



# VICTORIA GOVERNMENT GAZETTE.

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No. 261]

TUESDAY, AUGUST 22.

[1939

Factories and Shops Acts.

## DETERMINATION OF THE ICE CREAM BOARD.

NOTE.—This Determination on the 25th August, 1939, applied 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 employed in the trade of making edible ices, ice cream, or any frozen articles of which ice cream is the principal ingredient," has made the following Determination, namely:—

(1) That on the 25th August, 1939, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

### ORDINARY WORKERS.

Apprentices or Improvers.	Juvenile Workers.	Adult Employees.																																																								
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<p style="text-align: center;">PROPORTION.</p> <p>One male apprentice and one male improver to every three or fraction of three male workers receiving not less than 83s. per week of 44 hours.</p>	<p style="text-align: center;">PROPORTION.</p> <p>Three female juvenile workers to every two female workers receiving 47s. 9d. per week of 44 hours.</p>																																																									

(3) **SHIFT WORKERS.**—Shift workers shall receive the wages prescribed in clause (2) for ordinary workers according to the class of work done plus an additional 1s. per shift.

(4) **EMPLOYEES IN FREEZING CHAMBER.**—Notwithstanding the rates provided in clauses (2) and (3), any employee who is required to work in a freezing chamber, the temperature of which does not exceed 40° F., for an aggregate of time exceeding two hours on any day, shall be paid for all work (whether inside or outside the chamber) done on such day at the rate of 2s. 6d. per hour. If employed under such conditions for less than an aggregate of two hours on any day he shall receive 2s. 6d. per hour whilst so employed.

(5) **DEFINITIONS.**—(a) A juvenile worker is any person under 21 years of age (other than an apprentice or improver) employed stirring melted chocolate; picking out defective goods; stacking or counting articles not over 4 oz. in weight; moving goods for packing; counting, wrapping or sealing up to six dozen containers; filling ice cream cups or similar vessels; chocolate dipping; or wrapping any article intended for consumption.

(b) An ordinary worker is an employee who usually commences and completes his day's work between the hours of 6 a.m. and 7 p.m. on Monday to Friday inclusive, and between the hours of 6 a.m. and 1 p.m. on Saturday.

(c) A shift worker is any employee other than an ordinary worker.

(6) **HOURS OF EMPLOYMENT.**—The ordinary hours for a week's work shall be 44 per week, to be worked in five days of eight hours, and one day (Saturday) of four hours, or five days of eight hours forty-eight minutes each.

(7) **OVERTIME.**—Time and a half shall be paid for all work done—

(i) By shift workers—

(a) In excess of four hours on Saturday and eight hours on other days. } Where an ordinary week's work is worked on six week days.

(b) On Saturdays, and in excess of eight hours forty-eight minutes on other days. } Where an ordinary week's work is worked on five days (Monday to Friday).

(ii) By ordinary workers—

(a) Outside the times fixed as beginning and ending work.

(b) Within the times fixed for commencing and ending work in excess of four hours on Saturday and eight hours on other days where an ordinary week's work is worked on six days and for all work done on Saturday and in excess of eight hours forty-eight minutes on Monday to Friday where an ordinary week's work is worked on five days.

(8) **SPECIAL RATES.**—Double time (with a minimum of four hours' work or payment of same) shall be the rate for all work done on Sundays, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day (21st April), 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 only be payable for work done on the day so substituted.

(9) **"TIME" WAGES.**—Any person employed on time wages for less than the number of hours of an ordinary week's work 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 thirty-three per centum, and for each hour worked beyond the one-half aforesaid shall be paid 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 every case where practicable an employer shall give 24 hours' notice to each employee of his intention to work such employee overtime. In each case where such notice has not been given and the employee is required to work overtime for not less than one hour he shall receive one shilling and sixpence as tea money, in addition to any other special payments provided.

(11) **MEAL ALLOWANCE.**—When an employee has provided himself with a customary meal because of receipt of notice of intention to work overtime, he shall be entitled to payment of 1s. 6d. for each meal so provided in the event of the work not being done or ceasing before such meal time.

(12) **PROVISION OF CLOTHING.**—Overalls shall be provided and maintained by the employer; and employees when engaged in de-frosting shall be provided with rubber capes and rubber boots.

(13) **CONTINUITY OF WORK.**—The work of each day shall be continuous with the customary break of not more than one hour for a meal.

(14) **TIME BOOK AND WAGE 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. In addition to such time record every employee shall be required to sign each week a wage book or other record showing the total amount received as wages for such week.

(15) **UNION INSPECTION.**—An accredited representative of the Federated Cold Storage and Meat Preserving Employees' Union of Australia shall have access to the records of times recorded by employees and wages paid, provided that such inspection is made between the hours of 8 a.m. and 4.30 p.m. on a working day.

(16) **SPECIAL CONDITIONS regarding work in the chambers—**

(a) No person under the age of nineteen years shall be required to work in a chamber.

(b) Chamber hands shall be supplied with suitable gloves by the employer.

(17) **PROHIBITION OF NIGHT WORK FOR FEMALES.**—No female employee shall be employed between the hours of 9 p.m. on one day and 6 a.m. on the following day.

(18) **ANNUAL LEAVE.**—(a) Employees who have been in the continuous employment of an employer for twelve months shall be entitled to one week's annual leave without deduction of pay.

(b) Employees who have been in the continuous employment of an employer for less than twelve months and more than four months shall be entitled to one day's leave without deduction of pay for each completed two months of service.

(c) For the purpose of administering sub-clauses (a) and (b) hereof any service with an employer prior to the 25th August, 1939, shall not be taken into account.

(19) **TERMINATION OF EMPLOYMENT.**—(a) Notice equivalent to 44 working hours shall be given on either side to terminate employment. Such notice may be given at any time. This shall not affect the right of an employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct (in which case wages shall be paid up to the time of dismissal only), or to deduct payment for any day the employee cannot usefully be employed because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot reasonably be held responsible.

(b) In lieu of such 44 working hours' notice, except in circumstances referred to above, the employer may pay 44 hours' wages and vice versa the employee leaving his or her employment without notice shall forfeit 44 hours' wages which may be deducted from any wages due.

D. GRANT, Chairman.

J. W. RYAN, Secretary.

Melbourne, 7th August, 1939.



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[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 262]

TUESDAY, AUGUST 22.

[1939

Factories and Shops Acts.

## DETERMINATION OF THE BISCUIT BOARD.

NOTES:—(a) 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, and such portions of the City of Sandringham as are not included in the said District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the towns of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

(b) On the 21st June, 1913, the powers of the Biscuit Board were extended to enable it to "determine the lowest prices or rates which may be paid to any person employed as storeman, packer, or sorter in connexion with the trade or business of making biscuits."

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 making biscuits," has made the following Determination, namely:—

(1) That on the 24th August, 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.			
		Male Apprentices or Improvers.	Female Apprentices or Improvers.			Per week of 44 hours.	
		s. d.	s. d.			s. d.	
Under 16 years of age	.. ..	23 3	21 6	Bakers	.. ..	.. ..	92 0
16 years of age	.. ..	28 9	21 6	Bakesman	.. ..	.. ..	88 6
17	.. ..	30 3	24 6	Machine Attendant	.. ..	.. ..	86 0
18	.. ..	45 6	29 3	Men carrying and stacking flour	.. ..	.. ..	94 0
19	.. ..	53 6	31 9	Mixers (including Wafer Mixers)	.. ..	.. ..	92 0
20	.. ..	59 9	34 6	Oven firemen	.. ..	.. ..	92 0
				Adult males operating "Enroba" chocolate dipping machine	.. ..	.. ..	85 0
				Despatch hands	.. ..	.. ..	85 0
				All other males	.. ..	.. ..	83 0
				All other females	.. ..	.. ..	42 0

  

PROPORTION (IN ANY PLACE).	
Apprentices.	
MALES.	
One male apprentice to every three or fraction of three male workers receiving not less than 83s. per week of 44 hours.	
FEMALES.	
One female apprentice to every three or fraction of three female workers receiving not less than 42s. per week of 44 hours.	
Improvers.	
MALES.	
Two male improvers to every male worker receiving not less than 83s. per week of 44 hours.	
FEMALES.	
Four female improvers to every female worker receiving not less than 42s. per week of 44 hours.	

(3) TERMS OF ENGAGEMENT.—Employees who work less than 44 hours in any week may be paid *pro rata* according to the number of hours worked.

(4) OVERTIME.—Any time worked in excess of 44 hours in any week shall be paid for at the rate of time and a half.

(5) **TEA MONEY.**—An allowance of 1s. 6d. for tea money shall be made to female employees when work extends for more than two hours beyond the usual time of ending work, provided the employer has not given notice the day before of intention to work overtime.

(6) **ALLOWANCES.**—Employees who are required to wear, when at work, overalls, the laundering of which is not paid for by the employer, shall be paid the following allowance in addition to their ordinary weekly wage:—

Adult males	..	..	..	..	..	..	2s. per week extra.
Males aged 19 years or 20 years	..	..	..	..	..	..	1s. 6d. per week extra.
All others	..	..	..	..	..	..	1s. per week extra.

(7) **TIME BOOK OR OTHER RECORD.**—The correct times of beginning and ending work shall be recorded daily in a book, time card, or by mechanical means to be furnished by the employer; such record to be open for inspection by the permanent Secretary-Treasurer of the Victorian Branch of the Biscuit Makers' Union of Australia.

(8) **MEAL TIME.**—A meal period of not less than 30 minutes and not more than one hour shall be allowed after a period of five hours continuous work. Such meal period shall not be calculated as time worked.

(9) **PICNIC DAY.**—The third Tuesday in February shall be a holiday for Union Picnic Day.

(10) **NIGHT WORK.**—

(i) All employees working on night work between the hours of 9 p.m. and 6 a.m. shall receive the rate of 2s. per night additional to the usual wage rate.

(ii) No female of any age shall be employed between the hours of 9 p.m. and 6 a.m.

(11) **SPECIAL RATES.**—Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day, King's Birthday, 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 only be payable for work done on the day so substituted.

(12) **SICK PAY.**—

(i) Any adult employee not attending for duty shall lose his or her pay for the actual time lost unless he or she produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to accident arising in the course of his or her employment or to personal ill-health, but such employee shall not be entitled to payment for non-attendance on the ground of such accident or personal ill-health for more than four days in each year. For the purposes of this clause "year" shall mean a period of twelve months commencing on 27th day of May in each year.

(ii) Any adult employee on piece-work not attending for duty on the ground of personal ill-health, shall be paid at the corresponding time-worker's wage for the period of ill-health in all respects as if, during such period, he or she had been a weekly time-worker employed on such days and during such hours as are usually worked by time-workers upon any day shift, and he or she shall comply with and be subject to the conditions for time-workers prescribed in paragraph (i) of this clause.

(13) **PIECE-WORK.**—The Board determines, under the provisions of Section 150 of the *Factories and Shops Act 1928*, that any employer may fix and pay piece-work prices to any person or persons or classes of persons employed at any work for which the Board has fixed the minimum wage, provided that any such employer shall base such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than the wages that are fixed by the Board for such work.

(14) **AUTHORIZED PERSON MAY ENTER FACTORY.**—The permanent Secretary-Treasurer of the Biscuit Makers' Union of Australia, Victorian Branch, shall have the right to enter and inspect, during working hours, any part of a biscuit factory or workshop in which any work is being carried on. The Secretary-Treasurer of the Biscuit Makers' Union shall have the right to interview employees in regard to conditions of employment

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

E. G. WILLIAMS, Acting Secretary.

Melbourne, 9th August, 1939.