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GOVERNMENT GAZETTE.

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[1941

Factories and Shops Acts.

DETERMINATION OF THE EXCAVATION OR ROADWORK 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 since the 16th day of October, 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 (other than persons subject to the jurisdiction of the Sewer Builders Board) employed—

- (1) at excavation or earth work in connexion with—
 - (a) the building of wharfs, piers, jetties, or docks;
 - (b) the formation of street channels or drains;
 - (c) the diversion of streams or rivers;
- (2) at the construction or maintenance of streets, footpaths, or roads, and any work incidental thereto;
- (3) at concrete work in connexion with or incidental to—
 - (a) the construction of street channels or drains;
 - (b) the diversion of streams or rivers;
- (4) at the construction of storm-water drains (other than main storm-water drains) and any work incidental thereto;
- (5) at asphaltting or tar-paving (except where such work is subject to the jurisdiction of the Builders Labourers Board);
- (6) in connexion with a gravel pit at labouring work, excavating, handling, or removing gravel for trade or sale or excavating, handling or removing gravel for the construction or maintenance of roads, but not including persons subject to the jurisdiction of the Carters and Drivers Board, has made the following Determination, namely:—

(1) That on the 15th September, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

IMPROVERS.

Wages.	Per hour.		Proportion (by any Employer)-
	s.	d.	IMPROVERS.
Under 18 years of age	1	4	One improver to every twenty-five or fraction of twenty-five workers receiving not less than the rate fixed in this Determination for "All others."
18 years of age and under 20	1	7	
20 years of age and under 21	1	9	

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.

OTHER EMPLOYEES.

	WAGES.			
	Per Hour.			
	s.	d.		
Man operating power rammer	2	7½		
Pitcher setter, cube setter, or pavior				
Weigher and/or mixer on hot asphaltic mixing plant				
Rigger				
Splicer of Wire Rope or Hemp Rope				
Bitumen pourer or kettle attendant				
Tunnel man or shaft sinker				
Timber man in tunnel or shaft				
Pipe joiner, or pipe layer				
Powder monkey				
Sinkers in trenches for storm-water drain	2	7		
Finisher in concrete work				
Leading tackle hand				
Skid scoop (tumbling Tommy), filler, and/or driver				
Guard:—i.e., an employee in charge of a train or rake of trucks or railway wagons, drawn or propelled by steam, electric or other motor power, used in connexion with the haulage of ballast (sand, gravel or broken stone), rock, earth or other material used in connexion with construction work				
Attendant on steam or power-driven navvy or crane:—i.e., an employee lifting and laying down tracks or doing other work incidental thereto or attendant at chute				
Jack hammer man				
Mixer, gauger, spreading or layer on of concrete				
Tar, bitumen or emulsion sprayer operator				
Faceman in gravel pit				
Tramline layer or repairer:—i.e., an employee engaged in laying or maintaining a tram track or locomotive track	2	6		
Bitumen or asphaltic worker:—i.e., an employee (other than a bitumen pourer or kettle attendant) heating, preparing, cutting, carrying, laying, using on woodwork or handling asphalt, bitumen, tar or emulsion or material coated with asphalt, bitumen, tar or emulsion				
Batterman using batter rule				
Boodler in tunnel				
Fencer				
Sanitary or garbage attendant				
Scabler in tunnel				
Metal or gravel spreader				
Spaller, ploughman, manhole builder's labourer, and Telford pitcher setter				
Filler of monkey-tail scoop				
Setter out of reinforcements	2	5½		
Points man on tram or locomotive line				
Tipman:—i.e., an employee at the tiphead who directs where the material shall be tipped or assists in the tipping or keeps bank or dump true to specified line and level				
Cold asphaltic shoveller or forker				
Ploughman's offsider				
Tipper of monkey-tail scoop				
Slurry filler				
All others				
			2	4

(3) HOURS.—The hours of work shall be 44 for each week.

(4) SHIFTS.—(a) That the hour of beginning and the hour of ending each shift shall be as follows:—

	Time of Beginning.	Time of Ending.
Monday to Friday (Day shift)	Where one shift is worked—	
	8 a.m.	12 noon
	1 p.m.	5 p.m.
	8 a.m.	12 noon
Saturday "	Where two or three shifts are worked—	
	7 a.m.	3 p.m.
	3 p.m.	11 p.m.
	11 p.m.	7 a.m.

Any of the above times may be varied or the total weekly hours may be worked from Monday to Friday on the vote of a majority of the employees.

(b) Employees working Afternoon or Night Shift shall be paid 2s. per shift extra. Provided that where the shifts are not changed weekly, employees working Afternoon or Night Shift shall be paid 3s. 6d. per shift extra instead of 2s.

(c) Where practicable, shifts shall be changed in rotation each week.

(5) FARES.—The employer shall for each day or portion of a day worked pay to the employee a sum of 10d. per day in respect of fares incurred in proceeding and returning to work performed within the metropolitan district as defined in the Factories and Shops Acts and the Order in Council thereunder.

Provided, however, this allowance shall not be payable where transport facilities are provided by the employer in transporting employees from such employer's usual place of business or principal depot to the place of work.

(6) OVERTIME.—All work done in excess of the ordinary daily hours of work shall be paid for at one and a half times the ordinary prescribed rate for the first four hours and at double the ordinary prescribed rate for the time thereafter worked.

Provided that horse drivers shall be entitled to payment at ordinary rates only for time spent in taking charge of teams at the yard, camp, or stable, or in taking teams therefrom or returning teams thereto.

(7) MIXED FUNCTIONS.—(a) Where an employee is required to do, and does, on any one day for a time exceeding two hours in the aggregate, work for which a higher rate is prescribed than for other work done by him on that day, he shall be paid at not less than such higher rate for all work done by him on that day.

(b) In all other cases where an employee does more than one class of work he shall be paid for each class proportionately to the time he works thereat.

(8) **SPECIAL RATES.**—(a) If an employee is required to work on a holiday or on a Sunday, he shall be paid for such work double the ordinary prescribed rate.

(b) If an employee desires to work on a holiday, and with the consent of the employer does so work, he shall be paid therefor at the ordinary rate.

(c) "Holiday" shall mean any of the following days:—New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day and Boxing Day. 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.

(9) **WET PAY.**—An employee who is required to work in a wet place and who is not provided by the employer with gum boots or oilskins, or both, which will prevent him from getting wet, shall be paid one shilling extra for each day on which he performs any work in such wet place.

A place shall be deemed to be wet when water other than rain is dropping continually from overhead so as to saturate the clothing of the employee if unprotected, or when the water in the place where the employee is standing is over 2 inches deep.

(10) **EMPLOYEE RECALLED TO WORK.**—Any employee who is recalled to work after the expiration of his customary working time for the day, and after he has left work for the day, shall be paid at the least as for working two hours at overtime rates.

(11) **EMPLOYEE NOT REQUIRED ON NEXT SHIFT.**—Any employee who is not informed before he leaves the job at the end of his shift that he is not required to work at his next shift, and who is not put to work at the next shift, although he attends, shall be paid in full wages for half that shift not worked, except when such unemployment is due to circumstances beyond the control of the employer. This clause shall apply only where more than one shift is being worked.

(12) **PAYMENT OF WAGES.**—Employees shall be paid their wages in working hours, and if not so paid shall be entitled to be paid at the "all others" rate for the time they have to wait for payment, provided that, if because of circumstances beyond the reasonable control of the employer, he cannot so pay the wages, he shall only be bound to pay them at the earliest time reasonable in the circumstances.

(13) **TIME RECORD.**—(a) The employer shall keep a record of the names of the employees of such employer and in respect of each such employee a record from week to week of the periods, times and class of work done and the rates of wage and amounts of wage paid, and shall obtain from week to week the signature of such employee to such record.

(b) The Secretary or Branch Secretary of the Australian Workers' Union or of the Municipal and Shire Council Employees Union or an official of either such Union authorized in writing to that effect by the Secretary or Branch Secretary shall be allowed on any day coming two days after a pay day between 10 a.m. and 12 noon, or at such other time as may be agreed upon, to inspect such records so far as may be reasonably necessary to obtain information.

(14) **CRIB TIME.**—Where two or more shifts are worked, twenty minutes shall be allowed during each shift for "crib time," without deduction from wages.

(15) **MAXIMUM OVERTIME PERIOD BETWEEN MEALS.**—When overtime is worked by an employee, or any work is performed by an employee on a Sunday, not more than four hours shall be worked without a break for a meal.

(16) **REST PERIOD AFTER OVERTIME DUTY.**—When an employee has been on duty so long as not to have had eight hours at least for rest before his next proper or usual starting time, he shall be entitled to be absent until he has had eight hours of duty.

(17) **WATER FOR ROCK DRILLING BY MACHINE.**—In places where rock-drilling machines are used in tunnels or in shafts over 10 feet deep, the employer shall, where practicable, provide, and the employee shall use, water when drilling rocks by machines. In other rock-drilling places, where practicable and reasonable, water shall be provided and used.

(18) **CLOGS.**—Rakers and shovellers of asphaltic concrete shall be provided, by the employer, with clogs.

(19) **VENTILATION.**—The employer shall install, where necessary, appliances for proper and adequate ventilation of shafts and tunnels.

(20) **WATER.**—Sufficient water for each gang shall be provided by the employer free of charge.

(21) **SANITATION.**—At all places, where the pan system is not in use, the employer shall install fly-proof sanitary conveniences and provided attention thereto. In shifting camps, practicable and reasonable temporary provision shall be made by the employer.

(22) **CHANGING HOUSE.**—Where required, the employer shall provide on each job a sufficiently roomy enclosed and roofed structure to enable employees to change their clothing.

(23) **DRYING SHIRTS.**—The employer shall provide adequate conveniences for employees to dry their working clothes.

(24) **FIRST-AID OUTFIT AND STRETCHER.**—The employer shall provide at every job a sufficient first-aid box and a stretcher for the use of sick or injured employees, and shall keep the same always in proper order.

(25) **POWDER-MONKEY'S WORK.**—Where explosives are used, the work of a powder-monkey shall be done only by a man competent for that work.

(26) **TOOLS.**—The employer shall supply all tools necessary, which the employee shall return in good condition (fair wear and tear excepted).

(27) **PAY DAY.**—Payment of wages due under this Determination shall be made on any day other than Saturday.

ADDITIONAL PROVISIONS APPLICABLE ONLY TO WORK DONE OUTSIDE THE METROPOLITAN DISTRICT AS DEFINED IN THE "FACTORIES AND SHOPS ACTS" AND THE ORDER IN COUNCIL THEREUNDER.

(28) **ERECTING AND SHIFTING CAMP.**—Employees shall be paid at their respective ordinary rates for all time occupied by them during their ordinary hours of duty in erecting or shifting camp and in removing plant and equipment. For such work performed outside the ordinary hours of duty employees shall be paid at overtime rates.

(29) **TRAVELLING TIME.**—

(a) Where the employee has to travel between the yard, camp, depot or picking-up place of the employer and his work, and the distance to be travelled is in excess of one mile, he shall be paid for each mile of such excess distance at the rate of one-third of the hourly rate provided for "All others."

(b) Where the employee is conveyed between the said yard, camp, depot or picking-up place and the place of work, for all time in excess of twenty minutes each way spent in such conveying he shall be paid at the rate fixed for "All others."

(30) **CAMP ALLOWANCE.**—

(a) Employees who in order to be available for their work have to live in a camp established either by employers or employees for the purpose of enabling employees to be so available by living therein, shall be paid a camping allowance of 1s. for each day in which they are required to hold themselves and do hold themselves available in the camp for work throughout the said day, whether or not work is done thereon, provided that the employer shall not be bound to pay any camping allowance if—

(i) the employer provides the employee with a proper mess room and with cooked food thereat } whether or not
at cost price; such price not to exceed in any case 25s. per week per employee; } the employee

(ii) proper board, at not exceeding 25s. per week, can be obtained by the employee within a } avails himself of
reasonable distance from the camp. } these facilities.

(b) Nothing in this clause shall entitle the employer to deprive a married man living in the camp with his wife of the camp allowance, unless the employer supplies such an employee with a house at a reasonable rent.

(31) **FARES.**—The fares of an employee proceeding for the first time to work from the place of engagement shall be paid by the employer, who may deduct the amount thereof from his first or later wages.

Provided that the amount so deducted shall be refunded to the employee if he continues to work for the employer for at least two months, or for so long as the work continues should the work cease sooner.

(32) **USE OF TENTS AND CUBICLES.**—When employees have to camp out to be near their work, tents and tent poles or cubicles shall be provided by the employer free of charge.

(33) **STRETCHERS.**—The employer shall supply, free of charge, material for stretchers.

(34) **WOOD AND WATER.**—The employer shall provide at the camp a reasonable quantity of wood and water for all employees living in or about the camp.

(35) **MESS ROOM.**—The employer shall, if required by the majority of the employees, provide a mess room in a fixed camp containing twenty or more men where the camp is likely to continue for at least six months.

(36) **FIRST AID.**—The employer shall employ a man with first-aid qualification on all works employing 100 or more men, and a person with first-aid knowledge in other circumstances reasonably requiring the same.

(37) **ACCOMPANYING INJURED OR SICK EMPLOYEES.**—No employee suffering from illness or injury sustained on the job shall be permitted to leave the job unless accompanied or assisted by a sufficient number of employees, except in the case of his removal by ambulance to his home or a hospital. All expenses incurred in such patient's removal shall be paid by the employer.

(38) **RETURN OF TOOLS AND TENTS.**—If the employer requires an employee, when discharged or leaving, to take down tents or return tools or tents, he shall pay the employee for the time so occupied at the rate fixed for "all others."

C. TURNBULL, Chairman.
J. B. McINDOE, Secretary.

Melbourne, 25th day of August, 1941.