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Factories and Shops Acts.

DETERMINATION OF THE AERATED WATER TRADE BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, or business of an aerated water or cordial or non-intoxicating beer manufacturer," has made the following Determination, viz. :—

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

2. JUNIORS.

Males.	Wages per Week of 40 Hours.		Females.	Wages per Week of 40 Hours.	
	Until the Beginning of the First Pay Period to Commence in February, 1951.	Thereafter.		Until the Beginning of the First Pay Period to Commence in February, 1951.	Thereafter.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Under 16 years of age ..	2 1 0	2 3 0	17 years of age and under	3 6 6	3 10 0
16 years of age ..	2 18 0	3 1 0	18 years of age ..	3 19 6	4 3 0
17 years of age ..	3 18 6	4 2 0	19 years of age ..	4 12 0	4 16 6
18 years of age ..	4 19 0	5 3 6	20 years of age ..	5 4 6	5 9 6
19 years of age ..	6 4 6	6 10 0			
20 years of age ..	7 9 6	7 16 6			

PROPORTION (within any factory or place).

The proportion of male juniors to adults employed shall not exceed one juvenile to two or fraction of two adults employed by the employer in the industry.

OTHER EMPLOYEES.

(i) Until the beginning of the first pay period to commence in February, 1951.

	Wages per Week of 40 Hours.	
	Within 20 Miles of G.P.O., Melbourne; within 10 Miles of G.P.O., Geelong; in Warrnambool; and in Mildura and Gippsland Districts.	Elsewhere in Victoria.
	£ s. d.	£ s. d.
Adult Males—		
Cordial Maker, i.e., one who makes up either from his own or his employer's recipe	10 2 0	9 19 0
Employee who, under the direction of the employer or foreman, is in charge of the running, adjustment, and maintenance of machinery, gas generators, or aerated water plant	9 12 0	9 9 0
Employee operating automatic combined bottle-washing, syrrupping, bottling, sealing (or crowning), and labelling machine	9 7 0	9 4 0
Employee machine labelling (other than automatic combined machine) and bottling aerated or carbonated waters	9 2 0	8 19 0
Employee engaged in handling Glauber Salts	9 2 0	8 19 0
Box repairer and wood worker	9 7 0	9 4 0
All others	8 19 0	8 16 0
Leading hand i.e., an employee who is authorized to exercise and does exercise supervision over the work of at least three other employees—1s. per day extra.		
Adult Females—		
Employees engaged syphoning, stoppering, filling essences, capsuling, sighting, cleaning, marking cases, foiling, labelling, wiping, wrapping, and peeling or cutting up fruit or vegetables	6 8 6	6 6 0

(ii) Thereafter :—The rates for adult males shall be increased by 8s. and the rates for adult females shall be increased by 6s.

TERMS OF EMPLOYMENT.

3. (i) Except as provided in clause 5 hereof, employment shall be on a weekly basis.
- (ii) Employees shall perform such work as the employer shall from time to time reasonably require and an employee not attending for or not performing his duty shall lose his pay for the actual time of such non-attendance or non-performance.
- (iii) Except as to casual employees, employment shall be terminated by a week's notice on either side, given at any time during the week; or by the payment or forfeiture of a week's wages as the case may be.
- (iv) This clause shall not affect the right of an employer to deduct payment for any day or portion thereof during which the employee is stood down as a result of refusal of duty, malingering, inefficiency, neglect of duty or misconduct, on the part of the employee, or to deduct payment for any day during which the employee cannot be usefully employed because of any strike or through any breakdown of machinery or due to any cause for which the employer cannot reasonably be held responsible.
- This clause shall not affect the right of an employer to dismiss an employee without notice for refusal of duty, malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be payable up to the time of dismissal only.

HOURS.

4. (a) Each employee shall have a fixed starting and finishing time alterable at seven days' notice.
- (b) The ordinary hours of labour of all employees shall be 40 per week; Monday to Friday inclusive, 8 hours each day exclusive of meal intervals. The said hours shall be worked within the range of hours from 6 a.m. to 6 p.m.
- (c) Meal intervals shall not be less than 40 nor more than 60 minutes in duration.
- (d) Any employee having worked five hours continuously shall thereupon be allowed time off duty without pay for at least 40 minutes.

CASUAL EMPLOYEES.

5. A casual employee shall mean and be deemed to be any employee engaged for a less period than one full working week. He or she shall be paid per hour at a rate not less than one-fortieth of the rate prescribed for an employee engaged by the week for similar work with an addition of one-fifth. Payment of his or her wages shall not be delayed beyond the termination of his or her employment.

WORK OF MALE JUVENILES.

6. The following work may be performed by male juveniles of any age:—Syrup room, syphoning, stoppering, capsuling, labelling, wrapping, wiping, cleaning up, marking cases, sighting, wiring, tying, stacking cases at a height of not more than 5 feet, and any other work of a light nature.
- Provided that:—Juveniles under the age of 19 years shall not be called upon to work on machine labelling unless they are paid the rates prescribed for a male juvenile of 19 years.

OVERTIME.

7. (a) All duty performed in excess of 8 hours on Monday to Friday inclusive, or outside the fixed starting and finishing times shall be overtime and shall be paid for at the rate of time and a half for the first four hours on any one day and double time thereafter.
- (b) An employee required to work overtime on a Saturday shall be afforded at least three hours' work or paid for three hours at the appropriate rate except where such overtime is continuous with overtime commenced on the day previous.
- (c) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

MEAL MONEY.

8. An employee required to work overtime in excess of one hour and a half after the usual finishing time without having been notified on the previous day that he or she would be so required shall either be supplied with a meal or be paid 2s. 6d. by the employer.

HOLIDAYS AND SUNDAYS.

9. (a) For the purposes of this Determination the days generally observed as the following shall be holidays:—New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Union Picnic Day, King's Birthday, Christmas Day and Boxing Day.
- (b) If any of the said named days falls on a Sunday and no week day is generally observed as such a day, a week day in lieu thereof shall be allowed to each employee and shall in respect of such employee be treated as if it were such named day.
- Provided that this sub-clause shall not apply to Anzac Day.
- (c) No deduction shall be made from the wage of any employee engaged by the week because of absence from work on a holiday unless without permission or reasonable excuse he or she stays away on the day next preceding or next succeeding the holiday.
- (d) No deliveries whatever shall be made on Sunday or on any holiday except New Year's Day, Easter Monday, or Boxing Day.
- (e) All work performed on Sundays shall be paid for at the rate of double time and all work performed on Holidays provided for by this Determination shall be paid for at the rate of single time extra with a minimum of four hours in either case.

ANNUAL HOLIDAY.

10. 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.

11. (a) An employee on weekly hire who is absent from work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—
- (i) He shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation.
- (ii) He shall not be entitled to paid leave of absence unless he has been in the service of the employer concerned for at least three months immediately prior to such absence.
- (iii) He shall within 24 hours of the commencement of such absence inform the employer of his inability to attend for duty and, as far as practicable state the nature of the injury or illness and the estimated duration of the absence.
- (iv) He shall provide satisfactory evidence that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.
- (v) He shall not be entitled in respect of any year of employment (whether in the employ of one employer or of several) to leave in excess of 40 hours of working time, or a proportionately less time during any shorter period of employment.

(b) For the purpose of administering paragraph (v) of sub-clause (a) an employer may within one month of this Determination coming into operation or within two weeks of the employee entering his employment require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year; and upon such statement the employer shall be entitled to rely and act.

(c) Sick leave shall accumulate from year to year so that any part of the week which has not been allowed in any year may, subject to the conditions prescribed by this clause be claimed by the employee and shall be allowed by the employer in any subsequent year of employment. Provided that sick leave where accumulated pursuant to this sub-clause shall be available to the employee for a period of two years, but for no longer from the end of the year in which it accrues.

(d) Notwithstanding anything elsewhere contained in this clause an employee shall not be deprived of his rights which shall have accrued in respect of service prior to the coming into force of this Determination.

MIXED FUNCTIONS.

12. Where an employee is called upon to perform two or more classes of work on any one day he or she shall, for the purpose of assessing the wages to be paid, be deemed to have worked a day at the class for which the highest rate of wages is prescribed.

WATERPROOF CLOTHING AND BOOTS.

13. Where it is necessary for an employee to wear waterproof clothing or boots or clogs, they shall be provided by the employer. The question as to whether waterproof clothing or boots or clogs are necessary for any employee shall be settled by agreement between the employer and the employee and in default of such agreement by the Chief Inspector of Factories.

GLOVES.

14. All employees working on bottling machines or required to bring their hands in contact with broken glass shall be supplied with suitable protective gloves by the employer.

FIRST AID KIT.

15. First aid kit as now required under the Factories and Shops Acts shall be provided by the employer in each factory and in the event of an accident occurring the first aid attendant shall be allowed reasonable time to attend to employees concerned in such accident.

TIME AND WAGES SHEETS.

16 (a) All employers shall keep a time sheet and a wages sheet which may be either combined or separate, and which shall be entered in ink, showing the hours worked each day and the wages paid to each employee.

(b) The time sheet and the wages sheet shall, as to entries therein in respect of employees covered by this Determination, be open for inspection to a duly accredited official of the Federated Liquor and Allied Trades Employees' Union of Australasia during the usual office hours at the employer's office or other convenient place. Provided that no inspection shall be demanded unless the secretary or district secretary or organizer of such union suspects that a breach of this Determination has been committed: Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment.

UNION OFFICIALS.

17. The Secretary or Organizer of the Federated Liquor and Allied Trades Employees' Union of Australasia, may enter the employer's premises for the purpose of interviewing employees on legitimate union business during the midday meal break, providing he first reports to the employer and obtains his approval to enter, which approval shall not be withheld except for a reasonable cause.

EXHIBITION OF DETERMINATION.

18. This Determination shall be exhibited by each employer on his premises in a place accessible to all employees.

PERIODICAL ADJUSTMENT OF WAGES.

19. The adult male wages rates set out in clause 2 are based upon the following basic wage, and, pursuant to the provisions of section 21 of the Factories and Shops Act 1934, shall be automatically adjusted as prescribed by clause 20.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
Within 20 miles of G.P.O., Melbourne	£ s. d. 8 10 0	Melbourne
Within 10 miles of G.P.O., Geelong, at Warrnambool, and in Mildura and Gippsland districts		
Elsewhere in Victoria—3s. less than the contemporaneous basic wage for Melbourne		

ADJUSTMENT OF BASIC WAGE.

20. (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 May, 1951, the amount of the basic wage shall be as prescribed in clause 19.

(c) During each future successive period beginning with the first pay period to commence in a May, an August, a November, or a February, 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 by the factor .103 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) An adult female employee shall be paid as a basic wage at a rate not less than 75 per cent. of the basic wage payable from time to time to an adult male employee working in the same locality. Such 75 per cent. shall be calculated to the nearest sixpence, any fraction of sixpence in the result not exceeding threepence to be disregarded. To the basic wage so ascertained shall be added an additional amount of 7s.

Juniors.

(e) The minimum rate of wage to be paid to juniors shall be as follows:—

(i) *Males.*

	Percentage of Basic Wage.	Additional Amount.
	Per Week.	Per Week. <i>s. d.</i>
Under 16 years of age	24	2 0
16 years of age	34	3 0
17 years of age	46	4 0
18 years of age	58	5 0
19 years of age	73	6 0
20 years of age	88	7 0

(ii) *Females.*

	Percentage of Basic Wage for Adult Females.	Additional Amount.
	Per Week.	Per Week. <i>s. d.</i>
17 years of age and under	52	3 6
18 years of age	62	4 0
19 years of age	72	4 6
20 years of age	82	5 0

(f) The wages of junior males and junior females shall be calculated to the nearest sixpence; any broken part of sixpence in the result not exceeding threepence to be disregarded.

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

J. V. WILLOX, Secretary.

Melbourne, 23rd January, 1951.