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[1948

Factories and Shops Acts.

DETERMINATION OF THE BUILDERS' LABOURERS 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 which since the first pay period to commence in December, 1937, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons bolting structural ironwork in position, heating rivets, and holding up for boilermakers) employed in the occupation of—

- (a) builder's labourer on or about any building, or assisting any bricklayer, mason, plasterer, carpenter, plumber, or any other tradesman engaged in building operations;
- (b) labourer engaged in the construction, repair, demolition, or removal of buildings and bridges;
- (c) scaffolder, gear hand, gantry hand, crane hand, or dogman, or as a drainer on work in connexion with buildings;
- (d) labourer excavating ground for foundations or basements of buildings, or levelling ground on a proposed building site;
- (e) labourer doing concrete work or mortar mixing in connexion with or incidental to building construction;
- (f) labourer doing tar-paving or asphaltting work, or other work of a similar character in connexion with or incidental to building construction;
- (g) labourer cleaning bricks on a site on which a building is being demolished, repaired, or constructed.

has made the following Determination, namely:—

- (i) That as from the beginning of the first pay period to commence after the 1st January, 1948, the last previous Determination of this Board shall be revoked and replaced by this Determination.

PART I.

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

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

WAGES.

1. (a) For skilled builders' labourers—3s. 10½d. per hour
For ordinary builders' labourers—3s. 7½d. per hour.

(NOTE.—To the above amounts must be added any allowance payable in accordance with clause 6 of this Determination).

(b) "Builders' Labourer—skilled" means an employee engaged upon the work of steel structural erector (on steel frame buildings), gear hand, rigger, pile driver, tackle hand, gantry hand or crane hand, dogman, scaffolder, powder monkey, drainer, demolisher, jack-hammorman, winch or hoist driver or mixer driver.

(c) "Builders' Labourer—ordinary" means an employee engaged under this Determination in occupations other than those set out in sub-clause (b) of this clause.

Definition.

(d) "Federation" means the Australian Builders' Labourers' Federation.

SPECIAL RATES.

2. (a) In addition to the rates presented in clause 1 (a) hereof the following special rates shall be payable to employees:—
- (i) An employee when working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 3d. per hour extra to the ordinary rate; an employee when working in places where the temperature exceeds 130 degrees Fahrenheit shall be paid 6d. per hour extra to the ordinary rate. Where the work continues for more than 2 hours in temperatures exceeding 130 degrees Fahrenheit, an employee shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay. The temperature shall be decided by the representative of the employer after consultation with the employee who claims the extra rate.
 - (ii) An employee when working for more than one hour in places where the temperature is reduced by artificial means below 32 degrees, shall be paid 3d. per hour extra to the ordinary rate. Where the work continues for more than two hours an employee shall be entitled to a rest period of twenty minutes after every two hours without loss of pay.
 - (iii) An employee handling loose silicate of cotton, loose slagwool, loose insulwool or other loose material of a like nature used for providing insulation against heat, cold or noise shall be paid 6d. per hour extra for each hour or part of an hour so employed.
 - (iv) An employee working in any place where his clothing or boots become saturated whether by water, concrete or otherwise shall be paid 3d. per hour extra; Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable effective protective clothing and/or footwear. And provided further that any employee who becomes entitled to this extra rate shall be paid such extra rate per hour for the whole of the day or shift if he is required to work in wet clothing or boots.
 - (v) An employee who has worked at dirty work, that is work concerning which the employer or his foreman agree that it is of an unusually dirty or offensive nature, shall be paid for the period of such work at the rate of— 3d. per hour extra.

Provided always that—

- (1) Where the temperature of a place where work is performed is raised, lowered or maintained by artificial means and a reading thereof is requested by an employee—for the purpose of paragraphs (i) and (ii) hereof such reading shall be made and taken by the employer or his foreman in the presence of such employee;
- (2) In case of disagreement between the foreman and workman the workman or an authorized representative of the Federation 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 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.
- (3) In any case where the Federation alleges that an employer or his representative is persistently unreasonable or capricious in relation to claims concerned with any of the foregoing "Special Rates" it may bring such case before the chairman of the Wages Board.

HOURS.

3. The ordinary working hours shall be 40 in a week to be worked in five days. The ordinary time of work shall be of eight hours per day on Mondays to Fridays inclusive. The ordinary time of work shall lie between the hours of 7.30 a.m. in the forenoon and 5.30 p.m. in the afternoon. There shall be a cessation of work and of working time each day for the purpose of a meal of not less than 45 minutes between the hours of noon and 1 p.m. Provided that the spread of hours herein prescribed may be altered by mutual agreement between the parties and in default of agreement shall be referred to the chairman of the Wages Board for determination.

PRESENTING FOR WORK AND NOT REQUIRED.

4. (a) Except when notice is given to an employee by his employer or his responsible representative not to present himself for work, if an employee attends for such work and his services are not required, such employee shall be paid 10s. in addition to fares payable under clause 12 of this Determination. The employee shall be informed within 30 minutes of the usual starting that his services are not required.

(b) An employee who is required to attend for work and is kept waiting to commence work by the instruction of the employer or his representative shall be paid at his ordinary rate of pay for the time he is so kept waiting.

REST PERIOD.

5. There shall be allowed without deduction of pay, a rest period of 10 minutes between 9.30 a.m. and 11 a.m.

INCLEMENT WEATHER.

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

- (i) that such allowance shall not exceed the equivalent of 8 hours' pay in any one week;
- (ii) that weather shall not be regarded as inclement for the purposes of this clause unless the employer, or his representative on the job, and the employee or a representative of the employee agree that it shall be so regarded. Failing such agreement, weather shall not be regarded as inclement and work shall continue;
- (iii) that any intermission of work owing to inclement weather so regarded as such as aforesaid shall immediately cease and work shall be immediately resumed on the employer or his representative calling for a resumption of work;
- (iv) that an employee shall not be entitled to payment as provided for in this clause unless he remains on the job until a decision to cease work for the day has been made by agreement between the employer or his representative and the employee or his representative;
- (v) that the intermission of work by employees who would be exposed to or working in inclement weather so regarded in accordance with this clause shall not be a ground for intermission of work in places where employees are not so exposed to or are not called upon to work in such inclement weather.

OVERTIME.

7. (a) Except as hereinafter provided, all time on duty beyond the ordinary hours of duty hereinbefore provided shall be paid for at the rate of time and a half for the first two hours and at the rate of double time thereafter.

(b) As far as practicable employees shall not be required to work overtime.

(c) For the purpose of computing overtime each fraction of a quarter of an hour shall be paid for as if it were a full quarter of an hour.

COMPULSORY OVERTIME.

8. An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

SUNDAY WORK.

9. All time worked on Sundays shall be paid for at the rate of double time.

HOLIDAYS.

10. All time worked on the following holidays shall be paid for at the rate of double time :—

New Year's Day, Australia Day, Labour Day, Anzac Day, Good Friday, Easter Monday, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day.

Provided that : For employees employed at work beyond a radius of 25 miles of the G.P.O., Melbourne, another day may by agreement between the employer and the Federation be substituted for Melbourne Cup Day.

MEAL HOURS AND MEAL ALLOWANCES.

11. (a) If an employee requires an employee to work during the time prescribed by clause 3 of this Determination for cessation of work for the purpose of a meal he shall allow the employee whatever time is necessary to make up the prescribed time of cessation. If an employer requires an employee to work during the time prescribed for such a cessation and to continue at work for any further time thereafter he shall for all work performed in such further time until the beginning of the time substituted for the cessation time during which the employee has worked pay the employee at the rate of double time : provided however, that the employer shall not be bound to pay in addition for the time allowed in substitution for the said cessation time : and provided also that if the cessation time is shortened at the request of the employee to the minimum of 45 minutes prescribed in clause 3 of this Determination or to any other extent (not being less than 45 minutes) the employer shall not be required to pay more than the ordinary rates of pay for time worked as a result of such shortening, but such time shall form part of the ordinary working time of the day.

(b) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each four hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay, for time in addition of the twenty minutes.

(c) Before starting overtime after working ordinary hours, except where the period of overtime is less than 1½ hours, a meal period of at least 45 minutes shall be allowed to the employee. Such an employee shall be paid the sum of 2s. 6d. towards the cost of a meal.

(d) Except as provided in sub-clause (d) of clause 13 hereof an employee proceeding to or returning from a distant job shall be paid the sum of not less than 2s. 6d. as the cost for each meal during the time he is so proceeding to or returning from such distant job.

(e) An employer and the Federation may mutually agree to any variation to meet the circumstances of the work in hand.

ALLOWANCES FOR EXCESS FARES AND TRAVELLING TIME.

12. (a) The following allowances shall be made by employers to compensate for excess fares and travelling time to and from places of work, incurred by the employees :—

Within the radii respectively hereinbelow stated treating the G.P.O., Melbourne (corner of Bourke and Elizabeth-streets), or the principal post offices at provincial cities as centres from which they are to be measured—

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

(b) (i) The above-stated allowances shall not be payable if the employer provides or offers to provide transport free of charge to the employee in which case an allowance of 1s. per day in respect of all jobs over 5 miles and up to 12 miles from the centre or an allowance of 1s. 4d., per day for all jobs beyond 12 miles from the centre shall be paid ;

(ii) when fares and travelling time are incurred in respect of "distant jobs" as defined in clause 3 (a) of this Determination or in respect of work performed beyond 30 miles of the above-stated centre the local post office nearest to the job shall be substituted as a centre for the purpose of this clause.

(c) Subject to the foregoing provisions a fare shall be deemed to have been incurred if the employee has used a bicycle or other means of locomotion, or has walked instead of using a public conveyance.

ALLOWANCES FOR DISTANT JOBS.

13. (a) For the purposes of this clause a "distant job" is one in respect of which the distance of which or the travelling facilities available to and from which make it reasonably necessary that the employee should live and sleep at some other place than his usual place of residence.

(b) An employee who is directed by his employer to proceed to construction work on a distant job and who complies with such direction shall be paid the following allowance in order to enable him to provide himself with suitable board and accommodation :—

If employed on the job for less than a full working week—10s. per day.

If employed on the job for a full working week or longer at the rate of 42s. per week (of seven days).

Provided that where suitable lodging and sleeping accommodation is not available the employer shall provide a hut or tent with such accommodation therein, including a stretcher and mattress, but such provision will not relieve the employer from his obligation to make the allowances specified above in this sub-clause.

Provided nevertheless that in the event of the employer providing the employee with suitable board as well as suitable lodging and sleeping accommodation the employer shall not be liable to pay any of the allowances prescribed by this sub-clause.

(c) An employee who is directed by his employer to proceed to construction work on a distant job and who complies with such direction shall not be entitled to any of the allowances prescribed by clause 10 of this Determination, but on proceeding to the locality of the work he shall be paid at ordinary rates of payment for the time incurred (not exceeding ordinary working hours for and on each day of travelling) in travelling thereto ; he shall also be paid the amount of a second-class return fare and any excess payment due to transporting his tools if such be incurred ; he shall also be paid at ordinary rates of payment for the time actually incurred (not exceeding ordinary working hours for and on each day of travelling) in travelling back upon the completion of his job to the place of his residence ; he shall also be paid an amount of 5s. to cover the expenses (if any incurred) of reaching his home railway station and of transporting his tools.

Provided nevertheless—

(i) that neither the amount of the return fare, nor payment for return travelling time nor the amount of 5s. aforesaid shall be payable if the employee be dismissed for misconduct or within one working week of his commencing work on the job for incompetency or if the employee terminates or discontinues his work on the job within one month of his commencing it ;

(ii) that travelling time shall for the purposes of this clause be calculated as the time taken by rail or usual travelling facilities—between the Spencer-street or Flinders-street railway stations or the railway station nearest to the employee's place of residence, if he resides outside the Melbourne metropolitan area and the locality of the work.

(d) An employee who has been directed by his employer to proceed to construction work on a distant job may after three months' continuous service thereon, and thereafter at three-monthly periods of continuous service thereon, return to his home at a week-end. If he does so, he shall be paid the amount of a second-class return railway fare on the pay-day which immediately follows the date on which he returns to the job, provided no delay not agreed to by the employer takes place in connexion with the employee's commencing work on the morning of the working day following the week-end.

Provided, however, that if the work upon which the employee is engaged will terminate in the ordinary course within a further 28 days after the expiration of any such period of three months as is hereinbefore mentioned then the provisions of this sub-clause shall not be applicable.

TRANSFER FROM JOB TO JOB.

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

TOOLS.

15. Employers shall provide all necessary plant and tools free of charge.

SPECIAL TRANSPORT OF INJURED.

16. The employer shall as is reasonably possible supply means free of charge to convey to the nearest hospital or doctor at which or by whom the employee is to be treated, any employee so seriously injured that it is not reasonably possible for such employee to travel independently of such conveyance.

FIRST-AID EQUIPMENT.

17. A first-aid kit as recommended by the St. John Ambulance Society shall be provided and maintained by the employer on each job.

LOADS.

18. (i) Where practicable all loads of bricks and materials shall be conveyed in a wheelbarrow of an approved type fitted with pneumatic rubber tyres.

(ii) Where bricks are being used:—

(a) Not more than 40 bricks each load shall be conveyed in wheelbarrow (on a scaffold) to a height of 15 feet from the ground.

(b) Not more than 36 bricks each load shall be conveyed in a wheelbarrow over and above a height of 15 feet on a scaffold.

(iii) The loads, all classes of materials, and the type of wheelbarrow shall be agreed upon by the Federation. In default of agreement, the matter shall be referred to the chairman of the Wages Board for determination.

(iv) All scaffolding shall be in accordance with the Commonwealth and State laws.

CONVENIENCES.

19. The employer shall provide on all jobs, sanitary conveniences in accordance with the requirements of the local health authority.

SUPPLY OF WATER.

20. Employers shall provide reasonably accessible clean drinking water for employees and boiling water at meal time and at morning rest period. Where the water is not conveyed by pipe it shall be kept in a covered receptacle.

CONTRACTING, SUB-CONTRACTING.

21. (a) No employer shall permit any of the classes of work covered by this Determination to be carried on by a contractor or other person except in accordance with the terms and conditions of this Determination as if the contractor or other person were himself an employer and bound by this Determination.

(b) No employer shall enter into any contract for the carrying on of any of the classes of work covered by this Determination by any contractor unless the contract contains a clause binding the contractor to pay the rates and observe the conditions set out in this Determination in respect of the work contracted for, and unless a clause is inserted in any such contract to the effect that the employer can determine the contract if there is any breach of the condition above referred to.

ANNUAL LEAVE.

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

(b) If, after 80 hours' continuous service, excluding overtime, in any qualifying twelve-monthly period, an employee leaves his employment or his employment is terminated by the employer, the employee shall be paid $\frac{1}{13}$ th of a week's wage in respect of each completed 80 hours of continuous service in respect of which leave has not been granted hereunder.

(c) Where an employee absents himself from work during any qualifying period of service for any reason other than a reason set out in sub-clause (e) hereof, the amount of leave or payment in lieu to which he would otherwise be entitled under sub-clauses (a) and (b) hereof, shall be reduced by $\frac{1}{60}$ th for each week or part thereof during which any such absence occurs.

(d) Provided, however, that no absence shall be deemed to interrupt the continuity of service unless, within fourteen days of such absence, the employer shall be given notice in writing to the employee that the absence is to be treated as having interrupted such continuity of service.

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

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

(ii) Any reason satisfactory to the employer or, in event of dispute, the Chairman of the Wages Board.

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

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

(g) Service before the date 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 any other Determination superceded by this Determination.

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

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

(ii) stand off for the period of leave any employee who has not then qualified for fourteen consecutive days' leave and pay him pro rata for the leave for which he has then qualified on the basis of $\frac{1}{13}$ th of week's wages in respect of each 80 hours' continuous service (exclusive of overtime) during his current qualifying twelve-monthly period.

PROTECTIVE CLOTHING.

23. Employers shall provide, free of cost, suitable protective covering—gloves, goggles, and rubber boots—to the employees engaged in handling corrosive substances and protective covering and gloves to employees handling creosote.

CHANGE HOUSE.

24. Where practicable, and where not less than a total of ten men are employed, the employer shall provide a suitable change house for the keeping of the clothes of the workmen employed. No cement, lime, or building materials shall be stored in such change house.

PAYMENT OF WAGES.

25. (a) Wages accrued may be paid on any day of the week, Monday to Friday inclusive, and shall be paid at or before the cessation of work.

Provided always that—

- (i) an employer shall not keep more than one day's pay in hand;
 - (ii) an employee whose service ends before pay time shall be paid at or before the time of its ending, or shall be paid by post or otherwise within 24 hours thereafter.
- (b) If wages be not paid within the period prescribed the employee shall be paid at ordinary rates for all time in excess of 15 minutes beyond such time until the wages are paid or posted to his last-known place of address.

TERMINATION OF EMPLOYMENT.

26. Employment may be terminated by the employee on giving not less than 1 hour's notice or by the employer on giving not less than 1 hour's notice or by the forfeiture or payment of 1 hour's pay.

POSTINGS OF NOTICES.

27. No employer shall prevent an official of the Federation at any reasonable time from posting or keeping posted a copy of this Determination or any notice of the Federation not exceeding 14 inches by 9 inches in a suitable place on any job.

RIGHT OF ENTRY.

28. The Chairman of the Wages Board may authorize an official of the Federation (to be named by him), and thereupon such official shall have the right, in accordance with the terms of such authorization, to enter any place where work is being carried on under this Determination subject to the following conditions:—

- (a) The authorization shall be in writing signed by the Chairman of the Wages Board;
- (b) The authorization shall state the time at which the entry is authorized. Such time may be any reasonable time;
- (c) The purpose of the entry if authorized during working hours shall be confined to interviewing the appointed representative of the Federation in the place mentioned in the authorization, or with the consent of the employer or his representative of interviewing any member of the Federation employed therein; or, if authorized during a meal hour or at a non-working time, of interviewing any workman engaged at the place, who is willing to be interviewed.
- (d) Provided that—
 - (i) except during any meal hour or non-working time, not more than one such official shall be permitted to enter the place in question at one time except by express consent of the employer or his representative;
 - (ii) before entering any such place the official shall produce the authorization to the employer or his representative;
 - (iii) if an employer alleges that an official is unduly interfering with the work of the job or is causing disaffection among the employees thereon or is offensive in his manner or is committing a breach of any of the conditions set out in this clause, such employer may refuse to allow the official to enter into or to remain on the place, but the official shall have the right to bring such refusal to the attention of the Wages Board.

INSPECTION OF TIME SHEETS AND BOOKS.

29. The Chairman of the Wages Board may authorize, at any time, (except pay day) or place, the inspection of all wages sheets, time sheets, or other wages records by a person nominated by the Federation and approved by the Chairman of the Wages Board, provided that 24 hours' notice of such inspection is given to the employer.

PART II.

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

	Wages per Week—		
	Adjustable Rate.	Plus War Loading (Non Adjustable).	Total Wage.
	s. d.	s. d.	s. d.
WAGES OF WEEKLY EMPLOYEES.			
2. (a) Labourer employed as steel structural erector (on steel frame building), gear hand, rigger, pile driver, tackle hand, gantry hand, dogman, scaffolder (erecting rope scaffolding on buildings exceeding two stories above ground level), powder monkey, drainer, jackhammerman, and winch or hoist driver. Provided always that men employed doing labouring work assisting these classifications shall be paid under sub-clause (b) hereof	121 0	3 0	124 0
(b) Builders' labourers in occupations other than those set out in sub-clause (a)	115 0	3 0	118 0

WAGES OF CASUAL EMPLOYEES.

3. Builders' labourers shall, subject to the conditions hereinafter set out, be deemed to be and shall be paid as casual employees for the first six months of their employment. At the end of six months employees who have been continuously employed for that period without loss of time on all usual working days and with loss of time if such is due to the fault of the employee shall be deemed thereafter to be continuously employed and shall be paid not less than the weekly rate herein prescribed. The period of six months referred to in this clause may have been served during or before or partly during and partly before the date of the coming into operation of this Determination.

Casual employees shall be paid not less than the following per hour:—

	For a 44-hour Week.	For a 48-hour Week.
	s. d.	s. d.
(a) If doing the work set out in (2) (a) above	3 2½	2 11½
(b) If doing the work set out in (2) (b) above	3 0½	2 9½

GENERAL PROVISIONS.

4. Where the employer has made a payment, which payment purports to be a payment of the wages payable to an employee for any period, the employer shall not be liable to pay to such employee any further sum prescribed by this Determination in respect of any services rendered to the employer during such period, unless within three months after the last day of such period a demand in writing of such further sum claimed has been made to the employer by such employee or by some person on his behalf and/or if proceedings to recover the amount claimed are not taken within nine months.

Wherever in this Determination time worked is required to be paid for at more than the ordinary rate, such time shall not be subject to more than one penalty, but shall be subject to that penalty which is to the employee's greatest advantage.

SPECIAL RATES.

5. Employees when working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 1½d. per hour extra; employees when working in places where the temperature exceeds 130 degrees Fahrenheit shall be paid 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes rest after every two hours work without deduction of pay. The temperature shall be decided by the representative of the employer after consultation with the employees who claim the extra rate.

Employees when working for more than one hour in places where the temperature is reduced by artificial means below zero, shall be paid 1½d. per hour extra. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes after every two hours without loss of pay.

FARES AND ALLOWANCES.

6. (a) When engaged on country work (as hereinafter defined) an employee shall, if the locality of such work be more than 20 miles from the General Post Office at Melbourne, be entitled to an additional payment at the rate of 3d. per hour provided that if the locality of the work renders it reasonably necessary for him to sleep at a place other than his usual place of residence, he shall be entitled to an additional payment at the rate of 5s. per day for seven days in lieu of the additional payment at the rate of 3d. per hour hereinafter mentioned.

(b) When engaged on country work (as hereinafter defined) an employee shall be entitled to fares necessarily incurred in travelling from and to his centre and to payment for his time of travelling from and to his centre (not exceeding eight hours per day) at ordinary rates of payment.

(c) When engaged on work not being country work (as hereinafter defined) an employee, not deemed to be continuously employed (as hereinafter defined), shall be paid for each day on which he attends for work at the job, an allowance equivalent to one quarter of an hour's payment at his ordinary rate of payment for that day, and in addition thereto he shall also be paid a further allowance at the rate of 2s. 6d. per week or, in the event of his attending for work at the job for less than six days in the week at the rate of 6d. per day for each day on which he so attends for work.

(d) A fare shall be deemed to be necessarily incurred under this clause, or such additional payment shall be made if the employee use a bicycle or other means of locomotion or walk instead of using a public conveyance, but a fare shall not be deemed to have been so incurred and payment shall not be required to be made where the employer provides or offers to provide a reasonable conveyance free of charge.

(e) For the purpose of sub-clause (a) hereof the Post Office at the corner of Bourke and Elizabeth-streets, Melbourne, shall be deemed to be the General Post Office at Melbourne.

PUBLIC HOLIDAYS.

7. Employees other than casual employees shall be entitled to the following days (referred to herein as "public holidays") on full pay, namely:—Christmas Day, Boxing Day, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, or such days as are observed from time to time as substitutes for such days respectively in a city or locality: Provided always that if any of the above-mentioned holidays fall on a Saturday or Sunday where a week of six days is worked only the half day in the case of Saturday shall be observed and in the case of Sunday no holiday shall be allowed excepting where a day is generally observed in the locality as a substitute. Provided also that in the case of a five-day week no holiday shall be allowed on a Saturday or Sunday excepting on such a substituted day: And provided further that such employees when engaged in another industry shall be entitled only to the public holidays prescribed for the majority of employees in such other industry.

TRANSFER FROM JOB TO JOB.

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

EMPLOYEES CALLED FOR WORK.

9. (a) An employee notified to commence duty and actually attending for duty and who is notified by the employer or his representative that his services are not required, shall be paid for two hours as time worked.

(b) An employee who is required to attend for work and is kept waiting to commence work by the instructions of the employer or his representative shall be paid at his ordinary rate of pay for the time he is so kept waiting.

(c) The provisions of sub-clauses (a) and (b) hereof shall not apply where one hour's previous notice that he will not be required to take up duty at the commencement of work has been given to the employee personally or left at his residence provided that if the employee has not given his address to the employer then the employer shall not be required to pay as prescribed by these sub-clauses.

(d) The provisions of sub-clauses (a) and (b) hereof shall not apply in cases where work cannot be commenced or continued on account of wet weather.

PAYMENT OF WAGES.

10. (a) Wages accrued may be paid on any day of the week, Monday to Friday inclusive, and shall be paid at or before the cessation of work.

Provided always that—

(i) an employer shall not keep more than one day's pay in hand;

(ii) an employee whose service ends before pay time shall be paid at or before the time of its ending, or shall be paid by post or otherwise within 24 hours thereafter;

(iii) in the case of a mixed industry, payment of wages shall be made in accordance with the practice prevailing for the majority of the employees in such mixed industry.

(b) If wages be not paid within the periods prescribed the employee shall be paid at ordinary rates for all time in excess of fifteen minutes beyond such time until the wages are paid or posted to his last known place of address.

TERMINATION OF EMPLOYMENT.

11. Casual employment may be terminated by the employee on giving not less than one hour's notice or by the employer on giving not less than one hour's notice or by the payment of one hour's pay.

HOURS OF LABOUR.

12. (a) Except as herein provided the ordinary hours of duty shall be 44 per week to be worked on five days of eight hours and one day (Saturday) of four hours between the hours of 8 a.m. and 5 p.m., with one hour's interval for a meal on week days, and 8 a.m. and noon on Saturday: Provided always that an employer may agree with the Australian Builders Labourers' Federation to vary the hours of starting and finishing work or to work a five-day week within such hours as may be agreed upon or as may be determined by a Board of Reference in default of such agreement. The Board of Reference shall for the purpose of this Determination consist of the Chairman of this Wages Board, the President of the Victorian Branch of the Australian Builders Labourers' Federation, and the President of the Master Builders Association, or the respective occupants of those positions for the time being.

(b) Where the standard hours in an employer's industry exceed 44 per week, the hours of duty shall be the standard hours in that particular industry.

(c) The ordinary hours of duty of employees engaged in a continuous process shall be 48 per week to be worked as to day workers eight and three-quarter hours on ordinary week days between 7.30 a.m. and 5 p.m., with three-quarters of an hour interval for a meal, and four and a quarter hours on Saturday between 7.30 a.m. and 11.45 a.m., and as to shift workers eight hours per shift.

(d) Builders' labourers attending on or assisting tradesmen whose ordinary hours of duty are more than 44 per week shall work the hours of such tradesmen and such builders' labourers shall be entitled only to overtime for work done in excess of such hours.

(e) In the case of a mixed industry, builders' labourers shall conform to the daily hours and meal time of the tradesmen they assist.

OVERTIME.

13. (a) Except as hereinafter provided, all time on duty beyond the ordinary hours of duty hereinbefore provided shall be paid for at the rate of time and a half for the first two hours and at the rate of double time thereafter.

(b) As far as practicable employees shall not be required to work overtime.

(c) In computing overtime each day's work shall stand alone.

(d) For the purpose of computing overtime each fraction of a quarter of an hour shall be paid for as if it were a full quarter of an hour.

(e) In the case of employers employing members in a continuous process, all time on duty beyond 8 hours per day or beyond 44 hours per week shall be paid for at the rate of time and a half for the first four hours and at the rate of double time thereafter, except where the excess time of duty—

(i) is by arrangement between the employees themselves; or

(ii) is for the purpose of effecting the customary weekly rotation of shifts; or

(iii) is due to the fact that the relieving man does not come on duty at the proper time.

MEAL HOURS.

14. (a) For work done during meal periods and thereafter until a meal period break is allowed time and a half rates shall be paid. Where owing to the requirements of the work it is necessary for an employee to work beyond noon then the meal period of such employee shall commence not later than 1 p.m.

(b) An employee working overtime shall be allowed a crib-time of twenty minutes without deduction of pay after each four hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay.

(c) Before starting overtime after working ordinary hours a meal period of at least 45 minutes shall be allowed, unless the period of overtime is less than one and a half hours.

An employer and his employee may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

SUNDAY AND HOLIDAY WORK.

15. (a) Except as hereinafter provided, all time on duty on Sundays or public holidays (as herein defined) shall be paid for at the rate of double time.

(b) In the case of an employer employing workers continuously, all time on duty on Sundays or on the public holidays observed by the majority of the employees in the establishment concerned shall be paid for at the rate of double time.

(c) Notwithstanding the provisions of sub-clauses (a) and (b) hereof employees engaged in repairs or renewals of their employer's plant or machinery necessary for the resumption of work the next following working day shall on public holidays or Sundays be paid at the rate of time and a half.

SHIFT WORK.

16. Within half a mile from the General Post Office at Melbourne the employer may carry on demolition and/or building work or work incidental thereto by shifts subject to the following conditions:—

(a) Up to three shifts may be worked, namely, morning shift, afternoon shift, and night shift.

(b) As far as practicable shifts shall be worked in rotation.

(c) The hours of work in each shift be as follows:—

(i) Night shift from midnight Sunday to 7 a.m. Monday, from 11 p.m. Monday to 7 a.m. Tuesday, from 11 p.m. Tuesday to 7 a.m. Wednesday, from 11 p.m. Wednesday to 7 a.m. Thursday, from 11 p.m. Thursday to 7 a.m. Friday, and from 11 p.m. Friday to 7 a.m. Saturday.

Day shift from 7 a.m. to 3 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday.

Afternoon shift from 3 p.m. to 11 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday with an allowance of half an hour in each shift for a meal.

(ii) The wages to be paid to builders' labourers as such who are employed on the said works shall be as follows:—

Morning shift—Ordinary rate.

Afternoon shift—Time and one-eighth.

Night shift—Time and a quarter.

(iii) All time on duty in each shift beyond the hours of work mentioned shall be paid for at the rate of time and a half for the first two hours and double time thereafter.

(iv) That any builder's labourer properly presenting himself for work and no work being then available for him shall be allowed and paid two hours wages at shift rates.

(v) That so far as possible 44 hours' work shall be made available for each builder's labourer in each week.

(vi) That in the event of any builder's labourer having to cease work on account of any stoppage operations after trams and trains have ceased running, provision shall be made by the employer for conveying him to his home or alternatively he shall be paid in respect thereof two hours wages.

(d) If it is desired to work shifts in any other place then the question shall be referred to the Secretary for Labour and he shall determine whether under all the circumstances it is proper for the work to be carried on by shift. If he should so determine, then the above provisions relating to shift work shall apply.

(e) Except where inconsistent with the provisions of this clause the other provisions of this Determination shall apply to such work.

SANITARY CONVENIENCES.

17. Suitable and adequate sanitary conveniences shall be provided by the employer. Sanitary conveniences shall not be regarded as suitable within the meaning of this Determination unless they are enclosed and fitted with a door and roofed, and contain a proper seat and sufficient quantity of lime.

SUPPLY OF WATER.

18. Employers shall provide pure drinking water for employees and boiling water at meal times. Where the water is not conveyed by pipe it shall be kept in a covered receptacle.

FIRST AID.

19. (a) A sufficient first aid chest shall be supplied and maintained by the employer and shall be kept under the control of a responsible person in a place accessible to the employees. In case of any dispute as to the adequacy of any first aid equipment the matter shall be referred to the Secretary for Labour.

(b) An employee meeting with an accident on the job necessitating his removal to hospital or to a doctor for medical attention shall be conveyed by ambulance or other suitable conveyance at the expenses of the employer.

LOADS.

20. (a) No employee shall be required to carry more than the following loads by hod:—

- Up to a height of 15 feet—12 bricks.
- Over a height of 15 feet—10 bricks.

(b) In cases where bricks are carried by wheelbarrow the employee shall not be required to carry more than 36 bricks in a load on scaffolding at a height of more than 15 feet from the ground, or more than 40 bricks in a barrow in any other place.

If any other barrow than that which is commonly in use at the time of this Determination is introduced by an employer then any question as to the load which may be carried in such barrow shall be determined by the Secretary for Labour.

TOOLS.

21. (a) Employers shall provide all necessary plant and tools except picks, shovels, hods, and larries, which are to be provided by employees.

(b) The employer shall be responsible for the sharpening of picks.

(c) Employers shall provide a suitable lock-up place in which to store employees' tools.

CHANGE HOUSE.

22. Where practicable and where not less than a total of fifteen men are employed the employer shall provide a suitable change house for the keeping of the clothes of the workmen employed. No cement, lime or building materials shall be stored in such change house.

WET PLACES.

23. (a) Where an employee is obliged by the employer to work spreading or packing wet concrete so that his boots are liable to become saturated, then the employer shall provide the employee with gum boots.

(b) Where an employee is obliged to work in conditions where boots become saturated with water, the employer shall supply the employee with gum boots for use on such work.

(c) If an employee is required to work in a place in which water is continually dripping from overhead so as to saturate the clothing of the employee he shall be provided with an oilskin coat so as to protect him from getting wet or in lieu thereof shall be paid 1s. extra for the day whatever amount of work may be done by him on such day.

DEFINITIONS.

24. For the purposes of this Determination—

"Continuous process" means a process in which during an unbroken period of not less than one week operations are continued during all hours of the day from midnight to midnight or during sixteen hours of the day. Such a process shall be deemed to be a continuous process, even if through no fault of the employer, the work ceases for a time to be carried on.

"Shift worker" in a continuous process means an employee engaged for not less than a week in such continuous process.

"Country Work" means work on a job distant more than 10 miles from the employee's centre, if such centre be the General Post Office at Melbourne, or more than 6 miles from the employee's centre if such centre be elsewhere.

"Employee's centre" means the General Post Office at Melbourne, if the employee's place of residence is within 10 miles of such General Post Office; and if the employee's residence is not within 10 miles of such General Post Office it means his residence or his nearest post office whichever be the nearer to the job.

"Continuously employed" means an employee who has been continuously employed for more than six months without loss of time on usual working days and with loss of time if such is due to the fault of the employee.

CONTRACTING, SUB-CONTRACTING.

25. (a) No employer shall permit any of the classes or work covered by this Determination to be carried on by a contractor or other person except in accordance with the terms and conditions of this Determination as if the contractor or other person were himself an employer and bound by this Determination.

(b) No employer shall enter into any contract for the carrying on of any of the classes of work covered by this Determination by any contractor unless the contract contains a clause binding the contractor to pay the rates and observe the conditions set out in this Determination in respect of the work contracted for, and unless a clause is inserted in any such contract to the effect that the employer can determine the contract if there is any breach of the condition above referred to.

PART III.

This Part applies to all persons covered by this Determination.

PERIODICAL ADJUSTMENT OF WAGES.

1. The wages rates set out in clause 1 of Part 1 and clause 1 of Part 2 are based upon the following basic wage and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, this Board hereby determines that such rates shall be automatically adjusted as prescribed in clause 2 of this Part.

Basic Wage.

Place.	Needs Basic Wage (Adjustable.)	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	£ s. d.	£ s. d.	
Throughout the State	:5 3 0	.0 6 0	5 9 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

2. (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 1 of this Part.

(c) During each future successive quarterly period beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the basic wage shall be adjusted by the following method, namely, by multiplying the last published Commonwealth Statistician's "All Items" retail price index number for the quarter next preceding the quarter for which the adjustment is made 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.

NOTE.—The rates prescribed in clause 1 (a) of Part 1 are based on weekly rates which comprise the following components:—

The total basic wage for Melbourne ;

Margin for skill of (14s. for ordinary builders' labourers and 23s. for skilled builders' labourers) ;

Disabilities allowances of 5s. 6d. ;

War loading of 6s.

Allowing two weeks for statutory holidays, one week following the job, and one week's sick pay, the weekly rate calculated in the manner shown above is converted to an hourly rate in accordance with the following formula:—

$$\frac{\text{Weekly Rate} \times 52}{48 \times 40} = \text{Rate per hour to the nearest farthing.}$$

The disabilities allowance above referred to is to compensate for conditions peculiar to building construction work namely, working in the open and being thereby subjected to climatic conditions (i.e., from dust blowing in the wind), brick dust, drippings from concrete, sloppy conditions, lack of usual amenities associated with factory work, e.g., meal rooms, change rooms, lockers, &c., and to compensate for relative handicaps occasioned by the reduction of standard hours in industry generally, and for all other matters not specifically compensated or allowed for by any other provisions of this clause.

A. V. BARNS, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 19th January, 1948.

