

# VICTORIA GOVERNMENT GAZETTE.

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No. 892]

THURSDAY, NOVEMBER 16.

**[1950** 

Factories and Shops Acts.

# DETERMINATION OF THE COAL AND COKE BOARD.

Note.—This Determination applies to the Metropolitan district as defined in the Factories and Shops Act and the Orders in Council thereunder, the Cities of Ballarat, Bendigo, Geelong West, and Warrnambool, the Town of Newtown and Chilwell, and the Boroughs of Eaglehawk and Sebastopol.

IN accordance with the provisions of the Factories and Shops Acts the Wages Board which now has the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed—

- (a) in any business or occupation connected with the sale or distribution of coal or coke by any-
  - (i) coal importer;
  - (ii) coal mine owner;
  - (iii) gas company;
  - (iv) agent or contractor who distributes coal or coke for any coal importer, coal mine owner, or gas company;
- (b) in loading, unloading, trimming, or otherwise handling coal or coke for the purpose of its conveyance to a purchaser who uses such coal or coke in his trade, or of any subsequent removal thereof---
  - (i) by any such purchaser,
  - (ii) by any agent or contractor with such purchaser who conveys or removes such coal or coke for such purchaser,

but not including persons employed in any of the trades to which the Determinations of the under-mentioned Boards apply:—

Carters and Drivers Board, Factory Engine Drivers Board, Gas Works Board;

Mining Engine Drivers Board, Shops Board No. 12 (Fuel and Fodder), Shops Board No. 13 (Fuel and Fodder—Country);

- (c) in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal in a form suitable for use-
  - (i) in power-producing or heat-producing units;
  - (ii) in the manufacture of explosives;
  - (iii) in the manufacture, repair, or maintenance of gas masks or respirators "

h as made the following Determination, namely:--

1. That as from the beginning of the first pay period to commence in November, 1950, the last previous Determination of this Board shall be revoked and replaced by this Determination.

No. 892.-11024/50.-PRICE 6D.

PART I.—Persons OTHER THAN those employed in the process, trade, business, or occupation of burning, preparing, grinding grading, or distributing charcoal in a form suitable for use in power-producing or heat-producing units; in the manufacture of explosives or in the manufacture, repair, or maintenance of gas masks or respirators.

WAGES PER WEEK.							
	1	Other Employees.					
	WAGES PER W	EEK.					
Under 17 years of age	Persons trimming or spreading coal t	hat is heated or on					
	fire Persons employed driving and/or oper coal-loading or unloading machines on, driving and/or operating mechan of such coal-loading or unloading	, i.e., persons riding nical or other levers machines 200					
	Persons employed trimming coal are to and from coal loaders .	id/or iseding coal					
Proportion.	Persons trimming coal from the "Gr Other coal trimmers	ab" 197 190					
One improver to the first six workers, and thereafter one improve	Coal baggers or loaders	190					
p every ten workers receiving not less than 160s. 8d. per week.	loose coal from railway trucks to v	rehicles 190					
•	loose coal from vehicles to railway	trucks 212					
	Persons loading by shovel or fork to ground into railway trucks	oose coal from the					
	Coke stackers at wharf coal yards . Coke yard employees	199					
	Carters driving one horse						
×	Carters driving two horses						
	Carters driving four horses						
	Carters driving five horses And 6d. extra per day for every ad						
	Drivers of motor vehicle, including maker's capacity of—	girlinger, having a					
	(a) 25 cwt. or less	174					
	(b) Over 25 cwt., but not over 3 (c) Over 3 tons, but under 6 ton						
	Further tonnage—for each con						
	an extra ls. per week All other coal yard employees	183					
NOTE.—The Board has determined, in accordance with Section 25 (apprentices shall be taken in the trade.							
<ul> <li>(b) GAS PRODUCER UNITS.—The following provisions shall</li> <li>(i) Driver of a motor vehicle fitted and operated with which he is called upon to drive such vehicle, it</li> <li>(ii) Such driver for each day or portion thereof upon such unit, 1s. extra.</li> <li>(iii) Suitable overalls and gloves shall be provided by em</li> <li>(iv) Employers shall provide proper washing convenier cleansing material.</li> </ul>	a charcoal gas producer unit for each da is. extra.  which he is called upon to clean the ho uployers for the employees mentioned in au	y or portion thereof upo opper and/or final filter of b-clauses (i) and (ii) hereo					
H	ours.						
3. All persons other than earters and drivers Carters and drivers	80	hours per week. hours per fortnig provided that not mo than 44 hours per we shall be worked witho payment of overtime.					
4. Time of Beginning	AND ENDING WORK.	7					
— Time of	Beginning. Five Days in the Week.	The day the half-holiday					
	- 110 230 12 013 170021	is usually observed.					
rters 7 a	s.m. 5 p.m.	· 12 noon					
l others 8 a	5 p.m.	12 noon					
Ove 5. (a) The following rates shall be paid for all overtime (i) Outside the time of beginning and ending work as Between 12 noon and midnight on the day on Between 5 p.m. and midnight on the other	herein fixed— n which the half-holiday is usually observe	d Double time. Time and a half,					

- First two hours Time and a half. Double time. Thereafter
- (b) Special provisions relating to overtime:-

Special provisions relating to overtime:—

When overtime is to be worked casual employees shall where practicable be given preference. The foreman shall make the necessary arrangements for engaging casual employees during the times mentioned in clause 14 and shall inform casual employees so engaged of the actual time they are expected to commence work.

Should a casual employee be employed during the day and until 7 a.m. the following day by one employer, he shall not be required to continue after 7 a.m. if other labour is available.

Should a casual employee who has been employed all day be ordered back by the same employer to resume not later than 2 a.m. and continues until 7 a.m., he shall not be required to continue after 7 a.m. if other labour is available.

Should a casual employee's first start be midnight or later he shall if required, continue working throughout that day until 5 p.m.

5 p.m.

If a regular yard employee after completing a full day's work is called upon to work overtime until later than 11 p.m., he shall not be required to resume work next morning if other labour is available.

# TERMS OF ENGAGEMENT.

- 6. (a) An employer shall have the option of engaging any employee either by the week or casually.
- (b) (i) If the engagement is by the week, termination of employment shall be subject to a week's notice on either side. Provided that this clause shall not affect the employer's right to dismiss without notice at any time an employee because of the latter's incompetence or misconduct, in which case the employee shall be entitled in respect of wages for the then current week's employment, only to payment proportionate to the aggregate of time worked by him, and of such other previous time (if any) in that week as to which under this Determination no deduction from his week's wages is allowed.
- (ii) An engagement shall be deemed to be and to continue casual unless the employer, at the commencement of the engagement or before any change by him of a casual engagement of the employee to one by the week, expressly notifies the employee that he is to be engaged by the week.
- (c) The employer shall have the right to deduct payment for any day on which the employee cannot be employed usefully because of any strike or through any breakdown of machinery or any stoppage of work or any cause for which the employer cannot reasonably be held responsible.

### MINIMUM OF WORK.

7. Casual employees called on to work on any day shall be given four (4) hours' work, or alternatively, four (4) hours pay at ordinary rates.

# BROKEN WORKING HOURS.

8. Any broken part of fifteen minutes at the completion of a day's work shall be paid for as for a full fifteen minutes.

### TRANSPORT.

9. When work finishes between midnight and 6 a.m., transport (if obtainable) shall be provided to convey the employees to a point adjacent to Flinders-street in the City. This clause shall only apply to the Metropolitan District.

# PAY DAY.

- 10. (a) All wages due to 5 p.m. on Thursday in each week shall be paid on that day.
- (b) Each employee shall be furnished with particulars each pay day of time worked and rates of payment.

# SMOKE-OH.

11. (a) Persons employed in trimming coal or coaling small vessels by means of baskets, shall be entitled to the tollowing smoke-oh without loss of pay :-Day-

10 a.m. to 10.30 a.m., unless work ends at or before 10 a.m. 3 p.m. to 3.30 p.m., unless work ends at or before 3 p.m.

9 p.m. to 9.30 p.m., unless work ends at or before 10 p.m. 3 a.m. to 3.30 a.m.. unless work ends at or before 3 a.m.

- (b) Persons employed continuously feeding coal into and/or driving or in charge of any mechanical appliance or elevator, shall be allowed 30 minutes' smoke oh during each morning and each afternoon or alternatively shall be paid for such time.
- (c) All other employees shall receive a smoke-oh of 10 minutes during each morning and each afternoon at a time mutually agreed upon or alternatively shall be paid for such time.

# WET WEATHER PROVISIONS.

- WET WEATHER PROVISIONS.

  12. (a) A committee consisting of a representative of employers appointed by the Commonwealth Steamship Owners Association and a representative of employees appointed by the Federated Fodder and Fuel Trades Industrial Union, shall by agreement determine whether work at the South Wharf Coal Yards or any other place within the Metropolitan District as defined in the Factories and Shops Acts and the Orders in Council thereunder shall proceed or cease in the event of wet weather.

  (b) If the Committee agrees that rain is sufficiently heavy to justify a temporary cessation of work, such work shall cease forthwith provided that wagons which have been loaded to at least half capacity shall be completed before work ceases.

- (c) In the event of employees working under cover and protected from rain the foregoing sub-clauses of this clause shall not apply and such employees shall continue working during any period of wet weather.

  (d) During the temporary cessation of work employees shall hold themselves in readiness for work during ordinary hours of employment and shall be paid for the actual time of waiting as follows:—

For the first two hours—ordinary rates. Thereafter at one-half ordinary rates.

- (e) When the Committee determines that the weather conditions are suitable, employees affected shall immediately resume work.
- (f) In the event of a disagreement by the Committee as to whether the conditions are suitable for a resumption of work, lots is all be drawn to determine the matter.
- (g) If the employers' representative considers the weather justifying the cessation of work is likely to continue for a lengthy period, the payment of allowances set forth in paragraph (d) may be discontinued, and employees shall not be bound to hold themselves in readiness for a resumption of work.
- (h) It shall be the function of the Wet Weather Committee as constituted under clause 12 (a) herein to determine if coal is too dusty to work, and if it so determines, such coal ex-ship shall be sprinkled with water prior to the coal being handled by employees.

# MEAL MONEY.

13. Any person required to continue work until 5.30 p.m. or later shall be paid 3s. meal money.

# PICKING-UP TIME.

14. The picking-up time for engagement of labour at the South Wharf shall be from 7.45 a.m. to 11 a.m. Mondays to Fridays inclusive, and 7.45 a.m. to 10 a.m. on Saturdays.

# PLACE FOR ENGAGEMENT OF LABOUR.

15. The place for engagement of labour at the South Wharf coal yards, shall be at the Harbor Trust shelter shed.

# RIGHT OF ENTRY OF UNION OFFICIAL.

16. A duly accredited representative of the Federated Fodder and Fuel Trades Industrial Union shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed, for the purpose of interviewing employees on legitimate union business.

# HOT AND COLD SHOWERS.

17. Employers shall provide hot and cold showers for the use of employees.

# DINING AND SANITARY ACCOMMODATION.

18. Proper dining and sanitary accommodation shall be provided by the employer for the use of employees and shall be cleaned every day except Sundays and holidays, but in no case to be left uncleaned for more than one day.

# HOLIDAYS.

19. (a) Weekly employees shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Melbourne Cup Day, Christmas Day, Boxing Day, King's Birthday, or any other day substituted by Act of Parliament or Proclamation for any of the above-mentioned holidays.

(b) For all work done on the above-mentioned holidays the rates prescribed in clause 20 shall apply and for the purpose of this sub-clause, "double time" and "time and a half" shall mean an extra day's pay or an extra half day's pay as the case may be, in addition to the days pay included in the weekly wage.

# SPECIAL RATES.

20. For all work done on Sundays and the undermentioned holidays, the rates shall be-

								Coal Trade.		Coke Trade.
Sundays			• •	• •	• •	••		Double time	• •	Time and a half
				• •		• •	• •	Time and a half	• •	**
New Year's Day								, ,,		"
	• •							Double time	• •	
	• •	• •		••		• •	• •	**	• •	Double time
Easter Saturday				• •			• •	Time and a half	• •	Time and a half
Easter Monday	• •						• •	"	• •	
Christmas Day								Double time		Double time
Boxing Day								Time and a half		Time and a half
King's Birthday								**		**
Melbourne Cup	Day							29		**

but if any other day be by Act of Parliament or Proclamation substituted for any of the abovenamed holidays, the special rate shall only be payable for work done on the day so substituted.

# ANNUAL HOLIDAYS.

21. The annual holiday shall be as prescribed by the provisions of the Factories and Shops (Annual Holidays) Act 1946 (No. 5111), and any amendments which may be made thereto from time to time.

SICK LEAVE.

22. No deduction shall be made from the wages of any weekly employee unavoidably absent through illness for not more than 40 working hours in any year, i.e., one day for each two month's service, provided he has submitted, within 24 hours of the commencement of such absence, satisfactory evidence to the employer or his representative that such illness was not the result of his own misconducts.

For the purposes of this clause, service prior to the 12th September, 1947, shall be disregarded.

### CLOTHING ALLOWANCE.

23. Each employee shall be paid a clothing allowance at the rate of 2s. per week of 40 hours.

### EMPLOYEES ON LOAN.

24. Notwithstanding anything elsewhere contained in this Determination, an employee shall be deemed to be in the employ of his employer even though such employee shall or may be loaned temporarily or transferred to another employer who is subject to the provisions of this Determination.

PART 2.—Persons employed in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal, in a form suitable for use in power-producing or heat-producing units; in the manufacture of explosives or in the manufacture repair, or maintenance of gas masks or respirators.

1mprovers.	Other Employees.  WAGES PER WEEK OF 40 HOURS.						
WAGES PER WEEK OF 40 Hours.							
e. d.	TT 1	s. d.					
Under 17 years of age 93 6	Wood cutters, using axe, power crosscut circular saw, or other method	170 8					
17 years of age 109 9	Carters driving one horse	166 6					
18 ,, ,, 125 0	Carters driving two horses	174 6					
19 ,, ,, or over—the appropriate rate	Carters driving three horses	179 0					
prescribed under the heading "other em-	Carters driving four horses	182 0					
ployees ".	Carters driving five horses	183 6					
	And 6d. extra per day for every additional horse						
<u>.</u>	Drivers of vehicle (including girlinger) having maker's capacity of-						
·	(a) 25 cwt. or less	174 6					
PROPORTION (BY ANY EMPLOYER.)	(b) Over 25 cwt., but not over 3 tons	180 6					
,	(c) Over 3 tons, but under 6 tons	185 0					
One improver to the first six workers, and thereafter	Further tonnage—for each complete ton over 5 an extra 1s. per week.						
one additional improver to every ten additional	Charcoal burning by retorts, metal or brick kilns, or pits-						
workers receiving not less than 166s, 6d, per week.	(a) Operator in charge of plant	185 8					
•	(b) All other employees, including persons employed in emptying,						
·	bagging, sewing, stacking, or loading	175 8					
NorgThe Board determines that no person shall	Grinding or grading charcoal—						
be employed as an apprentice.	(a) Attendant in charge of plant—						
FV 7	(i) With four or more persons under his supervision	195 8					
	(ii) With three or fewer persons under his supervision	191 8					
	(b) All other persons, including those engaged in grinding, grading,						
	or bagging charcoal or sewing bags	185 8					

- (b) GAS-PRODUCER UNITS.—The following provisions shall apply to drivers of gas-producer units:—
  - (i) Driver of a motor vehicle fitted and operated with a charcoal gas producer unit for each day or portion thereof upon which he is called upon to drive such vehicle, Is. extra.
  - (ii) Such driver for each day or portion thereof upon which he is called upon to clean the hopper and/or final filter of such unit, is. extra.
  - (iii) Suitable overalls and gloves shall be provided by employers for the employees mentioned in sub-clauses (i) and
  - (iv) Employers shall provide proper washing conveniences for such employees and also hot water or some other efficient cleansing material.

# CONDITIONS OF EMPLOYMENT (OTHER THAN FOR SHIFT WORK.)

- 2. (i) The ordinary weekly total of hours shall be 40 in number, all to be worked on days other than Sunday.
- (ii) (a) Such ordinary weekly total, at the option of the employer, may be spread over five or six days, and except on shift work, shall be worked in one period occurring between 7.30 a.m. and 12.30 p.m. on Saturday and between 7.30 a.m. and 5.15 p.m. on other days, subject to the recognized meal hours or intervals and smoke-oh of ten minutes each morning and afternoon, but no other breaks imposed by the employer.
- (b) If a five-day week is worked the ordinary daily total of working hours shall be 8 4/5ths, and if a six-day week is worked such total shall be four on Saturday and eight on any other day.
  - (iii) Smoke-ohs shall be counted as part of time worked.

### SHIFT WORK.

- 3. (i) For the purposes of this Determination afternoon and night shifts shall be defined as follows:-
  - (a) Afternoon; hift shall mean any shift finishing after 6 p.m. and at or before midnight.
  - (b) Night shift shall mean any shift finishing after midnight and at or before 8 a.m.
- (ii) The ordinary hours of shift workers shall not exceed-
  - (a) 8 hours in any one day; or
  - (b) 40 hours in any one week; or
  - (c) 88 hours in any 14 consecutive days; or
  - (d) 160 hours in any 28 consecutive days.
- (fii) Subject to the following conditions shift-workers shall work at such times as the employer may require.
  - (a) A shift shall consist of 8 hours inclusive of crib-time and smoke-oh.
  - (b) Except at regular change over of shifts or except in the event of relief not arriving or except in some special circumstance an employee shall not be required to work more than one shift in any one period of 24 hours.
  - (c) Any employee who is required to continue working on account of one of the special conditions mentioned in sub-clause (b) hereof shall not work more than two consecutive shifts in any one period of 24 hours.
- (iv) In each shift during which the employee does not receive the same amount of time for a meal interval or smoke-oh as that which day-workers receive under this Determination, he shall be paid at ordinary rates for twenty minutes' crib-time and two smoke-ohs
- (v) Shift-workers whilst engaged on afternoon or night shifts shall receive the ordinary rates of payment provided in clause 2 with the addition of 7½ per cent. Provided that for work done on any shift the major portion of which is worked on a Sunday or a holiday mentioned in clause 8, an additional 50 per cent. shall be paid.

4. Except as in this Determination may be otherwise provided, all time worked in excess of the ordinary daily or weekly hours of work shall be paid for at one and a half times the ordinary rate for the first four hours and double the ordinary rate thereafter.

# TERMS OF ENGAGEMENT.

- 5. (i) An employer shall have the option of engaging any employee either by the week or casually.
- (ii) (a) If the engagement is by the week it shall be for a continuous period of at least eight weeks, and thereafter shall be terminable on either side by a week's notice which may be made to expire at any time during a week of the employment. Provided that this clause shall not affect the employer's right to dismiss forthwith at any time an employee because of the latter's incompetence or misconduct, in which case the employee shall be entitled in respect of wages for the then current week's employment, only to payment proportionate to the aggregate of time worked by him, and of such other previous time (if any) in that week as to which under this Determination no deduction from his week's wages is allowable.
- (b) An engagement shall be deemed to be and to continue casual unless the employer, at the commencement of the engagement or before any change by him of a casual engagement of the employee to one by the week, expressly notifies the employee that he is to be engaged by the week.
- (c) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he performs.
- (d) The employer shall have the right to deduct payment for any day upon which the employee cannot be employed usefully because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause or which the employer cannot reasonably be held responsible.

# ANNUAL HOLIDAYS.

6. The annual holiday shall be as prescribed by the provisions of the Factories and Shops (Annual Holidays) Act 1916 (No. 5111) and any amendments which may be made thereto from time to time.

# SICK LEAVE.

7. No deduction shall be made from the wages of any weekly employee unavoidably absent through illness for not more than 40 working hours in each year, i.e., one day for each two months' service, commencing 1st July, 1942, provided he has submitted, within 24 hours of the commencement of such absence, satisfactory evidence to the employer or his representative that same was not the result of his own misconduct.

# SUNDAYS AND HOLIDAYS.

- 8. (i) Weekly employees shall be entitled to 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, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.
- (ii) Any weekly employee required to work on a Sunday or any holiday mentioned in sub-clause (i) hereof, shall be paid for such work at double the ordinary rate.

# WASHING FACILITIES.

9. Each employer shall provide for all the employees hot and cold showers or other conveniences, which shall be approved by the Secretary for Labour or his Inspector.

# TIME RECORD.

- 10. (a) The employer shall keep a record of the names of the employees of such employer, and in respect of each such employee, a record from week to week of the periods, times, and class of work done, and the rates of wage and amounts of wages paid, and shall obtain from week to week the signature of each employee to such record.
- (b) The secretary or duly accredited representative of the Federated Fodder and Fuel Trades' Industrial Union authorized in writing to that effect by such secretary shall be allowed; or any day after which two days' notice has been given to inspect such records so far as may be reasonably necessary: to obtain information therefrom relating to any member or members of the said union.

## RIGHT OF ENTRY OF UNION OFFICIAL.

11. A duly accredited representative of the Federated Fodder and Fuel Trades Industrial Union shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination is done, for the purpose of interviewing employees on legitimate Union business.

# NOTICE BOARD.

12. The Federated Fodder and Fuel Trades Industrial Union shall be permitted to post on a board notices appertaining to Union business generally.

### FIRST-AID CHEST.

13. Every employer shall provide a fully-equipped first-aid outfit for use of any employee injured in the course of his employment.

# GOGGLES AND RESPIRATORS.

14. Every employer shall provide suitable goggles and respirators for use of employees whilst employed by him.

# PART 3.—Periodical Adjustment of Wages.

(Note, -- The provisions of this Part operate in the cases of employees covered by Part 1 and Part 2.)

1. The wages rates set out in Part 1 and Part 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 2. Provided that the wages of improvers shall be adjusted from time to time by increasing or decreasing the said rates in the same proportion as the amount of increase or decrease of the needs basic wage bears to the needs basic wage current immediately prior to the adjustment. Such adjustments shall be calculated to the nearest 3d., half or less than half of 3d., be disregarded.

# Basic Wage.

Place.				Needs Basic Wage.	Loading Constant.	Basic Wage.	Index Number Set Assigned.
				£ a. d.	s. d.	£ s. d.	
Throughout the State	••	••	••	6 17 0	6 0	7 3 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, 1951, the amounts of the basic wage shall be as prescribed in clause 1.
- (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.
  - P. A. RANDLES, J.P., Chairman.
  - J. V. WILLOX, Secretary.

Melbourne, 11th October, 1950.