



VICTORIA GOVERNMENT GAZETTE.

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[1945

Factories and Shops Acts.

DETERMINATION OF THE RETAIL DAIRY BOARD.

NOTES.—(1) On 18th July, 1938, the Butter Board was deprived of the power to "determine the lowest prices or rates which may be paid to any person or persons wheresoever employed in the process, trade, business, or occupation of preparing milk or cream for trade or sale by retail," and such power was conferred exclusively on the Retail Dairy Board.

(2) 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 wheresoever employed in the process, trade, business, or occupation of preparing milk or cream for trade or sale by retail" has made the following Determination, namely:—

1. That on the 1st September, 1945, the last previous Determination of this Board, shall be revoked and replaced by this Determination.

2.

Improvers.			Other Employees.						
WAGES.*			WAGES.*						
Per week of 44 hours.			Per week of 44 hours.						
Shift Workers.		All Others.	Shift Workers.			All Others.			
Weekly Rate.	War Loading (Non-adjustable).	Total Weekly Wage.	Weekly Rate.	War Loading (Non-adjustable).	Total Weekly Wage.	Weekly Rate.	War Loading (Non-adjustable).	Total Weekly Wage.	
s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
Under 16 years ..	..	44 8	Manager	125 6	2 0	127 6	119 6	2 0	121 6
16-17 years ..	..	52 8	Foreman	125 6	2 0	127 6	119 6	2 0	121 6
17-18 " ..	..	59 2	Operator of—						
18-19 " ..	75 8	67 7	Separator, pasteurizer, or milk						
19-20 " ..	83 3	75 4	cooler	113 6	2 0	115 6	107 6	2 0	109 6
20-21 " ..	89 6	81 6	Washer or sterilizer of cans or						
			bottles	113 6	2 0	115 6	107 6	2 0	109 6
			All others	112 6	2 0	114 6	106 6	2 0	108 6

PROPORTION (IN ANY PLACE).

Males.

One improver to every eight or fraction of eight workers receiving not less than 108s. 6d. per week of 44 hours.

* Adult employees whose usual hours of duty extend over seven days per week shall receive in addition to their usual weekly wage prescribed in this Determination an additional 8s. per week; provided that improvers whose hours of duty are similarly extended shall receive *pro rata* the additional amount prescribed herein for adults.

Any employee usually employed on a six-day week system who is required, because of exceptional circumstances, to work on his usual day off shall for such week be paid:—

- his ordinary week's wage, plus any overtime due for work done on days other than his usual day off; and
- an extra day's pay for being required to work on his usual day off; and
- payment at the rate of time and a half for work done on such usual day off.

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the *Factories and Shops Act 1934* that this trade is so unskilled that no person should be taken as an apprentice to it.

DEFINITIONS.

- (a) "Ordinary Worker" is a person who works his 44 hours between the hours of 7 a.m. and 7 p.m., except as varied by clause 4.
- (b) "Shift Worker" is a person other than an ordinary worker.

CONTINUITY OF WORK.

4. The work of each day or shift shall be continuous, provided that any break (other than the meal-time set out in Clause 6) shall be calculated as time worked and paid for at the ordinary rate of pay, provided further that an ordinary worker receiving and treating milk after 7 p.m. shall receive time and a half for the hours so worked after 7 p.m., calculated at and in addition to the ordinary worker's weekly wage.

OVERTIME.

5. (a) All time worked in excess of six hours on Sunday, eight hours on any other day, or 44 hours in any week shall be paid for at the rate of time and a half.

(b) In the case of a worker who in any week has done work subject to this Determination as well as work subject to an Award and/or another Determination the following provisions shall apply (irrespective of the order in which the several duties may have been performed) when the aggregate hours worked in such week exceed 44 hours:—

- (i) When the sum of the hours worked under an Award and/or another Determination is less than 44 he shall be paid overtime for the number of hours by which his work under this Determination carries his total hours beyond 44.
- (ii) When the sum of the hours worked under an Award and/or another Determination is 44 or greater than 44 he shall be paid overtime for all work done under this Determination.

Overtime under this clause shall be at the rate of time and a half calculated on the ordinary worker's rate.

In this clause—

“Award” means an award of the Commonwealth Court of Conciliation and Arbitration.

“Determination” means a determination of a Wages Board appointed under the Factories and Shops Acts.

MEALTIME.

6. No employee shall be permitted to work more than five hours continuously without being allowed a meal period of not less than 30 minutes, and not more than one hour. Such meal period shall not be calculated as time worked.

TIME BOOK OR OTHER RECORD.

7. (a) Each employer shall at the place of employment keep a record or time book in which each employee shall indelibly record daily his or her correct times of beginning and ending work, and in addition in such record or time book shall also indelibly record the total weekly hours worked and the amount of wages received for such week.

(b) Such record or time book shall, on demand, be produced by the employer for inspection to any officials (not more than two at one time) of the Federated Cold Storage and Meat Preserving Employees Union of Australasia duly authorized in writing by the President and Secretary of the local branch or sub-branch of the Union, at the place of employment. Such inspection shall be completed as soon as is reasonably possible.

(c) Where an employee performs work for which a special rate is provided, a record of such work and the nature of same shall be recorded in the time book or equivalent record.

(d) The record or time book shall show the particulars herein required for not less than the last preceding three months of employment.

TERMINATION OF EMPLOYMENT.

8. Seven days' notice of termination of employment shall be given by either employer or worker. Notwithstanding anything in this clause an employer may at any time forthwith dismiss an employee for refusal or neglect to obey orders, misconduct, or carelessness in the performance of his duties, or if after receiving seven days' notice of termination of employment the employee does not carry out his duties in the same manner as before such notice.

HOLIDAY.

9. (a) An employee whose usual hours of duty extend over six days of the week shall be allowed two weeks holiday on full pay at the expiration of each twelve months' service.

(b) An employee whose usual hours of duty extend over seven days of the week shall be allowed two weeks' holiday on full pay at the expiration of each six months' service.

(c) If an employee whose usual hours of duty extend over six days of the week leaves, or is dismissed before the expiration of twelve months' service, he shall be given or paid for holidays *pro rata* in accordance with the length of service, viz.:—one day for each month of service.

(d) If an employee whose usual hours of duty extend over seven days of the week leaves, or is dismissed before the expiration of six months' service, he shall be given or paid for holidays *pro rata* in accordance with the length of service, viz.:—two and one third days for each month of service.

(e) If the business be sold or transferred during the period of service the employee shall be entitled to the holidays herein prescribed at the conclusion of six or twelve months' service, as the case may be, with the firm or business.

(f) Holidays shall be given within a period not exceeding three months from the date when the right to holidays accrued due.

ALLOWANCE.

10. When an employee is required by law or by his employer to wear a washable outer garment such garment (not exceeding two each year) shall be provided by the employer.

TERMS OF ENGAGEMENT.

11. All employees shall be paid the full weekly wage irrespective of the number of hours fixed not exceeding 44 per week.

SICK LEAVE.

12. (a) Any employee who has been in the employment of the same employer for a period of not less than three months and who does not attend for duty shall lose his pay for the actual time lost unless such employee produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the ground of personal ill-health or accident for more than six days in each year or a proportionate less time during any shorter period of employment.

(b) Notwithstanding the provisions of sub-clause (a) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding twelve days, which shall be the maximum amount of leave to which an employee may be entitled in any year of service without deduction of pay. For the purposes of this sub-clause service prior to 1st September, 1945, shall be disregarded.

PERIODICAL ADJUSTMENT OF WAGES.

13. The wages rates set out in clause 2 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 rate 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 shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest Id., half or less than half of Id. to be disregarded.

The basic wage rates shown hereunder shall be adjusted as prescribed in clause 14.

Basic Wage.

Place.	Basic Wage.	Additional Constant Loading.	Index Number Set Assigned.
Throughout the State	£ s. d. 4 12 0	s. d. 6 0	Melbourne.

ADJUSTMENT OF BASIC WAGE.

14. (a) Until the beginning of the first pay period to commence in November, 1945, the amounts of the basic wage shall be as prescribed in clause 13.

(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 Statisticians "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 Melbourne.
- (2) The index number for the calendar quarter next preceding the period of or near a quarter 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 13.

TABLE.

Index Number Divisions.	Basic Wage.	Index Number Divisions.	Basic Wage.
	£ s. d.		£ s. d.
994-1006	4 1 0	1118-1129	4 11 0
1007-1018	4 2 0	1130-1141	4 12 0
1019-1030	4 3 0	1142-1154	4 13 0
1031-1043	4 4 0	1155-1166	4 14 0
1044-1055	4 5 0	1167-1179	4 15 0
1056-1067	4 6 0	1180-1191	4 16 0
1068-1080	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

Any extension of this table must be of the same construction as the table.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 19th September, 1945.

