



VICTORIA GOVERNMENT GAZETTE.

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[1938

Factories and Shops Acts.

DETERMINATION OF THE CONDENSERIES BOARD.

NOTES.—(a) On 18th July, 1938, the Butter Board was deprived of the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons subject to the Butter Factories Board and the Retail Dairy Board) whosoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale condensed milk, sterilized milk, dried milk, milk sugar, sterilized cream, or any other milk product" and such power was conferred exclusively on the Condenseries Board.

(b) This Determination applies to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts the Wages Board which has the power to determine the lowest prices or rates which may be paid to any persons (other than persons subject to the jurisdiction of the Butter Factories Board and the Retail Dairy Board) whosoever employed in the process, trade, business or occupation of manufacturing or preparing for trade or sale condensed milk, sterilized milk, dried milk, milk sugar, sterilized cream or any other milk product, including the treatment of bulk milk for wholesale distribution has made the following Determination, namely:—

(1) That this Determination shall come into force and be operative on and after the 1st January, 1939.

(2)

| Apprentices or Improvers. | | | Juvenile Workers. | | | | Other Employees. | | |
|---------------------------|----------------|-------------|-------------------|-------|----------|---|------------------|----------------|-------------|
| WAGES. | | | WAGES. | | | | WAGES. | | |
| | Shift Workers. | All Others. | Males. | | Females. | | | Shift Workers. | All Others. |
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | | s. d. | |
| Under 16 years | .. | 35 3 | Under 16 years | 30 0 | 25 9 | Milk or cream grader, tester or neutralizer .. | 98 0 | 95 0 | |
| 16-17 years .. | .. | 41 3 | 16-17 years .. | 33 3 | 28 9 | Foreman of shift or department .. | 98 0 | 95 0 | |
| 17-18 " .. | .. | 46 6 | 17-18 " .. | 41 3 | 32 3 | Operator of any of the following machines— | | | |
| 18-19 " .. | 59 9 | 53 3 | 18-19 " .. | 45 3 | 37 6 | Milk drier (roller system) .. | 91 0 | 88 0 | |
| 19-20 " .. | 66 0 | 59 3 | 19-20 " .. | 53 6 | 41 3 | Milk drier (spray system) .. | 92 0 | 89 0 | |
| 20-21 " .. | 70 9 | 64 3 | 20-21 " .. | 60 9 | 45 6 | Assistant to milk drier (spray system) .. | 91 0 | 88 0 | |
| | | | | | | Sugar boiler .. | 89 0 | 83 0 | |
| | | | | | | Vacuum pan—condensory .. | 93 0 | 90 0 | |
| | | | | | | Vacuum pan-dried milk .. | 92 0 | 89 0 | |
| | | | | | | Vacuum pan-milk sugar .. | .. | 92 0 | |
| | | | | | | Evaporator .. | 91 0 | 88 0 | |
| | | | | | | Homogenizer or visiolizer .. | 89 6 | 86 6 | |
| | | | | | | Cream retort .. | 88 0 | 83 0 | |
| | | | | | | Powder sifter .. | 88 0 | 81 0 | |
| | | | | | | Tubular heater or ejector .. | 89 0 | 83 0 | |
| | | | | | | Separator .. | 88 0 | 81 0 | |
| | | | | | | Pasteurizer .. | 88 0 | 81 0 | |
| | | | | | | Weighing machine (milk receiving) | 91 0 | 88 0 | |
| | | | | | | Storemen or stackers or packers | 88 0 | 82 0 | |
| | | | | | | Washers of vacuum pan, vacuum holding vats, or evaporator .. | 88 0 | 83 0 | |
| | | | | | | Male adult washing or sterilizing cans or bottles .. | 89 6 | 82 0 | |
| | | | | | | All other male adults not covered by a Determination of any other Wages Board .. | 88 0 | 80 0 | |
| | | | | | | Headwoman, i.e., a person who has charge of employees under, and takes her instruction from, the foreman .. | .. | 57 3 | |
| | | | | | | Females operating dried milk automatic filler .. | .. | 55 0 | |
| | | | | | | All other females .. | .. | 51 9 | |
| | | | | | | 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) **ORDINARY WEEK'S WORK.**—The number of hours to constitute an ordinary week's work shall be as follows:—
 Females 44 hours.
 Males—
 From the 1st March to the 31st August next following (both days inclusive) 44 hours.
 From the 1st September to the last day of February next following (both days inclusive) 48 hours.
- (4) **DEFINITIONS.**—“Juvenile worker” means a person under 21 years of age (other than an apprentice or improver) 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, boxes, or cartons;
 Feeding or assisting on machines; or
 Feeding or taking away from automatic machines.
 “Ordinary Worker” means a male person who—
 (i) from the 1st September to the last day of February next following (both days inclusive) works 48 hours in any one week and 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; and
 (ii) from the 1st March to the 31st August next following (both days inclusive) works 44 hours in any one week; and
 (a) who ordinarily works 8 hours 48 minutes between 7 a.m. and 6 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday when the ordinary week's work is performed in five days;
 (b) who ordinarily works 8 hours between 7 a.m. and 6 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and 4 hours on Saturday when the ordinary week's work is performed in 5½ days.
 “Shift worker” means 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.**—The following rates shall be paid—
 (a) From the 1st September to the last day of February next following (both days inclusive)—
 (i) To “ordinary workers” for all time worked—
 On Saturday—
 Outside the times of beginning and ending work as fixed in Clause 4 } Double time
 Within the hours so fixed in excess of 4½ hours }
 On the other working days of the week—
 Outside the times of beginning and ending work as fixed in Clause 4 } Time and a half
 Within the hours so fixed in excess of 8½ hours }
 (ii) “To shift workers” for all time worked in excess of 8 hours on any day Time and a half
- (b) From the 1st March to the 31st August next following (both days inclusive)—
 (i) To “ordinary workers” for all time worked—
 Outside the times of beginning and ending work as fixed in Clause 4 }
 Within the times of beginning and ending work so fixed in excess of 4 hours on Saturday and 8 hours on the other working days where an ordinary week's work is worked in 6 days and for all time worked on Saturday and in excess of 8 hours 48 minutes on Monday to Friday (inclusive) where an ordinary week's work is worked in five days } Time and a half
 Provided that double time shall be paid for all work done on Saturday after 12 noon.
 (ii) To “shift workers” for all time worked in excess of 7 hours 20 minutes on any day 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 each 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 drinking and washing 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. Where conditions of labour warrant their use, changing accommodation and showers shall be provided by the employer.
- (16) **TIME BOOK OR OTHER RECORD.**—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.**—The Secretary, Assistant Secretary, or Organizer of the Federated Cold Storage and Meat Preserving Employees' Union of Australia, duly authorized in writing under the seal of the said Union shall have access to the record of times recorded by the employees and the wages paid for a period of two months prior to date of inspection, provided that such inspection shall be made during the office hours of the factory, and not more than once in any fortnight. Authority shall be produced to the employer on demand.

(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 Federated Cold Storage and Meat Preserving Employee's Union of Australia, 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 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. Provided that an employee shall not be entitled to one day's holiday pay for part of a calendar month until he has completed three calendar months' continuous service with the same employer.

(22) MIXED FUNCTIONS.—Where an employee is engaged in any one day or shift for more than two hours at work in a higher class than he is employed to perform, he shall be paid for the full day or shift at the highest rate payable for any such work under this Determination, but if he is so engaged for less than two hours he shall be paid at the rates fixed by this Determination only for the work he actually performs.

(23) 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.

A. C. TINGATE, P.M., Chairman.

J. R. MACPHERSON, Secretary.

Melbourne, 9th December, 1938.

