



# VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 694]

THURSDAY, JULY 19.

[1951

Factories and Shops Acts.

## DETERMINATION OF THE RETAIL DAIRY BOARD.

NOTES.—(1) On 18th July, 1938, the Butter Board was deprived of the power to "determine the lowest prices or rates which may be paid to any person or persons wheresoever employed in the process, trade, business, or occupation of preparing milk or cream for trade or sale by retail," and such power was conferred exclusively on the Retail Dairy Board.

(2) 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 wheresoever employed in the process, trade, business, or occupation of preparing milk or cream for trade or sale by retail" has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence in May, 1951, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Improvers.					Other Employees.				
Wages Per Week of 40 Hours.					Wages.*				
	Shift Workers.		All Others.			Per Week of 40 Hours.			
	Percentage of Basic Wage.	Amount.	Percentage of Basic Wage.	Amount.			Shift Workers.	All Others.	
							Weekly Wage.	Weekly Wage.	
		<i>s. d.</i>		<i>s. d.</i>		<i>s. d.</i>	<i>s. d.</i>		
Under 16 years ..	..	..	50	*88 6	Manager .. .. .	*231 6	*220 6		
16-17 years ..	..	..	58	*102 6	Foreman .. .. .	*226 6	*215 6		
17-18 years ..	..	..	66	*117 0	Operator of—				
18-19 years ..	84	*148 6	75	*132 6	Pasteurizer .. .. .	*212 6	*201 6		
19-20 years ..	92	*163 0	84	*148 6	Separator or milk cooler ..	*207 6	*196 6		
20-21 years ..	98	*173 6	90	*159 6	Washer or sterilizer of cans or bottles .. .. .	*207 6	*196 6		
					All others .. .. .	*206 6	*195 6		

PROPORTION (IN ANY PLACE).

*Wales.*

One improver to every eight or fraction of eight workers receiving not less than 195s. 6d. per week of 40 hours.

\* Adult employees whose usual hours of duty extend over six days per week shall receive in addition to their usual weekly wage prescribed in this Determination an additional 11s. 6d. per week; provided that improvers whose hours of duty are similarly extended shall receive *pro rata* the additional amount prescribed herein for adults.

\* An additional amount of 20s. per week shall be paid to all employees provided—

(i) that this amount shall not be paid to any employee who absents himself from work without reasonable excuse on any day he is so required to work; and

(ii) sub-clause (i) hereof shall not apply to the rostered day off or to an employee who is absent on sick leave pursuant to clause 11.

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the *Factories and Shops Act 1934* that this trade is so unskilled that no person should be taken as an apprentice to it.

3. (a) "Ordinary Worker" is a person who works his 40 hours between the hours of 7 a.m. and 6 p.m. either in five days of eight hours per day or in six days of six hours 40 minutes per day, except as varied by clause 4.

(b) "Shift Worker" is a person other than an ordinary worker.

## CONTINUITY OF WORK.

4. The work of each day or shift shall be continuous, provided that any break (other than the meal-time set out in Clause 13) shall be calculated as time worked and paid for at the ordinary rate of pay, provided further that an ordinary worker receiving and treating milk after 6 p.m. shall receive time and a half for the hours so worked after 6 p.m., calculated at and in addition to the ordinary worker's weekly wage.

## OVERTIME.

5. All time worked by a six day a week worker in excess of 6 hours 40 minutes on any one day or by a 5 day a week worker in excess of 8 hours on any one day or by either (or both) in excess of 40 hours in any one week shall be paid for at the rate of time and a half: provided that all work done on the seventh day by a six day a week worker or on the sixth or seventh day by a 5 day a week worker shall be paid for at double time with a minimum payment as for four hours on any such sixth or seventh day. Provided further that an employee shall not be paid overtime on a weekly basis for any time for which he is entitled to receive overtime payment on a daily basis.

## ROSTERED DAY OR DAYS OFF.

6. (a) (i) A 6 day a week employee if working day work shall be entitled to one clear day off in each seven days, or if working shift work shall be entitled to one clear shift off in each seven shifts.

(ii) A 5 day a week employee if working day work shall be entitled to two clear consecutive days off in each seven days, or if working shift work shall be entitled to two clear consecutive shifts off in each seven shifts.

(b) Each employer shall fix a regular day or days off, alterable only by giving seven days notice to the employee concerned.

## CASUAL LABOUR.

7. Any employee who is employed for three days or less in any working week shall be paid at the rate of double time for the hours worked with a minimum payment of five hours in any one day, provided that any employee called upon to work on more than three days shall receive a full week's wages, irrespective of the number of hours worked not exceeding 40 per week.

## TERMS OF ENGAGEMENT.

8. All employees (other than casual employees) shall be paid the full weekly wage irrespective of the number of hours fixed not exceeding 40 per week.

## SPECIAL RATES.

9. Double time shall be paid for all work done on New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labour Day, King's Birthday, 9th May, 1951, 13th November, 1951, Christmas Day, Boxing Day, and Melbourne Cup Day.

## ANNUAL HOLIDAYS.

10. (a) 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.

(b) If the business be sold or transferred during the period of service the employee shall be entitled to the holidays herein prescribed at the conclusion of six or twelve months' service, as the case may be, with the firm or business.

## SICK LEAVE.

11. (a) Any employee who has been in the employment of the same employer for a period of not less than three months and who does not attend for duty shall lose his pay for the actual time lost unless such employee produces or forwards within 24 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 ground of personal ill-health or accident for more than six days in each year or a proportionate less time during any shorter period of employment.

(b) Notwithstanding the provisions of sub-clause (a) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding twelve days, which shall be the maximum amount of leave to which an employee may be entitled in any year of service without deduction of pay. For the purposes of this sub-clause service prior to 1st September, 1945, shall be disregarded.

## ALLOWANCE.

12. (a) Where an employee is required by law or by his employer to wear a washable outer overall, two such overalls of a proved type and quality (not exceeding two each year of employment) shall be provided by the employer within two weeks of the commencement of employment; such overalls shall remain the property of the employer.

(b) Employees employed on can washing, tipping milk, or where they are constantly required to work in wet conditions necessitating the wearing of waterproof aprons, rubber boots or suitable protective footwear shall be supplied with such articles by the employer, and the articles so supplied shall remain the property of the employer. With regard to footwear, the employer alternatively may pay an allowance of 1s. 6d. per week to each employee eligible for such footwear.

## MEAL TIME.

13. Employees shall be allowed a meal break of not less than 30 minutes and not more than 60 minutes in each day or shift. Such meal break shall be taken not earlier than 3 hours and not later than 5 hours from the time of commencing work or from the time of the last previous meal break.

If the employer requires an employee to work during the meal break he shall be paid at the rate of time and a half until such time as the employee has a meal break.

## TIME BOOK OR OTHER RECORD.

14. (a) Each employer shall at the place of employment keep a record or time book in which each employee shall indelibly record daily his or her correct times of beginning and ending work, and in addition in such record or time book shall also indelibly record the total weekly hours worked and the amount of wages received for such week.

(b) Such record or time book shall, on demand, be produced by the employer for inspection to any officials (not more than two at one time) of the Federated Cold Storage and Meat Preserving Employees Union of Australasia duly authorized in writing by the President and Secretary of the local branch or sub-branch of the Union, at the place of employment. Such inspection shall be completed as soon as is reasonably possible.

(c) Where an employee performs work for which a special rate is provided, a record of such work and the nature of same shall be recorded in the time book or equivalent record.

(d) The record or time book shall show the particulars herein required for not less than the last preceding three months of employment.

## TERMINATION OF EMPLOYMENT.

15. Seven days' notice of termination of employment shall be given by either employer or worker or one week's wages shall be paid or forfeited, as the case may be. Notwithstanding anything in this clause an employer may at any time forthwith dismiss an employee for refusal or neglect to obey orders, misconduct, or carelessness in the performance of his duties, or if after receiving seven days' notice of termination of employment the employee does not carry out his duties in the same manner as before such notice.

## PERIODICAL ADJUSTMENT OF WAGES.

16. The 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*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 17.

*Basic Wage.*

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	8 17 0	Melbourne

## ADJUSTMENT OF BASIC WAGE.

17. (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, 1951, the amount of the Basic Wage shall be as prescribed in clause 16.

(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 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  $\cdot 103$  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  $\cdot 5$  or more the basic wage shall be taken to the next higher shilling.

(d) The wages of Improvers shall be the appropriate percentages as set out in clause 2, such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

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

L. V. MARCHESI, Acting Secretary.

Melbourne, 30th April, 1951.

