



VICTORIA GOVERNMENT GAZETTE.

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[1941

Factories and Shops Acts.

DETERMINATION OF THE HAM AND BACON CURERS 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 either inside or outside a factory or work-room in the process, trade, or business of a ham and bacon curer," has made the following Determination, namely:—

(1) That on the 5th September, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

IMPROVERS.

Wages.

| | Adjustable Weekly Rate. | Constant Loading. | Total Weekly Wage. |
|--|-------------------------------|----------------------|--------------------------|
| | <i>s. d.</i> | <i>s. d.</i> | <i>s. d.</i> |
| First six months' experience | 22 3 | 0 6 | 22 9 |
| Second six months' experience | 24 9 | 0 6 | 25 3 |
| Second year's experience | 35 0 | 0 6 | 35 6 |
| Third year's experience | 44 6 | 1 0 | 45 6 |
| Fourth year's experience | 64 0 | 1 6 | 65 6 |
| Fifth year's experience and until reaching the age of 21 years | 77 6 | 2 0 | 79 6 |

Proportion (in any place)—The number of improvers employed in any one ham and bacon establishment shall not exceed one to every three or fraction of three adult weekly employees. An employer actually working in a factory for the whole or a substantial part of his time shall be treated as an adult for the purpose of this clause.

(3)

OTHER EMPLOYEES.

Wages.

| | Adjustable Weekly Rate. | Non Adjustable. | | Total Weekly Wage. |
|---|-------------------------------|----------------------|-----------------|--------------------------|
| | | Constant Loading. | War Loading. | |
| | <i>£ s. d.</i> | <i>s. d.</i> | <i>s. d.</i> | <i>£ s. d.</i> |
| <i>a) Other than Small Goods Section—</i> | | | | |
| Leading hands in the slaughtering and curing departments | 5 7 0 | 6 0 | 3 0 | 5 16 0 |
| General assistants in the slaughtering department, cutter-up, rollers, bacon trimmers and leading hands in the lard and tallow department | 4 19 6 | 6 0 | 3 0 | 5 8 6 |
| First assistant in the curing department | 4 19 6 | 6 0 | 3 0 | 5 8 6 |
| Other assistants in the curing department | 4 14 6 | 6 0 | 3 0 | 5 3 6 |
| Employees in the lard and tallow department, gut runners, smoke fillers, smoke room and drying room employees, packers, washers of hams and bacon and ham baggers | 4 12 6 | 6 0 | 3 0 | 5 1 6 |
| Yardmen { For 48 hours per week | 4 16 0 | 6 0 | 3 0 | 5 5 0 |
| For 44 hours per week | 4 10 0 | 6 0 | 3 0 | 4 19 0 |
| All others | 4 9 6 | 6 0 | 3 0 | 4 18 6 |
| <i>(b) Small Goods Section—</i> | | | | |
| Small goods men (i.e., men employed principally on mixing machines) | 5 5 0 | 6 0 | 3 0 | 5 14 0 |
| Filler-men | 4 18 0 | 6 0 | 3 0 | 5 7 0 |
| Small goods makers, other than small goods men as above mentioned, small goods sellers, from cart who collect cash, boners, salters, scalders and cookers | 4 18 0 | 6 0 | 3 0 | 5 7 0 |
| Packing room hands | 4 11 0 | 6 0 | 3 0 | 5 0 0 |
| Linkers and table hands | 4 11 0 | 6 0 | 3 0 | 5 0 0 |
| Yardmen { For 48 hours per week | 4 16 0 | 6 0 | 3 0 | 5 5 0 |
| For 44 hours per week | 4 10 0 | 6 0 | 3 0 | 4 19 0 |
| All others | 4 7 0 | 6 0 | 3 0 | 4 16 0 |

(4) **CASUAL EMPLOYEES.**—(a) A casual employee, that is, an employee who is not employed for a full week, shall be paid one-sixth of the weekly wage prescribed in this Determination for the class of work he performs, plus 10 per cent. of such one-sixth for each day or part of a day on which he is employed. For time worked in excess of 8 hours on any one day, time and half rates shall be paid.

(b) Where a casual employee is required to perform more than one class of work on any one day, he shall be paid for the whole of that day at the highest wage prescribed in this Determination for any of the work which he performs.

(c) In addition to the rate payable under sub-clause (a) hereof, casual employees shall be paid all fares above 4d. per day reasonably and necessarily incurred.

(5) **SPECIAL RATES AND ALLOWANCES.**—Where an employee is temporarily transferred during working hours from one factory to another, the employer shall pay such employee all costs of transit and travelling time.

(6) **HOURS OF LABOUR.**—The ordinary hours of employment in ham and bacon factories 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, continuously except for meal hour breaks at the discretion of the employer between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. and noon on Saturday. Provided that the spread of hours herein prescribed may be altered by mutual agreement between an employer and his employees.

(7) **MEAL INTERVALS.**—(a) Employees shall be granted one hour for lunch on a full working day between noon and 2 p.m.

(b) Employees called upon to start work before 7 a.m. shall be allowed one hour for breakfast to commence before 10 a.m.

(c) Meal intervals, where allowed, shall not be counted as part of the daily or weekly hours worked.

(8) **MEAL ALLOWANCE.**—Employees required to work overtime for more than two hours on any one day without having been notified on the preceding day that they would be required so to work shall be paid the amount of 1s. 6d. in addition to any overtime payment to which they may be entitled.

(9) **OVERTIME.**—All time worked :—

(a) In excess of 44 hours per week ;

(b) in excess of 9 hours on five days of the week and 5½ hours on the day on which the ordinary hours of work are fixed to finish not later than 12.30 p.m. ; or

(c) before the fixed starting time or after the fixed finishing time ;

shall be paid for at overtime rate, namely, time and a half.

No employee shall be called upon to work overtime after 7 p.m. without a break of one hour or payment of 2s. tea money.

(10) **HOLIDAYS.**—(a) The following days, or the days observed in lieu thereof, except for the unavoidable delivery of small goods, shall be holidays and shall be paid for as though worked—

New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labour Day, King's Birthday, Christmas Day, Boxing Day, and Union Picnic Day.

For work done in the delivery of small goods on these days, time and a half rates shall be paid up to 9.30 a.m., and on Good Friday up to 11.30 a.m.

(b) In Melbourne, Melbourne Cup Day shall be observed as a holiday instead of King's Birthday.

(c) On any such holidays, except Christmas Day, Anzac Day and Union Picnic Day, employees if required shall work for not more than two hours but on Good Friday for not more than four hours at time and a half rates.

(d) If an employee is dismissed within fourteen days before any of the holidays above-mentioned and is re-engaged within fourteen days after any of the holidays above-mentioned he shall be deemed to have been dismissed for the purpose of evading payment for such holidays and any payment so evaded shall be due and payable to the employee.

(e) For any work done on holidays except as provided in the preceding sub-clauses of this clause double time shall be paid.

(11) **ANNUAL LEAVE.**—(a) Except as hereinafter provided, a period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave.)

(b) Annual leave shall be given at a time fixed by the employer within a period not exceeding three months from the date when the right to annual leave accrued and after not less than one week's notice to the employee concerned.

(c) An employer may allow annual leave to an employee before the right thereto has accrued due but where leave is taken in such case a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(d) If after six months' continuous service in any qualifying twelve-monthly period an employee leaves his or her employment or his or her employment is terminated by the employer through no fault of the employee the employee shall be paid one-sixth of a week's wage in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.

(e) Each employee before going on leave shall be paid a week's wage. For the purpose of this sub-clause and sub-clause (d) hereof the week's wage shall be at the rate prescribed by clauses (2) and (3) of this determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of the employment as the case may be.

(f) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided by sub-clause (d) hereof payment shall not be made or accepted in lieu of annual leave.

(g) Notwithstanding anything herein provided an employer who gives to an employee leave of absence without loss of pay throughout the interval of time—

(i) between the days observed hereunder as the Christmas Day holiday and the New Year's Day holiday ; or

(ii) between the day immediately preceding the Good Friday holiday and the Monday next after the Easter Monday holiday

shall be deemed thereby to fulfil all obligations to that employee under this clause in respect of the period of twelve months' service referred to in sub-clause (a) hereof. The provisions of sub-clause (c) hereof shall apply to this sub-clause.

(h) Where leave has been granted to an employee pursuant to sub-clauses (c) or (g) hereof before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted the employer may for each two complete months of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed in clause (10) of this determination.

(i) For the purposes of this clause service shall be deemed to be continuous notwithstanding—

(i) any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence ;

(ii) any absence from work on account of sickness or accident or military service and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service ; or

(iii) any termination of the employment by the employee if such termination has been made merely with the intention of preventing the operation of sub-clause (g) hereof.

(j) Except as provided by sub-clause (g) hereof the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause (10) of this determination, and if any such holiday falls within an employee's period of annual leave here shall be added to that period one day for each such holiday falling as aforesaid.

(k) For the purpose of this clause a month 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.

(l) Where the employer is a successor or assignee or transmittee of a business, if an employee was in the employment of the employers' predecessor at the time when he became such successor or assignee or transmittee the employee in respect of the period during which he was in the services of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

(12) SUNDAY WORK.—All work performed on Sundays except attention to horses or other live stock shall be paid for at double rates. For attention to horses or other live stock on Sundays ordinary rates shall be paid.

(13) PAYMENT OF WAGES.—(a) Wages due under this Determination to a weekly employee shall be paid in cash not later than Thursday in each week.

(b) Employers may, if they so desire, keep two days' pay in hand.

(c) Where the services of an employee are dispensed with all wages owing to him shall be paid to him on the day of dismissal.

(d) Wages due under this Determination to a casual employee shall be paid immediately on the termination of work on each day on which he is engaged.

(e) By agreement with their employees country bacon factories may pay wages fortnightly on Friday nights.

(14) TIME BOOKS.—(a) Each employer at each place at which he carries on business under this Determination shall provide a time book or time sheet in which each day's hours of work of each employee shall be entered (including overtime, if any), and the wages received each week; such entries shall, at least once a week, be vouched for by the signature of the employer or his representative or manager.

(b) The time book or time sheet so entered and vouched for if countersigned by an employee representing the Union of employees shall be evidence of the time actually worked by an employee for all purposes under this Determination, including overtime.

(c) The time book or time sheet shall, on demand, be produced by the employer for inspection at the place where it is kept at any time between 10 a.m. and 4 p.m. Monday to Thursday inclusive and between 10 a.m. and 1 p.m. on Friday to an official of the Australasian Meat Industry Employees Union who has been authorized, in writing, to inspect the same by the general secretary or the secretary of a State branch of the said Union; or to an official of the Master Butchers Meat and Allied Trades Federation of Australia who has been authorized, in writing, to inspect the same by the general secretary or the secretary of a State branch of the said Federation.

(d) An inspection shall not be demanded unless the secretary of the Union or Federation or the district secretary or organizer of any division of the Union or Federation suspects that a breach of this Determination is being or has been committed.

(e) Only one demand for such inspection shall be made in any one fortnight at the same establishment and no inspection shall be demanded on a Saturday.

Provided that one further demand may be made within a fortnight of a previous demand if the secretary, district secretary, or organizer certifies in writing that the reason for such further demand is that he suspects that a breach of this determination is being or has been committed and that such certificate is produced to and a copy thereof handed to the employer or his responsible officer at the time of demanding such further inspection.

(f) The official making an inspection shall be entitled to take a copy of entries in the time book or time sheet relating to the suspected breach of this Determination.

(15) RIGHT OF ENTRY.—A duly accredited representative of the Australasian Meat Industry Employees Union shall have the right to enter employers' premises during the meal hour for the purpose of interviewing employees on legitimate Union business on the following conditions:—

(a) that he produces his authority to the manager or such other person as may be appointed by the employer;

(b) that he interviews employees only at the place where they are taking their meal;

(c) that not more than one representative visits the premises at any one time;

(d) that not more than one representative visits the same premises more than once in a week; and

(e) that if any employer alleges that a representative is unduly interfering with his business or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions such employer may refuse the right of entry.

(16) ENGAGEMENT.—(a) Except in casual employment, all employment shall be by the week. An employee, to become entitled to payment on a weekly basis, shall perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employee affected.

(b) Employment other than casual shall be terminated only by a week's notice on either side, and such notice may be given at any time during the week. This shall not affect the right of an employer to dismiss an 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 on which an employee cannot be usefully employed because of any strike or through any breakdown of machinery, or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(c) An employee not attending for duty shall lose his pay for the actual time of such non-attendance unless he produces or forwards to his employer, within twenty-four hours of the commencement of such absence, evidence satisfactory to the employer that his non-attendance is due to personal accident arising out of and in the course of his employment or to personal ill-health necessitating such absence. Provided that an employee shall not be entitled to payment for non-attendance on the ground of personal accident or personal ill-health or both, for more than six days in each year. An employer may, by an agreement with any employee, grant such employee a clear week's holiday on full pay in lieu of payment for absences through sickness.

For the purposes of this clause, the period between the coming into operation of this clause and the first day of July, 1940, shall constitute a year, and thereafter each year shall commence on the 1st day of July.

(17) MIXED FUNCTIONS.—Where an employee performs on any day functions of a mixed character, he shall be paid for that day the wage rate applicable to the function for which the highest rate is payable.

(18) LEAVE TO ATTEND UNION BUSINESS.—Leave of absence from work to attend any Union business shall be allowed by the employer to any employee member of the Australasian Meat Industry Employees Union named by such Union, provided fair and reasonable notice is given to the employer. Provided also that such leave shall be restricted to one employee at a time in the employment of any one employer and such employee shall not be entitled to payment for the time he is so absent from his employment.

(19) MISCELLANEOUS PROVISIONS.—(a) The employer shall provide boiling water for the use of employees at meal times.

(b) First aid appliances and requisites shall be provided free of cost by employers for the use of employees meeting with injuries while on duty.

(c) The employer shall provide for his employees reasonable facilities for the taking of meals and changing of clothes.

(20) POSTING DETERMINATION.—A copy of this Determination shall be posted up by the employer in a conspicuous place accessible to all employees.

(21) PERIODICAL ADJUSTMENT OF WAGES.—The wages rate set out in clause (3) are based upon the following basic wage and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage. Provided that the wages of improvers above 21s. set out in Clause (2) shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 6d., half or less than half of 6d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in Clause (22).

BASIC WAGE.

| Place. | Basic Wage. | Additional Constant Loading. | War Loading. | Index No. Set Assigned. |
|---|-------------|------------------------------------|--------------|-------------------------|
| | £ s. d. | s. d. | s. d. | |
| Within the area to which this Determination applies | 4 1 0 | 6 0 | 3 0 | Five towns Victoria |

(22) ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in November, 1941, the amount of the basic wage shall be as prescribed in Clause (21).

(b) During each future successive period beginning with the first pay period to commence in a November, a February, a May, or an August, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician:—

- (1) The index number set to be applied to a place is that assigned to Five Towns Victoria.
- (2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.
- (3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period plus the additional constant loading as prescribed in Clause (21).

| Index Number Divisions. | Basic Wage. | Index Number Divisions. | Basic Wage. |
|-------------------------|-------------|-------------------------|-------------|
| | £ s. d. | | £ s. d. |
| 834-845 | 3 8 0 | 933-944 | 3 16 0 |
| 846-858 | 3 9 0 | 945-956 | 3 17 0 |
| 859-870 | 3 10 0 | 957-969 | 3 18 0 |
| 871-882 | 3 11 0 | 970-981 | 3 19 0 |
| 883-895 | 3 12 0 | 982-993 | 4 0 0 |
| 896-907 | 3 13 0 | 994-1006 | 4 1 0 |
| 908-919 | 3 14 0 | 1007-1018 | 4 2 0 |
| 920-932 | 3 15 0 | 1019-1030 | 4 3 0 |

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

D. B. MORGAN, Secretary.

Melbourne, 18th August, 1941.