



# VICTORIA GOVERNMENT GAZETTE.

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[1942

Factories and Shops Acts.

## DETERMINATION OF THE FARRIERS BOARD.

NOTE:—This Determination applies to the whole of the State of Victoria. By Order in Council, dated the 2nd December, 1941, the Farriers (Country) Wages Board was deprived of the whole of its powers and such powers were conferred exclusively on the Farriers Board.

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 process, trade, or business of a farrier," has made the following Determination, namely:—

(1) That on the 13th July, 1942, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

| Apprentices and Improvers. |    |    |                                   | Other Employees.  |  |
|----------------------------|----|----|-----------------------------------|---|--|
| WAGES.                     |    |    |                                   |   |  |
|                            |    |    | Per Week of<br>44 Hours.<br>s. d. |   |  |
| 1st year's experience      | .. | .. | .. 33 0                           | (a) Employed within the Metropolitan District as defined in the Factories and Shops Acts, and at Ballarat, Bendigo, Geelong, Warrnambool, Castlemaine, Yallourn, and Frankston, and within the Gippsland district:— |  |
| 2nd year's experience      | .. | .. | .. 36 0                           | All Employees .. .. 120s. per week of 44 hours  |  |
| 3rd year's experience      | .. | .. | .. 39 6                           | (b) Employed outside the areas specified in paragraph (a):—   |  |
| 4th year's experience      | .. | .. | .. 45 6                           | Smiths .. .. 117s. per week of 44 hours   |  |
| 5th year's experience      | .. | .. | .. 55 6                           | Floormen .. .. 112s. per week of 44 hours   |  |

PROPORTION (within any place).

One apprentice to every three or fraction of three workers receiving not less than 112s. per week of 44 hours.

One improver to every three workers receiving not less than 112s. per week of 44 hours.

### (3) HOURS OF EMPLOYMENT:—

(a) Within the Metropolitan District and the City of Ballarat.—The ordinary hours of employment shall be 44 per week to be worked in five days of 8 hours (Monday to Friday included) and one day (Saturday) of 4 hours, or of five days (Monday to Friday included) of 8 hours 48 minutes each, to be worked continuously (except for meal breaks) at the discretion of the employer, between 7.30 a.m. and 5 p.m. on Monday to Friday inclusive, and 7 a.m. to 11 a.m. on Saturdays. Provided that the spread of hours herein prescribed may be altered as to all or a section of the employees by mutual agreement between an employer and his employee or employees.

(b) Elsewhere in the State of Victoria.—The ordinary hours of employment shall be 44 hours per week to be worked between the following daily times:—

|   | Time of<br>Beginning. | Time of<br>Ending. |
|---|-----------------------|--------------------|
| (i) On the day that the half holiday is ordinarily locally observed | 8 a.m.                | Noon.              |
| (ii) On other working days  | 8 a.m.                | 5 p.m.             |

Provided that the spread of hours herein prescribed may be altered as to all or a section of the employees by mutual agreement between an employer and his employee or employees.

(4) OVERTIME.—All work done outside the spread of hours provided in clause (3) or in excess of:—

(a) 8 hours 48 minutes on any day where a 5-day week is worked, or

(b) 4 hours on Saturday .. .. } Where work is done on 6 days a week, or  
8 hours on other Working Days .. .. }

(c) In excess of the hours for a day's work mutually agreed upon, between an employer and his employee or employee shall be paid for at the rate of double time.

In computing overtime, each day's work shall stand alone.

(5) **HOLIDAYS.**—Employees shall be entitled to the following public holidays, without loss of pay :—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Melbourne Cup Day (within the Metropolitan District only), Labour Day, Anzac Day, Boxing Day, and Christmas Day. Employees required to work on any of the above holidays are to be paid double time for such work.

(6) **CONTRACT OF EMPLOYMENT.**—(a) Except as hereinafter provided, employment shall be by the week. Any employee, not specifically engaged in writing as a casual employee shall be deemed to be employed by the week. Employment shall be terminated by a week's notice on either side, given at any time during the week, or in lieu of such notice by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of an employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases, the wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any break-down in the machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(b) A casual employee is one engaged and paid as such: A casual employee for working ordinary time shall be paid as per hour 1/40th of the weekly rate prescribed by this Determination.

(7) **SICK LEAVE.**—An employee on weekly hiring who is absent from his work on account of personal illness, or on account of injury by accident, arising out of and in the course of his employment shall be entitled to leave of absence without deduction of pay subject to the following conditions and limitations :—

(a) He shall not be entitled to payment for any period in respect of which he is entitled to workers' compensation.

(b) He shall prove to the satisfaction of his employer (or in the event of dispute to the Secretary for Labour) that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(c) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 44 hours of working time.

For the purpose of administering this sub-clause, an employer may within one month of this Determination coming into operation or within two weeks of the employee entering his employment, require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year; and upon such statements the employer shall be entitled to rely and act.

(d) Notwithstanding anything contained in clause (7) hereof, an employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to workers' compensation) necessitating his attendance during working hours on a doctor, chemist, or trained nurse, or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

(8) **ANNUAL LEAVE.**—A period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service, dating from the incidence of this Determination—

(a) 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 of annual leave accrued.

(b) The annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause (5) of 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.

(c) If after six months' continuous service in any qualifying twelve-monthly period an employee leaves his employment, or his employment is terminated by the employer through no fault of the employee, the employee shall be paid 1/6th of a week's wage in respect of each completed two months of continuous service in respect of which leave had not been previously paid.

(d) An employer shall notify employees one week prior to annual leave being granted and payment shall be made before leave is taken.

(9) **RACECOURSE WORK.**—When employees are engaged on racecourses, the other clauses of this award shall not apply as may be inconsistent with the following sub-clauses which shall apply to racecourse work only :—

(a) No limitation shall be placed on the working time for any day upon which the employer is engaged on racecourse work and the work shall be done at such time as the employer may determine.

(b) On all racecourses throughout Victoria, each weekly employee shall receive in addition to his ordinary pay, the following allowances per day :—

|                                  |      |
|----------------------------------|------|
| On ordinary week days            | 10s. |
| On Saturdays and Public Holidays | 20s. |

(c) When casual employees are engaged to work on a racecourse only, they shall be paid not less than 30s. on week days, and 40s. on Saturdays and holidays.

(d) All fares incurred in travelling to and from the racecourse shall be paid by the employer.

(10) **RIGHT OF ENTRY OF UNION OFFICIALS.**—A duly accredited official of the Blacksmiths' Society of Australasia shall have the right of entry to employers' premises for the purpose of interviewing employees on the legitimate Union business.

(11) **PAYMENT OF WAGES.**—Wages shall be paid not later than 4.30 p.m. on Friday in each week. Upon the termination of employment of an employee, wages due shall be paid to him on the day of such termination or forwarded to him by post the next following day.

(12) **MEAL BREAK.**—No employee shall be required to work for a spread exceeding five hours without a break for a meal of at least 45 minutes.

C. TURNBULL, Chairman.

J. W. RYAN, Secretary.

Melbourne, 30th June, 1942.