

[2971]



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 163]

TUESDAY, DECEMBER 18.

[1945

Factories and Shops Acts.

DETERMINATION OF THE PLASTERERS BOARD.

NOTE.—(A) This Determination applies to the whole of the State of Victoria.

(B) Plastering was proclaimed on 28th November, 1928, as an apprenticeship trade under the *Apprenticeship Act 1928* for the Metropolitan District.

Full particulars of the apprenticeship regulations for these trades may be obtained on application to the Secretary, Apprenticeship Commission, 103 Russell Street, Melbourne. (Price 3d.)

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which, since the 7th February, 1940, has had power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons—

- (1) whosoever employed in the process, trade, or business of plastering or cementing;
- (2) employed in the process, trade, or business of fixing all laths used in connexion with the erection or repair of buildings, whether such laths are of wood or of a substitute therefor;
- (3) employed in the finishing of all plastering work in sewers, tunnels, or channels;
- (4) employed in finishing all kinds of plastic acoustic work, waterproofing work, and texture work formed in cement plaster or patent material;
- (5) employed in the making or laying of marble mosaic, granolithic, terrazzo or flooring of which cement forms a part or the laying of magnesite flooring;
- (6) employed in the making or fixing of all pre-cast or moulded work (except such work as is subject to the Determination of the Fibrous Plasterers Board)

has made the following Determination, namely:—

- (i) That as from the operative date as prescribed in clause (ii) hereof, the last previous Determination of this Board shall be revoked and replaced by this Determination.
- (ii) (a) Part I hereof shall come into force from the beginning of the next pay period to commence after the 22nd October 1945, and shall continue in force whilst the Building Trades of Victoria Award of the Commonwealth Court of Conciliation and Arbitration remains in force.
If and when the provisions of this Part cease to apply by virtue of the limitation prescribed in the previous paragraph, all employees covered by the said provisions will automatically be subject to the provisions of Part II, hereof.
- (b) Part II hereof shall come into force from the beginning of the next pay period to commence after the 22nd October 1945.

PART I.

1. This Part applies only in respect of the employment of persons on the construction renovation alteration repair or demolition of buildings performed on the site thereof, and in particular it shall have no application—

- (i) to employment by an employer in any industry where the work performed by the employee is subsidiary or auxiliary to the chief and principal purpose and business of such industry; or
- (ii) to employment in workshops.

2.

WAGES.

| Apprentices. | | | Improvers. | | Other Employees. | | |
|--|-----------------------|-------|--|-----------------------|--|-----------|-----------------------|
| | Per week of 44 hours. | s. d. | | Per week of 44 hours. | | Per hour. | Per week of 44 hours. |
| | | | | | | s. d. | s. d. |
| 1st year | 22 | 0 | 15 years of age | 22 | 0 | | |
| 2nd year | 30 | 6 | 16 " " " " | 30 | 6 | | |
| 3rd year | 42 | 3 | 17 " " " " | 42 | 3 | | |
| 4th year | 57 | 6 | 18 " " " " | 57 | 6 | | |
| 5th year | 74 | 3 | 19 " " " " | 74 | 3 | | |
| 6th year | 92 | 0 | 20 " " " " | 92 | 0 | | |
| Provided that where a person enters the trade at or above the age of sixteen years the term shall be five years and the wages as follows:— | | | PROPORTION (by any employer). | | Men employed on swings, bosuns' chairs, lifts, or any other suspended platform | | |
| | s. d. | | One improver to the first five workers, and thereafter one to every seven additional workers receiving not less than 155s. 6d. per week of 44 hours. | | | 3 7½ | 161 0 |
| 1st year | 25 | 6 | | | All other plasterers | 3 0½ | 155 6 |
| 2nd year | 34 | 9 | | | Foreman, i.e., a plasterer in charge of three or more, but not exceeding ten men, is a day extra; where the number exceeds ten he shall be paid 2s. a day extra. On each job where there are three or more plasterers employed one shall be deemed to be and shall be paid as a foreman. | | |
| 3rd year | 48 | 9 | | | | | |
| 4th year | 67 | 6 | | | | | |
| 5th year | 92 | 0 | | | | | |
| PROPORTION (by any employer). | | | | | | | |
| One apprentice to every three or fraction of three workers receiving not less than 155s. 6d. per week of 44 hours. | | | | | | | |

HOURS.

3. The ordinary hours shall be 44 per week to be worked in five or five and a half days, the daily hours being respectively 8 hours 48 minutes Monday to Friday inclusive or 8 hours Monday to Friday inclusive and 4 hours on Saturday between the hours of 7.30 a.m. and 5.30 p.m. Monday to Friday inclusive and 7.30 a.m. to 12 noon on Saturday. The lunch break shall be not less than 42 minutes.

OVERTIME.

4. That the following rates shall be paid

| | |
|---|---------------------|
| For work done within the hours fixed in clause 3 of this Part in excess of 44 hours in any week | Time and a quarter. |
| For work done on Saturdays— | |
| Between midnight and 7.45 a.m. | Double time. |
| Between 12 noon and 5 p.m. | Time and a half. |
| Between 5 p.m. and midnight | Double time. |
| For work done on any other working day— | |
| Between 5.30 p.m. and 10.15 p.m. | Time and a half. |
| Between 10.15 p.m. and 7.45 a.m. | Double time. |

CASUAL LABOUR.

5. Casual employees (i.e., persons employed during the week, for not more than one-half the maximum number of hours fixed in this Determination as a week's work) shall be paid at the rate of 2d. per hour extra.

INCLEMENT WEATHER.

6. Each employee shall be paid an allowance at ordinary rates for time lost through inclement weather, subject to the following conditions:—

- That such allowance shall not exceed the equivalent of eight hours' pay in any one week.
- That weather shall not be regarded as inclement for the purposes of this clause, unless the employer or his representative on the job, and a representative of the men on such job, agree that it shall be so regarded. Failing such agreement weather shall not be regarded as inclement and work shall continue.
- Any intermission of work owing to inclement weather so regarded as aforesaid shall immediately cease and work shall be immediately resumed on the employer or his representative calling for a resumption of work.
- An employee shall not be entitled to payment as provided for in this clause, unless he remains on the job until a decision to cease work for the day has been made by agreement between the employer or his representative and a representative of the men.
- The intermission of work by employees who would be exposed to or working in inclement weather so regarded in accordance with this clause shall not be a ground for intermission of work in places where employees are not so exposed to or are not called upon to work in such inclement weather.

ALLOWANCE IN RESPECT OF EXCESS FARES AND TRAVELLING TIME.

7. (a) The following payments shall be made in lieu of fares and travelling time within the radii named using G.P.O., Melbourne (cr. Bourke and Elizabeth streets) or the principal post Offices at Ballarat, Bendigo, and Geelong as centres:—

| | s. d. |
|--|-------------|
| Up to and including 12 miles | 2 0 per day |
| Over 12 miles and including 20 miles | 2 6 per day |
| Over 20 miles and including 30 miles | 3 0 per day |

These allowances shall not be payable if the employer provides or offers to provide transport free of charge, in which case 1s. 4d. per day travelling allowance shall be paid.

(b) Where fares are necessarily incurred on distant jobs, as defined in clause 9 (a) of this Part, or on work performed outside the radii named in sub-clause (a) hereof the provisions of that sub-clause shall apply except that the local Post Office shall be the centre.

TRANSFER FROM JOB TO JOB.

8. An employee transferred by the employer from one job to another job on the same day shall be paid for the time occupied in travelling as for time worked and the cost of such transfer shall be borne by the employer.

ALLOWANCES IN RESPECT OF DISTANT JOBS.

9. (a) When distance and/or travelling facilities reasonably prevent an employee going from and returning each day to his usual place of residence suitable board and sleeping accommodation including stretcher and mattress for each employee shall be provided. When work is situated away from suitable accommodation, the employer shall supply tents or huts with sleeping accommodation therein including stretcher and mattress for each employee in addition to any allowance provided in this clause; the allowance to be made shall be—

| | s. | d. |
|--|----|------------|
| For less than a full week | 10 | 0 per day |
| For a full working week at the rate of | 42 | 0 per week |

(b) In lieu of the payments prescribed in clause 7 (a) of this Part an employee to whom sub-clause (a) applies shall be paid travelling time (not exceeding ordinary working hours per day) at ordinary rates of pay, and, where incurred, second-class return fare, and 5s. to cover expense of reaching his home railway station and transport of tools if any cost necessary. Provided that the return fare shall not be payable if the employee is dismissed for misconduct or is held incompetent within one week of starting work or leaves within one month of engagement. Travelling time shall be calculated as from Spencer-street and Flinders-street Railway Stations or the home Central Railway Station (if residing in the country) to destination by rail or usual travelling facilities.

(c) If an employee elects to return to his home at the week end after three months of continuous service and thereafter at three-monthly periods he shall be paid a second-class return fare (Victorian Railways only) on the pay day which immediately follows the date on which he returns to the job.

If the work upon which the employee is engaged will terminate in the ordinary course within a further 28 days after the expiration of three months this sub-clause shall not apply.

ALLOWANCE IN RESPECT OF MEALS.

10. Where an employee is required to work overtime in excess of one hour and has not been given notice of same on the previous working day, he shall be allowed an amount of 2s. 6d. for a meal. When working overtime for two hours or more, employees shall be allowed to take, without deduction of pay, 20 minutes for crib immediately after the ordinary ceasing time, and thereafter 30 minutes for crib shall be allowed after each four hours of continuous work. Provided that where an employee works overtime for two hours without taking the proscribed interval of 20 minutes, he shall be deemed to have worked two and one-third hours.

EMPLOYEE REQUIRED TO ATTEND FOR WORK.

11. An employee who is required to attend for work and is kept waiting to commence work, shall be paid at his ordinary rate of pay for the time he is so kept waiting.

SPECIAL RATES.

12. Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Christmas Day, Anzac Day, King's Birthday, Melbourne Cup Day, and Boxing Day.

EMPLOYEE NOTIFIED TO COMMENCE WORK.

13. An employee notified to commence work and actually attending for work and not allowed to start shall be paid an amount of 5s. and the fares necessarily incurred.

EXCESS OF HOURS.

14. An employee who has worked continuously (except for meal intervals) for 20 hours, shall have a break of at least twelve hours before again starting work.

REST PAUSE.

15. (a) There shall be a rest period of ten minutes from the time of ceasing to the time of resuming work between the hours of 9.30 a.m. and 11 a.m. without deduction of pay.

(b) The employer shall provide facilities to enable the employees to obtain an adequate supply of boiling water at meal times and rest periods.

ANNUAL LEAVE.

16. (a) Subject to the provisions of sub-clauses (c) and (d) hereof, a period of fourteen consecutive days inclusive of public holidays occurring during the period shall be allowed as leave annually to all employees after twelve months' continuous service (less the period of annual leave) with an employer. Unless otherwise mutually agreed upon between an employer and the employee concerned, in which case the leave shall be given and taken within three months of becoming due, such leave shall be given and taken in conjunction with the Christmas and New Year holidays.

(b) If after 88 hours' continuous service, excluding overtime, in any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer, the employee shall be paid 1/13th of a week's wage in respect of each completed 88 hours of continuous service in respect of which leave has not been granted hereunder.

(c) Where an employee absents himself from work during any qualifying period of service for any reason other than a reason set out in sub-clause (d) hereof, the amount of leave or payment in lieu to which he would otherwise be entitled under sub-clauses (a) and (b) hereof, shall be reduced by 1/50th for each week or part thereof during which any such absence occurs.

(d) For the purpose of administering the provisions of this clause, service shall be deemed to be continuous notwithstanding an employee's absence from work for the following reasons:—

(i) Injury received during the course of employment and for which an employee received Worker's Compensation—up to a maximum period of two months.

(ii) Any reason satisfactory to the employer or, in event of dispute, the Secretary for Labour.

(iii) Where called up for military service up to three months in any qualifying period.

(e) Each employee before going on leave, shall be paid in advance the wage which would ordinarily accrue to him during the currency of the leave.

(f) Service before the 1st day of October, 1945, shall be disregarded for the purpose of calculating annual leave.

(g) Notwithstanding anything elsewhere contained in this Determination, an employer giving leave at the Christmas-New Year period may, at his option either:—

(i) Stand off without pay during the period of leave any employee who has not then qualified for the full period; or

(ii) Stand off for the period of leave any employee who has not then qualified for fourteen consecutive days' leave and pay him pro rata for the leave for which he has then qualified on the basis of one-thirtieth of a week's wages in respect of each 88 hours' consecutive service (exclusive of overtime) during his current qualifying twelve-monthly period.

TRANSPORT AT NIGHT.

17. Any employee who completes his work during the night after trains and other public conveyances have ceased to run shall, unless provided with means of transport by the employer, be reimbursed for any expense necessarily incurred in reaching his home.

INJURY TO EMPLOYEE.

18. In the event of an employee being injured during his employment, his employer shall provide suitable means for his conveyance to the nearest available medical attention.

PAYMENT OF WAGES.

19. Wages, allowances, and other monies due shall be paid not later than the time of ceasing work on Thursday of each working week, or otherwise by mutual arrangement. On termination of employment by the employer all wages allowances, and other monies shall be paid at the time of dismissal.

INSPECTION OF TIME SHEETS AND BOOKS.

20. The Secretary for Labour may authorize at any time (except pay day) or place, the inspection of all wages sheets, time sheets or other wages records by a person nominated by the Victorian Plasterers' Society and approved by the Secretary for Labour, provided that 24 hours' notice of such inspection is given to the employer.

STORING OF TOOLS.

21. Where six or more plasterers are engaged on a job, adequate provision shall be made for the storing of tools. No cement, lime, or building materials shall be stored in such place.

FIRST-AID OUTFIT.

22. An efficient first-aid outfit shall be supplied on all jobs where building permits are necessary.

SANITARY CONVENIENCE.

23. Suitable and adequate sanitary conveniences shall be provided by the employer.

TERMINATION OF EMPLOYMENT.

24. One hour's notice of termination of employment shall be given by either employer or employee or one hour's pay shall be paid or forfeited in lieu thereof. Such hour shall be allowed the employee to gather, clean, pack and transport his tools.

APPRENTICES.

25. The provision of clause 24 of this Part shall not apply to the employment of apprentices.

PART II.

1. This Part applies in respect of the employment of all persons coming within the ambit of the Determination, other than those provided for in Part I. hereof.

2.

WAGES.

| Apprentices. | | Improvers. | | Other Employees. | | |
|--|------------------------------|--|-----------------------------|--|----------------------------------|--------------------------|
| | Per week. of 44 hours. | | Per week of 44 hours. | | Per hour. | Per week of 44 hours. |
| | s. d. | | s. d. | | s. d. | s. d. |
| 1st year | 22 0 | 15 years of age .. | 22 0 | Men employed on underground | | |
| 2nd year | 30 6 | 16 " " | 30 6 | sewer or tunnel plastering .. | 3 7 ⁵ / ₄₄ | 160 7 } |
| 3rd year | 42 3 | 17 " " | 42 3 | All other plasterers | 3 4 ¹ / ₄₄ | 147 9 } |
| 4th year | 57 6 | 18 " " | 57 6 | | | |
| 5th year | 74 3 | 19 " " | 74 3 | | | |
| 6th year | 92 0 | 20 " " | 92 0 | | | |
| Provided that where a person enters the trade at or above the age of sixteen years the term shall be five years and the wages as follows:— | | PROPORTION (by any employer). | | Foreman, i.e., a plasterer in charge of three or more, but not exceeding ten men, is a day extra; where the number exceeds ten he shall be paid 2s. a day extra. On each job where there are three or more plasterers employed one shall be deemed to be and shall be paid as a foreman. | | |
| | s. d. | | | * Rates include 6s. war loading. | | |
| 1st year | 25 6 | One improver to the first five workers, and thereafter one to every seven additional workers receiving not less than 147s. 9d. per week of 44 hours. | | | | |
| 2nd year | 34 9 | | | | | |
| 3rd year | 48 9 | | | | | |
| 4th year | 67 6 | | | | | |
| 5th year | 92 0 | | | | | |
| PROPORTION (by any employer). | | | | | | |
| One apprentice to every three or fraction of three workers receiving not less than 147s. 9d. per week of 44 hours. | | | | | | |

TIME OF BEGINNING AND ENDING WORK.

3. The time of beginning and ending work for persons (other than underground sewer or tunnel plasterers) shall be—

| Time of Beginning. | Time of Ending. |
|--------------------|--|
| 7.45 a.m. | 12 noon on Saturday. |
| 7.45 a.m. | 5.15 p.m. on the other working days of the week. |

OVERTIME.

4. That the following rates shall be paid to—

- (a) Persons employed on underground sewer or tunnel plastering—
For work done in excess of 44 hours in any week Time and a quarter.
- (b) Persons employed on any work other than underground sewer or tunnel plastering—
For work done within the hours fixed in clause 3 in excess of 44 hours in any week. Time and a quarter.
For work done on Saturdays—
Between midnight and 7.45 a.m. Double time.
Between 12 noon and 5 p.m. Time and a half
Between 5 p.m. and midnight Double time.
For work done on any other working day—
Between 5.15 p.m. and 10.15 p.m. Time and a half.
Between 10.15 p.m. and 7.45 a.m. Double time.

CASUAL LABOUR.

5. Casual employees (i.e., persons employed during the week for not more than one-half the maximum number of hours fixed in this determination as a week's work) shall be paid at the rate of 2d. per hour extra.

WET WEATHER.

6. When work is stopped by wet weather an employee who is instructed to wait on the job shall be paid for all time lost in waiting in excess of one hour in any one day.

FARES.

7. (a) Where an employee is engaged on a job up to 10 miles from the "centre" he shall be paid an amount of 3s. 6d. per week for fares.

(b) Where an employee is engaged on a job more than 10 miles from the "centre" and is able to return to his home each day, he shall be paid the daily fares, not exceeding 6s., actually and necessarily incurred in travelling to and from the job.

TRAVELLING TIME.

8. Where an employee is engaged on a job more than 12 miles and up to 24 miles from the "centre" he shall be paid in respect of time lost in travelling a daily sum of 1s. 6d.; where the distance travelled from the "centre" exceeds 24 miles a daily sum of 2s. 6d. shall be paid.

ALLOWANCES.

9. An employee when engaged to proceed to work in such a locality as to necessitate his sleeping elsewhere than at his usual place of residence shall receive:—

(a) When the time occupied on the job is less than a working week 10s. per day with a maximum of 60s. per week;

(b) When the time occupied on the job is in excess of a working week 7s. per day with a maximum of 42s. in any week. The employer shall convey the worker to and from the job free of charge or pay his fare. Ordinary rates shall be paid for such travelling time. An employee shall not suffer any loss in regard to the above allowances where work is stopped by wet weather, or by reason of a Public Holiday.

TRANSFER FROM JOB TO JOB.

10. An employee transferred by the employer from one job to another job on the same day shall be paid for the time occupied in travelling as for time worked and the cost of such transfer shall be borne by the employer.

TEA MONEY.

11. Any employee who is required to work overtime for more than two hours on any day and who has not been notified on the previous day that he would be required to work such overtime shall be paid an allowance of Two shillings.

EMPLOYEE REQUIRED TO ATTEND FOR WORK.

12. An employee who is required to attend for work and is kept waiting to commence work, shall be paid at his ordinary rate of pay for the time he is so kept waiting.

EMPLOYEE NOTIFIED TO COMMENCE WORK.

13. An employee notified to commence work and actually attending for work and not allowed to start shall be paid an amount of 5s. and the fares necessarily incurred.

SPECIAL RATES.

14. Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Christmas Day, Anzac 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.

REST INTERVAL.

15. There shall be an interval of ten minutes at a time fixed by the employer between 9.30 a.m. and 10.30 a.m. for rest on each day Monday to Friday inclusive in each week for each employee, such time to count as time worked. Boiling water for tea shall be provided by the employer for the employee during such interval if the employee so desires.

ANNUAL LEAVE.

16. (a) A period of 44 consecutive hours of working time shall be allowed as leave annually to all employees after twelve months' continuous service with an employer. Unless otherwise mutually agreed upon between an employer and the employee concerned, in which case the leave shall be given and taken within three months of becoming due, such leave shall be given and taken in conjunction with the Christmas and New Year Holidays.

(b) If after 88 hours' continuous service (exclusive of overtime) 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 one twenty-sixth of a week's wage in respect of each such completed 88 hours' continuous service in respect of which leave has not been granted hereunder.

(c) For the purpose of administering the provisions of the previous sub-clauses of this clause service shall be deemed to be continuous notwithstanding an employee's absence from work for the following reasons:—

(i) Injury received during the course of employment, and for which an employee receives Worker's Compensation—up to a maximum period of two months;

(ii) Any reason satisfactory to the employer or, in event of dispute, the Secretary for Labour.

(d) Each employee, before going on leave, shall be paid in advance the wage which would ordinarily accrue to him during the currency of the leave.

TRANSPORT AT NIGHT.

17. Any employee who completes his work during the night after trams and other public conveyances have ceased to run shall unless provided with means of transport by the employer, be reimbursed for any expense necessarily incurred in reaching his home.

INJURY TO EMPLOYEE.

18. In the event of an employee being injured during his employment his employer shall provide suitable means for his conveyance to the nearest available medical attention.

PAYMENT OF WAGES.

19. All employees shall be paid not later than Friday in each week within five minutes of ceasing time, except where otherwise mutually agreed. An employee whose service ends before pay time shall be paid at or before the time of its ending, or shall be paid by post or otherwise within 24 hours thereafter. If wages be not paid within the periods prescribed the employee shall be paid at ordinary rates for all times in excess of fifteen minutes beyond such time until the wages are paid or posted to his last known place of address.

STORING OF TOOLS.

20. Where six or more plasterers are engaged on a job, adequate provision shall be made for the storing of tools. No cement, lime, or building materials shall be stored in such place.

FIRST-AID OUTFIT.

21. An efficient first-aid outfit shall be supplied on all jobs where building permits are necessary.

SANITARY CONVENIENCE.

22. Suitable and adequate sanitary conveniences shall be provided by the employer.

TERMINATION OF EMPLOYMENT.

23. Except where the conduct of an employee justifies instant dismissal, one hour's notice of termination of employment shall be given by either employer or employee, or one hour's pay shall be paid or forfeited in lieu thereof. Half an hour shall be allowed the employee to gather, clean, pack, and transport his tools, and in such case wages shall be paid at the commencement of such half hour.

DEFINITION.

24. "Centre" shall be defined as the Flinders-street railway station or the principal post office of every city, town, or borough (other than a city, town, or borough constituting a part of the Metropolitan District as defined by the Factories and Shops Act), whichever is nearer to the employer's principal place of business.

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 11th December, 1945.