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THURSDAY, JUNE 1.

[1939]

Factories and Shops Acts.

Adjusted pursuant to section 21 of the *Factories and Shops Act 1934* (No. 4275).

DETERMINATION OF THE CARETAKERS BOARD.

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District and the Geelong District as defined in the Factories and Shops Acts, such portions of the City of Sandringham as are not included within the said Metropolitan District, the cities of Ballarat, Bendigo, and Warrnambool, and the boroughs of Eaglehawk and Sebastopol.

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 14th September, 1938, by the Caretakers Board and published in the *Government Gazette* on 3rd October, 1938, hereby issue an adjusted determination showing the adjusted rates to be paid to any person employed as a caretaker of a building:—

(a) in which any process, trade, business, or occupation is carried on for profit;

(b) which is temporarily untenanted but in which, ordinarily, any process, trade, business or occupation is carried on for profit.

(1) The adjusted rates shown therein shall be paid as from the beginning of the first pay period to commence in June, 1939.

(2) WAGES PER WEEK OF 46 HOURS.

(a) Improvers.	(b) Other Employees.		
		Within the Metropolitan and Geelong Districts as defined in the Factories and Shops Acts and the City of Warrnambool.	All Other Parts of Victoria where this Determination Applies.
Under 18 years of age	<i>s. d.</i>		
18 to 19 years of age	36 6		
19 to 20 years of age	46 6		
20 to 21 years of age	57 6		
20 to 21 years of age	68 0		
PROPORTION (in any place).			
One improver to every worker receiving not less than 83s. per week of 46 hours			
	Caretakers in charge of:—		
	11 or more cleaners	<i>s. d.</i> 118 6	<i>s. d.</i> 115 6
	4 to 10 cleaners	108 6	105 6
	1 to 3 cleaners	97 6	94 6
	All others	86 0	83 0

NOTE.—The Board has determined that no apprentice shall be taken in the trade.

(3) Where an employee is required by his employer to reside on the premises where he is employed no deduction shall be made from the wages of such employee for rent, fuel, or light.

(4) TIMES OF BEGINNING AND ENDING WORK:—The times of beginning and ending work shall be—

	Time of Beginning (not earlier than)	Time of Ending. (not later than)
Monday to Friday (inclusive)	6 a.m.	9 p.m.
Saturday	6 a.m.	1 p.m.

(5) NOTICE OF HOURS.—Every employer shall notify the hours at which he requires his employee to commence and cease work. Work done outside the hours notified shall be paid for at overtime rates. Such hours when notified shall not be changed except by a week's notice.

(6) OVERTIME.—The following rates shall be paid for all work done:—

(a) Outside the times of beginning and ending work as fixed in clause 4—

(i) Between midnight and 6 a.m. Double time.

(ii) At any other time Time and a half

(b) Outside the hours of commencing and ceasing work notified by the employer in accordance with clause 5—

(i) Between midnight and 6 a.m. Double time.

(ii) At any other time Time and a half.

(c) Within such prescribed times, but in excess of 46 hours in any one week Time and a half.

provided that overtime shall not be paid more than once in respect of the same period of work.

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(7) **TERMS OF EMPLOYMENT.**—(a) All employees other than casual employees shall be engaged by the week and shall be paid weekly. Employees to become entitled to payment on a weekly basis must be available and ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked. Notice equivalent to 46 working hours shall be given at any time. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct (in which case wages shall be paid up to time of dismissal only), or to deduct payment for any day the employee cannot be usefully employed through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot be reasonably held responsible.

(b) In lieu of such 46 working hours' notice, except in circumstances referred to above, the employer may pay 46 hours wages; and vice versa, the employee leaving his employment without notice shall forfeit 46 hours wages, which may be deducted from any wages due.

(c) Provided that any notice determining the employment solely for the purpose of evading payment for prescribed holidays and not to determine finally the engagement, shall not deprive the employee of payment for any prescribed holidays occurring or observed between such notice to terminate and the re-engagement, if any.

(8) **CASUAL EMPLOYEES.**—i.e., persons engaged for less than the working week of 46 hours shall be paid for the first 23 hours at the rate of time and a quarter and for every hour thereafter ordinary time. Such payment shall be in addition to any overtime to which they may be entitled under clause 6.

(9) **ANNUAL LEAVE.**—Any employee who has been in the service of an employer for a period of not less than twelve months, shall be granted with pay eight working days in each year (exclusive of the holidays mentioned in clause 10) and such holiday shall be given within three months of the completion of twelve months' service, provided that, for the purposes of this clause, any service prior to the 29th September, 1938, shall not be taken into account.

Provided further, that any employee who leaves or is dismissed before the expiration of twelve months shall be given or paid for holidays pro rata in accordance with the length of service, viz., one day for each complete six weeks of service.

(10) **SPECIAL RATES.**—Time and a half shall be the rate payable for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, 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 is required to work on any such days after 8 a.m. shall be paid for at least 4 hours' work.

(11) **CLEANING MATERIALS.**—All materials and implements for cleaning purposes shall be provided and maintained by the employer.

(12) The employer shall nominate himself or some other person as being the person who shall have the ultimate control and direction of the work of the caretaker.

(13) **TIME BOOK.**—Every employee shall indelibly record and initial daily his correct times of beginning and ending work in a book which shall be furnished by the employer. Such book shall be open for inspection by the Secretary or Assistant Secretary of the Victorian Branch of the Federated Miscellaneous Workers' Union between the hours of 9 a.m. and 5 p.m. of any working day except Saturday at the employer's office or other convenient place provided that only one demand for each inspection shall be made at the same establishment in any calendar month. Such demand shall not be made unless the Secretary or Assistant Secretary of the Union suspects that a breach of this Determination has been committed.

Melbourne, 26th May, 1939.

F. A. MARZORINI,
Secretary for Labour.