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Factories and Shops Acts.

DETERMINATION OF THE FACTORY ENGINE DRIVERS BOARD.

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

(B) On the 22nd June, 1914, and 17th August, 1920, respectively, the powers of the Factory Engine Drivers Board were extended to enable it to "fix the lowest prices or rates which may be paid to any person employed in the occupation of—

- (a) a boiler cleaner;
- (b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines other than internal combustion engines or electrical engines connected with mines."

(C) On the 16th April, 1935, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any person employed in the occupation of—

- (a) a fireman, boiler attendant, boiler cleaner, or engine-driver in connexion with steam engines or steam boilers in or about plants for crushing metalliferous ores;
- (b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines in or about plant for crushing metalliferous ores—

and such power was conferred exclusively on the Mining Engine Drivers Board.

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 whosoever employed in the occupation of a fireman, boiler attendant, or engine-driver, in connexion with the use of steam-boilers or steam-engines other than steam-boilers or steam-engines connected with mines," has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 14th November, 1947, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. EMPLOYEES—OTHER THAN JUNIORS PROVIDED FOR IN CLAUSE 4.

The ordinary wages per week for those employees shall be the undermentioned amounts plus the additional rates (if applicable) proscribed in Sections J, and JJ, hereof, and plus the additional War Loadings (if applicable) proscribed in either paragraph (a), or paragraph (b) of clause 27 (ii) hereof (N.B.—Ordinary War Loadings as proscribed in clause 27 Column "A" are included in the amounts proscribed below).

	Wages per Week.			
	Persons other than those Employed in Bush Saw-mills.			Persons Employed in— (a) Bush Saw mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of G.P.O., Melbourne, 10 miles of Chief P.O., Geelong, at Warrnambool, and in the Gippsland District.	Within 15 miles of the Mildura Post Office.	At Yallourn.	
A.—STATIONARY ENGINE DRIVERS.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Steam Engines.</i>				
First-class	6 15 6	7 1 6	7 2 0	6 12 6
First-class, with condenser	7 0 0	7 6 0	7 6 6	6 17 0
Second-class	6 11 0	6 17 0	6 17 6	6 8 0
Second-class, with condenser	6 15 6	7 1 6	7 2 0	6 12 6
<i>Suction Gas or Other Internal Combustion Engine.</i>				
Fifty brake horse-power or over	6 15 6	7 1 6	7 2 0	6 12 6
Under fifty brake horse-power	6 11 0	6 17 0	6 17 6	6 8 0
<i>Electric Motors.</i>				
Attendant	6 6 6	6 12 6	6 13 0	6 3 6
B.—LOCOMOTIVE ENGINE DRIVERS.				
If human beings other than train crew are sometimes or always carried	7 17 6	8 3 6	8 4 0	7 14 6
Others	7 8 0	7 14 0	7 14 6	7 5 0
If the gauge is less than three feet, 3s. per week less in each case.				

EMPLOYEES—OTHER THAN JUNIORS PROVIDED FOR IN CLAUSE 4—continued.

The ordinary wages per week for these employees shall be the undermentioned amounts plus the additional rates (if applicable) prescribed in Sections J, and JJ, hereof, and plus the additional War Loadings (if applicable) prescribed in either paragraph (a), or paragraph (b) of clause 27 (ii) hereof (N.B.—Ordinary War Loadings as prescribed in clause 27, column "A" are included in the amounts prescribed below).

	Wages per Week.			
	Persons other than those Employed in Bush Saw-mills.			Persons Employed in— (a) Bush Saw-mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of G.P.O., Melbourne; 10 miles of Chief P.O., Geelong, at Warrnambool, and in the Gippsland District.	Within 16 miles of the Mildura Post Office.	At Yallourn.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
C.—NAVVIES AND DRAG LINE OR DREDGE TYPE EXCAVATORS.				
Driver	8 5 6	8 11 6	8 12 0	8 2 6
Second driver	7 5 6	7 11 6	7 12 0	7 2 6
D.—WINCH DRIVERS.				
Log haulers on timber mills or on tramways on timber mill (exceeding 8-inch diameter cylinders)	6 15 6	7 1 6	7 2 0	6 12 6
Others	6 12 0	6 18 0	6 18 6	6 9 0
E.—CRANE DRIVERS.				
Lobby cranes—first-class	8 1 0	8 7 0	8 7 6	7 18 0
Lobby cranes—second-class	7 17 6	8 3 6	8 4 0	7 14 6
Lobby cranes—third-class	7 11 6	7 17 6	7 18 0	7 8 6
Canilever cranes	7 17 6	8 3 6	8 4 0	7 14 6
Cranes in converter sheds	7 8 0	7 14 0	7 14 6	7 5 0
Cranes transporting molten metal in foundries	7 4 0	7 10 0	7 10 6	7 1 0
Crane driver on open hearth furnaces	7 4 0	7 10 0	7 10 6	7 1 0
Steam travelling cranes	7 4 0	7 10 0	7 10 6	7 1 0
Other steam cranes	6 19 6	7 5 6	7 6 0	6 16 6
Grab cranes	7 4 0	7 10 0	7 10 6	7 1 0
Electric cranes not elsewhere included—				
Four motions and over	6 15 6	7 1 6	7 2 0	6 12 6
Overhead traverser with auxiliary hoist				
Traverser with jib hoist				
Two or three motions				
Overhead traverser	6 12 0	6 18 0	6 18 6	6 9 0
Stationary jib; stationary jib hoist				
Traverser jib	6 8 0	6 14 0	6 14 6	6 5 0
Hydraulic stationary jib cranes	6 2 0	6 8 0	6 8 6	5 19 0
Cranes and hoists not elsewhere included				
String cranes—five tons or less				
E.E.—MOBILE CRANE DRIVERS.				
Mobile cranes lifting capacity up to and including 3 tons	6 19 0	7 5 0	7 5 6	6 16 0
Over 3 tons and up to 5 tons	7 4 0	7 10 0	7 10 6	7 1 0
Over 5 tons, for each ton of lifting capacity over 5 an extra 2s.6d. per week up to 10 tons.				
Fork lift driver	6 19 0	7 5 0	7 5 6	6 16 0
In addition to the wages hereinbefore prescribed a loading of 3s. per week in lieu of the loadings prescribed by clause 27 shall be paid in each case.				
This Division shall apply only to drivers of mobile cranes which are used in the work of loading, unloading, storing, stacking and unstacking where such work is carried out in or in connexion with the transportation of goods.				
F.—TRACTION ENGINE DRIVERS.				
Road.				
Traction engine or road roller (steam)	6 19 6	7 5 6	7 6 0	6 16 6
Road roller (oil)	6 18 0	7 4 0	7 4 6	6 15 0
Traction engine (oil—35 h.p. and over)	6 18 0	7 4 0	7 4 6	6 15 0
Traction engine (oil—under 35 h.p.)	6 15 0	7 1 0	7 1 6	6 12 0
Rail.				
Electric traction motor	6 8 0	6 14 0	6 14 6	6 5 0
Internal combustion traction motor	6 8 0	6 14 0	6 14 6	6 5 0
G.—FIREMEN.				
Fireman	6 5 6	6 11 6	6 12 0	6 2 6
Fireman—first-class	6 11 0	6 17 0	6 17 6	6 8 0
Leading fireman—first-class	7 0 0	7 6 0	7 6 6	6 17 0
Leading fireman—second-class	6 15 6	7 1 6	7 2 0	6 12 6
Locomotive fireman	6 8 0	6 14 0	6 14 6	6 5 0
H.—GREASERS.				
Greaser	6 4 0	6 10 0	6 10 6	6 1 0
Greaser—first-class	6 11 0	6 17 0	6 17 6	6 8 0
Trimmer	6 0 0	6 6 0	6 6 6	5 17 0
Fuelman	6 0 0	6 6 0	6 6 6	5 17 0
Engine cleaner	6 0 0	6 6 0	6 6 6	5 17 0
Boiler cleaner	6 0 0	6 6 0	6 6 6	5 17 0
Provided that any person engaged inside the gas or water space of any boiler, flue or economizer, in cleaning or scraping work shall, whilst so employed, be paid 9d. per hour in addition to his ordinary or overtime rate of pay.				
I.—OTHERS.				
Pile-driving machine	7 0 0	7 6 0	7 6 6	6 17 0
All others	5 9 0	5 15 0	5 15 6	5 6 0

Male adult employees in bush sawmills shall, in addition to the wages shown above, be paid 2s. per week in lieu of payment under clause 6 for absences arising from sickness or accident.

J—Additional Rates.

An engine-driver engaged as hereinafter specified shall be paid additional rates as follow, viz. :—

	Per week.
	s. d.
Attending to refrigerating compressor	9 0
Attending to electric generator or dynamo exceeding 10 kilowatt capacity	9 0
Engine-driver in charge of plant	9 0

Provided that these rates shall not be cumulative to the extent of increasing the wage of an employee more than 49s. above the rate for "All Others," and provided further that an engine-driver attending a refrigerating compressor shall not be paid a rate less than 28s. above that fixed for "All Others"

JJ—Further Additional Rate.

Any engine-driver and/or fireman in a bush sawmill who is required to do saw sharpening shall be paid a further additional rate, viz. :—

s. d.
15 0

N.B.—Extra rates payable under Sections J and JJ hereof shall be regarded as part of an employee's ordinary wage for the purposes of this Determination.

REPAIRS TO WAR DAMAGED SHIPS—SPECIAL RATES.

3. (a) Crane drivers who are engaged upon the work and working under the conditions specified in paragraphs (i), (ii), and (iii) hereof and who are operating cranes which have been erected on a vessel under repair and on which employees are engaged in the cutting and removal of torn, twisted, and displaced structural materials from vessels which have been damaged by bomb, mine, shell, or torpedo shall be paid extra rates as follows :—

- (i) Where such damaged structural materials are covered in oil residue and/or other unusually obnoxious substances, and where there is a risk of such materials falling, or there are difficulties in the way of securing a safe foothold for working—2d. per hour extra.
- (ii) Where the work is carried out in the presence of explosives or combustible materials under conditions under which there is a risk of fire or explosion—4d. per hour extra.
- (iii) Where as well as working under the conditions specified in paragraph (i) hereof an employee works under those specified in paragraph (ii) hereof—6d. per hour extra.

The question of whether the conditions specified in paragraphs (i) or (ii) hereof or both of them exist in any particular case shall be settled by agreement between the foreman and the workman concerned provided that in cases of disagreement between the foreman and workman, the workman or shop steward on his behalf shall be entitled, within 24 hours, to ask for a decision on the workman's claim by the employer's industrial officer (if there be one), or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such a case a decision shall be given on the workman's claim within 48 hours of its being asked for (unless that time expires on a non-working day, in which case it shall be given during the next working day), or else the said allowance shall be paid.

In any case where an organization alleges that an employer or his representative is persistently unreasonable or capricious in relation to such claims, it shall have the right to bring such case before the Wages Board.

In any case in which it is agreed or decided that the specified conditions exist the extra rate prescribed shall be paid for the whole of the time crane drivers are working under such conditions.

The extra rates payable under this clause shall not be regarded as part of the crane driver's ordinary wage for the purposes of this Determination.

JUNIOR LABOUR.

4. (a) The minimum rates of wage to be paid to juniors working as greasers or as cleaners or as motor drivers or attendants where the motor does not exceed 60 horse-power in all shall be :—

	Per week.
	s. d.
If under 16 years of age	2 2 9
If 16 and under 18 years of age	2 16 6
If 18 and under 19 years of age	4 1 6
If 19 and under 20 years of age	4 19 0

(b) If a cleaner or greaser sometimes under the supervision of an engine-driver, stops or starts an engine, he shall be paid 6s. per week extra.

CASUAL LABOUR.

5. A casual employee (as defined) shall be paid per hour an amount equal to 1 1/10th of the weekly rate prescribed by this Determination for the work performed by him divided by forty-four until the 31st December, 1947, and thereafter by forty.

CONTRACT OF EMPLOYMENT.

6. (a) Except as provided by clause 5 hereof, employment shall be by the week. An employee, to become entitled to payment on a weekly basis, shall, except as provided by clause 15 hereof, perform such work as the management shall from time to time require on the days and during the hours usually worked by the class of employees affected.

(b) Employment for the first two weeks of service shall be from day to day at the weekly rate fixed. Provided that any employee who has once served a probationary period of two weeks with any employer shall not be subject to be employed for a second probationary period with the same employer, except when his re-engagement takes place at least one month after the termination of his employment. Provided further that an employee shall be paid for any holiday or holidays which occur during any period he is employed on probation pursuant to this clause.

(c) An employee not attending for duty shall, except as provided by sub-clause (cc) hereof, lose his pay for the actual time of such non-attendance.

(cc) (1.) An employee on weekly hiring, who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, to the same extent and subject to the same conditions as are prescribed by award, determination, or agreement (Commonwealth or State) for the general body of employees in the industry in which he is employed: Provided—

- (i) that he shall, in any case, be entitled to qualify (subject to the aforesaid conditions) for not less than the equivalent of four days' paid leave in any year;
- (ii) that where any such award, determination, or agreement contains (for purposes of sick leave) a definition of the word "year", necessary adjustments and proportions shall be applied to employees under this Determination until the commencement of the next year in accordance with such definition, account being taken of any paid sick leave which an employee may have had during his year which is current when this paragraph comes into operation.

(2.) An employee on weekly hiring, who is not entitled to paid sick leave under the preceding paragraph but who is absent from work on account of personal illness or injury, as therein referred to, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations—

- (i) he shall not be entitled to paid leave of absence for any period in respect of which he is entitled to workers' compensation;
- (ii) he shall prove to the satisfaction of his employer (or, in the event of dispute, of the Wages Board) that he was unable, on account of such illness or injury, to attend for duty on the day or days for which sick leave is claimed;
- (iii) he shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of the equivalent of four days of working time.

(3.) For the purposes of administering paragraphs (1) and (2) of this sub-clause, an employer may within two weeks of the employee entering his employment, require him to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year, and upon such statement the employer shall be entitled to rely and act.

(d) Employment shall be terminated by a week's notice on either side, such notice to be given at any time during the week. This shall not affect the right of the management to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such case wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike by the Federated Engine-drivers and Firemen's Association of Australasia or any other Union or through any breakdown of machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible. Provided that, where an employer orders employees not to work on any day because of the state of the weather, such order shall not deprive the employees of their claim for payment under their weekly engagements, but if such employees cease work on any day because of the state of the weather without being ordered to do so, they shall not be entitled to payment for time so lost.

HOURS.

7. (a) For an employee not working on shift the ordinary working hours per week and per day respectively shall be of the same number as those worked in the particular workshop, factory, or working place at which such employee works by the majority of the employees not working on shift who are engaged therein in connexion with the operation for which is used the power or steam supplied with the aid of such employee.

Provided that if the number of hours worked by such majority exceeds 44, until the 31st December, 1947, and thereafter 40 per week, the ordinary working hours for such employee shall not exceed 44, until the 31st December, 1947, and thereafter 40 per week nor 8 in any one day if a six-day week be worked, nor 8 hours 48 minutes in any one day if a five-day week be worked.

(b) Time occupied in raising steam or closing down engines or banking fires shall be regarded as time worked.

(c) For employees not working on shift a regular starting and finishing time shall be fixed, which shall not be changed except after notice of at least a week to the employee concerned.

(d) For employees working on shift the ordinary working hours shall be as provided in clause 13 hereof.

(e) In country and bush sawmills, each engine-driver or fireman when so engaged shall be allowed $1\frac{1}{2}$ hours per day at ordinary rates for preparing and/or closing down engines and/or for raising steam and/or banking fires on boilers.

MEAL INTERVAL.

8. Except on shift work, provision shall as far as practicable be made by the employer to enable an employee to have a midday meal interval of not less than 40 minutes nor more than one hour on all working days except Saturday. Such meal interval shall not be deemed to be time worked, and the time of ceasing work shall be extended by time equal to the duration of the meal interval.

For all work done during such meal interval and thereafter until a meal break is allowed, payment shall be made at the rate of time and a half.

MEAL INTERVAL DURING OVERTIME.

9. (a) Until further order, employees shall be allowed the same conditions as to the meals and meal intervals to be allowed while working overtime as are prescribed by award or determination—Commonwealth or State—for the general body of employees of the industry in which they are employed.

(b) In any case to which sub-clause (a) hereof does not apply, an employee required to work overtime for more than two hours without being notified the day before that he will be so required to work shall either be supplied with a meal by the employer or paid 1s. 6d.; or if work extends into a second meal hour, 2s. 6d. for the two meals, but such payment need not be made to employees living in the same locality as their workshop who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals, and is not required to work overtime, he shall be paid for each meal so provided.

OVERTIME.

10. (a) For all time worked on week days outside the hours prescribed in clause 7 hereof, overtime shall be paid at the rate of time and a half for the first four hours and double time thereafter.

(b) An employee recalled after leaving his place of work to work overtime shall be paid for a minimum of three hours' work at the appropriate rate.

(c) An employee occasionally required to hold himself in readiness, either at his home, his place of work or elsewhere, to work after ordinary hours or on a Sunday or holiday, shall be paid standing-by time at his ordinary rate of wage for the time from which he is to hold himself in readiness until released.

(d) When an employee working overtime finishes work at a time when reasonable means of transport are not available, the employer shall provide him with a conveyance to his home or pay him at his ordinary rate of wage for the time occupied in reaching his home.

(e) When an employee is required to work overtime after his usual ceasing time so long as not to permit him having at least eight consecutive hours for rest between the time of his ceasing to work such overtime and the ordinary time for commencing his next shift, he shall be entitled to absent himself from work until he has had eight consecutive hours off duty, but shall not be paid for such period of absence.

HOLIDAYS.

11. All employees shall be entitled to the same holidays as are observed by the general body of employees of the industry in which they are employed.

SUNDAY AND HOLIDAY RATE.

12. In the case of continuous or recurring work necessarily done in the ordinary course directly for the establishment's usual production or service upon Sundays or holidays as well as upon other days of the week, ordinary time or shift worked on a Sunday or holiday shall be paid for at the rate of time and a half, but in all other cases all time on duty on Sundays or holidays shall be paid for at the rate of double time. Provided the time worked on holidays shall be paid for at the rate of time and a half for the first eight hours and double time thereafter whenever repairs to, maintenance, or renewals of engines, boilers or other machinery in any undertaking have necessarily to be done on holidays to allow work to proceed properly next day.

SHIFT WORK.

13. (a) The ordinary working hours of employees on shift work shall not exceed an average of 44, until the 31st December, 1947, and thereafter 40 per week spread over a period of one, two, three or four weeks, to be worked in shifts of eight hours, including such time as by mutual arrangement may be taken for meals.

(b) There shall be a roster of shifts which shall—

- (i) Provide for rotation unless all the employees concerned desire otherwise;
- (ii) Provide for not more than eight shifts to be worked in any nine consecutive days; and
- (iii) Not be changed until after four weeks' notice.

So far as employees present themselves for work in accordance therewith, shifts shall be worked according to the roster.

(c) Notwithstanding the preceding sub-clauses (a) and (b), where in any particular workshop, factory or working place at which an employee working on shift is engaged the majority of the employees working on shift therein in connexion with the operations for which is used the power or steam supplied with the aid of such employees work shifts not in accordance with sub-clauses (a) and (b) hereof, such employee shall for his ordinary hours of work work shifts similar in length, roster conditions and crib-times to those of such majority, but this sub-clause shall not apply when such shifts exceed in the aggregate 176 hours, until the 31st December, 1947, and thereafter 160 hours in any period of four consecutive weeks, in which case the preceding sub-clauses (a) and (b) shall apply.

(d) For work done by a shift worker outside the ordinary hours of his shift double time shall be paid. But this shall not apply to arrangements between employees themselves or in cases due to rotation of shift or when the relief does not come on duty at the proper time. Provided that where not less than eight hours' notice has been given to the employer by the employee that he will be absent from work and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

(e) (1.) Employees working afternoon or night shifts shall be paid shift premiums at the same rates and subject to the same conditions as are prescribed by the award, determination, or agreement (Commonwealth or State) for the general body of employees in the industry in which they are employed: Provided that in any case, they shall be entitled to be paid for such shifts not less than 5 per cent. more than ordinary rates.

(2.) Employees working afternoon or night shifts, who are not covered by paragraph (1) hereof, shall be paid shift premiums for such shifts, as follows:—

- (i) If such shifts continue for more than one month—5 per cent. more than ordinary rates;
- (ii) If such shifts continue for less than one month, but for more than five afternoons or nights—10 per cent. more than ordinary rates;
- (iii) If such shifts do not continue for more than five afternoons or nights—overtime rates shall be paid.
- (iv) A shift-worker who, during a period or engagement on shift work, works only on night shift and without some regular rotation with some other shift or with day work, shall be paid at the rate of time and a quarter for all time worked during his ordinary working hours.

For the purpose of this paragraph (2) "night shift" means any shift finishing subsequent to midnight and at or before 8 a.m. and "afternoon shift" means any shift (not being a night shift) which starts before 6 a.m. or after 10 a.m.

(f) Where in any particular workshop, factory or working place at which an employee working on shift is engaged the majority of the employees working on shift therein in connexion with operations for which is used the power or steam supplied with the aid of such employee receive compensation by way of annual leave or otherwise for working Saturday afternoon, holiday and/or Sunday shifts, such employee shall be given similar compensation for working such shifts.

(fi) Employees working shifts shall be paid for work performed between midnight on Friday and midnight on Saturday at the minimum rate of time and a quarter. This extra rate shall be in substitution for and not cumulative upon the shift premiums prescribed in the preceding paragraphs of this sub-clause, but the provisions of this paragraph shall not prejudice any right of the employee to obtain, alternatively, any higher rate in respect of that work by virtue of any provision of this Determination.

ANNUAL LEAVE.

14. (a) Employees shall be entitled to and shall be allowed annual leave to the same extent and subject to the same conditions as are prescribed by statute award or determination—Commonwealth or State—for the general body of employees in the industry in which they are employed.

Employees who are not entitled to leave under the preceding paragraph shall be allowed annual leave subject to the following conditions:—

Period of Leave.

(b) 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 on weekly hiring in any one or more of the occupations to which this Determination applies.

Seven-day Shift Workers.

(c) 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 (b) hereof increased by half a day for each month he is continuously engaged as aforesaid.

Annual Leave Exclusive of Public Holidays.

(d) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 11 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 the period of annual leave time equivalent to the ordinary time which the employee would have worked if such day had not been a holiday.

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.

(e) 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.

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

- (i) any interruption or termination of the employment by the employer if such interruption or termination 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.

Any absence from work by reason or 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 each 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.

(g) Service before the date of operation of this Determination 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 6½ 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 transmittee 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 transmittee 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.

(h) 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.

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

Time of Taking Leave.

(j) 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 two weeks' notice to the employee.

Leave Allowed Before Due Date.

(k) 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 11 of this Determination.

Payment for Period of Leave.

(l) Each employee before going on leave shall be paid two weeks' wages, except a shift worker or an employee taking his leave pursuant to sub-clause (e) of this clause either of whom 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 (m) hereof, wages shall be at the rate prescribed by clauses 2 and 4 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.

(m) 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 6½ 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.

(n) 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 subject to sub-clause (g) hereof 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.

Provided that at all time during which an employee is stood off without pay for the purposes of this sub-clause shall be time of service in the next twelve-monthly qualifying period.

- (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 (m) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

(o) Nothing in this clause shall affect the operations of clause 13 (f) hereof and any annual leave required to be given under that sub-clause shall be given in addition to the annual leave prescribed by this clause.

(p) This clause shall operate as to persons at present employed from the 1st January, 1946, and shall apply as from the beginning of the first pay period to commence on or after the 17th July, 1946.

MIXED FUNCTIONS.

15. (a) Where the employment or work involves functions of a mixed character, the minimum wages to be paid to the employee for the day or part of a day he is so employed shall be calculated as if he performed such only of the said functions as involve the highest rate of wages under this Determination. If so employed for any part of a day he shall be paid at the highest rate for the whole of such day.

(b) Engine drivers, whilst in charge of their engines, shall only be required to perform such work as may be within the scope of or incidental to engine driving and the generation, use and application of engine power. Provided that engine drivers in charge of engines supplying power to any intermittent process involving regular stoppages, may during such stoppages be required to perform any work necessary or incidental to such intermittent process.

EXTRA RATES NOT CUMULATIVE.

16. Extra rates herein prescribed are not cumulative so as to exceed the maximum of double the ordinary rates.

TRAVELLING AND CAMPING ALLOWANCES.

17. Employees shall be allowed the same conditions as to fares, travelling time, travelling allowances, country work, camping allowances as are prescribed by award or determination—Commonwealth or State—for the general body of employees of the industry in which they are employed.

RIGHT OF ENTRY OF UNION OFFICIALS.

18. A duly accredited representative of the Federated Engine-drivers and Firemen's Association of Australasia not more than once a fortnight shall have the right to enter during the midday meal hour the portion of an employer's establishment in which any employees engaged upon any class of work to which this Determination applies are employed for the purpose of interviewing such employees on legitimate Union business.

If any employer alleges that a representative is unduly interfering with or is creating disaffection amongst his employees or is offensive in his methods, such employer may refuse the right of entry.

Provided, however, that no employer or person apparently acting on his behalf shall refuse to allow such representative as aforesaid to enter an establishment upon the ground only that it is not then the midday meal interval, unless he shall upon such refusal give the representative full and accurate particulars of the meal hours or crib times of each of the employees engaged upon work to which this Determination applies. An employer shall be deemed to have committed a breach of this Determination if he or the person apparently acting on his behalf omits, being obliged to do so, to give such particulars as aforesaid.

TIME AND WAGES BOOK.

19. (a) Each employer shall keep a time and wages book at his workshop, factory or mill or other place of work or at an office convenient thereto showing the name of each employee, his classification under this Determination, his time of starting and finishing work each day and the amount of overtime worked, and all amounts paid to him by way of wages, special rates and allowances.

(b) Any time occupied by an employee in filling in any time book or card, or in the making of records, shall be treated as time of duty.

(c) An employer may provide a mechanical clock for the purpose of recording the time of each employee, in which case each employee shall at the end of the week enter such other particulars as may be necessary to comply with sub-clause (a) hereof on some card or document used in connexion with such clock, and such card or document shall be deemed to be the time and wages book.

(d) Such time and wages book shall on demand be produced at reasonable times by the employer for inspection to a n official of the Federated Engine-drivers and Firemen's Association of Australasia duly authorized in writing by the president and secretary of the local branch or sub-branch of such Association at the place where the time and wages book is kept pursuant to sub-clause (a) hereof.

The official making such inspection shall be permitted to make and retain a copy of any entry in such time and wage book relating to any matter in respect of which he suspects a breach of this Determination has been committed. He shall, required to do so, produce for inspection by the employer or his representative any such copy as aforesaid.

SHOP STEWARDS.

20. A shop steward appointed by the employees in each workshop or place of work shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents.

Provided that this clause shall not apply in any case in which at the one place an employer employs five or less employees to whom this Determination applies.

RADIATORS.

21. Each crane cabin shall, unless otherwise heated, be equipped with a radiator, which the employer shall install and maintain in good order and condition.

APPLICATION OF DETERMINATION.

22. This Determination shall not apply to—

- (i) The driving of any internal combustion engine of 30 or less h.p. or any engine or electric motor or any pump, air compressor, pneumatic, or small hoist on which no engine-driver or fireman or greaser is employed as such, but the starting and stopping of and attention to which is done by an employee the greater part of whose time is taken up with other work; or
- (ii) The operation of pneumatic and small hoists and two-motion electric man-power cranes; or
- (iii) The driving of footpath rollers of 30 cwt. and under.

DEFINITIONS.

23. In this Determination, except where otherwise clearly intended—

- (a) "Attendant" means a person who attends to an electric motor or motors of thirty horse-power or more in the aggregate, and performs any duties of oiling or cleaning or attending to commutators, brushes, fuses, or switches.
- (b) "Casual employee" means an employee competent to do the work he is engaged to do who is dismissed or refused work without any fault of his own before the expiration of six days from the date he starts work, but does not include an employee usually engaged in another capacity by the employer concerned, and who is called upon to do work coming under the terms of this Determination.
- (c) "Engine-driver" means any person who operates or drives any engine or engines, the motive power of which is either steam, gas, oil, water, compressed air, or electricity, and includes any greaser who is called upon in the ordinary course of his duty to do engine-driver's work other than simply stopping or starting an engine under the supervision of an engine-driver.
- (d) "Engine-driver in charge of plant" means—
 - (i) When two or more drivers are employed at the plant at one time, the engine-driver who is invested with the superintendence and responsibility or who has to accept the responsibility and superintendence; or
 - (ii) When he is the only person of his class employed on the plant, the engine-driver who does the general repair work of the plant in addition to the work of engine-driving, but not when he merely assists a fitter or engineer to do such work.
- (e) "Fireman—first-class" means a fireman who attends to two or more boilers or two or more suction gas generators or one or more boilers or one or more generators developing 1,000 i.h.p. in the aggregate, and includes the fireman of a steam navy or excavator.

(f) "Greaser—first-class" means a greaser who under the supervision of an engine-driver stops or starts an engine or engines, but does not include any greaser who does so only in cases of necessity or emergency.

(g) "Leading fireman—first-class" means—

(i) The fireman employed at a plant where three or more firemen are employed at the same time who is invested with the responsibility and superintendence or who has to accept the responsibility and superintendence; or

(ii) The fireman employed at a plant where three or more firemen are employed at the same time whose duty it is to attend to the water of boilers that are fired by two or more of the other firemen.

(h) "Leading fireman—second-class" means—

(i) The fireman employed at a plant where two firemen are employed at the same time who is invested with the responsibility and superintendence or who has to accept the responsibility and superintendence; or

(ii) The fireman employed at a plant where two firemen are employed at the same time and whose duty it is to attend to the water of boilers that are fired by the other fireman.

(i) "Lofty crane—first-class" means a lofty crane on a building in the course of erection or demolition where the driving platform is more than 100 feet above the ground.

(j) "Lofty crane—second-class" means a lofty crane on a building in the course of erection or demolition where the driving platform is from 20 to 100 feet above the ground.

(k) "Lofty crane—third-class" means a lofty crane outside buildings not in the course of erection where the driving platform is more than 20 feet from the level of the ground.

(l) "Steam-engine—first-class" means a turbine or an engine or engines having a single cylinder with a bore of 12 inches in diameter or over, or having singly or together two or more cylinders the sum of the area of whose bores equals or exceeds the area of a circle 12 inches in diameter.

(m) "Steam-engine—second-class" means an engine or engines having a single cylinder with a bore less than 12 inches in diameter or having singly or together two or more cylinders the sum of the area of whose bores is less than the area of a circle 12 inches in diameter.

PERIODICAL ADJUSTMENT OF ADULT WAGES.

24. The wages rates set out in clause 2 are based upon the following basic wage rates, and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 25.

Basic Wage.

Place.	Needs Basic Wage (Adjustable). Per Week.	Loading (Constant) Per Week.	Total Basic Wage. Per Week.	Index Number Set Assigned.
Within 20 miles of G.P.O., Melbourne	£ s. d. 5 3 0	s. d. 6 0	£ s. d. 5 9 0	Melbourne
Within 10 miles of Chief P.O., Geelong, or at Warrnambool—same as the contemporaneous basic wage for Melbourne				
Mildura and Gippsland Districts—same as the contemporaneous basic wage for Melbourne				
Yallourn—until further order the same amount in excess of Melbourne as at present, viz., 6s. 6d. per week				
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne				
Bush sawmills wherever situated—3s. less than the contemporaneous basic wage for Melbourne				

ADJUSTMENT OF BASIC WAGE.

25. (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, 1948, the amounts of the Basic Wage shall be as prescribed in clause 24.

(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.

PERIODICAL ADJUSTMENT OF JUNIORS' WAGES.

26. (a) The amounts of the weekly rates for juniors in clause 4 are based upon those set out in sub-clause (b) hereof which have been fixed upon a needs basic wage of 77s. per week, and such rates shall be adjusted proportionately to the average of the needs basic wage for Sydney, Melbourne, Adelaide and Hobart calculated to the nearest 6d., any broken part of 6d. in the result not exceeding 3d. to be disregarded, and shall accord with the rates payable from time to time under the appropriate award of the Commonwealth Court of Conciliation and Arbitration.

(b) The rates upon which adjustments are to be made are as follow, viz. :—

	Adjustable Portion of Wage. Per Week.	Loading (Constant) Per Week.
If under 16 years of age	£ s. d. 1 11 0	s. d. 0 9
If 16 and under 18 years of age	2 1 0	1 0
If 18 and under 19 years of age	2 19 0	2 0
If 19 and under 20 years of age	3 12 0	2 0

MARGINS.

27. In addition to the basic wage provided in clause 24 hereof, the margins set out in this clause shall be the minimum rate payable to employees therein named :—

(i)

Classification.	Column "A."	Column "B."	Column "C."
	War Loading.	Original Margin.	Existing Margin.
	s. d.	£ s. d.	£ s. d.
A.—STATIONARY ENGINE DRIVERS.			
<i>Steam Engines.</i>			
First-class	3 0	1 1 0	1 3 6
First-class, with condenser	3 0	1 4 0	1 8 0
Second-class	3 0	0 18 0	0 19 0
Second-class, with condenser	3 0	1 1 0	1 3 6
<i>Suction Gas or Other Internal Combustion Engine.</i>			
Fifty brake horse-power or over	3 0	0 15 0	1 3 6
Under fifty brake horse-power	3 0	0 12 0	0 19 0
<i>Electric Motors.</i>			
Attendant	3 0	0 9 0	0 14 6
B.—LOCOMOTIVE ENGINE DRIVERS.			
If human beings other than train crew are sometimes or always carried	6 0	1 7 6	2 2 6
Others	4 0	1 2 6	1 15 0
If the gauge is less than three feet, 3s. per week less in each case.			
C.—NAVIES AND DRAG LINE OR DREDGE TYPE EXCAVATORS.			
Driver	6 0	1 13 0	2 10
Second driver	4 0	1 1 0	1 12 6
D.—WINCH DRIVERS.			
Log haulers on timber mills or on tramways on timber mill (exceeding 8-inch diameter cylinders)	3 0	1 1 0	1 3 6
Others	3 0	0 18 6	1 0 0
E.—CRANE DRIVERS.			
Lofty cranes—first-class	6 0	1 10 0	2 6 0
Lofty cranes—second-class	6 0	1 7 6	2 2 6
Lofty cranes—third-class	4 0	1 5 0	1 18 6
Cantilever cranes	6 0	1 7 6	2 2 6
Cranes in converter sheds	4 0	1 2 6	1 15 0
Cranes transporting molten metal in foundries	4 0	1 0 0	1 11 0
Crane driver on open hearth furnaces	4 0	1 0 0	1 11 0
Steam travelling cranes	4 0	1 0 0	1 11 0
Other steam cranes	3 0	0 17 6	1 7 6
Grab cranes	4 0	1 0 0	1 11 0
Electric cranes not elsewhere included—			
Four motions and over	3 0	0 15 0	1 3 6
Overhead traverser with auxiliary hoist	3 0		
Traverser with jib hoist	3 0		
Two or three motions	3 0		
Overhead traverser	3 0		
Stationary jib; stationary jib hoist	3 0	0 12 6	1 0 0
Traverser jib	3 0		
Hydraulic stationary jib cranes	3 0	0 10 0	0 16 0
Cranes and hoists not elsewhere included	3 0	0 6 0	0 10 0
String cranes—five tons or less	3 0		
E.E.—MOBILE CRANE DRIVERS.			
Mobile cranes lifting capacity up to and including 3 tons .. .. .	..	1 10 0	1 10 0
Over 3 tons and up to 5 tons .. .. .	..	1 15 0	1 15 0
Over 5 tons, for each ton of lifting capacity over 5, an extra 2s. 6d. per week up to 10 tons.			
Fork Lift Driver .. .. .	..	1 10 0	1 10 0
F.—TRACTION ENGINE DRIVERS.			
<i>Road.</i>			
Traction engine or road roller (steam)	3 0	0 17 6	1 7 6
Road roller (oil)	3 0	0 16 6	1 6 0
Traction engine (oil—35 h.p. and over)	3 0	0 16 6	1 6 0
Traction engine (oil—under 35 h.p.)	3 0	0 15 0	1 3 6
<i>Rail.</i>			
Electric traction motor	3 0	0 10 0	0 16 0
Internal combustion traction motor	3 0	0 10 0	0 16 0
G.—FIREMAN.			
Fireman	3 0	0 13 6	0 13 6
Fireman—first-class	3 0	0 18 0	0 19 0
Leading fireman—first-class	3 0	1 4 0	1 8 0
Leading fireman—second-class	3 0	1 1 0	1 3 6
Locomotive fireman	3 0	0 16 0	0 16 0

MARGINS—continued.

Classification.	Column "A."	Column "B."	Column "C."
	War Loading.	Original Margin.	Existing Margin.
	s. d.	£ s. d.	£ s. d.
H.—GREASERS.			
Greaser	3 0	0 7 6	0 12 0
Greaser—first-class	3 0	0 12 0	0 19 0
Trimmer	3 0	0 5 0	0 8 0
Fuelman	3 0	0 5 0	0 8 0
Engine cleaner	3 0	0 5 0	0 8 0
Boiler cleaner	3 0	0 5 0	0 8 0
Provided that any person engaged inside the gas or water space of any boiler, flue, or economizer, in cleaning or scraping work shall, whilst so employed, be paid 9d. per hour in addition to his ordinary or overtime rate of pay.			
I.—OTHERS.			
Pile-driving machine	3 0	0 18 0	1 8 0
All others	Nil.	Nil.	Nil.

(ii) Notwithstanding anything contained in Column "A" hereof, the War Loadings prescribed therein shall be increased in respect of any employee who may be entitled to an allowance or allowances as prescribed under headings "J", and/or "JJ" in clause 2 as follows:— provided that this provision shall not operate in respect of any employee classified as:—

A.—STATIONARY ENGINE DRIVERS.*Steam Engines.*

First-class .. .. .	.. .. .
First-class, with condenser .. .. .	.. .. .
Second-class, with condenser .. .. .	.. .. .

D.—WINCH DRIVERS.

Log haulers on timber mills or on tramways on timber mill (exceeding 8-inch diameter cylinders)

G.—FIREMEN.

Leading fireman—first class .. .. .	.. .. .
Leading fireman—second class .. .. .	.. .. .

who receives an increased loading in consequence of the provisions of Sections "J" or "JJ" of clause 2 hereof.

- (a) Where the allowance and/or allowances under the said headings "J" and/or "JJ", plus the appropriate margin prescribed in Column "B" hereof, results in a total of 20s., but less than 27s., the War Loading, if shown as less than 4s. shall be increased to that amount;
- (b) Where the allowance and/or allowances under the said headings "J" and/or "JJ", plus the appropriate margin prescribed in column "B" hereof, results in a total of 27s. or over the War Loading, if shown as less than 6s. shall be increased to that amount.

(iii) The component parts of the wages rates prescribed in clause 2 are as follows:—

- (a) The total basic wage shown in clause 24;
- (b) The War Loading shown in column "A" hereof;
- (c) The existing margin shown in column "C" hereof.

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

J. W. RYAN, Secretary.

Melbourne, 10th December, 1947.