



# VICTORIA GOVERNMENT GAZETTE.

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No. 211]

MONDAY, JUNE 26.

[1939]

Factories and Shops Acts.

## DETERMINATION OF THE COAL AND COKE BOARD.

NOTE.—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 now has power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in any business or occupation connected with the sale or distribution of coal or coke by any—

(a) coal importer,

(b) coalmine owner,

(c) gas company,

(d) agent or contractor who distributes coal or coke for any coal importer, coalmine owner, or gas company "—

has made the following Determination, namely:—

(1) That on the 6th June, 1939, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Improvers.*		Other Employees.	
WAGES PER WEEK OF 44 HOURS.		WAGES.	
Under 17 years of age	39s.	Persons trimming or spreading coal that is heated or on fire	176s. per week of 44 hours
17 years of age	45s.	Persons employed feeding coal to and/or trimming coal from and/or operating mechanical loader	110s. " 44 "
18 " "	51s.	Persons trimming from the "Grab"	117s. 4d. " 44 "
19 " "	57s. 6d.	Other coal trimmers	110s. " 44 "
20 " "	70s.	Coal baggers or loaders	110s. " 44 "
		Unloaders of loose coal from box wagons or drays to railway trucks	132s. " 44 "
		Coke stackers at wharf coal yards	119s. 2d. " 44 "
		Coke yard employees	84s. " 44 "
		Carters driving one horse	85s. " 48 "
		Carters driving two horses	90s. " 48 "
		Carters driving three horses	93s. " 48 "
		Carters driving four horses	96s. " 48 "
		Carters driving five horses	96s. " 48 "
		And 6d. extra per day for every additional horse	
		Drivers of motor wagons having a carrying capacity of—	
		(a) 25 cwt. or less	90s. " 48 "
		(b) over 25 cwt.; but not over 3 tons	94s. " 48 "
		(c) over 3 tons, but under 6 tons	97s. " 48 "
		Further tonnage—for each complete ton over 6 an extra 1s. per week	
		All others	102s. 8d. " 44 "

\* NOTE.—The Board has determined, in accordance with Section 25 (1) of the Factories and Shops Act 1934, that the trade is so unskilled that no apprentices shall be taken in the trade.

### (3) TIME OF BEGINNING AND ENDING WORK—

	Time of Beginning.	Time of Ending.	
		Five days in the week.	The Day the Half-holiday is Usually Observed.
Carters	7 a.m.	5.45 p.m.	1 p.m.
All others	8 a.m.	5 p.m.	12 noon

## (4) OVERTIME.—(a) The following rates shall be paid for all overtime worked :—

## (i) Outside the time of beginning and ending work as herein fixed—

Between 12 noon and midnight on the day on which the half-holiday is usually observed	..	Double time.
Between 5 p.m. and midnight on the other working days	..	Time and a half.
Between midnight and 8 a.m.	..	Double time.

## (ii) Within the times of beginning and ending work in excess of the hours fixed in this Determination as a week's work—

First two hours	..	Time and a half.
Thereafter	..	Double time.

## (b) Special provisions relating to overtime:—

When overtime is to be worked casual employees shall where practicable be given preference. The foreman shall make the necessary arrangements for engaging casual employees during the times mentioned in clause (6) and shall inform casual employees so engaged of the actual time they are expected to commence work.

Should a casual employee be employed during the day and until 7 a.m. the following day by one employer, he shall not be required to continue after 7 a.m. if other labour is available.

Should a casual employee who has been employed all day be ordered back by the same employer to resume not later than 2 a.m. and continues until 7 a.m. he shall not be required to continue after 7 a.m. if other labour is available.

Should a casual employee's first start be midnight or later he shall if required continue working throughout that day until 5 p.m.

If a regular yard employee after completing a full day's work is called upon to work overtime until later than 11 p.m. he shall not be required to resume work next morning if other labour is available.

## (5) MINIMUM OF WORK.—Employees called on to work on any day shall be given four (4) hours' work or pay.

## (6) PICKING-UP TIME.—The picking-up time for engagement of labour at the South Wharf shall be from 7.45 a.m. to 11 a.m. Mondays to Fridays inclusive, and 7.45 a.m. to 10 a.m. on Saturdays.

## (7) PLACE FOR ENGAGEMENT OF LABOUR.—The place for engagement of labour at the South Wharf coal yards shall be at the Harbor Trust shelter shed.

## (8) RIGHT OF ENTRY OF UNION OFFICIAL.—A duly accredited representative of the Federated Fodder and Fuel Trades Industrial Union 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, for the purpose of interviewing employees on legitimate union business.

## (9) DINING AND SANITARY ACCOMMODATION.—Proper dining and sanitary accommodation shall be provided by the employer for the use of employees.

## (10) SPECIAL RATES.—For all work done on Sundays and the undermentioned holidays the rates shall be—

	Coal Trade.	Coke Trade.
Sundays	Double time	Time and a half.
Australia Day (26th January)	Time and a half	"
New Year's Day	"	"
Labour Day (21st April)	Double time	"
Good Friday	"	Double time.
Easter Monday	Time and a half	Time and a half.
Christmas Day	Double time	Double time.
Boxing Day	Time and a half	Time and a half.
King's Birthday	"	"
Melbourne Cup 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 only be payable for work done on the day so substituted.

H. J. RICHARDSON, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 22nd May, 1939.



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No. 212]

MONDAY, JUNE 26.

[1939

Factories and Shops Acts.

## DETERMINATION OF THE GLUE AND GELATINE BOARD.

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

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 employed in the trade of manufacturing glue and gelatine" has made the following Determination, namely:—

(1) That from the beginning of the first pay period to commence in June, 1939, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

### ADULT MALES.

	Wages Per Week.
	s. d.
Men working in raw material stores .. .. .	87 0
Men working raw material cutting machine .. .. .	88 0
Men washing raw material and preparing limes and working a trotter plant .. .. .	87 0
Men working at lime pits .. .. .	89 0
Men in charge of and actually operating dollies .. .. .	89 0
Men assisting in dolly shed .. .. .	87 0
Men in charge of and actually working at boiling pans .. .. .	89 0
Men assisting in boiling shed .. .. .	87 0
Men in charge of and actually working at vacuum evaporators, bone kettles, glue and gelatine filters, concentrated liquor vats and coolers .. .. .	89 0
Assistants (male) to men in charge of and actually working at vacuum evaporators, bone kettles, glue and gelatine filters, concentrated liquor vats and coolers .. .. .	87 0
Men operating glue and gelatine cutters .. .. .	88 0
Assistants (male) to men operating glue and gelatine cutters .. .. .	87 0
Men working at drying tunnels .. .. .	87 0
Men engaged in grinding glue and gelatine .. .. .	88 0
Men engaged treating frames .. .. .	87 0
Glue and gelatine blenders, and store hands .. .. .	87 0
Men in charge of and actually working at scutching pan, hydraulic press, grease pans, grease filters and seeding tanks and washing trotter bones .. .. .	89 0
Assistants (male) to men in charge of and actually working at scutching pan, hydraulic press, grease pans, grease filters and seeding tanks and washing trotter bones .. .. .	87 0
Men working on vegetable glue dryers and grinders .. .. .	88 0
Men in charge of and actually working at vegetable and prepared glue vats .. .. .	89 0
Assistants (male) to men in charge of and actually working at vegetable and preparing glue vats, and store hands .. .. .	87 0
Men operating residue dryers .. .. .	89 0
Men crushing and bagging dried residues .. .. .	88 0
Men receiving and passing on bones .. .. .	89 0
Men operating degreasing plant .. .. .	89 0
Men assisting at degreasing plant and bone polishing .. .. .	88 0
Men engaged in washing and neutralizing vats .. .. .	87 0
Men engaged in crushing bone residues .. .. .	87 0
Men in charge of and actually operating pearl plant .. .. .	87 0
Assistants (male) to men in charge of and actually operating pearl plant .. .. .	87 0
Men not elsewhere included .. .. .	81 0

### Wages of Shift Workers.

Shiftmen on the first or day shift shall be paid at the ordinary time rates therefor.

Shiftmen on the second shift shall be paid therefor 5 per centum in addition to the ordinary time rate. Shiftmen on the third shift shall be paid therefor 7½ per centum in addition to the ordinary time rate.

(3)

## MALE JUNIORS.

										Wages Per Week.
										s. d.
14 to 15 years of age	..	..	..	..	..	..	..	..	..	15 6
15 to 16 years of age	..	..	..	..	..	..	..	..	..	22 6
16 to 17 years of age	..	..	..	..	..	..	..	..	..	30 6
17 to 18 years of age	..	..	..	..	..	..	..	..	..	38 0
18 to 19 years of age	..	..	..	..	..	..	..	..	..	45 6
19 to 20 years of age	..	..	..	..	..	..	..	..	..	54 0
20 to 21 years of age	..	..	..	..	..	..	..	..	..	60 6

(4) JUNIOR LABOUR.—(a) An employer may employ male juniors in any capacity except as hereunder provided that the proportion of male juniors to male adults employed in any department in the works, except that of laying out and packing gelatine or glue, shall not exceed one to two, and provided that the proportion of male juniors to male adults employed in the whole works, with the exception of the department of laying out and packing gelatine or glue does not exceed one to three.

When any boy is engaged he shall, if the employer require it, furnish a certificate or statutory declaration as to his age and the employer may rely on such certificate or declaration until or unless he has notice of its inaccuracy.

(b) No male juniors shall, except where it has been the custom of the employer to so employ them, be employed on any machine.

(c) No male junior under the age of eighteen years shall work on night shift.

(5) CONTRACT OF EMPLOYMENT.—(a) Employees other than casual workers shall be employed by the week. To be entitled to the week's pay an employee must be ready, willing and available to work during 48 hours of the week (provided that the working of 48 hours in such week would not involve the working by such employee of more than 176 hours for the four weeks ending at the end of such week) except on days (aggregating four in each year) for which he produces a medical certificate or other proof satisfactory to his employer of sickness. In order to terminate employment one week's notice shall be given to terminate on any day with payment to day of determination, or, in lieu of notice one week's pay shall be paid or deducted. Provided, however, that in the event of a stoppage through breakdown of machinery or any other cause for which the employer cannot be held responsible, the employer may on any day notify any employee that his services shall not be required on the following day or days, and the employee's employment shall be temporarily terminated accordingly, and he shall not be entitled to be paid for the time not worked.

Provided further that where under any scheme of insurance or of accident relief or provident fund to secure the benefit of which the employer has paid the necessary premium or contribution, compensation becomes payable for absences through sickness the employer shall not be bound to pay more of such wage than is sufficient with such compensation to make up the full amount for any such days.

(b) To meet emergencies any employer may engage an employee for a day or more on paying extra wages calculated on the basis of 5s. per week. Such employee shall not be paid for a holiday occurring during the week he is employed. Furthermore, to facilitate the rostering of workmen and to avoid the engagement of extra workmen who cannot be fully employed, casual workers may be employed at rates 10 per centum higher than those prescribed for weekly work.

(6) HOURS OF WORK.—(a) The standard hours for the industry shall be 176 per four weeks provided that not more than 48 hours may be worked in any week without payment of overtime.

(b) Except as otherwise provided herein, not more than eight and three-quarter hours on Monday to Friday inclusive and not more than four and a half hours on Saturday shall be worked at ordinary rates of pay, such hours to be worked between 7 a.m. and 6 p.m. on Monday to Friday inclusive and between 6.45 a.m. and 12.30 p.m. on Saturday.

(c) The break for meals shall be at least 45 minutes, or where the employer and the employees agree 42 minutes to be taken between 11.30 a.m. and 1.30 p.m.

(d) Starting and finishing times, and times for meals, shall not be altered except by agreement between the employer and his employees.

(e) The time of commencing and finishing shift and the meal times for shift-workers shall be fixed by agreement between the employer and his employees, provided that not more than 9½ hours shall be worked on any one shift.

(7) HOLIDAYS.—(a) An employee other than a shift-worker shall be entitled to receive the following holidays, and payment therefor, payment being included in the weekly wage prescribed herein:—Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Australia Day, Tanners' Picnic Day if the picnic is held on a Saturday, or any other day by Act of Parliament or Proclamation substituted for any of the above-named days.

(b) If the engagement of an employee is terminated by his employer within fourteen days of any of the holidays set out in sub-clause (a) hereof, the employee shall be paid for such holiday or holidays if and when the employee satisfies the employer that he (the employee) has not in the meantime commenced work with another employer.

(c) Shift-workers shall be entitled to nine days' holiday per annum, or nine days' pay in lieu thereof. On termination of service during the currency of any year payment shall be made *pro rata*.

(8) CONSTANT SERVICE LEAVE OR BONUS.—(a) In addition to the holidays provided for by Clause 7 hereof, an employee, whether a shift-worker, time-worker, or piece-worker, who remains in the service of the same employer for at least a year, shall, if the employment has not been terminated, be entitled to one day's leave of absence on full pay for every period of two complete consecutive calendar months comprised in his service in respect of which he has not already received leave or bonus hereunder.

(b) The employer shall have the right to fix the time when such leave will be given, but must fix a time so that the leave then accrued due will be wholly given in one continuous period within fifteen months after the beginning of the period of service in respect of which the leave is due, and if he does not so fix the time or so give the leave he shall, for each day of leave then due, forthwith give the employee two days' leave of absence on full pay.

Provided that the employer may, if he thinks fit, give at any time in advance the period of six or seven days' continuous leave on full pay prospectively due in respect of the six or seven (as the case may be) periods of two months' service comprised within such fifteen months.

Provided, further, that if the leave be given so that the employee is freed from work for the employer throughout the seven days of a week or throughout a period extended to more than such seven days by reason of holidays as provided in sub-clause (c) hereof, the leave comprised within such seven days or within such extended period shall for the purposes of this clause be deemed to be six days' leave.

(c) Where any of the holidays provided for in Clause 5 hereof so falls in the week as in the ordinary course to entitle an employee 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 leave of absence, the days in that period shall be reckoned in addition to that holiday.

(d) Any employee who voluntarily leaves or is discharged from his employment after he has been in such employment for at least six complete consecutive calendar months shall be paid a bonus of one day's pay for every period of two complete consecutive calendar months comprised in his service in respect of which he has not already received leave or bonus hereunder, the day's pay to be at the ordinary rate for the class of work usually being done by the employee about the time when he so leaves or is discharged.

Provided that where leave of absence for two days instead of one day should have been given in pursuance of sub-clause (b) hereof and has not been so given, such employee shall be paid a bonus of two days' pay in respect of each day of leave of absence that has not been so given.

(e) If the employee is a piece-worker the pay to be given for the period of leave of absence or as a bonus where leave is not given shall be at the rate fixed for a time-worker doing the same class of work as that of the employee.

(f) Where the employer is a successor or assignee or transferee of a business, and if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee, the employee in respect of the period during which he was in the service of the predecessor shall for the purposes of this clause be deemed to have been in the service of the employer.

(g) For the purposes of this clause the service shall be deemed to have continued and to continue unbroken and constant notwithstanding any interruption or determination of the employment by the employer if such interruption or determination has been or be made merely with the intention of avoiding obligation hereunder in respect of leave of absence or bonus.

(h) For the purposes of this clause, calendar months shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question, and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month, and, if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.

(9) OVERTIME.—(a) Subject to the following, and except as to shift-workers, all time worked outside ordinary hours as prescribed in Clause 6 hereof, shall be paid for as overtime at the rate of time and a half for the first two hours and double time thereafter.

(b) Except as to shift-workers all work performed on Sunday and the holidays prescribed in Clause 7 hereof shall be paid for at double rates.

(c) For all time worked outside the hours of commencing and finishing shift as agreed under Clause 6 hereof and for all time worked in excess of 48 hours per week shift-workers shall be paid overtime at the rate of time and a half for the first two hours and double time thereafter. Provided that for all work performed on the first shift on Sunday, whether overtime or not, double rates shall be paid. Notwithstanding anything contained in this sub-clause an employee may be worked one first shift on Sunday in each four weeks without payment of overtime provided that his total hours of work during such four weeks do not exceed 168.

(d) Work performed during meal hours shall be paid for at double time rates.

(e) The following overtime work, including such work on a Sunday or a holiday as set out in sub-clause (a), (b), and (c) hereof shall be paid for at the rate of time and a half :—

(i) The effecting of repairs or renewals to and the cleaning of plant or machinery, or the emptying of cooler, where immediately necessary in order to enable work to proceed forthwith.

(ii) Emergency work, including thereunder the loading of wet glue or gelatine materials into lime pits or dolies on Saturday afternoon, the dropping of material from the dolies into trucks prior to loading boiling pans, the skimming of fat from glue pans in the boiling rooms and such other work as owing to the nature of the trade necessitates the immediate as distinct from the ordinary treatment of material to save it from going bad or its removal after it has gone bad.

(10) MIXED FUNCTIONS.—An employee engaged for more than half of one day on duties carrying a higher rate of pay than his ordinary classification shall be paid the higher rate for such day.

(11) PAYMENT OF WAGES.—(a) Wages shall be paid weekly not later than Thursday in each week at the works. Not more than two days' pay over and above that becoming due shall be kept in hand.

(b) Wages shall be paid in the employer's time or within five minutes of finishing time. If an employee be kept waiting for payment more than five minutes after finishing time he shall be paid overtime rates for the time so kept waiting.

(c) Should an employee be dismissed during the course of a week he shall be paid at the usual place of payment on demand there by him any wages which are legally due to him within fifteen minutes of dismissal.

(12) TOOLS OF TRADE.—The employer shall provide tools and implements of trade, leggings, aprons, gloves and respirators necessarily required by the employee in the performance of his duties.

(13) ACCOMMODATION.—Accommodation shall be provided for employees when changing their clothes and for washing. An adequate supply of drinking water and boiling water shall also be provided.

(14) SHOP STEWARDS OR UNION REPRESENTATIVE.—(a) Shop stewards appointed by employees in each workshop shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom they represent.

(b) The secretary or branch secretary of the union shall be allowed to visit the dining rooms during lunch hour to interview employees.

(15) POSTING DETERMINATION AND NOTICES.—The employer shall permit notice boards to be erected in a prominent position in his establishment for the purpose of posting any notices thereon in connexion with the legitimate business of the union. All such notices shall be signed by the branch secretary of the union.

(16) DEFINITIONS.—“Union” means the Australian Saddlery Leather, Leather, Sail, Canvas, Tanning, Leather Dressing, and Allied Workers Trades Employees Federation.

“Double time rates” or “rate of double time” shall mean, when applicable to ordinary or shift hours of work on a week day, holiday or Sunday, the ordinary hour rate payable as part of the weekly wage and, in addition, a rate equal to such ordinary hour rate; when applicable to hours worked outside the ordinary or shift hours on the days mentioned or in excess of 48 hours per week or 176 hours per four weeks the terms shall mean twice such ordinary rate.

“Casual worker” means an employee (other than a regular employee) employed by the hour.

“First or day shift” means any shift commencing at 6 a.m. or the first shift commencing thereafter.

“Junior” means a male person under the age of 21 years.

W. W. HARRIS, Chairman.

R. DUFFY, Secretary.

Melbourne, 23rd May, 1939.

