# ${f GAZETTE}.$

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No. 501

# THURSDAY, APRIL 19.

**[1945**]

Factories and Shops Acts.

#### DETERMINATION OF THE COAL AND COKE BOARD.

Note.—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; such portions of the City of Sandringham as are not included within the said Metropolitan District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

N accordance with the provisions of the Factories and Shops Acts the Wages Board which now has the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed—

- (a) in any business or occupation connected with the sale or distribution of coal or coke by any-
  - (i) coal importer; (ii) coal mine owner;

  - (iii) gas company;
- (iv) agent or contractor who distributes coal or coke for any coal importer, coal mine owner, or gas company.
- (b) in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal in a form suitable for use—
- (i) in power-producing or heat-producing units;
  (ii) in the manufacture of explosives;
  (iii) in the manufacture, repair, or maintenance of gas masks or respirators. has made the following Determination, namely:-

1. That on the 6th April, 1945, the last previous Determination of this Board shall be revoked and replaced by this Determination.

PART I.—Persons OTHER THAN those employed in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal in a form suitable for use in power-producing or heat-producing units; in the manufacture of explosives or in the manufacture, repair, or maintenance of gas masks or respirators.

2. (a) Improvers. Other Employees. WAGES PER WEEK. WAGES PER WEEK. s. 58 Under 17 years of age 17 years of age ... 0 3 6 Persons trimming or spreading coal that is heated or on Persons employed feeding coal to and/or trimming coal 78 or over under the heading "c from and/or operating mechanical loader ...
Persons trimming from the "Grab"
Other coal trimmers the appropriate other employees Other coal trimmers

Coal baggers or loaders

Persons employed loading by shovel or fork loose coal from railway trucks to vehicles

Persons employed loading by shovel or fork loose coal from vehicles to railway trucks

Persons loading by shovel or fork loose coal from the ground into railway trucks

Coke stackers at wharf coal yards

Coke yard employees

Carters driving one horse 131 0 131 0 PROPORTION. 153 0 One improver to the first six workers, and thereafter one improver to every ten workers seceiving not less than 101s. 8d. per week. 164 0 140 101 Coke yard employees
Carters driving one horse
Carters driving two horses
Carters driving three horses
Carters driving four horses
Carters driving five horses
Carters driving five horses
And 6d. extra per day for every additional horse, 104 109 ·· 114 Drivers of motor vehicle, including girlinger, having a maker's capacity of—

(a) 25 cwt. or less
(b) Over 25 cwt., but not over 3 tons
(c) Over 3 tons, but under 6 tons 109 0 Further tonnage—for each complete ton over 5 extra ls. per week All others

Note.—The Board has determined, in accordance apprentices shall be taken in the trade. with Section 25 (1) of the Factories and Shops Act 1934, that the trade is so unskilled that no No. 50.-3192/45.

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<ul> <li>(b) GAS PRODUCER UNITS.—The following profile in the control of the cont</li></ul>	operated wit uch vehicle, thereof upo rovided by e- ing convenie	h a charco ls. extra. n which he mployers for ences for su	al gas pro is called r the emp	ducer unit for upon to classifications doyees mentingers, and al	or each san the oned in	day or portion hopper and/or sub-clauses (i) water or some	r final filter and (ii) here other effici	of of, ent
(c) War Loadings for Carters and Drivers as follows:—	s.—In additi	ion to the	weekly ra	tes prescribe	d hereir	ı, war loadings Per Week.	shall be p	aid
Juniors under 20 years of age Juniors 20 years of age and o All other classifications			 	••		2. d. 1 0 1 6 3 0		•
Provided that any person driving a gas-produc not be entitled to war loadings.	er unit shall	be paid t	e approp	riate extra r	ates her	eiabefore provi	ded, and sh	ila
3. All persons other than carters and drivers Carters and drivers	F	Iours.	: ::	::		44 hours per 88 hours provided th than 48 ho shall be we payment of	per fortni at not m ours per wo orked with	eek ore
4. Time (	OF BEGINNIN	G AND EN	DING WO	RK.		pay mont of		
<u> </u>	Time of	Beginning.	Fi	ve Days in the	Week.	the day th	of Ending e half-holiday y observed.	r´
Carters		s.m. s.m.		5.45 p.m 5 p.m.	1. •		o.m. noon	
	Ov	ERTIME.	_ <del>`</del>					- 1
Between 5 p.m. and midnight Between midnight and 8 s.m.  (ii) Within the times of beginning and end First two hours Thereafter  (b) Special provisions relating to overtime:— When overtime is to be worked casual em necessary arrangements for engaging c employees so engaged of the actual t Should a casual employee be employed du required to continue after 7 a.m. if Should a casual employee who has been er 2 a.m. and continues until 7 a.m., he Should a casual employee's first start be n 5 p.m.  If a regular yard employee after completin shall not be required to resume work	ployees shall asual employ ime they aring the day other labou unployed all shall not be aidnight or lag a full day a next morn	where prayees during the expected and until 'r is availa day be ord to required 'later he she 's work is ing if other	cticable be the time to commy 7 a.m. the ble. ered back to continual if required in the continual continua	e given prefise mentioned sence work. following de by the same e after 7 a.r. red, continuen to work o	erence. in clausely by or employ in if oth	Double a week's work- Time ar Double The foreman age 13 and shall ne employer, he yer to resume er labour is age throughout.	and a half. time.  shall make tinform cas as shall not not later the vailable. that day un	be ban ntil
6. Employees called on to work on any dag		м оғ Wов given four		s' work, or	alternat	ively, four (4)	hours' pay	at
7. Any broken part of fifteen minutes at the	BROKEN W			l be paid for	as for	a full fifteen	minutes.	
8. When work finishes between midnight and point adjacent to Flinders-street in the City. This c	6 a.m., tran lause shall o		otainable) to the Me	shall be pro tropolitan D	vided t	o convey the	employees t	o a
9. (a) All wages due to 5 p.m. on Thursday i (b) Each employee shall be furnished with pa	n each week	x Day, shall be p ch pay da;	aid on th	at day. worked and	rates	of payment.		
10. (a) Persons employed in trimming coal of smoke-oh:  Day—  10 a.m. to 10.30 a.m., unless work e	or coaling si			ns of baske	ts, shali	be entitled to	the follow	J
3 p.m. to 3.30 p.m., unless work en Night 9 p.m. to 9.30 p.m., unless work en				٠				
3 a.m. to 3.30 a.m., unless work en  (b) Persons employed continuously feeding coal  allowed 30 minutes' smoke-oh during each morning a  (c) All other employees shall receive a smoke  agreed upon or alternatively shall be paid for such	ids at or be l into and/or and each aft oh of 10 m	fore 3 a.m r driving or ternoon or	in charge lternative	ely shall be p	aid for	such time.		
•	WET WEAT	HER PROVI	sions.					

WEATHER PROVISIONS.

11. (a) A committee consisting of a representative of employers appointed by the Commonwealth Steamship Owners Association and a representative of employees appointed by the Federated Fodder and Fuel Trades Industrial Union, shall by agreement determine whether work at the South Wharf Coal Yards shall proceed or cease in the event of wet weather.

(b) If the Committee agrees that rain is sufficiently heavy to justify a temporary cossation of work, such work shall cease forthwith provided that wagons which have been loaded to at least half capacity shall be completed before work ceases.

(c) In the event of employees working under cover and protected from rain the foregoing sub-clauses of this clause shall not apply and such employees shall continue working during any period of wet weather.

1. (a)

(d) During the temporary cessation of work employees shall hold themselves in readiness for work during ordinary hours of employment and shall be paid for the actual time of waiting as follows:—

For the first two hours—ordinary rates. Thereafter at one-half ordinary rates.

- (.) When the Committee determines that the weather conditions are suitable, employees affected shall immediately resume work. (f) In the event of a disagreement by the Committee as to whether the conditions are suitable for a resumption of work, lots shall be drawn to determine the matter.
- (g) If the employers' representative considers the weather justifying the cessation of work is likely to continue for a lengthy, the payment of allowances set forth in paragraph (d) may be discontinued, and employees shall not be bound to hold themselves period, the payment of allowances set for in readiness for a resumption of work

- MEAL MONEY.

  12. Any person required to continue work until 5.30 p.m. or later shall be paid 2s. meal money.
- PICKING-UP TIME.

  13. The picking-up time for engagement of labour at the South Wharf shall be from 7.45 a.m. to 11 a.m. Mondays to Fridays inclusive, and 7.45 a.m. to 10 a.m. on Saturdays.
  - PLACE FOR ENGAGEMENT OF LABOUR.

    14. The place for engagement of labour at the South Wharf coal yards, shall be at the Harbor Trust shelter shed.

RIGHT OF ENTRY OF UNION OFFICIAL.

15. A duly accredited representative of the Federated Fodder and Fuel Trades Industrial Union shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this determination are employed, for the purpose of interviewing employees on legitimate union business.

HOT WATER TO BE PROVIDED.

16. Each employer shall provide hot water for washing purposes for employees at time of ceasing duty.

DINING AND SANITARY ACCOMMODATION.

17. Proper dining and sanitary accommodation shall be provided by the employer for the use of employees and shall be cleaned every day except Sundays and holidays, but in no case to be left uncleaned for more than one day.

SPECIAL RATES.

18. For all work done on Sundays and the undermentioned holidays, the rates shall be-

		 	 	 Double time		Time and a half
		 	 	 Time and a half	٠.	,,
New Year's Day		 	 	 **		,,
Labour Day .		 	 	 Double time		**
Good Friday .		 	 	 ,,		Double time
Easter Saturday		 	 	 Time and a half		Time and a half
Easter Monday .		 	 	 **		,,
Christmas Day .		 	 	 Double time	٠.	Double time
Baring Dan		 	 	 Time and a half		Time and a half
King's Birthday		 	 	 		**
Melbourne Cun T				••		••

but if any other day be by Act of Parliament or Proclamation substituted for any of the abovenamed holidays, the special rate shall only be payable for work done on the day so substituted.

- ANNUAL LEAVE.

  19. (a) A regular employee shall be granted one week's annual leave without deduction of pay in respect of each twelve months' service, such leave to be given within three months of the completion of each twelve months' service and shall be paid for at the rate obtaining when the leave became due.
- A "regular employee" for the purpose of this sub-clause, shall mean a person employed by the same employer for not less than 36 hours per week excepting breaks caused by public holidays, wet weather, as provided for in clause 11 herein, or sickness not exceeding 4 days in any year, satisfactory proof of which must be supplied to the employer within 24 hours of such sickness.

  (b) Any employee employed for any shorter period than twelve months but exceeding six months, shall be granted leave pro rata (i.e.), one day for each complete two months' of service.

EMPLOYEES ON LOAN.

20. Notwithstanding anything elsewhere contained in this Determination, employee shall be deemed to be in the employ of his employer even though such employee shall or may be loaned temporarily or transferred to another employer who is subject to the provisions of this determination.

PART 2.—Persons employed in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal, in a form suitable for use in power-producing or heat-producing units; in the manufacture of explosives or in the manufacture, repair, or maintenance of gas masks or respirators.

Improvers.	Other Employees.										
WAGES PER WERK OF 44 HOURS.  s. d. Under 17 years of age 58 0	WAGES PER WEER OF 44 HOURS.  S. Wood cutters, using axe, power crosscut circular saw, or other method 116	ď.									
17 years of age 68 3	Carters driving one horse 104										
18 ,, ,, 78 6	Carters driving two horses										
19 ,, or over—the appropriate rate	Carters driving three horses										
prescribed under the heading "other em-	Carters driving four horses	. 0									
ployees ".	Carters driving five horses 115	0									
	And 6d, extra per day for every additional horse.										
	Drivers of vehicle (including girlinger) having maker's capacity of-										
	(a) 25 cwt. or less										
Proportion (by any Employer).	(b) Over 25 cwt., but not over 3 tons 113										
	(c) Over 3 tons, but under 6 tons	. 0									
One improver to the first six workers, and thereafter one additional improver to every ten additional	Further tonnage—for each complete ton over 5 an extra ls. per week. Charcoal burning by retorts, metal or brick kilns, or pits—										
workers receiving not less than 104s. per week.	(a) Operator in charge of plant	0									
	bagging, sewing, stacking, or loading 121	0									
Note.—The Board determines that no person shall	Grinding or grading charcoal—										
be employed as an apprentice.	(a) Attendant in charge of plant-										
•	(i) With four or more persons under his supervision . 141	€)									
•	(ii) With three or fewer persons under his supervision 137	0									
•	(b) All other persons, including those engaged in grinding, grading,										
	or bagging charcoal or sewing bags 131	0									

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- (b) Gas-Producer Units.—The following provisions shall apply to drivers of gas-producer units:—
  - (i) Driver of a motor vehicle fitted and operated with a charcoal gas-producer unit for each day or portion thereof upon which he is called upon to drive such vehicle, 1s. extra.
  - (ii) Such driver for each day or portion thereof upon which he is called upon to clean the hopper and/or final filter of such unit, la extra.
  - (iii) Suitable overalls and gloves shall be provided by employers for the employees mentioned in sub-clauses (i) and (ii) hereof,
  - (iv) Employers shall provide proper washing conveniences for such employees and also hot water or some other efficient cleansing material.

(c) WAR LOADINGS FOR CARTERS AND DRIVERS.—In addition to the weekly rates prescribed in clause (1) (a), war loadings shall be paid as follows:—

Juniors under 20 years of age Juniors 20 years of age and over All other classifications Ð 3 0

Provided that any person driving a gas producer unit shall be paid the appropriate extra rates set out in sub-clause (b) and shall not be entitled to war loadings.

CONDITIONS OF EMPLOYMENT (OTHER THAN FOR SHIFT WORK).

2. (i) The ordinary weekly total of hours shall be 44 in number, all to be worked on days other than Sunday.

(ii) (a) Such ordinary weekly total, at the option of the employer, may be spread over five or six days, and except on shift work, shall be worked in one period occurring between 7.30 a.m. and 12.30 p.m. on Saturday and between 7.30 a.m. and 5.15 p.m. on other days, subject to the recognized meal hours or intervals and smoke-oh of ten minutes each morning and afternoon, but no other breaks imposed by the employer.

(b) If a five-day week is worked the ordinary daily total of working hours shall be 8 4/5ths, and if a six-day week is worked such total shall be four on Saturday and eight on any other day.

(iii) Smoke-ohs shall be counted as part of time worked.

#### SHIFT WORK.

3. (i) For the purposes of this Determination afternoon and night shifts shall be defined as follows:-

(a) Afternoon shift shall mean any shift finishing after 6 p.m. and at or before midnight.(b) Night shift shall mean any shift finishing after midnight and at or before 8 a.m.

(ii) The ordinary hours of shift workers shall not exceed-

(a) 8 hours in any one day; or
(b) 48 hours in any one week; or
(c) 88 hours in any 14 consecutive days; or
(d) 176 hours in any 28 consecutive days.

(iii) Subject to the following conditions shift-workers shall work at such times as the employer may require.

.(a) A shift shall consist of 8 hours inclusive of crib-time and smoke-oh.

(a) A shift shall consist of 8 hours inclusive of crib-time and smoke-on.
(b) Except at regular change over of shifts or except in the event of relief not arriving or except in some special circumstance an employee shall not be required to work more than one shift in any one period of 24 hours.
(c) Any employee who is required to continue working on account of one of the special conditions mentioned in sub-clause
(b) hereof shall not work more than two consecutive shifts in any one period of 24 hours.

(iv) In each shift during which the employee does not receive the same amount of time for a meal interval or smoke-oh as that which day-workers receive under this Determination, he shall be paid at ordinary rates for twenty minutes' crib-time and two smoke-ohs of ten minutes each.

(v) Shift-workers whilst engaged on afternoon or night shifts shall receive the ordinary rates of payment provided in clause 2 with the addition of 7½ per cent. Provided that for work done on any shift the major portion of which is worked on a Sunday or a holiday mentioned in clause 8, an additional 50 per cent. shall be paid.

#### OVERTIME.

4. Except as in this Determination may be otherwise provided, all time worked in excess of the ordinary daily or weekly hours of work shall be paid for at one and a half times the ordinary rate for the first four hours and double the ordinary rate thereafter.

## TERMS OF ENGAGEMENT.

5. (i) An employer shall have the option of engaging any employee either by the week or casually.

(ii) (a) If the engagement is by the week it shall be for a continuous period of at least eight weeks, and thereafter shall be terminable on either side by a week's notice which may be made to expire at any time during a week of the employment. Provided that this clause shall not affect the employer's right to dismiss forthwith at any time an employee because of the latter's incompetence or misconduct, in which case the employee shall be entitled in respect of wages for the then current week's employment, only to payment proportionate to the aggregate of time worked by him, and of such other previous time (if any) in that week as to which under this Determination no deduction from his week's wages is allowable.

(b) An engagement shall be deemed to be and to continue casual unless the employer, at the commencement of the engagement or before any change by him of a casual engagement of the employee to one by the week, expressly notifies the employee that he is to be engaged by the week.

(c) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he performs.

(d) The employer shall have the right to deduct payment for any day upon which the employee cannot be employed usefully because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot reasonably be held responsible.

#### ANNUAL LEAVE.

6. (a) Any employee who has been in the service of an employer for a period of not less than twelve months shall be granted one week's holiday (exclusive of holidays prescribed in clause 8 in each year on full pay. Should the service be of a lesser period than twelve months, but not less than six months, he shall be entitled to a pro rata leave, on the basis of one day for each two months of time worked.

(b) If the employee does not receive such leave, he shall be paid, in addition to any other moneys payable to him under this Determination, a week's pay, or such pro rata payment as may be due under sub-clause (a) hereof.

#### SICK LEAVE.

7. No deduction shall be made from the wages of any weekly employee unavoidably absent through illness for not more than 44 working hours in each year, i.e., one day for each two months' service, commencing 1st July, 1942, provided he has submitted, within 24 hours of the commencement of such absence, satisfactory evidence to the employer or his representative that same was not the result of his own misconduct.

#### SUNDAYS AND HOLIDAYS.

8. (i) Weekly employees shall be entitled to the following holidays without deduction of pay. The days observed as:—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.

(ii) Any weekly employee required to work on a Sunday or any holiday mentioned in sub-clause (i) hereof, shall be paid for such work at double the ordinary rate.

## WASHING FACILITIES.

9. Each employer shall provide for all the employees hot and cold showers or other conveniences, which shall be approved by the Secretary for Labour or his Inspector. TIME RECORD.

10. (a) The employer shall keep a record of the names of the employees of such employer, and in respect of each such employee, a record from week to week of the periods, times, and class of work done, and the rates of wage and amounts of wages paid, and shall obtain from week to week the signature of each employee to such record.

(b) The secretary or duly accredited representative of the Federated Fodder and Fuel Trades' Industrial Union authorized in writing to that effect by such secretary shall be allowed, on any day after which two days' notice has been given to inspect such records so far as may be reasonably necessary to obtain information therefrom relating to any member or members of the said union.

#### RIGHT OF ENTRY OF UNION OFFICIAL.

11. A duly accredited representative of the Federated Fodder and Fuel Trades Industrial Union shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination is done, for the purpose of interviewing employees on legitimate Union business.

#### NOTICE BOARD.

12. The Federated Fodder and Fuel Trades Industrial Union shall be permitted to post on a board notices appertaining to Union business generally. FIRST-AID CHEST.

13. Every employer shall provide a fully-equipped first-aid outfit for use of any employee injured in the course of his employment.

#### GOGGLES AND RESPIRATORS.

14. Every employer shall provide suitable goggles and respirators for use of employees whilst employed by him.

#### PART 3.—Periodical Automatic Adjustment of Wages,

(Note.—The provisions of this Part operate in the cases of employees covered by Part 1 and Part 2.)

1. The wages rates set out in Part 1 and Part 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 rates 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 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause 3.

. Placo.			Basic Wage.	Index Number Set Assigned.		
Within the area to which this Determination applies	••	 ••	 £ a, d.	Six Capital Cities (Weighted Average).		

## ADJUSTMENT OF BASIC WAGE.

- 2. (a) Until the beginning of the first pay period to commence in May, 1945, the amount of the basic wage shall be as
- (b) During each future successive period beginning with the first pay period to commence in a May, an August, a November, or a February, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "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 numbers for the six capitals (weighted average) is to be applied.
- (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.

#### Table

Index Number Divisions.					Basic Wage.			In	Index Number Divisions.						Basic Wage.		
004 3000						<b>s</b> .	d.							. 0			
94-1006					4	1	0	1118–1129					4 1	Ĺ	0		
07-1018					4	2	0	1130-1141				1	4 12	ž	0		
19-1030				l	4	3	0	1142-1154					4 13		ō		
31-1043					4	4	ò	1155-1166				- ::	4 14		ŏ		
44-1055			•••		4	5	Ŏ	1167-1179					4 18		ŏ		
56-1067				- 1	• 4	6	ŏ	1180-1191		• • •	••		4 16		ŏ		
68-1080		• •	• •			×			• •	• •	• •				-		
	• •	• •	• •		4	•	0	1192-1203	• •				4 17		0		
81-1092					4	8	0	1204-1216				[	4 18		0		
93-1104					4	9	0	1217-1228					4 19		Ó		
05-1117					4	10	Ó	1229-1240		•••			5 (		Õ		

P. A. RANDLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 13th April, 1945.

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