



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 327]

THURSDAY, NOVEMBER 27.

[1941

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 28th November, 1941, 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 week of 44 hours.
	Male Apprentices or Improvers.	Female Apprentices or Improvers.		s. d.
	s. d.	s. d.		
Under 16 years of age	25 3	24 6	Bakers (including Wafer Bakers and Branette Bakers)	103 0
16 years of age	31 3	24 6	Brakesman	99 6
17	43 3	27 9	Machine Attendant	97 0
18	49 6	33 6	Men carrying and stacking flour	105 0
19	58 6	36 6	Mixers (including Wafer Mixers and Sugar Cream Mixers)	103 0
20	65 9	40 0	Oven firemen	103 0
Apprentices or improvers engaged attending gas ovens during the baking of wafers and branettes shall be paid 5s. per week in addition to above rates.			Adult males operating "Enroba" chocolate dipping machine	96 0
			Despatch hands	96 0
			All other males	93 0
			All other females	48 6

PROPORTION (IN ANY PLACE).

Apprentices.

MALES.

One male apprentice to every three or fraction of three male workers receiving not less than 93s. per week of 44 hours.

FEMALES.

One female apprentice to every three or fraction of three female workers receiving not less than 48s. 6d. per week of 44 hours.

Improvers.

MALES.

Two male improvers to every male worker receiving not less than 93s. per week of 44 hours.

FEMALES.

Four female improvers to every female worker receiving not less than 48s. 6d. 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.**—

(a) Places in which the week's work is performed in 5½ days—

Time worked in excess of 8 hours on any one day, Monday to Friday (inclusive) .. Time and a half.
Time worked in excess of 4 hours on Saturday Time and a half.

(b) Places in which the week's work is performed in 5 days—

Time worked in excess of 8 hours 48 minutes on any one day, Monday to Friday (inclusive) Time and a half.

(c) Any time worked in excess of 44 hours in any week Time and a half.

(5) **TEA MONEY.**—An allowance of 1s. 6d. for tea money shall be paid to all employees when work extends for more than two hours beyond the usual time of ending work.

(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:—

Males aged 19 years and over	2s. per week extra.
Males under 19 years	1s. 6d. per week extra.
All females	2s. 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 second Monday in March, 1942, 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 6.30 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 6.30 a.m.

(11) **SHIFT WORK.**—Each employee engaged on shift work shall have a break of 10 hours between shifts.

(12) **SUNDAY WORK.**—For all work done on Sunday, double time shall be paid with a minimum of 10s.

(13) **PAYMENT FOR HOLIDAYS.**—Employees shall be granted the following holidays without deduction of pay:—New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Anzac Day, Labour Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day; or any other day substituted for the above days by Act of Parliament or Proclamation.

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.

(14) **ANNUAL LEAVE.**—Employers shall in each year commencing with the year 1939 give their employees continuously employed as defined, a holiday from and after the day observed as Boxing Day to the 31st December inclusive and shall pay wages for ordinary working days included in that period. Pieceworkers receiving such holidays shall be paid timework rates.

Employees entitled to such holiday and required to work during that period shall be given a week's holiday on full pay at some other time during the year or if dismissed from employment before receiving such holiday shall be paid an extra week's wages on dismissal.

"Continuously employed" for the purpose of this clause means employed (breaks arising from slackening of work being reckoned as being employed) for the six months immediately preceding the 25th day of each December. Any employee dismissed during the three weeks immediately preceding the 25th day of December shall be entitled to payment of one week's wages for such annual holiday.

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

(16) **PIECEWORK.**—The Board determines, under the provisions of Section 150 of the *Factories and Shops Act 1928*, that any employer may fix and pay piecework 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 piecework prices on the earnings of an average worker working under like conditions, and such piecework 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.

(17) **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, Secretary.

Melbourne, 12th November, 1941.



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THURSDAY, NOVEMBER 27.

[1941

Factories and Shops Acts.

DETERMINATION OF THE CYCLE TRADE BOARD.

NOTES.—(a) This Determination applies to the whole of the State of Victoria.

(b) RE APPRENTICES OR IMPROVERS.—On the 5th March, 1930, the trade of motor cycle mechanic was proclaimed an Apprenticeship Trade under the Apprenticeship Act 1927, and, so far as the Metropolitan District is concerned, the provisions of that Act and the Regulations thereunder determine the conditions of employment of apprentices indentured after 5th March, 1930, and of improvers permitted to enter the trade after 20th November, 1929.

These provisions, however, do not affect indentures of apprenticeship entered into before 5th March, 1930, or improvers employed prior to 20th November, 1929.

Particulars of such Regulations may be obtained on application to the Secretary, Apprenticeship Commission, Gisborne-street, Melbourne. Price, 3d.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which, since 15th November, 1937, has had the power "to determine the lowest prices or rates which may be paid to any person or persons or classes of persons whosoever employed in any process, trade, or business connected with or incidental to—

(a) the making or repairing of bicycles, triicycles, or motor cycles, or

(b) the making or repairing of any part or parts (other than tyres or engines) of a bicycle, triicycle, or motor cycle,

but not including any process, trade or business subject to the Determination of any Wages Board heretofore appointed, has made the following Determination, namely:—

(1) That on the 27th November, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

(a) *Apprentices.				(b) *Improvers.				(c) Other Employees.			
		Weekly				Weekly				Weekly	
		Wages.				Wages.				Wages.	
		s. d.				s. d.				s. d.	
1st year	..	20	0	1st year	..	19	3	Foremen, where over five adults are employed	..	127	6
2nd "	..	25	3	2nd "	..	24	3	Foremen, where five adults or fewer are employed	..	125	3
3rd "	..	39	6	3rd "	..	38	0	Lathe hands	..	124	0
4th "	..	57	9	4th "	..	55	6	Builders and repairers of motor cycle frames and	..		
5th "	..	76	6	5th "	..	73	6	frames other than cycle frames	..	114	3
And thereafter, until attaining the				And thereafter four-fifths of the				Builders or repairers or brazers of cycle frames	..	112	0
age of 21 years, four-fifths of the				journeyman's rate.				Other repairers of motor cycles (except lathe	..		
journeyman's rate.				Provided that any improver who				hands)	..	114	3
commences at the age of 17 years shall				be paid 20 per cent. in addition to				Other repairers (except lathe hands)	..	112	0
the above rates.				the above rates.				Assemblers of motor cycles	..	112	0
PROPORTION (IN ANY PLACE).				PROPORTION (IN ANY PLACE).				Other assemblers	..	106	6
One apprentice to every three or				One improver to one person				Filers on motor and other cycles	..	106	6
fraction of three persons receiving				receiving not less than 102s. per				Wheel-builders on motor and other cycles	..	106	6
not less than 102s. per week.				week, two improvers to two or				Foremen in rim-making	..	116	6
				three such persons, thereafter two,				All others employed in rim-making	..	106	6
				additional improvers to every three				Persons cleaning off joints by sand-blasting or by	..		
				additional such persons.				shot-blasting	..	106	6
								Handle-bar benders—	..		
								By the mandrel method	..	102	0
								By any other method	..	106	6
								Persons not provided for otherwise	..	96	0

* Except those covered by the Apprenticeship Act.

(3) ORDINARY WEEK'S WORK.—The number of hours which shall constitute an ordinary week's work shall be 44. Provided that, in any place where the principal work carried on is incidental to and directly connected with the employer's retail business, not more than two persons may be employed for a maximum of 46 hours per week without payment of overtime rates.

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(4) **SHIFTS.**—

(a) *Day Shift.*—The hours of duty shall not exceed $8\frac{1}{2}$ hours per day for five days, and $4\frac{1}{2}$ hours on the day on which the statutory weekly half-holiday is observed locally, and shall be worked between the hours of 7 a.m. and 1 p.m. on the day upon which the statutory weekly half-holiday is observed locally, and between 7 a.m. and 6 p.m. on the other working days of the week.

(b) *Afternoon, Night, or Other Shift.*—i. *Hours.*—The hours of duty on any shift other than a day shift shall be arranged mutually between the employer and the majority of the employees providing that $9\frac{1}{2}$ hours shall be the maximum duration of such a shift.

ii. *Wages.*—The following percentages shall be added to the rates fixed for the day shift:—

During the first month's employment on such shift	10 per cent.
Thereafter	$7\frac{1}{2}$ per cent.

A statement, setting out the ordinary daily working hours, shall be displayed conspicuously in the workshop.

(5) **CRIB TIME.**—Where three shifts are worked, shift workers shall be allowed, after four hours' work, a crib time of twenty minutes without deduction of pay therefor.

(6) **OVERTIME.**—

(a) For all work done (i) outside the ordinary working hours on any day or shift, or (ii) within the ordinary working hours on any day or shift but in excess of the number of hours fixed in clause (3), the rate of wages shall be time and a half for the first four hours and double time thereafter, such double time to continue to be paid until an employee has been relieved from work for at least eight hours.

(b) Except as provided in the preceding sub-clause, in computing overtime each day's work shall stand alone.

(c) Any employee working overtime for a longer period than two hours shall be allowed twenty minutes' crib time (without deduction of pay) after the completion of his ordinary shift and after each additional four hours of work, unless a mutual agreement has been made for the taking of a longer period of rest without pay.

(7) **FIVE-DAYS' WEEK.**—Notwithstanding anything contained in clause (4) the ordinary week's work may be completed in five days, provided that the employer and the majority of his employees concerned mutually agree in writing.

(8) **CONTRACT OF EMPLOYMENT.**—(a) With the exceptions hereinafter stated, employment may be by the week or by the hour. If, by the week, it shall be terminable on either side by one week's notice given on any day or (if the employer terminate it without such notice), by payment of one week's wages.

A contract for weekly employment may be terminated by any employer, without liability to pay for more than time actually worked, for misconduct, or for absence from work without reasonable excuse.

If an employee engaged by the week absents himself from duty, except on the public holidays prescribed in clause (9), or for days for which he produces a certificate from a medical practitioner or other proof satisfactory to his employer of sickness (aggregating four days' sickness in each year), a sum proportionate to his time of absence may be deducted from his pay, i.e., one sixth of the weekly wage for each day of absence, including Saturday in establishments working six days and one-fifth in establishments working five days per week. Provided that if an employee is absent with leave on a Saturday, only time actually lost shall be deducted.

If it is desired to work a week of shorter hours in slack times, instead of standing the employees off in turn, the employer may make an arrangement to work his employees for shortened hours, but such arrangement shall be made only where, on the vote of the employees being taken, a majority of the whole of the employees vote in favour of such arrangement.

Where such an arrangement is made, the employees shall be informed on the day ending each week of the shortened hours to be worked in the following week and the employer shall pay each employee for the actual hours worked on each day on the basis of his or her weekly wage.

(b) If the contract of employment is for hourly hiring, the total amount of the rates prescribed in clause 2 (c) hereof shall be increased by 5s. per week (with a proportionate amount added to the wages of apprentices and improvers), but such amount shall not be taken into account in computing overtime, Sunday, and holiday rates.

(c) An employee starting work on hourly hiring shall be entitled to a minimum of four consecutive hours' work or to four hours' pay.

(d) Where the employer terminates the employment, within two weeks prior to a day on which a holiday occurs, of any person employed by the week and such person is re-engaged within a period of two weeks after such holiday or holidays, such person shall be paid for such holiday or holidays prescribed by this Determination, provided that such person has been employed by the employer for a period of at least two weeks prior to the termination of employment.

(9) **SPECIAL RATE FOR SUNDAYS AND PUBLIC HOLIDAYS.**—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 (21st April), Christmas Day, or 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.

(10) **WORK GIVEN OUT.**—(a) For the purposes of this Determination, every person or body of persons who issues, gives out, or authorizes or permits to be issued or given out any material whatsoever for the purpose of being wholly or partly prepared or manufactured by any process or processes subject to the jurisdiction of this Board, notwithstanding the fact that the person to whom the material is issued or given out supplies additional material, shall be deemed to be the employer of the person to whom such material is issued or given out.

(b) Every employer within the meaning of this clause shall keep a record book, which shall contain a correct account written in ink as follows:—

- (i) The name and full address of the person to whom material is issued or given out;
- (ii) The number of articles and description of work issued or given out;
- (iii) The time spent in carrying out and the price paid for such work;
- (iv) The record book shall be signed each week by each person to whom material is issued or given out, verifying the accuracy of the amount of wages received.

(c) The record book mentioned in the preceding sub-clause shall be open for inspection at any time by any authorized officer of the Department of Labour.

(11) **SUPPLY OF MILK.**—Any person engaged for the greater part of his day's work at cleaning off joints by any method other than filing, shall be supplied free of charge by the employer with one pint of milk each day he is so engaged.

(12) **ANNUAL LEAVE.**—(a) 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) in any one or more of the occupations to which this Determination applies.

(b) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued, and after not less than one week's notice to the employee provided that the giving of annual leave may, with the consent of the Secretary for Labour, be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of six months.

(c) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such a case, a further period of annual leave shall not commence 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, an employee leaves his employment or his 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 clause (2) 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 his employment, as the case may be, and including in the case of employees whose employment is by the hour the loading prescribed by sub-clause (b) of clause (8) of this Determination. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

(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 day observed under this Determination as the Christmas Day holiday and the day observed thereunder as 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 provision 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 by this Determination.

(i) In the case of employees in the employment of an employer on the 20th day of December, 1940, service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave, and persons in employment on the 20th day of December, 1939, shall, for the purposes of this clause, be deemed to have commenced their service on that date.

(j) 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;

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

(k) 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 this Determination, and if any such holiday falls within an employee's period of annual leave, there shall be added to that period one day for each such holiday falling as aforesaid.

(l) For the purposes 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.

(m) Where the employer is a successor or assignee or transferee of a business, 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 purpose of this clause, be deemed to be in the service of the employer.

(13) MISCELLANEOUS PROVISIONS :—

(a) *Tools.*—The employer shall provide for each employee all necessary tools.

(b) *Sanitation, &c.*—The employer shall provide proper washing and sanitary conveniences. In any workshop in which employees, through a shop steward or committee, ask for the provision of lockers, and an undertaking is given that the lockers will be properly cared for, a locker shall be installed by the employer for each workman.

(c) *Protective Apparatus.*—Suitable asbestos sheets and coloured glasses shall be provided by the employer for the protection of electric arc and oxy-acetylene operators and their assistants, and suitable mica or other goggles for emery-wheel operators.

(14) DEFINITIONS.—

(a) "Afternoon Shift" shall mean any shift finishing after 6 p.m., but not later than midnight.

(b) "Night shift" shall mean any shift finishing later than midnight, but not later than 8 a.m.

R. J. EDWARDS, Chairman.

REX L. CECIL, Secretary.

Melbourne, 12th November, 1941.

