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GOVERNMENT GAZETTE.

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[1948

Factories and Shops Acts.

DETERMINATION OF THE CORK TRADE BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons subject to the jurisdiction of any Wages Board heretofore appointed) employed in the process, trade, or business of preparing for sale corks or cork products" has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence in May, 1948, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. (a)

WAGES.

		Per Week.
		£ s. d.
<i>Adult Males.</i>		
Cork Cutting:—		
Rounding; drawing off; bench hand reclaiming waste and/or clean ending by hand—		
First six months	6 14 6
Thereafter	7 4 6
Feeders and/or operators of machines i.e., employees backing down; notching; boring; pressing; knurling; assembling; and/or capping or closing		
All others	6 12 6
Cork Board:—		
Oven hand in charge (curing)	7 4 6
All others	6 9 6
Compressed Cork:—		
Oven hand in charge (curing)	7 4 6
Splitting with band knife and/or mixing granules with adhesive by machinery	6 17 6
All others	6 12 6
Fishing Requisites:—		
Rounding and/or drawing off—		
First six months	6 14 6
Thereafter	7 4 6
Employees notching; boring; threading; and/or attaching wire ferrules to sticks		
All others	6 12 6
<i>Adult Females.</i>		
Under three months' experience	3 18 0
All others	4 9 6

(b) APPRENTICES OR IMPROVERS.

Males.	Per Week.	Females.	Per Week.
	£ s. d.		£ s. d.
Under 16 years of age	1 8 6	17 years of age and under	2 7 0
16 years of age	2 1 0	18 years of age	2 16 6
17 years of age	2 16 0	19 years of age	3 5 0
18 years of age	3 10 6	20 years of age	3 14 0
19 years of age	4 8 6		
20 years of age	5 6 0		

PROPORTION (in any place).

APPRENTICES.	IMPROVERS.
<i>Males.</i> One male apprentice to every three or fraction of three male workers receiving not less than the minimum wage.	<i>Males.</i> One male improver to every four or fraction of four male workers receiving not less than the minimum wage.
<i>Females.</i> One female apprentice to every three or fraction of three female workers receiving not less than the minimum wage.	<i>Females.</i> One female improver to every four or fraction of four female workers receiving not less than the minimum wage.

WEEKLY HOURS.

3. The number of hours to constitute an ordinary week's work shall be 40.

TIMES OF BEGINNING AND ENDING WORK.

4. The ordinary times of beginning and ending work shall be :—

Time of Beginning.	Time of Ending.
Not earlier than	Not later than
7.30 a.m.	12 noon on Saturday.
7.30 a.m.	5.30 p.m. Monday to Friday (inclusive).

OVERTIME.

5. Overtime shall be paid for as follows :—

- (i) All time worked outside the times of beginning and ending work as prescribed in clause 4
- (ii) All time worked within the times of beginning and ending work in excess of 40 hours per week

} Time and a half for the first three hours and double time thereafter.

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

TERMS OF ENGAGEMENT.

6. (a) Employees are to be engaged as weekly or casual employees. A weekly employee is one engaged by the week and paid by the week, and whose engagement shall be terminable by one week's notice on either side or by the payment or forfeiture of one week's wages: such notice not to be continued from week to week.

(b) After one full week's work, such notice may be given to a weekly employee at any time.

(c) Casual employees shall be paid at the rate of time and a third and shall be guaranteed not less than two hours' engagement every start.

(d) A weekly employee to be entitled to the weekly wage shall be available, ready, and willing to perform his or her usual work during the days and hours usually worked by such class of employee, and may be summarily dismissed for dishonesty, misconduct, neglect of duty, or for absence from work without reasonable cause, and in the event of such dismissal the employee shall be paid only for the time actually worked. Provided that an employer may deduct payment for time lost during which the employee cannot be usefully employed by reason of any strike, breakdown of machinery, or other cause for which the employer cannot reasonably be held responsible.

SHIFT WORK.

7. (a) The ordinary hours of shift workers shall not exceed—

- (i) 40 in any week, to be worked in five shifts of not more than 8 hours 48 minutes, on Monday to Friday inclusive, or five shifts of not more than eight hours and one shift (Saturday) of not more than four hours; or
- (ii) 80 in fourteen consecutive days, in which case an employee shall not, without payment for overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week;
- (iii) 120 in 21 consecutive days, in which case an employee shall not, without payment of overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week.

(b) Such ordinary hours shall be worked continuously except for meal breaks at the discretion of the employer. An employee shall not be required to work for more than six hours without a break for a meal.

(c) Except at regular change-over of shifts, an employee shall not be required to work more than one shift in each 24 hours.

(d) Shift workers whilst on afternoon or night shifts shall be paid 10 per cent. more than the ordinary rates for such shifts.

(e) Subject to this sub-clause, shift workers for all time worked on a Sunday or holiday shall be paid at the rates prescribed by clause 9 of this Determination. Where shifts commence between 11 p.m. and midnight on Sundays and/or holidays, the time so worked before midnight shall not entitle the employee to the Sunday or holiday rate: Provided that the time worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending into a Sunday or holiday shall be regarded as time worked on such Sunday or holiday.

(f) Shift workers for all time worked in excess of or outside the ordinary working hours prescribed by this clause or on a shift other than a rostered shift shall—

- (i) if employed on continuous work (as defined), be paid at the rate of double time; or
- (ii) if employed on other shift work, the rate of time and a half for the first four hours and double time thereafter except in each case when the time is worked—
- (iii) by arrangement between the employees themselves;
- (iv) for the purpose of effecting the customary rotation of shifts; or
- (v) is due to the fact that the relief man does not come on duty at the proper time.

Provided that when not less than eight hours' notice has been given to the employer by the relief man that he will be absent from work and the employee whom he should relieve is not relieved, the unrelieved employee shall be paid at the rate of time and a half for the first four hours on duty after he has finished his ordinary shift, and at the rate of double time thereafter, except where the employee is required to continue to work on his rostered day off, when he shall be paid double time.

"Continuous work" shall mean work carried on by shifts of at least 12 hours for not less than five consecutive days.

(g) Shift workers who work on any afternoon or night shift which does not continue for at least five successive afternoons or nights in a five-day workshop, or for at least six successive afternoons or nights in a six-day workshop, shall be paid at the rate of time and a half.

(h) A shift worker who, during a period of engagement on shift, 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 ordinary working hours.

(i) The method of working shifts may in any case be varied by agreement between the employer and the accredited representative of the union to suit the circumstances of the establishment.

HOLIDAYS.

8. Weekly employees shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, Boxing Day, and Union Picnic Day.

Provided that within the Metropolitan District as defined in the Factories and Shops Acts, Melbourne Cup Day may be substituted for King's Birthday by agreement between the Secretary of the Federated Storemen and Packers Union and any employer concerned.

If any of the above holidays occurs on a Sunday or Saturday, and is not observed on any other day, then employees shall not be paid for such Sunday but shall be paid for such Saturday as for a half-day in establishments where a five and a half day week is worked.

Where an employee is absent from his or her employment on the working day or part of the working day before or after a holiday without reasonable cause or without the employer's consent, the employee shall not be entitled to payment for such holiday, provided that in the event of a dispute arising as to what shall be deemed "reasonable cause" such dispute shall be referred to the Wages Board.

SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.

9. Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, King's Birthday, Christmas Day, or Boxing Day; provided that in any case where Melbourne Cup Day has been substituted as a holiday, as provided for in clause 8, the special rate herein provided shall operate on such day in lieu of King's Birthday, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the special rate shall only be payable for work done on the days so substituted.

SICK LEAVE.

10. (a) Any employee not attending for duty shall lose his pay for the actual time lost unless such employee has had not less than three months' service with the same employer, and produces or forwards within twenty-four hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill-health or accident for more than 40 hours of working time in each year of service. Provided that he shall not be entitled to paid leave of absence for any period in respect of which he is entitled to workers' compensation.

(b) Notwithstanding anything contained in sub-clause (a) hereof, if the full period of sick leave therein prescribed has not been taken in any year, such portion of the sick leave which was or is not taken shall be cumulative from year to year up to a period not exceeding 120 hours of working time which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

ANNUAL HOLIDAY.

11. (a) The annual holiday for an employee on weekly hiring, or a casual employee, shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946* and any amendments which may be made thereto from time to time.

(b) In addition to the above, seven day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays, shall be allowed for each twelve monthly qualifying period one week's leave including non-working days.

(c) 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 two weeks' annual leave prescribed by the said Act increased by one half day for each month he is continuously engaged as aforesaid.

(d) If in any twelve-monthly qualifying period a seven day shift worker lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid, in addition to all other amounts (including any payment in lieu of annual leave as prescribed by sub-clause (a) hereof) due to him, an amount equal to one-fiftieth of his ordinary pay for the period of employment as a seven day shift worker.

REST PERIOD.

12. A rest period of ten minutes, at a time fixed by the employer, shall be allowed to all employees each morning and afternoon, such time to count as time worked.

MEAL BREAK.

13. Unless otherwise agreed between the employer and the Union a meal break of not less than 45 minutes shall be allowed employees each day Monday to Friday inclusive.

MEAL ALLOWANCE.

14. Where an employee is required to work overtime after his usual ceasing time and such period of overtime extends beyond 6 p.m. or in the case of a shift worker one hour beyond his usual ceasing time, the employee shall be paid an allowance of 2/6 as meal money.

PAYMENT OF WAGES.

15. Wages shall be paid not later than Friday in each week. No employer shall hold more than two days' pay in hand.

RIGHT OF ENTRY OF UNION OFFICIAL.

16. A duly accredited representative of the Federated Storemen and Packers' Union of Australia shall have the right to enter employers' establishments during the midday meal hour for the purpose of interviewing employees on legitimate Union business on the following conditions:—

(a) That he produces his authority to the employer or his representative.

(b) That he interviews employees only at the place where they are taking their meal.

(c) That not more than one representative in all be in any establishment at any one time.

(d) That no one representative visit an establishment more than once a fortnight.

(e) That if an employer alleges that a representative is unduly interfering with his establishment or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before this Wages Board.

APPLICATION OF NATIONAL SECURITY REGULATIONS.

17. Nothing in this Determination shall be deemed or construed to reduce, during the currency of the National Security (Economic Organization) Regulations, the wages any employee was receiving prior to the date of operation of this Determination.

PERIODICAL ADJUSTMENT OF WAGES.

18. 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 19.

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 9 0	6 0	5 15 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

19. (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 August, 1948, the amounts of the basic wage shall be as prescribed in clause 18.

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

(d) The wages of adult females, junior females, and male juniors shall be the under-mentioned percentages of the contemporaneous needs basic wage, and in addition thereto the constant loading specified, the total wage shall be calculated to the nearest sixpence, any broken part of sixpence in the result not exceeding threepence to be disregarded.

	Percentage of Needs Basic Wage plus 6s.	Constant Loading.	
		Per Week.	Per Week.
			s. d.
<i>Adult Females.</i>			
Under three months' experience	65		3 0
All others	75		3 0
<i>Junior Females.</i>			
17 years of age and under	40		1 0
18 years of age	47½		1 3
19 years of age	55		1 6
20 years of age	62½		2 0
<i>Junior Males.</i>			
Under 16 years of age	25		0 6
16 years of age	35		0 9
17 years of age	47½		1 0
18 years of age	60		1 0
19 years of age	75		2 0
20 years of age	90		2 0

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

J. V. WILLOX, Secretary.

Melbourne, 29th April, 1948.