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**No. 178] MONDAY, NOVEMBER 13. [1944**

## DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

IN THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of a Determination of the Meat Preservers Board published in the *Victoria Government Gazette* of Thursday, 27th July, No. 126 of 1944, at pages 1869 to 1875 inclusive.

IN THE MATTER of an affidavit of Herbert Percy Ogilvie, dated the 21st day of August, 1944, sworn and filed herein.

(Before His Honour Judge Stretton, Mr. C. H. Grant, and Mr. J. V. Stout.)

Friday the 20th day of October, 1944.

Having read the abovementioned affidavit and having heard the parties thereto, and being satisfied that a prima facie case exists for a review of the said Determination THIS COURT DOTH ORDER AND DETERMINE that the abovementioned Determination be amended in the manner following:—

1. That for Clauses (33) and (34) there shall be substituted the following:—

SHIFT WORK.

33. (*a*) The ordinary hours of shift-workers shall be 44 per week, to be worked in 5 shifts of 8 hours 48 minutes on Monday to Friday inclusive or 5 shifts of 8 hours and one shift (Saturday) of 4 hours.

(*b*) Such shifts shall be rostered.

(*c*) Shift-workers whilst on afternoon or night shift shall be paid 12½ per cent. in addition to the rates shown in Clause 32.

Definition.—Afternoon shift means any shift finishing after 6 p.m. and at or before midnight.

Night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

WEEKLY WAGES.

34. All employees (other than temporary workers) ready, willing, and available for work shall be paid the full weekly wage fixed herein irrespective of the number of hours worked.

2. That for Clause (37) there shall be substituted the following:—

OVERTIME.

37. The following rates shall be paid for overtime:—

(*a*) Shift-workers—for all work done in excess of 8 hours per day, or in excess of 44 hours per week overtime shall be paid—

(i) When the week's work is done in six days—Time and a half on prevailing rates shall be paid provided that if any such overtime is done after 1.40 p.m. on a Saturday, double time on prevailing rates shall be paid for work so done after such hour on such day.

(ii) When the week's work is done in five days—All work done before noon on a Saturday shall be paid for at the rate of time and a half on prevailing rates and for all work done after such hour double time on prevailing rates shall be paid.

(iii) When shifts are worked on six days in a week and the total hours worked exceed 44 hours in that week, overtime shall be paid for the excess time over 44 hours.

(*b*) Others (not being shift-workers)—

(i) Outside the hours fixed in clause 36 (except after 12 noon on Saturday, when the rate shall be double time); time and a half.

(ii) Within the hours fixed in clause 36, in excess of the hours fixed in clause 35; time and a half.

By the Court.

(L.S.) REX L. CECIL,
*Registrar.*

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