



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 66]

FRIDAY, APRIL 12.

[1946

Factories and Shops Acts.

DETERMINATION OF THE BOTTLE COVERS BOARD.

NOTE.—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 employed in the trade of making bottle covers of straw" has made the following Determination, namely:—

1. That on the 1st March, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Improvers* (Male or Female).					Other Employees.				
Wages per Week of 44 Hours.					Wages per Week of 44 Hours.				
				s. d.					s. d.
Under 17 years of age	..	..	..	34 6	Male adults	..	..	..	111 0
17 years of age	..	..	..	44 0	Female adults—				
18 years of age	..	..	..	58 9	Under six weeks' experience	..	..	..	88 9
19 years of age	..	..	..	68 3	Thereafter	..	..	..	100 0
20 years of age	..	..	..	78 3					

PROPORTION (IN ANY PLACE).

Improvers.

Four improvers for every adult worker.

* The Board has determined, in accordance with section 25 (1) of the *Factories and Shops Act 1934*, that the trade is so unskilled that no apprentice shall work in the trade.

BUILDING OF STACKS.

3. An employee shall receive, in addition to the wage prescribed above, 1s. per day for each day on which he is engaged in supervising the building and/or thatching of stacks.

TIME OF BEGINNING AND ENDING WORK.

Time of Beginning.				Time of Ending.			
4.	7.30 a.m.	..	..	..	..	12 noon on Saturday.	
	7.30 a.m.	..	..	..	..	5.30 p.m. on the other working days of the week.	

OVERTIME.

5. For work done outside the hours specified in clause 4 } Time and a half.
For work done within the hours specified in clause 4 but in excess of 44 hours in any week }

SPECIAL RATES.

6. (a) Time-workers:—Double time shall be the rate for all work done on Sundays, New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, King's Birthday, Christmas Day, Boxing Day, Melbourne Cup Day, and Kyneton Cup Day (only within the Shire of Kyneton); 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.

(b) Piece-workers.—Ordinary piece-work prices with the addition of one day's pay at ordinary time-workers' rates shall be the rate for all work done on Sundays, New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, King's Birthday, Christmas Day, Boxing Day, Melbourne Cup Day, and Kyneton Cup Day (only within the Shire of Kyneton); 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.

PAYMENT FOR HOLIDAYS.

7. (a) Time-workers.—All time-workers shall be entitled to the following holidays without any deduction in pay:—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, King's Birthday, Christmas Day, Boxing Day, Melbourne Cup Day, Fuel and Fodder Picnic Day (only those employed within the Metropolitan District as defined in the Factories and Shops Act and Order in Council thereunder, and within the Shire of Keilor), and Kyneton Cup Day (only within the Shire of Kyneton).

(b) Piece-workers.—All piece-workers shall be entitled to the same holidays as are granted to time-workers, and they shall be paid for such holidays the amount for each holiday based on time wages as set out in this Determination.

REST PERIOD.

8. Every employee employed on time wages shall be allowed, each morning and afternoon, an interval of ten minutes for rest, such interval to count as part of time worked.

ORDINARY WEEK'S WORK.

9. The number of hours to constitute an ordinary week's work shall be forty-four.

TERMINATION OF EMPLOYMENT.

10. Seven days' notice of termination of employment shall be given by either employer or worker, except in cases of misconduct.

SICK LEAVE.

11. (a) No deduction shall be made from the wages of any employee who has had not less than three months' continuous service with the same employer and who is unavoidably absent through illness for not more than four days in any year of service, provided he or she has submitted within 24 hours of the commencement of such absence evidence satisfactory to the employer that the same is not the result of his or her own misconduct. Provided, further, that piece-workers shall be paid at the same rate as time-workers for any such day or days that they are unavoidably absent on account of illness.

(b) If the full period of sick leave as prescribed in sub-clause (a) hereof 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 without deduction of pay.

ANNUAL LEAVE.

Period of Leave.

12. (a) Except as hereinafter provided, a period of fourteen consecutive days' leave shall be allowed annually to an employee after twelve months' continuous service (less the period of annual leave) as an employee in any one or more of the occupations to which this Determination applies.

Seven-day Shift Workers.

(b) In addition to the leave hereinbefore prescribed seven-day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays, shall be allowed seven consecutive days' leave including non-working days.

Where an employee with twelve months' continuous service is engaged for part of the twelve-monthly period as a seven-day shift worker, he shall be entitled to have the period of fourteen consecutive days' annual leave prescribed in sub-clause (a) hereof increased by half a day for each month he is continuously engaged as aforesaid.

Annual Leave Exclusive of Public Holidays.

(c) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 7 of this Determination, and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to that period one day for each such holiday falling as aforesaid.

Where a holiday falls as aforesaid and the employee fails without reasonable cause proof whereof shall be upon him to attend for work at his ordinary starting time on the working day immediately following the last day of the period of his annual leave he shall not be entitled to be paid for any such holiday.

Broken Leave.

(d) The annual leave shall be given and taken in a continuous period or, if the employee and the employer so agree, in two separate periods and not otherwise.

Calculation of Continuous Service.

(e) For the purposes of this clause service shall be deemed to be continuous notwithstanding—

- (i) any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;
- (ii) any absence from work on account of personal sickness or accident or on account of leave lawfully granted by the employer; or
- (iii) any absence with reasonable cause proof whereof shall be upon the employee.

In cases of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this sub-clause shall inform the employer in writing if practicable within 24 hours of the commencement of such absence of his inability to attend for duty and as far as practicable the nature of the illness, injury or cause and the estimated duration of his absence. A notification given by an employee pursuant to clause 11 shall be accepted as a notification under this sub-clause.

Any absence from work by reason of any cause not being a cause specified in this sub-clause shall not be deemed to break the continuity of service for the purposes of this clause unless the employer during the absence or within fourteen days of the termination of the absence notifies the employee in writing that such absence will be regarded as having broken the continuity of service.

In cases of individual absenteeism such notice shall be given in writing to the employee concerned, but in cases of concerted or collective absenteeism notice may be given to employees by the posting up of a notification in the plant, in the manner in which general notifications to employees are usually made in that plant and by posting to the union whose members have participated in such concerted or collective absenteeism a copy of same not later than the day it is posted up in the plant.

A notice to an individual employee may be given by delivering same to him personally or by posting it to his last recorded address, in which case it shall be deemed to have reached him in due course of post.

In calculating the period of twelve months' continuous service any such absence as aforesaid shall not, except to the extent of not more than fourteen days in a twelve-monthly period in the case of sickness or accident, be taken into account in calculating the period of twelve months' continuous service.

Calculation of Service.

(f) Service before the 1st March, 1946, shall be taken into consideration for the purpose of calculating annual leave, but an employee shall not be entitled to leave or payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under the clause hereby revoked. Provided however, that in respect of service before the 1st January, 1946, the annual leave shall be allowed at the rate of 3½ hours for each completed one month of continuous service and in respect of service after that date at the rate of 7½ hours for each completed one month of continuous service. Any broken part of a month served before the 1st January, 1946, shall for the purposes of this clause be deemed to be service after the 1st January, 1946. The period of annual leave to be allowed under this sub-clause shall be calculated to the nearest day, any broken part of a day in the result not exceeding half a day to be disregarded.

Where the employer is a successor or assignee or transferee of a business if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee the employee in respect of the period during which he was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

Calculation of Month.

(g) For the purpose of this clause, a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month and if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.

Leave to be Taken.

(h) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided by sub-clauses (l) and (m) hereof payment shall not be made or accepted in lieu of annual leave.

Time of Taking Leave.

(i) 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 to annual leave accrued and after not less than two weeks' notice to the employee.

Leave Allowed Before Due Date.

(j) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such a case a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

Where leave has been granted to an employee pursuant to this sub-clause before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted the employer may for each one complete month of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one-twelfth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by clause 7 of this Determination.

Payment for Period of Leave.

(k) Each employee before going on leave shall be paid two weeks' wages, except a seven-days' shift worker who shall be paid the amount of wage he would have received in respect of the ordinary time which he would have worked had he not been on leave during the relevant periods. For the purposes of this sub-clause and sub-clause (l) hereof, wages shall be at the rate prescribed by clause 2 of this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

Proportionate Leave on Dismissal.

(l) If after one month's continuous service in any qualifying twelve-monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid at his ordinary rate of wage for 3½ hours in respect of each completed one month of continuous service before the 1st January, 1946, and for 7½ hours at the same rate in respect of each completed month of continuous service after that date, the service in each case being service in respect of which leave has not been granted hereunder.

Annual Close Down.

(m) Where an employer closes down his plant, or a section or sections thereof, for the purposes of allowing annual leave to all or the bulk of the employees in the plant, or section or sections concerned, the following provisions shall apply—

- (i) He may by giving not less than one month's notice of his intention so to do stand off for the duration of the close down all employees in the plant or section or sections concerned, and allow to those who are not then qualified for two full weeks' leave, paid leave on a proportionate basis of one-sixth of a week's leave for each completed month of continuous service.
- (ii) An employee who has then qualified for two full weeks' leave, and has also completed a further month or more of continuous service shall be allowed his leave, and shall also be paid one-sixth of a week's wages in respect of each completed month of continuous service performed since the close of his last twelve-monthly qualifying period.
- (iii) The next twelve-monthly qualifying period for each employee affected by such close down shall commence from the day on which the plant, or section or sections concerned is re-opened for work.
- (iv) If in the first year of his service with an employer an employee is allowed proportionate annual leave under paragraph (i) hereof, and subsequently within such year lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, he shall be entitled to the benefit of sub-clause (l) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

PIECE WORK.

13. The lowest piece-work price to be paid for the making of bottle covers of straw shall be at the rate of 7s. per thousand covers, provided that to the weekly earnings of each piece-worker shall be added the sum of one shilling. Where less than forty-four hours is worked in any week by any piece-worker, a proportionate amount of such sum of one shilling shall be added in lieu thereof.

PERIODICAL ADJUSTMENT OF WAGES.

14. 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 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 female adults of under six weeks' experience shall be 80 per cent. and thereafter 90 per cent. of the adult male rate and the wages of improvers shall be adjusted proportionately to adjustments of the basic wage, such rates to be calculated to the nearest 3d., half or less than half of 3d. to be disregarded.

The piece-work prices shall at the same time be increased or decreased in the same proportion as weekly rates for the same class of work.

The basic wage shown hereunder shall be adjusted as prescribed in clause 15.

Basic Wage.

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

ADJUSTMENT OF BASIC WAGE.

15. (a) Until the beginning of the first pay period to commence in May, 1946, the amount of the basic wage shall be as prescribed in clause 14.

(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 Number set to be applied 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.

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, 7th March, 1946.