



# VICTORIA GOVERNMENT GAZETTE.

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[1951

Factories and Shops Acts.

## DETERMINATION OF THE FARRIERS BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria. By Order in Council, dated the 2nd December, 1941, the Farriers (Country) Wages Board was deprived of the whole of its powers and such powers were conferred exclusively on the Farriers Board.

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 a farrier," 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.

Wages.

Apprentices and Improvers.				Other Employees	
	Percentage of Basic Wage.	Special Loading.	Total Wage Per Week 40 Hours.		
		<i>s. d.</i>	<i>s. d.</i>		
1st year's experience	.. 39	..	69 0	(a) Employed within the Metropolitan District as defined in the Factories and Shops Acts, and at Ballarat, Bendigo, Geelong, Warrnambool, Castlemaine, Yallourn, and Frankston, and within the Gippsland district:—	
2nd year's experience	.. 42	..	74 6	All Employees *226s. per week of 40 hours.	
3rd year's experience	.. 52	1 6	93 6	(b) Employed outside the areas specified in paragraph (a):—	
4th year's experience	.. 82	2 3	147 3	All Employees *223s. per week of 40 hours.	
5th year's experience	.. 100 +	3 0	183 0		
	3s.				

PROPORTION (WITHIN ANY PLACE).  
One apprentice or one improver to every three or fraction of three workers receiving not less than the minimum wage.

\* Including a loading of 6s. per week.

### HOURS OF EMPLOYMENT.

3. (a) Within the Metropolitan District and the City of Ballarat.—The ordinary hours of employment shall be 40 per week to be worked in five days of not more than 8 hours (Monday to Friday inclusive) and/or one day (Saturday) of not more than 4 hours, or of five days (Monday to Friday inclusive) of not more than 8 hours each, to be worked continuously (except for meal breaks) at the discretion of the employer, between 7.30 a.m. and 5 p.m. on Monday to Friday inclusive, and 7 a.m. to 11 a.m. on Saturdays. Provided that the number of hours for a day's work herein prescribed may be altered as to all or a section of the employees by mutual agreement between an employer and his employee or employees.

(b) Elsewhere in the State of Victoria.—The ordinary hours of employment shall be 40 per week to be worked between the following daily times:—

	Time of Beginning.	Time of Ending.
(i) On the day that the half holiday is ordinarily locally observed	8 a.m.	Noon
(ii) On other working days	8 a.m.	5 p.m.

Provided that the spread of hours herein prescribed may be altered and the number of hours for a day's work may be determined, as to all or a section of the employees by mutual agreement between an employer and his employee or employees but in no case may the hours be so determined as to exceed an ordinary working week of 40 hours without payment for overtime.

## EMERGENCY PROVISIONS.

3A. (a) Notwithstanding anything elsewhere contained in this Determination, the following provisions shall apply in the case of an employer who is subject to restriction or rationing in the use of electric energy and/or coal gas and/or the emergency disconnection thereof in accordance with orders or regulations approved by the appropriate lawful authority.

(i) If by reason of such restriction or rationing or emergency disconnection he is unable usefully to employ an employee for the whole or part of any day or shift, he may deduct from the wages of that employee payment for any part of the day or shift such employee cannot be usefully employed provided that—

- (1) if an employer requires the employee to attend for work but is not able to employ him usefully the employee shall be entitled to be paid for two hours' work;
- (2) where an employee commences work he shall be entitled to be paid for four hours' work;
- (3) this sub-clause shall not apply to apprentices.

(ii) He may require any day worker to perform his ordinary hours of work (or any such ordinary hours of work) at any time on any day other than on a Sunday on the basis of 40 hours per week. The following rates of pay shall apply for such work—

- (1) for work performed on Mondays to Fridays from 7 a.m. to 5.30 p.m. and on Saturdays from 7 a.m. to noon—ordinary time;
- (2) for work performed between noon and midnight on Saturdays—ordinary rates plus 25 per cent.
- (3) for work performed at all other times other than on a Sunday—ordinary rates plus 10 per cent.

Provided that when a worker is required to commence work between the hours of 9.30 p.m. and 6 a.m., the amount he shall receive shall not be less than an amount of 5s. more than the amount he would receive if paid at ordinary day rates.

(iii) He may require any shift worker to perform his hours of work at any time other than on a Sunday on the basis of 40 hours per week. The following rates of pay shall apply for such work:—

- (1) for day work or day shift work—ordinary time;
- (2) for work performed between noon and midnight on Saturdays—ordinary rates plus 25 per cent;
- (3) for afternoon and night shifts—ordinary rates plus 10 per cent.

Provided that when a shift worker is required to commence work between the hours of 9.30 p.m. and 6 a.m., the amount he shall receive shall not be less than an amount of 5s. more than the amount he would receive if paid at ordinary rates.

- (4) Nothing contained in this sub-clause shall operate so as to reduce the shift premiums payable to employees who were shift workers working on afternoon and night shifts only at the date of such interference as aforesaid and who continue to work on such shifts.

(iv) He may alter the time at which meal breaks are usually taken and/or the duration of them, in order to avoid or mitigate the effects of such interference, without being liable to pay penalty rates for work done during the normal meal breaks; provided that the commencing time of any meal break is not made more than one hour earlier or later than usual and that a meal break of at least twenty minutes is allowed; and provided also that the employer shall, whenever it is practicable, consult with the representative of the Union or Unions before acting under this paragraph.

(b) Notwithstanding anything elsewhere contained in this Determination, the provisions of this clause shall also apply (*mutatis mutandis*) in the case of an employer who uses auxiliary power plant for the purpose of providing employment for his employees whilst such restriction or rationing or emergency disconnection is in force and who—

- (i) is unable usefully to employ an employee for the whole of any day or shift by reason of a breakdown in such plant through no fault of his own; or
- (ii) because of the inability of the auxiliary power plant to meet the normal demands for power—
  - (1) finds it necessary to require any employee to perform his ordinary hours of work (or any of such ordinary hours of work) outside the hours normally worked by such employee; or
  - (2) finds it necessary to alter the time at which meal breaks are usually taken and/or the duration of them.

## OVERTIME.

4. All work done outside the spread of hours provided in clause 3 or in excess of:—

- (a) 8 hours on any day where a 5-day week is worked, or
- (b) 4 hours on Saturday . . . . . } Where work is done on 6 days a week, or
- 8 hours on other Working Days
- (c) the hours for a day's work mutually agreed upon, between an employer and his employee or employees shall be paid for at the rate of double time.

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

## HOLIDAYS AND SUNDAY WORK.

5. Employees shall be entitled to the following public holidays, without loss of pay:—Now Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, and within the Metropolitan District on the first Tuesday in November in each year, Labour Day, Anzac Day, 9th May, 1951, 13th November, 1951, Boxing Day, and Christmas Day. Employees required to work on any of the above holidays or on a Sunday are to be paid double time for such work.

## CONTRACT OF EMPLOYMENT.

6. (a) Except as hereinafter provided employment shall be by the week. Any employee, not specifically engaged in writing as a casual employee shall be deemed to be employed by the week. Employment shall be terminated by a week's notice on either side, given at any time during the week, or in lieu of such notice by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of an employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases, the wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any break-down in the machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(b) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour 1/40th of the weekly rate prescribed by this Determination, plus 10 per cent.

## SICK LEAVE.

7. (a) An employee on weekly hiring who is absent from his 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, 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.
- (iii) He shall prove to the satisfaction of his employer 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.
- (iv) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 40 hours of working time. A year shall be deemed to commence on the 18th July and end on the 17th July next following.

For the purpose of administering paragraph (iv) of this sub-clause 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.

*Single Day Absences.*

(b) In the case of an employee who claims to be allowed paid sick leave in accordance with this clause for an absence of one day only such employee if in the year he has already been allowed paid sick leave on more than one occasion for one day only, shall not be entitled to payment for the day claimed unless he produces to the employer a certificate of a duly-qualified medical practitioner that in his, the medical practitioner's opinion the employee was unable to attend for duty on account of personal illness or on account of injury by accident. Nothing in this sub-clause shall limit the employer's rights under sub-clause (a) (iii) hereof.

*Cumulative Sick Leave.*

(c) Notwithstanding anything contained in 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 120 hours of working time 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 purpose of this sub-clause service prior to the 18th July, 1946, shall be disregarded.

*Attendance at Hospital, &c.*

(d) Notwithstanding anything contained in sub-clause (a) hereof an employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to workers' compensation), necessitating his attendance during working hours on a doctor, chemist or trained nurse, or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

**ANNUAL HOLIDAY.**

8. 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.

**RACECOURSE WORK.**

9. When employees are engaged on racecourses, the other clauses of this Determination shall not apply as may be inconsistent with the following sub-clauses which shall apply to racecourse work only:—

- (a) On all racecourses throughout Victoria, each weekly employee shall receive in addition to payments to which he would be entitled under any other clause of this Determination. The following allowances per day—  
 On ordinary week days . . . . . 10s.  
 On Saturdays and Public Holidays prescribed in clause 5 . . . . . 20s.
- (b) When casual employees are engaged to work on a racecourse only, they shall be paid not less than 30s. on week days, and 40s. on Saturdays and Public Holidays prescribed in clause 5.
- (c) All fares incurred in travelling to and from the racecourse shall be paid by the employer.

**RIGHT OF INTERVIEW BY UNION OFFICIAL.**

10. The Secretary of the Blacksmiths' Society of Australasia (Victorian Branch) shall have the right to interview any employee on legitimate union business on any employer's premises and/or on any racecourse where a person is engaged upon work to which this Determination applies, provided that if any employer alleges that the said Secretary is unduly interfering with his work or is creating dissatisfaction amongst his employees or is offensive in his methods such employer may refuse the right of interview. The right of free entry to any racecourse is not implied hereby.

**PAYMENT OF WAGES.**

11. Wages shall be paid not later than 4.30 p.m. on Friday in each week. Upon the termination of employment of an employee, wages due shall be paid to him on the day of such termination or forwarded to him by post the next following day.

**MEAL BREAK.**

12. No employee shall be required to work for a spread exceeding five hours without a break for a meal of at least 45 minutes.

**TIME AND WAGE RECORD.**

13. Each employer shall keep a record from which can be readily ascertained the name of each employee, the hours worked each day and the wages and allowances paid each week. Such record shall be open for inspection to inspectors of Factories and a duly accredited union official of the Blacksmiths' Society of Australasia who shall be entitled to take a copy of the entries in such record.

**PERIODICAL ADJUSTMENT OF WAGES.**

14. The wage rates for males 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 by the same amount and at the same time as such basic wage as prescribed in clause 15. Provided that the wages of apprentices or improvers shall be adjusted proportionately to adjustments of the basic wage (Melbourne) so as to preserve the percentages shown in clause 2 of this Determination: such adjustments to be to the nearest 6d., half or less than half of 6d. to be disregarded.

*Basic Wage.*

Place.	Basic Wage (Adjustable)	Index Number Set Assigned.
Employed within the Metropolitan District as defined in the Factories and Shops Acts, and at Ballarat, Bendigo, Geelong, Warrnambool, Castlemaine, Yallourn, and Frankton, and within the Gippsland district	£ s. d. 8 17 0	Melbourne
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne		

**ADJUSTMENT OF BASIC WAGE.**

15. (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 14.

(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 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.

**MARGINAL RATE.**

In addition to the basic wage provided in clause 14 the margin and loading set out in this clause shall be the minimum rate payable to employees therein named :—

Classification.	Margin Per Week.	Loading Per Week.
	£ s. d.	s. d.
All employees (other than apprentices and improvers) .. .. .	2 3 0	6 0

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

J. W. RYAN, Secretary.

Melbourne, 20th April, 1951.