant (day worker)	4 8 0	4 5 0
Greaser and oiler (in retort house)	4 6 0	4 3 0
Elevator and coal crusher attendant	4 5 0	4 2 0
Coke and coal conveyor attendant (shift worker)	4 5 0	4 2 0
Oxide breaker—man attending and operating	4 5 0	4 2 0
Purifier—man opening up, or emptying, or filling	4 5 0	4 2 0
All others	3 19 0	3 16 0

GENERAL EXTRA RATE FOR SHIFT WORK.

2. (1) For work done on shift at any time by an employee in operations customarily done on shift he shall be paid 1s. extra per shift.
 (2) For work done on shift at any time by an employee in other operations he shall be paid 1s. 3d. extra per shift.

EXTRA RATE FOR LEADING HANDS.

3. "Leading hand" herein means one who has in any degree control, supervision, or direction of any other employee of the same grade.

Leading hands shall be paid, in addition to their prescribed weekly wage, the amount assigned to them in the following table:—

Table.

	Per Day or Shift.
	s. d.
Leading stoker	2 0
Leading vertical retort house operator	2 0
Any other leading hand	1 6

Provided that this clause shall not apply to a leading stoker and/or leading vertical retort house operator when in charge of gas or steam engines or other works plant, but any such employee as aforesaid shall be paid the margin prescribed for the class of stoking performed, plus the appropriate leading hand rate.

RATE FOR OTHER THAN WEEKLY EMPLOYEES.

4. Any employee, other than one engaged on piecework, who is not employed for at least one full week shall for each day upon which he is required to attend for work be paid for the time worked at the relevant rate per week, plus 10 per cent.

PIECEWORK RATES.

5. In cases where piecework rates are now being paid for coal discharging the existing rates shall continue.

WORKING HOURS.

6. (1) Except as otherwise provided hereinafter the ordinary working hours of daymen shall not exceed 44 per week, comprising (unless otherwise agreed by the employer and his employees) eight hours each for the first five week days, to be worked between 7.30 a.m. and 5 p.m., and four hours on Saturday, to be worked between 7.30 a.m. and 12 noon. Provided that the employer shall have the option of arranging for the working of the said 44 hours during such first five week days and increasing the length of the day's work accordingly.

(2) Except as otherwise provided hereinafter, the ordinary working hours of shiftmen shall not exceed an average of 44 hours per week, to be worked in shifts not exceeding eight hours each including "crib" time reckoned as part of working time, such shifts to be distributed as the employer concerned may choose, but so as to make an aggregate shift time on duty not exceeding 48 hours in any one week, nor 176 hours in any period of four weeks, unless the excess time of duty is caused by arrangement between the employer and his employees.

(3) Unless otherwise agreed between the employer and his employees all shift work shall be so arranged as to allow each man, by rotation or otherwise, one clear day off in each week which week for this purpose shall be deemed to commence from the starting of the morning shift on Monday in each week unless otherwise agreed between the employer and his employees.

(4) For employees whose present ordinary working hours are less than 44 per week, the ordinary working hours and arrangement thereof shall continue as at present.

OVERTIME RATES FOR DAYMEN.

7. (1) *Over Prescribed Number of Ordinary Hours.*—Unless otherwise provided elsewhere herein, for any time worked by daymen on any one day in excess of the number of ordinary working hours prescribed for that day, payment shall be made at time and a half for the first two hours and at double time thereafter.

(2) *Outside Prescribed Time Limits.*—Unless otherwise provided elsewhere herein, for time worked at any time other than between 7.30 a.m. and 5 p.m. on Monday to Friday (both inclusive), or 7.30 a.m. and noon on Saturday, or if other time limits be agreed upon between the employer and his employees, at any other time than between such agreed limits, payment shall be made at time and a half for the first two hours and at double time thereafter.

(3) *Work after Recall.*—A dayman who after his ordinary day's work has departed from the place where he works and has reached his home or other stopping place without having been given notice that he would be required to do further work on that day, if recalled to do such work, shall be paid at the rate of double time for such work, with a minimum payment as for three hours at ordinary rates, but this sub-clause shall not apply to shift work.

(4) *Overtime Rates not Cumulative.*—If more than one of the foregoing provisions applies to the time worked, payment shall be obligatory under only one of such provisions and if one of such provisions prescribes a higher rate, only under that provision.

(5) *Shift Work as Prescribed in Clause 8.*—Overtime rates for shift work and shiftmen shall be as prescribed in clause 8 and this clause shall not apply to them.

SPECIAL EXTRA RATES FOR SHIFT WORK.

8. (1) *Shiftmen's Ordinary Hours.*—If an employee is required by the employer to do shift work, exceeding in length eight hours in any period of 24 hours, or 48 hours in any period of seven days, or an aggregate of 176 hours in any period of four weeks, he shall be paid for the excess time of working at time and a half for the first two hours and double time thereafter, unless the excess is worked as a result of an arrangement made between the employer and his employees, in which case he shall be paid for the excess time at ordinary rate. Provided that a shift worker who works two shifts in immediate succession shall be paid at the rate of double time for the second shift or part thereof, unless such second shift is worked by arrangement between the employees themselves, in which case the excess time shall be paid for at ordinary rates.

(2) *Daymen Put on Shift Work after doing Day's Work.*—Except in the case of arrangement between the employees themselves any dayman who after completing his ordinary day's work is put on to shift work shall be paid for all time worked on shift at time and a half, the payment to be in addition to payment for his ordinary work, and shall be entitled to absent himself from his ordinary work on the following day without incurring any deduction from his week's wages therefor. Provided that this sub-clause shall not apply to a dayman employed on the afternoon shift.

(3) *Daymen Put on to Shift Work before Finishing Ordinary Day's Work.*—Except in the case of arrangement between the employees themselves any dayman put on to shift work after doing portion only of his ordinary day's work, shall be paid the prescribed rate for the time actually worked on day work, and at the prescribed rate for the shift work from the time he commences the shift work until such time as he has worked in day work and shift work combined eight hours, Monday to Friday inclusive, or four hours, Saturday (where he works six days per week), or 8 hours 48 minutes, Monday to Friday inclusive (where he works five days per week), and for ensuing time at time and a half for the first two hours, and then at double time.

(4) *"Clash" Day Work.*—If an employee solely because of the "clashing" of shifts on the roster is on the day of the clash employed otherwise than on his ordinary shift he shall nevertheless be paid for his work on that day not less than at the prescribed rate for his ordinary shift.

(5) *Work on "Day Off."*—For all work on his day off in the week a shift man shall be paid at double time if the day be a Sunday or a holiday not observed on a Sunday, and at time and a half if it be another day, but if at the request of another employee he works as a substitute on the day for the other employee, he shall be paid at the rate at which the latter would have been paid,

(6) *Work on Sunday.*—For all shift work on a Sunday, not being his day off, a shiftman shall be paid at time and a half, but if his shift work during the weekly pay period which includes the Sunday does not exceed two shifts he shall be paid at double time for the work on the Sunday.

(7) *Relieving on Sunday.*—If an employee is required to relieve a shiftman on a Sunday, the relieving employee shall be paid at the rate of time and a half, but if on a Sunday the usual number in any gang is increased, the extra man or men required shall be paid at double time.

(8) *Mixed Shift and other Work on Sunday.*—If an employee is brought in on a Sunday for work, other than relieving a shiftman, and commences duty which entitles him to double time, and is, therefore, required to do shift work, he shall be paid at double time for the whole of the work done by him on that day.

(9) *Work on a Holiday.*—For all work on a holiday, other than one observed on a Sunday, a shiftman shall be paid at double time.

SUNDAYS.

9. (1) Any employee may be required to work on any Sunday.

(2) For any work done on a Sunday the employee—other than a shiftman—shall be paid at double time, with a minimum payment as for two hours at such rate.

(3) For work done by a shiftman on a Sunday payment shall be made as prescribed in clause 8.

(4) Any weekly employee who in the ordinary course of his work is required to work on Sundays, shall be entitled to one clear day off in each calendar week, and if required to work on his day off, shall for all such work be paid at double time, if the day be a Sunday or a holiday, and at time and a half if it be another day, but if at the request of another employee he works on the day as a substitute for the other employee he shall be paid at the rate at which the latter would have been paid.

MIXED FUNCTIONS.

10. (1) Except as otherwise provided herein or by mutual arrangement between the employees themselves, an employee required to do more than one class of work in the course of a day shall for the whole of that day be paid as if he had throughout his work on that day done that one of those classes of work for which the highest rate is prescribed.

(2) A dayman called upon for shift work after his ordinary work shall be paid as provided in clause 8 hereof, and is excepted from this clause.

(3) Subject to the foregoing an employer may require an employee to do any class of work not outside the scope of the employee's engagement.

HOLIDAYS.

11. (1) The days on which the following days are observed as holidays in the district in which the employers works are situated shall for the purposes of this Determination be holidays:—

New Year's Day; Australia Day; Good Friday; Easter Monday; Anzac Day; King's Birthday; Eight Hours Day; Christmas Day; Boxing Day—

and also within 20 miles of the General Post Office, Melbourne, Melbourne Cup Day, and also elsewhere than within such 20 miles, one day to be agreed upon by the employer and employees concerned.

Provided that in cases where days or parts of days are substituted for any of the holidays above prescribed, the arrangements at present in existence shall continue.

(2) Any employee may be required by the employer to work on any holiday.

(3) Notwithstanding that an employee engaged by the week is not required to work on a holiday no deduction shall be made from his wages therefor, except in the following cases for which the employer may make a deduction proportionate to the time that the employee in the ordinary course would have worked on the holiday if it had been an ordinary working day:—

(a) if without leave from the employer he absent himself on the working day next prior to or on that next after a holiday and does not work on the holiday; and

(b) where the employee is absent without leave on the working days next prior to and next after a holiday and does not work on the holiday: provided that if a holiday falls during accident leave, the employee shall have an additional day added to such leave for the holiday.

(4) If a holiday other than one observed on a Sunday falls on the weekly clear day off of an employee, as prescribed by clauses 6, 8, or 9 (4) of this Determination, the employee shall be paid his ordinary wages for the time worked during the week in which the holiday occurs, plus the ordinary rate for the time he would have worked if the holiday were not his day off, but shall not be so paid if the employee without leave from the employer absents himself from work on the working day next before or on that next after the holiday.

(5) For work done by a shiftman on a holiday he shall be paid as provided in clause 8 hereof.

ANNUAL LEAVE.

12. The existing conditions in respect of annual leave for an employee shall continue until changed by agreement between the employees and the employer concerned, except:—

(1) that if any of the prescribed holidays so falls in the week as in the ordinary course to entitle him to be paid in respect of that holiday although he does not work thereon, and that holiday happens to fall within that employee's period of annual leave the number of days in that period shall be reckoned in addition to the holiday;

(2) that the number of days in that period of annual leave shall be reckoned in addition to any days off of the employee in excess of one for each consecutive seven days during that period; and

(3) that in calculating the amount to be paid to the employee in respect of each week of leave, in addition to any amount payable to him otherwise than because of the rate for shift work prescribed by clause 2 hereof, 1s. shall be allowed to him for every 50 shifts worked by him during the twelve months preceding the leave and not previously allowed to him in such a calculation.

DIRT MONEY AND OTHER EXTRA PAYMENTS.

13. (1) "Dirty work" herein means work which the foreman and workman concerned agree is of an unusually dirty or offensive nature.

(2) The following employees shall be paid dirt money at the rate of one penny per hour for the time they are engaged upon the following work:—

(a) Yardmen removing dust from the top of retort benches, hydraulic, and foul mains and bridge pipes.

(3) Yardmen employed cleaning out washers, automatic C.W.G. plant shall be paid 1s. 6d. for each washer completely cleaned, in addition to their ordinary rate of pay for the time occupied on such work.

RATE FOR WET PLACES.

14. Any employee working in a place which the foreman or ganger concerned decides is a wet place shall be paid an additional 8d. for the day irrespective of the time during which he works in that place during the day.

Provided that this clause shall not apply if the employer supplies him with top boots or other covering reasonably sufficient to exclude the wet.

MEAL TIMES AND ALLOWANCES.

15. (1) Except as otherwise provided elsewhere herein a meal break of at least 45 minutes (if a six-day week be worked) or at least 42 minutes (if a five-day week be worked) shall be allowed to employees other than shiftmen.

(2) Such meal break shall begin at 12 noon or at such other regular time as may be agreed upon by the employer and employees concerned, but in special circumstances of emergency only, the employer may require it to begin at some definite time not earlier than 11.30 a.m. not later than 12.15 p.m.

(3) Any employee required to work throughout more than five hours without a suitable interval for a meal, shall, for all time worked in excess of the five hours before being allowed such interval, be allowed an extra payment at double time.

(4) If an employee is required to continue or resume work during the prescribed meal break he shall for the time of continuance or resumption until the full meal break is given be entitled to an extra payment at time and a half.

(5) If the prescribed meal break of an employee is curtailed he shall for the time of curtailment be entitled to an extra payment at time and a half.

(6) Subject to observance of sub-clause (3) hereof, an employee may notwithstanding sub-clauses (4) and (5) hereof, be required to work at ordinary rates during the prescribed meal break for the purpose of making good break downs of plant or upon routine maintenance of plant (including oiling and greasing) which can only be done whilst such plant is idle.

(7) A dayman required to work overtime beyond 12.30 p.m. on Saturday, or 5.30 p.m. on any other day, or to work on the afternoon shift without having been notified on the previous day that he would be so required, shall be paid 1s. 6d. meal allowance. If after having been so notified he provides himself with a meal and is not required to work such overtime or afternoon shift, he shall be paid 1s. 6d. meal allowance.

SICK LEAVE.

16. An employee after having completed three weeks' continuous service immediately preceding the day upon which he reasonably absents himself from work because of disability due to his own ill health, and who within 48 hours after the commencement of the absence produces evidence satisfactory to the employer of such disability by medical certificate or otherwise shall without incurring any deduction of pay be entitled to leave of absence during such disability for a period or periods not exceeding in the aggregate ten days in each year, beginning with the 1st day of December, 1937.

The rate of wage payable to the employee during such leave of absence without deduction of pay shall be the prescribed ordinary rate or averaged rates for the work done by him during his last six working days next before his absence began.

ACCIDENT LEAVE.

17. (1) An employee after having completed three weeks' continuous service immediately preceding the day upon which he reasonably absents himself from work because of disability due to bodily injury arising out of or in the course of his employment, and who within 48 hours after the commencement of the absence produces evidence satisfactory to the employer of such disability by medical certificate or otherwise shall without incurring any deduction of pay be entitled to leave of absence during such disability for a period or periods not exceeding in the aggregate two weeks in each year beginning with the 1st day of December, 1937.

The rate of wage payable to the employee during such leave of absence without deduction of pay shall be the prescribed ordinary rate or averaged rates for the work done by him during his last six working days next before his absence began.

(2) If weekly payments are payable by the employer to the employee under a Workers Compensation Act or other like Act, in respect of the injury to the employee, payments made in pursuance of this clause may be treated by the employer as a discharge so far as their amount goes of his liability to pay the weekly payments under such Act.

EMPLOYMENT CONDITIONS OF PIECEWORKERS.

18. Existing conditions relating to working hours, waiting time, holidays, and leave for pieceworkers employed on coal discharging shall continue.

CONDITIONS OF ENGAGEMENT.

19. (a) Except as otherwise hereinafter provided, all employees shall be engaged by the week, the employment to be terminable only by a week's notice on either side, which notice may be given at any time during any week.

(b) Provided that for misconduct or neglect of duty by an employee, his employment may be determined forthwith without notice, in which case he shall be entitled only to an amount for wages proportionate to the amount of work done before such determination such amount for wages to be paid forthwith.

(c) From the commencement of an employee's service during a time not exceeding two weeks, the employer may engage him by the day, subject to payment of the rate of wage prescribed for other than weekly employees.

(d) Subject to any express limitation in the terms of his engagement and to his right to determine his employment by a week's notice, an employee to become entitled to the benefits of this Determination must do such kinds of work at such times as the employer may require him to do for the time being, but the employer shall in respect of such work observe any applicable provisions of this Determination as to special or extra rates.

(e) If an employee absents himself from duty or does not attend for duty, the employer, subject to the provisions for sick leave and accident leave hereinafter contained, may deduct from the employee's wages an amount proportionate to the length of the employee's absence or non-attendance.

PAYMENT OF WAGES.

20. Subject to wages being paid weekly existing conditions relating to times and places of payment of wages shall continue.

TOOLS.

21. Existing conditions as to the supply of sufficient and efficient tools in working order shall continue.

STANDARD OF WORK.

22. (1) The employer shall not, while existing conditions exist, increase the standard of work beyond the present limit in existing retort houses.

(2) The standard of work for men working in saturators in sulphate houses, while existing conditions exist, shall not be increased.

(3) Stokers hand charging shall be allowed a minimum of half an hour's rest period between each stoking time.

PURIFIER LIDS.

23. After the purifier box lids are lifted two hours shall elapse before men are sent into the purifiers to work.

CONDITION OF WORKING PLACES.

24. (1) Retort houses shall, as far as is practicable, be made and kept rainproof by the employer.

(2) The employer shall keep cellars and other work places well lighted, and so far as is practicable, shall keep them properly drained and free from water.

(3) The employer shall, as far as is practicable, repair and keep in repair the floor of the retort house, coal store, and coke stage.

OILSKINS.

25. To any employee required to work in the rain adequate oilskins, if reasonably necessary in the circumstances, shall be supplied by the employer.

CLOGS AND APRONS.

26. The employer shall, when necessary, provide and replace clogs for the use of men working on the top of retort benches pitch pan men, and sourfers and patchers.

GAS MASKS.

27. The employer shall supply suitable gas masks to employees in cases where considered necessary by the management.

FIRST AID.

28. The employer shall provide all requisite first aid appliances at the works.

ACCOMMODATION.

29. (1) The employer shall at the works provide for employees adequate mess rooms and boiling water, washing and changing rooms, with hot and cold showers, and lock-up cupboards.

(2) The employer shall at the works provide for employees suitable sanitary conveniences, and cause them to be cleansed every day, except on Sundays and holidays, and to be left uncleansed in no case for more than one day.

EMPLOYMENT, PROMOTION, AND SENIORITY.

30. (1) In making promotion or in the shortening of hands efficiency shall be the first consideration, and in the case of men of equal efficiency, the employer shall give preference to the one with the higher seniority as shown by the seniority list. Provided that for the purposes of seniority each works or department shall be regarded separately. Provided further that in the case of the Metropolitan Gas Co., notwithstanding anything herein contained to the contrary, in shortening hands the said company shall, after placing efficiency foremost, transfer from one works to the other employees of not less than twelve months' continuous service, in the case where there are employees at the other works who have not been in the company's service for a continuous period of twelve months, the one such works being the West Melbourne, and the other the South Melbourne manufacturing station.

"Efficiency" herein means special qualifications and aptitude, including suitability in age for the discharge of the duties of the position to be filled together with merit and good and diligent conduct.

(2) Seniority lists shall be compiled by the employer showing in respect of each department the name of every employee of the employer covered by this Determination, the date of entering the department, and the date of entering the service of the employer.

(3) The lists shall be compiled to show employees in the order of their entering the department, but in the case of an employee who returns to a department after leaving it at his own request, such date shall be the date of re-entering the department.

(4) The date of entering the service of the employer shall be the date of entry continuous with the present employment, but an employee discharged by the employer and re-employed within four weeks shall retain his seniority.

(5) At each works or department a copy of the list affecting such works or department shall be kept, and shall be open to the inspection of any official named by the union, at any reasonable time.

(6) The employer, if and when reasonably so required, shall supply copies of such lists of the employees of such employer to the secretary of the union.

THE UNION.

31. (1) When the consent of the officer in charge has been obtained or has been unreasonably refused, any official named by the union shall be allowed, at any time or times, to enter any of the employer's works to make any necessary enquiries in regard to complaints submitted by employees.

(2) Any employee named by the union shall be allowed at any time or times approved by the employer, and at any of the employer's works, to collect union dues.

(3) Any employee named by the union shall be allowed by the employer reasonable leave of absence from duty, without pay, to attend to union business, when the absence does not interfere with the employer's operations.

Notices relating to the union and a copy of this Determination may be posted by any employee authorized by the union upon the notice board in the mess room, and on any other place provided by the employer for the purpose.

Each employer shall keep a copy of this Determination, posted in an accessible place in the works, and shall permit shop and union formal notices to be posted alongside.

(32) Within the Localities Set Out in Note (b).

(a) Improvers.	Wages per Week of 44 Hours.	(b) Other Employees.	Wages per Week of 44 Hours.
	£ s. d.		£ s. d.
Under 15 years of age	0 15 6	Stokers	4 6 0
15 years and under 16 years of age ..	0 19 0	All others	3 16 0
16 " " " 17 " " ..	1 3 0		
17 " " " 18 " " ..	1 11 0		
18 " " " 19 " " ..	2 2 6		
19 " " " 20 " " ..	2 13 6		
20 " " " 21 " " ..	3 9 6		

NOTE.—The Board has determined in accordance with section 25 (1) of the amended *Factories and Shops Act 1934*, that the process, trade, business, or occupation is so unskilled that no person shall be taken as an apprentice.

TIMES OF BEGINNING AND ENDING WORK.

33. The times of beginning and ending work of persons other than stokers shall be between the hours of:—

7.30 a.m. and 5 p.m. on the first five week days.
7.30 a.m. and 12 noon on Saturday.

HOURS OF WORK.

34. (a) The ordinary working hours of stokers shall not, without payment for overtime, exceed eight per day, and shall be completed within ten hours of the time fixed for commencing work.

(b) The ordinary working hours of persons other than stokers, without payment for overtime, shall not exceed 44 per week, comprising eight hours each day for the first five week days and four hours on Saturday.

Provided that the employer shall have the option of arranging for the working of the said 44 hours during such first five week days, and increasing the length of the day's work accordingly.

OVERTIME.

35. That the following rates shall be paid as overtime:—

To Stokers—

- (i) for any time in excess of eight hours in any one day
(ii) for any time (excluding that provided for under (i)) in excess of 176 hours in a period of four weeks

To Other Workers—

- (iii) for any time in excess of eight hours in any one day
(iv) for any time (excluding that provided for under (iii)) in excess of 44 hours in any week

Time and a half for the first two hours of such work, and double time thereafter.

ALLOWANCE FOR STOKERS.

36. In addition to the overtime rates, set out in clause 35, stokers who work between the hours of 6 p.m. and 6 a.m., shall be paid $\frac{3}{4}$ of 1d. for each hour so worked.

TIME WAGES.

37. Any person employed on time wages for less than the number of hours fixed for an ordinary week's work shall for each hour worked up to 22 hours be paid:—

- (a) In any week in which two or more public holidays occur At the ordinary wages rate with an addition of fifty per centum
(b) In any other week At the ordinary wages rate with an addition of thirty-three and one-third per centum.

SUNDAYS AND HOLIDAYS.

38. (a) The following days shall be holidays:—New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day. Any days which are prescribed by the laws of the State to be observed in lieu of the holidays abovementioned will be treated as the days to which this clause applies.

(b) All employees, other than stokers, shall be free from duty on holidays without loss of pay for the day, but any employee may be required for duty on any Sunday or holiday, and if so required, shall be entitled to double rate for the day. The rates for stokers for Sundays and holidays shall be time and a half for Sundays, and double time for holidays.

CONDITIONS APPLICABLE TO STOKERS.

39. (a) All work shall be so arranged as to allow each stoker by rotation or otherwise one clear day off in each week. A week shall be deemed to commence from the starting time on Monday in each week.
- (b) For all duty on his day off in the week, not being a Sunday or a holiday, the minimum ordinary rate prescribed for a stoker shall be increased by one half, but in the case of a Sunday or a holiday shall be doubled.
- (c) For all time on a Sunday (not being his day off) the minimum ordinary rate for a stoker shall be increased by one half.
- (d) For all duty on holidays the minimum ordinary rate prescribed for a stoker shall be doubled.

PAYMENT OF WAGES.

40. Payment of wages due up to 6 a.m. on the preceding Monday shall be made on Thursday of each week, or in accordance with the practice existing at the time of the making of this Determination, provided that such wage shall be paid not later than Friday of each week.

ANNUAL LEAVE.

41. Every employee who serves an employer continuously for one year shall be allowed by the employer leave of absence in that year or in the following year for a continuous period of one week of seven days.

ABSENCE THROUGH SICKNESS OR ACCIDENT.

42. (a) Any employee not attending for duty will lose his pay for the time of such non-attendance, unless he produces or forwards, within twenty-four (24) hours of the commencement of such absence, a medical certificate or other 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.
- (b) In the case of personal accident or personal illness, necessitating such absence referred to in (a), the pay for the week in which such accident or illness occurs, shall be calculated on his pay at ordinary rates for the six working days up to and including the day such accident or illness occurs. Provided, however, that if such accident or illness necessitates absence beyond the week in which same occurs, the employer will for such period of absence, not exceeding in all ten days, pay the employee in the manner hereinbefore provided. The maximum amount of pay for days not worked owing to such accident or illness necessitating absence as aforesaid shall be a total of ten days' full pay in any year. For the purpose of this clause, a year shall be calculated as follows:—From 1st August in each year to 31st July next following.

TIME BOOK OR OTHER RECORD.

43. 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.

Within the Localities Set Out in Note (c).

DEFINITIONS.

44. In this Determination, unless the contrary intention clearly appears:—

- "Ordinary time" means a rate of wage per hour equal in amount to the prescribed weekly wage divided by the prescribed number of ordinary hours of work.
- "Time and a half" means one and a half the amount of ordinary time.
- "Double time" means double the amount of ordinary time.
- "Shift work" means work which is continuous, except that the employee is allowed to have his meal time included in his period of work.
- "Shiftman" means an employee engaged upon shift work.
- "Dayman" means an employee other than a shiftman.
- "The union," wherever referred to in this Determination, means The Federated Gas Employees Industrial Union—Victorian Section.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 7th December, 1938.