



# VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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**No. 230]**

**FRIDAY, JULY 7.**

**[1939**

Factories and Shops Acts.

## DETERMINATION OF THE GARDEN EMPLOYEES BOARD.

**NOTE.**—This Determination applies to the Metropolitan District as defined in the *Factories and Shops Act* 1928 (No. 3677) and the Order in Council thereunder; such portions of the City of Sandringham as are not within the said district; and the cities of Ballarat, Bendigo, Geelong, Mordialloc, and Warrnambool.

**I**N accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the 14th February, 1939, has had the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed as gardeners or gardeners' labourers—

- (a) by a master gardener other than a market gardener;
- (b) in connexion with the laying-out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, or factories;
- (c) in the laying out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse;
- (d) in the laying out, cultivation, or keeping in order of a garden, lawn, fairway, or green in connexion with any golf link or putting green;
- (e) in the laying out, cultivation, or keeping in order of a bowling green or tennis court or of a garden connected therewith."

has made the following Determination, namely:—

(1) That on the 30th June, 1939, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices or Improvers.			Other Employees.			
	Wages per week of 44 hours.			Wages per Hour.	Wages per Week.*	Hours per Week.
	s. d.			s. d.	s. d.	
15 years of age or under	.. 19 0	(a) Master gardeners' employees—				
16 years of age	.. 21 9	Foremen gardeners in charge of two or more employees	2 3½	99 11	} 44	
17 years of age	.. 24 3	Gardeners†	1 11½	87 1		
18 years of age	.. 34 9	Gardeners' labourers	1 10½	81 7		
19 years of age	.. 42 6	(b) Persons employed in connexion with the laying out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, or factories—				
20 years of age	.. 50 6	(1) Employed on Jobbing Work—				
		Gardeners†	2 0½	88 11	} 44	
		Gardeners' labourers	1 10½	81 7		
		(2) All others—				
		Foremen gardeners in charge of two or more employees	2 3½	99 11	} 44	
		Gardeners†	1 10½	83 5		
		Gardeners' labourers	1 10½	81 7		
		(c) Persons employed in the laying out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse—				
		Foremen gardeners in charge of two or more employees	2 3½	99 11	} 44	
		Gardeners†	1 10½	83 5		
		Gardeners' labourers	1 10½	81 7		

### PROPORTION (WITHIN ANY PLACE).

One apprentice to every three or fraction of three workers receiving not less than the minimum wage.

One improver to every three or fraction of three workers receiving not less than the minimum wage.

**JUVENILE WORKERS**, i.e., persons (other than Apprentices or Improvers) employed on golf links in the filling of divot holes or weeding fairways or greens—

	Wages per week of 44 hours.	
	s. d.	
15 years of age and under	.. 19 0	
16 years of age	.. 21 9	
17 years of age	.. 24 3	

Apprentices or Improvers.	Other Employees.		
	Wages per Hour.	Wages per Week.*	Hours per Week.
	s. d.	s. d.	
(d) Persons employed in the laying out, cultivation, or keeping in order of a garden, lawn, fairway, or green, in connexion with a golf links or putting green . . . Provided that any adult employee on racecourses or golf links whose regular duty it is to attend, maintain, adjust and/or operate motor mowers shall receive an additional amount of 5s. per week.	1 11	84 4	44
(e) Persons employed in the laying out, cultivation, or keeping in order of a bowling green or tennis court, or of a garden connected therewith— Greenkeeper . . . . . Greenkeeper's assistant . . . . .	1 11 1 10½	. . . .	} See clause. 13 re hours.

\* Except in the case of an apprentice, improver, or juvenile worker the minimum wage where the employer boards and lodges the employee shall be 20s. per week less. † See clause 12.—Definitions.

#### PROVISIONS APPLICABLE TO PERSONS OTHER THAN THOSE EMPLOYED IN CONNEXION WITH BOWLING GREENS OR TENNIS COURTS.

(3) TIME OF BEGINNING AND ENDING WORK.—For all persons other than those engaged solely at watering—

Golf links or racecourses—

Time of beginning, not earlier than—

7.30 a.m. . . . .

7.30 a.m. . . . .

Time of ending Work, not later than—

12 noon on Saturday (or the day on which the half-holiday is locally observed).

6 p.m. on the other working days of the week.

Any other place—

7.30 a.m. . . . .

6 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday.

(4) OVERTIME.—The following rates shall be paid for overtime—

Persons engaged solely at watering—

(a) On golf courses . . . . . For all work in excess of 8 hours per day on Monday, Tuesday, Wednesday, Thursday, Friday, and 4 hours on Saturday . . . . .

(b) Any other place . . . . . For all work done in excess of the maximum number of hours fixed as a week's work . . . . .

All others—

For all work outside the times of beginning and ending work . . . . .

For all work done in any week within the times of beginning and ending work, in excess of the maximum number of hours fixed as a week's work . . . . .

Time and a half for the first two hours and thereafter double time.

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

Sundays . . . . .	Persons employed on golf courses (other than those employed at watering or wiping greens)	Double time.
	All others . . . . .	Time and a half.
New Year's Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Christmas Day, and Boxing Day . . . . .	All persons . . . . .	Time and a half.

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.

(6) HOLIDAYS.—All persons (other than those employed for less than the number of hours fixed for a week's work) shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Christmas Day, and Boxing Day.

Provided that if an employee works on any one of such days he shall receive, in addition to his ordinary pay, one and a half day's holiday on full pay or one and a half day's pay in lieu thereof.

(7) PAYMENT OF WAGES.—Payment of wages shall be made weekly.

(8) TERMINATION OF EMPLOYMENT.—Seven days' notice of termination of employment shall be given by employer or employee. This provision shall only apply to persons employed on golf courses or racecourses.

(9) ANNUAL LEAVE.—Any employee who has been in full time service of any one employer for a period of not less than twelve months shall be granted one week's holiday (exclusive of the holidays mentioned in clause (5)) in each year on full pay, and such holiday shall be given within three months of the completion of twelve months' service.

(10) SICK LEAVE.—Subject to satisfactory evidence being furnished to the employer, an employee in continuous employment shall be entitled, without deduction of pay, to absent himself on account of sickness arising out of his employment one day for each three months of service but not exceeding four days in any year.

Provided that no service prior to the 30th June, 1939, shall be taken into account.

(11) RIGHT TO INTERVIEW EMPLOYEES.—During the meal interval, and not more than once a fortnight, a duly accredited official of the Australian Workers' Union, authorized in writing by the President and Secretary of the Victorian Branch of such organization, shall have the right to interview any person covered by this Determination at his place of employment on legitimate union business.

(12) DEFINITIONS.—For the purposes of this Determination a gardener shall be defined as a person engaged in the pruning of roses or fruit trees; or in the trimming of a hedge with hedge clippers or shears; or in designing or supervising the laying out of a garden, or in budding, propagating, grafting, planting, or potting.

Jobbing Work shall mean work which is performed by a person who goes from job to job in the ordinary course of his employment during the week.

#### PROVISIONS APPLICABLE TO PERSONS EMPLOYED IN CONNEXION WITH BOWLING GREENS OR TENNIS COURTS.

(13) HOURS.—The hours of work shall be 176 for each period of four (4) weeks.

(14) OVERTIME.—All time worked in excess of 176 hours in each period of four weeks shall be paid for at the rate of time and a third.

(15) SPECIAL RATES.—The special rate payable for all work done on Sunday, Christmas Day, Anzac Day, and the weekly holiday as provided hereunder shall be as follows:—

For watering . . . . .	Time and a half
For all other work . . . . .	Double time

(16) HOLIDAYS.—The following holidays shall be granted without deduction of pay:—Christmas Day, Anzac Day, and Thursday afternoon in each week or such other half day in lieu thereof as may be agreed upon by the employer and the employee.

(17) (a) ANNUAL LEAVE.—Employees shall receive two weeks' annual leave on full pay for each twelve months' service. In the event of termination of employment during any such period then the employee shall be given one day's holiday for each month of service or be paid in lieu thereof.

(b) SICK LEAVE.—Subject to satisfactory evidence being furnished to the employer, an employee in continuous employment shall be entitled, without deduction of pay, to absent himself on account of sickness arising out of his employment one day for each three months' service, but not exceeding four days in any year.

Provided that no service prior to the 30th June 1939, shall be taken into account.

(18) PAYMENT OF WAGES.—Payment of wages shall be made weekly.

(19) TIME BOOK.—Every employee shall indelibly record daily his correct times of work in a book which shall be furnished by the employer. Such time book shall be produced for inspection during reasonable hours to the Secretary of the Australian Workers' Union or any official thereof duly authorized in writing by the President and Secretary of the local branch or sub-branch of the Union.

J. W. CLARKE, Chairman.

GEO. E. PARK, Secretary.

Melbourne, 15th June, 1939.





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No. 231]

FRIDAY, JULY 7.

[1939

Factories and Shops Acts.

## DETERMINATION OF THE FROZEN GOODS 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 appointed "to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the trade of freezing, refrigerating, packing or grading goods of any kind (other than ice-cream) for the purpose of trade or sale in a frozen or refrigerated condition, but not including—(a) persons subject to the Determination of the Ice Board; (b) any person or persons engaged in the slaughtering and boning departments of meat works or abattoirs in the preparation and packing of meats, offals, and by-products in a fresh condition" has made the following Determination, namely:—

(1) That on the 13th July, 1939, the last previous Determination shall be revoked and replaced by this Determination.

(2)

### WAGES.

Improvers and Juvenile Workers.			Other Employees.		
	Per Hour.	Per Week.		Per Hour.	Per Week of 44 Hours.
	s. d.	£ s. d.		s. d.	£ s. d.
16 years of age and under 17 ..	0 9	1 13 0			
17 " " " 18 ..	0 9½	1 15 9			
18 " " " 19 ..	0 11½	2 3 1	Chamber hands .. .. .	2 6 2/11	5 11 0
19 " " " 20 ..	1 1½	2 8 7			
20 " " " 21 ..	1 5½	3 4 2	All others .. .. .	2 4 2/11	5 3 10

For definition of juvenile workers see clause 9.

### PROPORTION OF IMPROVERS.

One improver to every 25 or fraction of 25 workers receiving not less than the hourly rate herein prescribed for "all others."

Temporary workers shall be paid time and a third on the ordinary rates for work done during ordinary working hours. For work done outside these hours they shall receive ordinary overtime rates.

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

(3) ORDINARY WEEK'S WORK.—The number of hours which shall constitute a week's work shall be 44.

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

	Time of Beginning.	Time of Ending.
(a) Meat Export Works.		
Hanging ground and grading room hands—		
Monday to Friday .. .. .	7.45 a.m.	5.15 p.m.
Saturday .. .. .	7.45 a.m.	12 noon
Chamber hands—		
Monday to Friday .. .. .	8 a.m.	5 p.m.
Saturday .. .. .	8 a.m.	12 noon
(b) Cool Stores Works.		
All employees—		
Monday to Friday .. .. .	7 a.m.	6 p.m.
Saturday .. .. .	7 a.m.	12 noon

(5) OVERTIME.—The following rates, subject to the conditions stated in clauses (6) and (7), shall be paid for all work done:—

(a) Outside the times of beginning and ending work as provided in clause (4).

(i) On Saturdays.—Time and a half fixed on the ordinary rates before starting time and between 12 noon and 1 p.m., and double time thereafter.

(ii) On other week days.—Time and a half.

(b) Within the hours fixed as the time of beginning and ending work:—

(i) In excess of four hours on Saturday and eight hours on other week days.—Time and a half. This extra rate shall not apply to the hanging ground and grading room employees.

(ii) In excess of the number of hours fixed for a week's work in clause (3).—Time and a half.

The overtime rates payable for work done on Sundays and holidays are provided for in clause (8).

(6) **EXTENDED WORK.**—Where an employee is required to work continuously for 16 hours (exclusive of meal hours) he shall in respect of any further work done by him before he has had a clear break of 12 hours from work be entitled to payment for such further work at the highest overtime rate (except meal times and smoke-oh rates), to which he may have been entitled at any time during the currency of such continuous work.

(7) **MINIMUM OF OVERTIME.**—If an employee is required to work more than one hour and a half on any day after the time of ending work as provided in clause (4) or if having ceased work for the day for not less than one hour, an employee is recalled to work he shall receive a minimum of two hours' pay.

(8) **SUNDAYS AND HOLIDAYS.**—(a) Double time fixed on the ordinary rates shall be paid for all work done on Sundays, New Year's Day, Union Picnic Day, Australia Day (26th January), Labour Day (21st April), Anzac Day, Good Friday, Easter Monday, Melbourne Cup Day, 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.

An employee called to work on a Sunday shall receive a minimum of three (3) hours work or shall be paid for same, and if required to work in excess of eight hours on a Sunday or a holiday shall be paid the extra rate provided in this clause plus one-third of such extra rate for such excess work.

(b) Any person (other than a temporary worker) if not called upon to work on any day mentioned in clause (8) (a) as a holiday shall receive a day's pay (based on his ordinary rates) for such day provided that he is called upon to work for any portion of the working week in which such holiday occurs, but any person who is called upon to work on a holiday for a period of less than eight hours shall receive double ordinary rate for the time so worked and ordinary rate for the balance of eight hours.

(9) **DEFINITIONS.**—(a) A juvenile worker shall mean a person under 21 years of age (other than an improver) engaged in stamp marking carcasses, stamping, stringing and putting on tickets, handling or packing offals or by-products, scraping, nailing up, re-wiring, and branding packages, but not stacking cases of butter or eggs, sweeping up and acting as an assistant to a Government Inspector.

(b) A temporary worker shall mean any person (including a juvenile worker) other than a hanging ground or grading room employee who is employed for less than three full consecutive working days. Saturdays, Sundays, and holidays are not to be counted as working days, i.e., Friday, Monday, and Tuesday would be three consecutive working days whether Saturday or Sunday is worked or not.

(10) **MEAL HOURS.**

Clause (a) **Meal Export Works.**—Breakfast. A period of one hour between the hours of 6 a.m. and 9 a.m. shall be allowed for breakfast. Dinner—One hour between 12 noon and 1.30 p.m. shall be observed as a dinner hour. Tea—when work is to be continued for more than one and a quarter hours after the time fixed for ending work in clause (4) (a) one hour between 5 p.m. and 6.30 p.m. shall be observed as a tea hour, and if such overtime is to finish not later than midnight, work shall then proceed uninterruptedly (except for a smoke-oh as provided in clause 11). If however, work is to continue after midnight, one hour (before midnight) shall be observed as a meal hour, and thereafter, one hour after each four hours' work.

Clause (b) Not more than five hours shall be worked by employees in cool stores working between 7 a.m. and 6 p.m. without an interval of one hour for a meal. If work is to continue after 7 p.m., the hour from 5 p.m. to 6 p.m. shall be observed as a meal hour. If, however, work is to continue after midnight one hour (before midnight) shall be observed as a meal hour, and thereafter, one hour after each four hours' work.

Clause (c) All work done during a meal hour stated in clause (10) (a) and (b) shall be paid for at the rate of double time, fixed on the wage for the day on which such meal hour is worked.

(11) **SMOKE-OH.**—Fifteen minutes interval shall be allowed for smoke-oh between ordinary starting time in the morning and 12 noon, and fifteen minutes between 1 p.m. and 6 p.m., provided that no employee shall be required to work for more than 2½ hours without a smoke-oh. Provided also that employees who commence work before 7 a.m. and have no breakfast hour shall be allowed an interval of fifteen minutes at the end of each two hours' work until dinner hour. If men are required to work after 6 p.m. an interval of fifteen minutes after every two hours' work shall be allowed.

**GENERAL CONDITIONS.**

(12) **WAITING TIME.**—When an employee has been instructed to report at a certain hour and is kept waiting before he commences work such waiting shall be paid for at ordinary rates provided for the class of work to be done.

(13) **MINIMUM OF WORK.**—(a) Employees called to work on any day within the hours set out in clause (4) shall be given a minimum of 3½ hours' work on Saturdays, and 8 hours on other days (except Sundays or holidays) or shall be paid for same, but they may be worked for any period beyond the hours fixed in clause (4) until such amount has been absorbed in payment at the rate applicable to the time worked. This clause shall not apply if there has been a breakdown in the machinery or if work cannot be proceeded with due to a sectional strike.

(b) Employees called to work exclusively outside the hours set out in clause (4) shall be given a minimum of 4 hours' work or shall be paid for same.

(14) **COLD TEMPERATURES.**—Employees called upon to work in a temperature less than four degrees above zero shall be paid 3d. per hour extra. No employee shall be compelled to work in a temperature of below zero, and an employee who becomes overheated working outside a cool chamber shall be allowed to cool down before entering the chamber. This provision shall be reasonably construed.

(15) **LEAKAGE OF AMMONIA.**—No employee shall be called upon to work in a chamber where a leak of ammonia exists.

(16) **CONTINUATION OF WORK BETWEEN MIDNIGHT AND TIME OF COMMENCING AS SET OUT IN CLAUSE (4).**—When an employee works for more than 2 hours between midnight and ordinary time of commencing work, and continues work during the day, the special rate provided in clause (5) (a) for work done outside the hours fixed for a day's work shall continue to be paid for all work done until the employee has had a clear break from work of 12 hours.

(17) **EMPLOYEES WORKING IN A FREEZING CHAMBER.**—(a) No employee shall work in a freezing chamber, the temperature of which does not exceed 40 degrees Fahr. unless he is paid according to the rates provided for chamber hands in clause 2 of this Determination.

(b) Any employee who is required to work in a freezing chamber for a period exceeding in the aggregate one hour in any one day shall be paid for the whole of such day at the rate set out for chamber hands in clause 2 of this Determination.

(18) **CONTINUITY OF WORK.**—The work of each employee on each day shall be continuous with the customary break for a meal.

(19) **MEAL ALLOWANCE.**—(a) An employee required to work overtime for more than one and a quarter hours in Meat Export Works after the time of ending work in clause (4), shall be paid 1s. 6d. tea money unless notified on the previous day that his services will be needed. If having been notified accordingly he has provided himself with a meal he shall receive, in the event of the work not being done or ceasing before respective meal times, 1s. 6d. for each meal so provided.

(b) An employee required to work in Cool Stores for more than nine hours from the time of commencing work shall be granted 1s. 6d. tea money unless notified on the previous day that his services will be needed. If having been notified accordingly he has provided himself with a meal he shall receive, in the event of the work not being done or ceasing before respective meal times, 1s. 6d. for each meal so provided.

(20) **TERMINATION OF EMPLOYMENT.**—Employees may be paid off at any time without notice.

(21) **PROVISION OF OUTFIT.**—The following articles shall be provided at each place where work under this Determination is done:—

- (a) An ammonia outfit which shall be kept adjacent to the chambers.
- (b) An alarm outfit in each chamber, such outfit to be connected with the engine-room.
- (c) Waterproof capes and caps for use of employees engaged in de-frosting.
- (d) Bagging for moccasins and suitable hand covering for use of chamber hands.

RAY H. BEERS, P.M., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 28th June, 1939.