



# VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 151]

MONDAY, FEBRUARY 17.

[1947

Factories and Shops Acts.

## DETERMINATION OF THE JAM TRADE 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 process, trade, or business of—  
Manufacturing jam, fruit jelly, pickles and sauces, or

- (a) preparing, canning, or preserving lemon or other peel, fruit, or vegetables;  
(b) preparing or putting up any of such articles for sale;

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 1st December, 1946 the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

## ADULT EMPLOYEES.

(a) Males—Weekly Hands.

	Wages Per Week.	
	£	s. d.
Foreman (first jam maker) .. .. .	7	1 0
Assistant jam maker (as defined) .. .. .	6	11 0
Foreman packer in charge of despatch and packing department .. .. .	6	11 0
Foreman sauce, chutney, pickles or condiment maker (as defined) .. .. .	6	11 0
Fruit or vegetable preserver (as defined) .. .. .	6	11 6
Fruit crystallizer .. .. .	6	7 0
Candy peel-maker in charge .. .. .	6	6 0
Foreman, bottle department .. .. .	6	1 0
Foreman packer's assistant .. .. .	6	1 0
Foreman, pulp department .. .. .	6	1 0
Man working in connexion with freezing or cooling chambers .. .. .	6	1 0
Man working in dehydrating tunnel .. .. .	6	1 0
Operator of labelling machine labelling canned goods .. .. .	6	1 0
Operator of fruit or vegetable lye machine .. .. .	6	1 0
Syrup maker, i.e., a person who actually boils the syrup .. .. .	6	1 0
Tapper .. .. .	6	1 0
Driver of power-driven factory truck .. .. .	6	0 0
Employees engaged in inspecting fruit for acceptance or rejection .. .. .	6	0 0
Employee in fruit crystallizing department, other than fruit crystallizer .. .. .	6	0 0
Storeman and packer (as defined) .. .. .	5	19 0
Employees operating can-closing machine .. .. .	5	18 0
Employee engaged feeding into and/or taking from lacquer machine .. .. .	5	17 0
Employees feeding into and/or taking from bottle-washing machine .. .. .	5	17 0
Employee engaged in bottle-washing department .. .. .	5	17 0
Retort hand (as defined) .. .. .	5	17 0
Employee engaged in juice-making room or department (where juice is extracted for use in jams and jellies) .. .. .	5	17 0
All others .. .. .	5	15 0

Provided that—

- (i) if at any time any adult male employee is employed for any period of not more than two weeks, he shall be entitled to 1s. for each working day of such period in addition to the minimum rate prescribed by this clause;  
(ii) if at any time any adult male employee is employed for any period of more than two weeks, but not more than four weeks, he shall be entitled to 6d. for each working day of such period in addition to the minimum rate prescribed by this clause;  
(iii) an employee required to lift, carry and stack by hand, crates, cases, tubs, or other containers of goods or commodities of any description weighing over 90 lb. each, for continuous periods exceeding half an hour, shall in respect thereof be paid an amount of 3d. per hour or part of an hour (not being less than half an hour) in addition to his appropriate rate of pay as above prescribed.

(b) Females—Weekly Hands.

	Wages Per Week.		
	£	s. d.	
Head forewoman .. .. .	4	4 3	
Forewoman's assistant .. .. .	3	14 3	
Head woman supervisor .. .. .	3	14 3	
Supervisor (as defined) .. .. .	3	12 3	
Employees engaged in—			
(i) clipping piecework tickets .. .. .	}	3 12 3	
(ii) cutting or pulping lemons or pineapples .. .. .			
(iii) lifting jam, fruit, sauce, sugar, vegetable or wet condiments weighing over 20 lb. .. .. .			
(iv) operating pear-preparing machines .. .. .			
(v) operating can-closing machines .. .. .			
(vi) packing clear mixed pickles into glass containers .. .. .			
(vii) pouring out or filling jam by hand .. .. .			
(viii) pouring out pulp by hand .. .. .			
(ix) stirring jam, sauce, or pulp .. .. .			
(x) washing bags .. .. .			
(xi) working at a fruit press .. .. .			
(xii) feeding into and/or taking from lacquer machine .. .. .			3 8 3
(xiii) feeding into and/or taking from bottle-washing machine .. .. .			3 8 3
(xiv) bottle-washing department .. .. .			3 8 3
All other adult females, i.e., females 18 years of age or over .. .. .	3	6 3	

Provided that—

- (i) if at any time any adult female employee is employed for any period of not more than two weeks, she shall be entitled to 9d. for each working day of such period in addition to the minimum rate above prescribed;
- (ii) if at any time any adult female employee is employed for any period of more than two weeks but not more than four weeks, she shall be entitled to 4d. for each working day of such period, in addition to the minimum rate above prescribed.

ADULT MALE EMPLOYEES—CASUAL HANDS.

3. (a) A casual adult male employee, that is to say, an employee who is at any one time employed for less than three consecutive days, shall be paid at an hourly rate which shall be calculated on the weekly rate for the work upon which he is employed, plus 50 per cent. An employee employed as aforesaid shall be paid for not less than four hours on each engagement.

(b) Any adult male employee who is employed at any one time for more than two consecutive days shall thereafter be deemed to be a weekly employee for the purposes of this Determination.

4. JUNIOR EMPLOYEES.

(i) Males—	Wages Per Week.	
	£	s. d.
Under 17 years of age .. .. .	2	3 0
17 years of age and under 18 years of age .. .. .	2	13 9
18 years of age and under 19 years of age .. .. .	3	4 6
19 years of age and under 20 years of age .. .. .	3	15 3
20 years of age and under 21 years of age .. .. .	4	6 0

Provided that any junior male employee employed operating a pear-preparing machine shall be paid 6s. per week in addition to the above rates.

(ii) Females—

Under 18 years of age .. .. .	2	7 0
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Provided that any junior female employee employed operating a pear-preparing machine shall be paid 6s. per week in addition to the above rate.

PROHIBITION OF EMPLOYMENT.

5. The Board determines that no person shall be employed as an apprentice.

DEFINITIONS.

6. For the purposes of this Determination, unless a contrary intention is by the context made apparent—

- “Adult female employee” means a female employee of the age of 18 years or more.
- “Assistant jam maker” means an employee who is a competent jam maker, being one who is able to take off.
- “Foreman sauce, chutney, pickles or condiment maker” means an employee who is competent to mix ingredients and make sauce, chutney, pickles or condiments and who being so competent is actually in charge of the making thereof.
- “Fruit or vegetable preserver” means an employee actually in charge of the work of fruit or vegetable preserving.
- “Permanent employee” means an adult employee whose engagement continues from before until after the season.
- “Retort hand” means an employee whose duties include the loading or unloading of a retort.
- “Season” means the period from the 1st December in one year until the 30th April in the following year.
- “Storeman and packer” means either—
  - (a) An employee who packs in sawdust or any similar material for despatch or who checks goods at the time of their despatch; or
  - (b) a male employee in charge of a label room; or
  - (c) an employee who is employed at receiving and stacking boxes of tin-plate on arrival at a factory; or
  - (d) an employee who is employed at re-stacking boxes of tin-plate in a factory; or
  - (e) an employee who is employed solely at nailing or wiring machines or solely nailing or wiring by hand.
- “Supervisor” means a female employee, not being a forewoman nor an assistant forewoman, who walks up and down between the rows controlling the cutting or canning of fruit.
- “Union” means the Food Preservers' Union of Australia.

TERMS OF EMPLOYMENT.

7. (a) The contract of hiring of all employees shall, in the absence of an express contract to the contrary, be by the week.

(b) Employment of all employees whose contract of hiring is by the week shall be terminable only by a week's notice on either side. Provided that such notice may be given at any time. And provided also that during the season two days' notice (or payment of two days' pay in lieu thereof), which may be given at any time, shall be a sufficient notice of the termination of a contract of hiring by the week. And provided further that nothing hereinbefore contained shall disentitle an employer from dismissing any employee summarily and without notice where the employee has been found by the employer or his agent to be malingering, inefficient to do the work for which he has been engaged, neglectful of his duty, or to have misconducted or to be misconducting himself, and in such a case wages shall be payable up to the time of dismissal only. And provided further that the employer shall be entitled to deduct payment for any day upon which, because of a strike or of any breakdown of machinery or stoppage of work for any reason for which the employer cannot be held responsible, the employee cannot be usefully employed.

PROHIBITION OF CONTRACT WORK.

8. An employee shall not perform work (except as herein provided) by contracting, sub-contracting, sub-letting, or other similar systems.

## MIXED FUNCTIONS.

9. An employee performing work which involves functions of a mixed character or functions for which a higher rate is prescribed than the rate prescribed for the class of work which he or she normally performs shall be paid for the whole of the time during which he or she is so employed at the higher rate prescribed as aforesaid.

## PROPORTION OF JUVENILES.

10. (a) The proportion of male employees under the age of 21 years shall not exceed one to three adult male employees receiving the minimum wage.

(b) The proportion of female employees under the age of 18 years shall not exceed one to three female employees 18 years of age and over receiving the minimum wage.

## HOURS.

11. (a) 44 hours shall constitute a week's work.

(b) The week's work may be performed in five or five and a half days, at the choice of the employer.

(c) When an employer, having chosen five or five and a half days for the performance of the week's work, desires to change from a five-day to a five and-a-half-day week, or vice versa, he shall give at least seven days' notice of the change to the local branch of the Union.

(d) Where the week's work is performed in five days the 44 hours shall be worked between 7 a.m. and 6 p.m. on Monday to Friday inclusive.

(e) Where the week's work is performed in five and a half days the 44 hours shall be worked between 7 a.m. and 6 p.m. on Monday to Friday inclusive, and between 7 a.m. and 1 p.m. on Saturday.

(f) Notwithstanding anything hereinbefore contained, an employer may require any male employee to perform his week's work on night shift. Provided that payment therefor shall be at the rate of time and a quarter. And provided also that where the week's work is performed on night shift of five nights in the week it shall be performed between the hours of 6 p.m. on one day and 7 a.m. on the following day, and between 6 p.m. on a Monday and 7 a.m. on the following Saturday.

## OVERTIME.

12. (a) Where the week's work is performed in five days all time worked before 7 a.m. or after 6 p.m. or in excess of 8 hours 48 minutes in a day or on Saturday shall be paid for at time and a half for the first four hours and double time thereafter.

(b) Where the week's work is performed in five and a half days all time worked before 7 a.m. or after 6 p.m. on Monday to Friday inclusive or after 1 p.m. on Saturday or in excess of 8 hours on Monday to Friday inclusive or four hours on Saturday shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(c) Where the week's work is performed on night shift of five shifts in a week, all time worked before the usual starting time of a shift or after the usual finishing time of a shift or in excess of 8 hours 48 minutes (which shall be deemed to be the ordinary period of a shift) shall be paid for at one and a half times the night shift rate as prescribed in sub-clause (f) of clause 11 of this Determination for the first four hours and at double such rate thereafter.

(d) Where the week's work is performed on night shift of five and a half shifts in a week, all time worked before the usual starting time or after the usual finishing time of a shift or beyond 8 hours of each of the shifts commencing on Monday to Friday inclusive or beyond 4 hours of a shift commencing on a Saturday shall be paid for at one and a half times the night shift rate as prescribed in sub-clause (f) of clause 11 of this Determination for the first four hours and at double such rates thereafter.

(e) Where the week's work is performed in five days, all piecework performed on Saturday or before 7 a.m. or after 6 p.m. or in excess of 8 hours 48 minutes on any Monday to Friday inclusive shall be paid for at the rate of rate and a half for the first four hours and at double rates thereafter.

(f) Where the week's work is performed in five and a half days, all piecework performed before 7 a.m. or after 6 p.m. or in excess of 8 hours on Monday to Friday inclusive or before 7 a.m. or after 1 p.m. or in excess of 4 hours on Saturday shall be paid for at the rate of rate and a half for the first four hours and double rates thereafter.

## MEAL INTERVAL.

13. No employee shall work more than 5 hours without a suitable interval for a meal, but this provision shall not apply where the employee finishes work for the day at or before 1 p.m. on Saturdays, or where on Monday to Friday inclusive a female employee ceases work at or before 6 p.m., and a male employee finishes work at or before 6.30 p.m.

## MORNING AND AFTERNOON TEA.

14. Females shall be allowed morning and afternoon tea at such times and in such manner as shall not interfere with the continuous running of the factory.

## HOLIDAYS DEFINED.

15. (a) The following days shall be holidays:—New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labor Day, King's Birthday, Christmas Day, Boxing Day, Union Picnic Day (to be observed during the period from 1st June to 15th November). Provided that in the metropolitan area of Melbourne and the City of Bendigo respectively, Melbourne Cup Day (in the case of the former) and Sunday School Picnic Day (in the case of the latter) may be continued as a holiday instead of Union Picnic Day.

(b) Employees whose contract of hiring is by the week shall suffer no deduction from their pay on account of not working on any of such holidays.

(c) An employee whose contract of hiring is by the week and who is dismissed within seven days of any of the said holidays and is re-engaged within fourteen days after the said holiday shall be paid for such holiday; and in the case of the said holiday being Christmas Day or Good Friday and the re-engagement being within fourteen days of the following New Year's Day or Easter Monday, as the case may be, the employee shall be paid for each of the intervening holidays.

(d) Piece-workers shall be paid for any of the abovementioned holidays not worked at the ordinary rates payable to employees on time-work doing the class of work at which during the week in which such holiday occurs the piece-workers in question are employed.

(e) Should any other day be by Act of Parliament or proclamation substituted for any of the above-mentioned holidays, the day so substituted shall for all purposes be deemed to be a holiday within the scope, meaning, and intention of this clause.

## RATES FOR SUNDAYS AND HOLIDAYS.

16. (a) All work other than piecework performed on Sundays and holidays shall be paid for at the rate of double time.

(b) All piecework performed on Sundays and holidays shall be paid for at the rate of rate and a half.

## TEA MONEY.

17. Employees required to work overtime for more than one hour without being notified the day immediately before that they will be required to work shall either be supplied with a meal by the employer or paid 2s. each. If the notice is given and overtime is not worked (except as a result of a breakdown in machinery or plant), the tea money prescribed herein shall be paid.

## IMPLEMENTS AND COVERINGS.

18. (a) The employer shall provide all brushes, spoons, knives, and other necessary implements and materials requisite for the work of employees. Such implements and materials, if not returned by the employee on the employer's demand, shall be paid for by the employees at reasonable rates.

(b) Employees engaged in the preparation of lemons and pineapples or in connexion with the handling of hot jam or preserves or packing empty tins into cases shall be provided by the employer with gloves as may be reasonably required. Such gloves shall be returned by the employee to the employer on demand, and in default thereof the employee shall pay for them at a reasonable rate.

(c) Where the employer requires an employee to wear a cap, overalls, or uniform of any description such shall be provided by the employer, free of charge, and shall be kept laundered by the employer. Such cap, overalls, or uniform shall be returned on demand, or in default the employee shall pay for same at a reasonable rate.

(d) Employees required to work in the rain or in places or at work where the employees' clothes become wet shall be provided with waterproof overalls or aprons and waterproof footwear.

#### FIRST AID.

19. First-aid outfits are to be kept at readily accessible points in every establishment, and where twenty or more persons are employed one of them shall be a competent first-aid man.

#### DINING-ROOMS AND CONVENIENCES.

20. (a) The employer shall provide suitable dining-room accommodation for employees who desire to remain at the premises of the factory during the meal interval.

(b) The employer shall provide and maintain adequate sanitary and lavatory accommodation for employees, including wash-basins and showers supplied with hot and cold water.

(c) The employer shall provide a locker, capable of being locked, for each employee or in the alternative accommodation for each employees' clothes and effects where such can be left and recovered by each employee without his or her gaining access to the clothes or effects of any other employee.

#### ANNUAL LEAVE.

21. (a) Except as hereinafter provided a period of fourteen consecutive days' leave with payment of ordinary wages as prescribed shall be allowed annually to an employee by his or her employer after a period of twelve months' continuous service (less the period of annual leave) with such employer.

(b) (i) Such period of annual leave shall not include any holiday mentioned in clause 15 of this Determination when such holiday is observed on a working day, but shall include all other non-working days.

(ii) If any holiday mentioned in clause 15 of this Determination falls within an employee's period of annual leave, and is observed on the day which in the case of that employee would have been an ordinary working day, there shall be added to that period one working day for each such holiday observed as aforesaid.

(iii) Notwithstanding anything hereinbefore contained an employee shall not be entitled to payment for any holiday mentioned in clause 15 of this Determination which falls within his or her period of annual leave and is observed on a day which in the case of such employee would otherwise have been an ordinary working day if, except for reasonable cause (proof whereof shall be upon him or her) he or she fails to resume work at his or her ordinary starting time on the working day immediately following the period comprising his or her period of leave (extended by any such intervening holiday or holidays) and to remain at work thereafter for the number of days equivalent to the number of such holidays.

(c) At least seven days' notice shall be given to an employee as to when he or she is to commence his leave.

(d) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than one week's notice to the employee; provided that the giving of annual leave may with the consent of the Wages Board be postponed for a period to be specified in cases where the exigencies of the industry render it impracticable to give it in the said period of six months.

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

(f) Each employee before going on leave shall be paid two weeks' wages at ordinary rates for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his or her leave. Payment in case of employees employed on piece-work or bonus work or any other system of payment by results shall be at time rates.

(g) (i) An employer may grant 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 the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(ii) Where leave has been granted to an employee pursuant to paragraph (i) hereof 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 wages paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed in clause 15 of this Determination.

(h) Proportional payment shall be made to an employee in respect of each completed month of continuous service when such employee lawfully leaves his or her employment or his or her employment is terminated by the employer through no fault of the employee.

(i) Service shall be deemed to be continuous notwithstanding:—

(a) any interruption or determination of the employment by the employer if such interruption or determination has been made with the intention of avoiding obligations hereunder in respect of annual leave;

(b) any absence from work of not more than fourteen days in the twelve months on account of sickness or accident (proof whereof shall be on the employee);

(c) any absence on account of leave granted imposed or agreed to by the employer;

(d) any absence due to reasonable cause (proof whereof shall be on the employee).

Provided that in cases of personal sickness or accident or absence with reasonable cause the employee to be entitled to the benefit of this sub-clause shall if practicable inform the employer in writing within twenty-four hours after the commencement of such absence of his or her inability to attend for duty and as far as practicable the nature of the illness injury or cause and the estimated duration of his or her absence.

(ii) In calculating a period of twelve months' continuous service:—

(a) (1) any annual leave taken therein;

(2) any absences of the kind mentioned in (a) and (b) of paragraph (i) above shall be counted as part of such period;

(b) in respect of absences of the kind mentioned in (c) and (d) of paragraph (i) above the employee shall serve such additional period as part of his or her qualification for annual leave as will equal the period of such absences;

- (c) (1) where an employee is absent from work for any cause other than a cause stated in section (i) paragraph (a) or (c) of this sub-clause the employer shall within fourteen days of the employee's return to work from such absence give notice in writing (by delivering or posting by prepaid post to the employee at his last recorded place of residence) to the employee if such absence is regarded by the employer, and whether it is so regarded conditionally or unconditionally, as breaking the continuity of the employee's service. In default of such notice as aforesaid the absence shall be deemed not to have broken the continuity of the employee's service;
- (2) where an employee has been given notice in pursuance of the foregoing provision (1) he or she may within fourteen days of its receipt by him or her apply to the Wages Board for its decision as to whether the absence shall be regarded as a break in the continuity of his or her service.
- (j) 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.
- (k) 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 or she was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.
- (l) Where an employer closes down his plant, or a section or sections thereof, for the purpose 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 to the employees concerned 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 fourteen consecutive days' 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 fourteen consecutive days' leave, and has also completed a further month or continuous service shall be allowed his or her 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 or her 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 reopened for work.
- (iv) If in the first year of his or her service with an employer an employee is allowed proportionate annual leave under paragraph (i) hereof, and subsequently within such year lawfully leaves his or her employment or his or her employment is terminated by the employer through no fault of the employee, he or she shall be entitled to the benefit of sub-clause (k) of this clause subject to adjustment for any proportionate leave which he or she may have been allowed as aforesaid.
- (m) Any dispute as to the rights of an employee to or with respect to annual leave shall be dealt with by the Wages Board.
- (n) That service before the 1st day of January, 1946, shall be taken into consideration for the purpose of calculating a qualifying period for 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 that any broken part of a month served before the 1st day of January, 1946, shall for the purposes of this clause be deemed to have been service after the 1st day of January, 1946; and provided further that 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.

## SICK LEAVE.

22. (a) An employee who is absent from work on account of his or her own illness or on account of injury by accident arising out of and in the course of his or her employment shall be entitled to leave of absence without deduction of pay, subject to the following conditions and limitations:—
- (i) He or she shall not be entitled to such leave of absence unless he or she shall have been in the service of the employer concerned for at least three months immediately prior to such absence;
- (ii) He or she shall not be entitled to such leave of absence for any period in respect of which he or she is entitled to workers' compensation;
- (iii) He or she shall within 24 hours of the commencement of such absence inform the employer of his or her inability to attend at his or her work and, as far as practicable, state the nature of the illness or injury and the estimated duration of the absence;
- (iv) He or she shall prove to the satisfaction of the employer (or in the event of any dispute to the Secretary for Labour) that he or she was unable on account of such illness or injury to attend at his or her work on the day or days in respect whereof such leave is claimed. (For the purpose hereof the employer or the Secretary for Labour may require an employee to make a statutory declaration verifying the cause and length of his or her absence);
- (v) He or she shall not be entitled in any year (whether during such year in the employ of one or more than one employer) to such leave of absence in excess of 44 hours of working time, nor to payment in excess of 44 hours at ordinary rates.
- (b) For the purpose of placitum (iv) of sub-clause (a) hereof, an employer may within one month of the coming into operation of this Determination (in respect of employees in his employ at the date of such coming into operation) or within two weeks of an employee entering his employment (in respect of other employees) require an employee to make a statutory declaration or other written statement as to what leave of absence without deduction of pay he or she has had from any employer during the then current year, and the employer shall be entitled to rely and act upon such statement.
- (c) For the purposes of this clause, an employer may arrange with the secretary of the local branch of the Union for the recognition of a specified date as the commencing date of each year, and when so arranged, such date shall be binding for such purposes on the Union, the employer, and his employees. In the absence of any such arrangement, "year" shall mean—
- (i) In the case of an employee in the service of an employer on the date of the coming into operation of this Determination, a year of service commencing on that date, except in the case where the employer has before that date allowed paid sick leave, when it shall mean the year of service then current;
- (ii) In other cases, a year of service in the employ of the employer concerned.
- (d) A piece-worker shall be entitled to leave of absence subject to the conditions and limitations set out in sub-clause (a) hereof, and in respect thereof shall be paid at the time-work rate appropriate to the work at which he or she would, except for the illness or injury causing absence, have been employed.

## LIMITATION OF EMPLOYER'S LIABILITY.

23. Where an employer covered by this Determination has made a payment to an employee, which payment purports to be a payment of the wages payable to the employee for any period, such employer shall not be liable to pay to the employee any further sums prescribed by this Determination in respect to any services rendered to such employer during such period, unless within three calendar months after the last day of such period a demand in writing of such further sum claimed has been given to the employer by the employee.

TIME-BOOK AND INSPECTION.

24. The employer shall provide at the factory a time-book. Such time-book shall contain a correct account of the hours worked and the rates received by each employee, and shall be kept correctly entered up in ink. The secretary or the branch secretary of the Union shall have power to inspect the time-book, and also the right to visit the office of the employer for this purpose, and also for the purpose of investigating any breach or suspected breach of this Determination which is occurring or has occurred, and to interview such employee involved or concerned in the breach or suspected breach of this Determination. The employer shall make available to the officer any employees required by him in connexion with the investigation.

The time of any such visit shall be notified to the employer by the officer prior to his actually going to the office, and the employer shall provide the officer with the necessary facilities for the investigation of the breach or suspected breach of this Determination.

The officer shall interfere with and inconvenience the work and the duties of the employees as little as possible.

UNION NOTICES.

25. At each factory reasonable facilities shall be afforded officers of the Union for the necessary work in connexion therewith, and the Union shall be permitted to post Union meeting notices on a board in each factory in a reasonable manner.

Without affecting the generality of the foregoing paragraph, each employer carrying on principally the industry covered by this Determination shall permit a member of the Union nominated by the general secretary of the Union to enter the part of the factory premises of such employer set apart for meals once a week, on a day to be appointed by such employer, during the meal interval, for the purpose of interviewing members of the Union on matters relating to this Determination. If such authorized person exceeds the limits of his authority, his permit may be terminated by the Secretary for Labour on an application by any employer showing good cause.

PERIODICAL ADJUSTMENT OF WAGES.

26. *Adult Males.*—The wages rates set out in clause 2 are based upon the following basic wage ingredient and pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that the rates for adult males shall be automatically adjusted as prescribed by clause 27.

Basic Wage Ingredient.

Place.	Basic Wage Ingredient.		Index Number Set Assignnet.
	£ s. d.		
Throughout the State .. .. .	5	0 0	Sydney, Melbourne, Adelaide, and Hobart } Weighted average.

ADJUSTMENT OF BASIC WAGE INGREDIENT.

27. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all items' 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.

(b) Until the beginning of the first pay period to commence in February, 1947, the amounts of the basic wage ingredient shall be as prescribed in clause 26.

(c) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the needs basic wage shall be adjusted by the following method, namely, by multiplying the last published Commonwealth Statistician's "all items" retail price index number by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

(d) *Adult Females.*—Adult female rates shall be adjusted as follows:—By increasing or decreasing by the amount of the difference from time to time in the basic wage ingredient for females. Such basic wage ingredient shall be 55 per cent. of the basic wage ingredient for males, calculated to the nearest 3d. The weekly wage payable shall be the basic wage ingredient as so obtained plus the margins and loadings shown in clause 28 (b).

(e) *Junior Employees.*—The rates of junior employees shall be adjusted from time to time by increasing or decreasing the said rates in the same proportion as any increase or decrease of the male basic wage ingredient of the wages rates per week of adult employees bears to the basic wage ingredient of £4 13s. Provided that any such adjustment shall be calculated to the nearest 3d. per week, and are to be made upon the following rates:—

Males—	£ s. d.
Under 17 years of age .. .. .	2 0 0
17 years of age and under 18 years of age .. .. .	2 10 0
18 years of age and under 19 years of age .. .. .	3 0 0
19 years of age and under 20 years of age .. .. .	3 10 0
20 years of age and under 21 years of age .. .. .	4 0 0
Females—	
Under 13 years of age .. .. .	2 3 9

## MARGINAL RATES.

28. (a) *Adult Males*.—In addition to the basic wage ingredient as provided in Clause 26 of this Determination the following margins and loadings shall be the minimum rates payable to male adults engaged in the occupations named.

	Margins. Per Week.	Prosperity Loading Per Week.	Industry Loading Per Week.
	£ s. d.	s. d.	s. d.
Foreman (first jam maker) .. .. .	1 9 0	5 0	7 0
Assistant jam maker (as defined) .. .. .	0 19 0	5 0	7 0
Foreman packer in charge of despatch and packing department .. .. .	0 19 0	5 0	7 0
Foreman sauce, chutney, pickles or condiment maker (as defined) .. .. .	0 19 0	5 0	7 0
Fruit or vegetable preserver (as defined) .. .. .	0 19 0	5 0	7 0
Fruit crystallizer .. .. .	0 15 6	5 0	7 0
Candy peel maker in charge .. .. .	0 14 0	5 0	7 0
Foreman, bottle department .. .. .	0 9 0	5 0	7 0
Foreman, packer's assistant .. .. .	0 9 0	5 0	7 0
Foreman, pulp department .. .. .	0 9 0	5 0	7 0
Man working in connexion with freezing or cooling chambers .. .. .	0 9 0	5 0	7 0
Man working in dehydrating tunnel .. .. .	0 9 0	5 0	7 0
Operator of labelling machine labelling canned goods .. .. .	0 9 0	5 0	7 0
Operator of fruit or vegetables lye machine .. .. .	0 9 0	5 0	7 0
Syrup maker, i.e., a person who actually boils the syrup .. .. .	0 9 0	5 0	7 0
Tapper .. .. .	0 9 0	5 0	7 0
Driver of power-driven factory truck .. .. .	0 8 0	5 0	7 0
Employees engaged in inspecting fruit for acceptance or rejection .. .. .	0 8 0	5 0	7 0
Employee in fruit crystallizing department (other than fruit crystallizer) .. .. .	0 8 0	5 0	7 0
Storeman and packer (as defined) .. .. .	0 7 0	5 0	7 0
Employees operating can-closing machine .. .. .	0 6 0	5 0	7 0
Employee engaged feeding into and/or taking from lacquer machine .. .. .	0 5 0	5 0	7 0
Employees feeding into and/or taking from bottle-washing machine .. .. .	0 5 0	5 0	7 0
Employee engaged in bottle-washing department .. .. .	0 5 0	5 0	7 0
Retort hand (as defined) .. .. .	0 5 0	5 0	7 0
Employee engaged in juice-making room or department (where juice is extracted for use in jams and jellies) .. .. .	0 5 0	5 0	7 0
All others .. .. .	0 3 0	5 0	7 0

(b) *Margins and Loadings for Adult Females.*

	Margins. Per Week.	Prosperity Loading Per Week.	Industry Loading Per Week.
	£ s. d.	s. d.	s. d.
Head forewoman .. .. .	1 1 0	2 9	5 6
Forewoman's assistant .. .. .	0 11 0	2 9	5 6
Head woman supervisor .. .. .	0 11 0	2 9	5 6
Supervisor (as defined) .. .. .	0 9 0	2 9	5 6
Employees engaged in—			
(i) clipping piece-work tickets; .. .. .			
(ii) cutting or pulping lemons or pineapples; .. .. .			
(iii) lifting jam, fruit, sauce, sugar, vegetable or wet condiments weighing over 20 lb. .. .. .			
(iv) operating pear-preparing machines .. .. .			
(v) operating can-closing machines .. .. .			
(vi) packing clear mixed pickles into glass containers .. .. .			
(vii) pouring out or filling jam by hand .. .. .			
(viii) pouring out pulp by hand .. .. .			
(ix) stirring jam, sauce or pulp .. .. .			
(x) washing bags .. .. .			
(xi) working at a fruit press .. .. .			
(xii) feeding into and/or taking from lacquer machine .. .. .	0 5 0	2 9	5 6
(xiii) feeding into and/or taking from bottle-washing machine .. .. .	0 5 0	2 9	5 6
(xiv) bottle-washing department .. .. .	0 5 0	2 9	5 6
All other adult females, i.e., females eighteen years of age or over .. .. .	0 3 0	2 9	5 6

SCHEDULE "A."

PIECE-WORK.

The lowest piece-work prices payable to any person engaged in the following kinds of work shall be:—  
Preparation of Fruit or Vegetables for Canning or Jam, &c.

Fruit or Vegetable.	Work Performed.	Purposes for which prepared—			
		Jam.		Canning.	
		Price per Standard Case.	Price per Bucket.	Price per Standard Case.	Price per Bucket.
(a) When the fruit is carried to and taken away from the worker's bench and measured prior to the particular operation—					
		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Apples	Peeling by hand	0 8½	..	0 8½	..
"	Cutting by hand	0 6½	..	0 6½	..
"	Coring by hand	0 6½	..	0 6½	..
"	Peeling, cutting or coring by machine	0 7½	..	0 7½	..
Apricots	Sorting	0 1	..	0 2	..
"	Cutting and stoning	0 7½	0 2½	0 10½	..
"	Stoning for jam	..	0 1½	..	..
Asparagus (large)	Scraping	..	..	..	0 3½
" (medium)	Scraping	..	..	..	0 3½
" (small)	Scraping	..	..	..	0 3½
Cherries	Stalking	..	..	0 10½	..
Figs (large)	Stalking	..	0 1½	..	0 1½
" (small)	Stalking	..	0 1½	..	0 1½
Green ginger	Cutting and scraping for jam	..	1 9	..	..
Gooseberries	Topping and tailing	..	1 0	..	1 0
Grapes	Sorting and stalking	0 7	..	0 9½	..
Oranges	Cutting and spooning by hand (2½ inches in diameter and over)	0 7½	..	..	..
"	Cutting and spooning by hand (under 2½ inches in diameter)	0 10	..	..	..
Peaches	Sorting	0 0½	..	0 1	..
"	Stoning for jam	..	0 1½	..	..
"	Cutting and stoning peeled peaches	..	..	0 6	..
"	Cutting and stoning unpeeled peaches	..	..	0 6	..
"	Cutting and stoning "Golden Queen" and/or "Goodman's Choice" 2¼ inches in diameter and over	..	..	0 7	..
"	Cutting and stoning peaches under 2¼ inches in diameter	..	..	0 8	..
"	Peeling for canning	..	..	0 7	..
Pears (large and medium)	Peeling, cutting and coring (into water)	..	..	1 1½	..
" (small)	Peeling, cutting and coring (not into water)	..	..	1 0	..
"	Peeling, cutting and coring (into water)	..	..	1 3	..
"	Peeling, cutting and coring (not into water)	..	..	1 1	..
Plums	Sorting and stalking (from screens)	0 2½	..	0 2½	..
"	Sorting and stalking (from tables)	0 2½	..	0 3	..
Cherry plums	Sorting and stalking (from screens)	0 2½	..	0 3	..
"	Sorting and stalking (from tables)	0 2½	..	0 3½	..
Greengages	Sorting and stalking (from screens)	0 2½	..	0 3	..
"	Sorting and stalking (from tables)	0 2½	..	0 3½	..
Quinces	Peeling, cutting and coring by machines	0 6	..	0 6	..
"	Peeling by hand (not topping or tailing)	0 7	..	0 7	..
"	Peeling by hand and topping and tailing	0 9	..	0 9	..
"	Cutting by hand	0 6	..	0 6	..
"	Coring by hand (quarters)	0 6	..	0 6	..
"	Coring by hand (halves)	0 4½	..	0 4½	..
"	Sorting and picking over machine cored slices	..	0 2	..	0 2
Tomatoes	Peeling	..	..	..	0 3
"	Sorting for canning	..	..	0 2½	..
Strawberries	Stalking (per 3 baskets)	0 2	..	..	..
(b) When the fruit has to be carried to or from the bench by the worker or when measurement is reckoned after the particular operation—					
		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Apples	Peeling by hand	0 9	..	0 9	..
"	Cutting by hand	0 7	..	0 7	..
"	Coring by hand	0 6½	..	0 6½	..
"	Peeling, cutting and coring by machine	0 8	..	0 8	..
Apricots	Stoning for jam	..	0 1½	..	..
"	Cutting and stoning for canning	..	..	0 11	..
Asparagus (large)	Scraping	..	..	..	0 3½
" (medium)	Scraping	..	..	..	0 3½
" (small)	Scraping	..	..	..	0 3½
Figs (large)	Stalking	..	0 1½	..	0 1½
" (small)	Stalking	..	0 1½	..	0 1½
Ginger (green)	Cutting and scraping for jam	..	1 9	..	..
Gooseberries	Topping and tailing for canning	..	1 0	..	1 0
Grapes	Sorting and stalking	0 8	..	0 9½	..
Peaches	Stoning for jam	..	0 1½	..	..
"	Cutting and stoning peeled peaches	..	..	0 7½	..
"	Cutting and stoning unpeeled peaches	..	..	0 7½	..
"	Peeling for canning	..	..	0 7½	..
Pears	Peeling, cutting and coring (into water)	..	..	1 3	..
"	Peeling, cutting and coring (not into water)	..	..	1 1	..
Plums	Sorting and stalking (from screens)	0 2½	..	0 3½	..
"	Sorting and stalking (from tables)	0 2½	..	0 3½	..

\* See Footnote.

\* See Footnote.

\* Note—12½ per cent shall be added to the above piecework prices.



SCHEDULE "A"—continued.  
PIECE-WORK.  
Preparation of Fruit or Vegetables for Canning or Jam, &c.—continued.

Fruit or Vegetable.	Work Performed.	Purposes for which prepared—			
		Jam.		Canning.	
		Price per Standard Case.	Price per Bucket.	Price per Standard Case.	Price per Bucket.
(b) When the fruit has to be carried to or from the bench by the worker or when measurement is reckoned after the particular operation—continued.					
		s. d.	s. d.	s. d.	s. d.
Cherry plums	Sorting and staking (from screens)	0 2½	..	0 3½	..
" "	Sorting and staking (from tables)	0 3	..	0 3½	..
Groengages	Sorting and staking (from screens)	0 2½	..	0 3½	..
" "	Sorting and staking (from tables)	0 3	..	0 3½	..
Quinces	Peeling, cutting and coring by machine	0 6½	..	0 6½	..
" "	Peeling by hand	0 8½	..	0 8½	..
" "	Cutting by hand	0 6½	..	0 6½	..
" "	Coring by hand (quarters)	0 6½	..	0 6½	..
" "	For jam and canning	0 6½	..	0 6½	..
" "	Canning	0 4½	..	0 4½	..
Tomatoes	Peeling	..	..	..	0 3
" "	Sorting for canning	..	..	0 2½	..
Strawberries	Stalking (per 3 baskets)	0 2	..	..	..
OTHER WORK.					
		Per tray of 12 cans.		Open tops.	
		s. d.	s. d.	s. d.	s. d.
Apricots	Grading or placing in 2½-lb. (nominal) fruit cans	0 1½	..	0 1½	..
Pears	Grading or placing in 2½-lb. (nominal) fruit cans	0 1½	..	0 1½	..
Peaches	Grading and placing in 2½-lb. (nominal) fruit cans	0 1½	..	0 1	..
Any other fruits or tomatoes	placing in 2½-lb. (nominal) fruit cans	0 1½	..	0 1	..
Asparagus	Placing in 2-lb. (nominal) cans	0 3	per tray of 16 cans	..	..
Tomatoes	Sorting for sauce	0 1½	per standard case	..	..
Labelling by hand	1-lb. or 2-lb. jam tins	1 8½	per 1,000 tins	..	..
Labelling by hand	2½-lb. fruit cans	1 8½	per 1,000 cans	..	..
PICKLES.					
		When weighed before the operation, per cwt.		When weighed after the operation, per cwt.	
		s. d.	s. d.	s. d.	s. d.
	Packing mixed pickles with vegetables already cut, best quality	0 6½	per doz. bottles	..	..
	Packing mixed pickles with vegetables already cut, second quality	0 5½	per doz. bottles	..	..
	Cutting vegetables for mixed pickles and packing same, best quality	0 8	per doz. bottles	..	..
	Cutting vegetables for mixed pickles and packing same, second quality	0 7	per doz. bottles	..	..
	Cutting up vegetables for mustard pickles (by knife)	2 6	per cwt.	..	..
	Cutting up vegetables for mustard pickles (by chopper)	2 0	per cwt.	..	..
		7 6	..	10 0	..
	Peeling small onions (1 inch diameter and under)	6 0	..	8 0	..
	Peeling onions (over 1 inch and up to 1½ inches in diameter)	..	..	..	..
Tomato Sauce or Chutney—Preparation for Sale.					
	Work Performed.	Per gross of ordinary Pint Bottles.		Per gross of ordinary Quart Bottles.	
		s. d.	s. d.	s. d.	s. d.
	Cutting corks	0 1½	..	..	..
	Paraffin waxing	0 1½	..	..	..
	Red waxing	0 5	..	0 6	..
FIRST QUALITY SAUCE.					
	Bottling or filling	0 4½	..	0 6	..
	Chipping or packing	0 1½	..	0 2½	..
	Labelling with one label	0 6	..	0 6½	..
	Labelling with one label and foil	1 0	..	1 1	..
	Labelling with two labels and foil	1 4	..	1 6	..
	Labelling with three labels and foil	1 5	..	1 6½	..
	Labelling with four labels and foil	1 7	..	1 10	..
	Labelling with three labels, foil and bird (for export)	1 7	..	1 10	..
	Wrapping	0 2½	..	0 2½	..
SECOND QUALITY SAUCE.					
	Filling 10 oz. coffee essence bottles	0 5½	..	..	..
	Labelling with one label	0 5	..	..	..
	Labelling with two labels	0 9	..	..	..
	Foiling	0 5	..	..	..
CHUTNEY.					
	Filling	..	4d. per gross of 13 oz. bottles.	..	..
	Labelling	..	(Same price as pint bottles of tomato sauce).	..	..

\* See Footnote.

\* See Footnote.

\* Note.—12½ per cent. shall be added to the above piecework prices.

If any other sized tins are used the prices shall be fixed from time to time by the employer and the Union. For the purpose of this schedule a "standard case" of fruit shall be equivalent to a kerosene case when not filled above the level of the top.

Where a piece-worker has been instructed to commence work on any day and attends and is ready to work, but is prevented from or delayed in completing eight hours piece-work on that day through any cause for which the employer is responsible, such piece-worker shall be entitled to be paid not less than one-sixth of the weekly wage prescribed in this Determination for an adult male, or a juvenile male, or an adult female, or a juvenile female, as the case may be.

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

J. V. WILLOX, Secretary.

Melbourne, 13th January, 1947.

No. 151.—655/47—2

By Authority: J. J. GOURLY, Government Printer, Melbourne.

