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[1954

Factories and Shops Acts.

DETERMINATION OF THE QUARRY 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 which, since 13th October, 1934, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in—

- (i) the process, trade, or business of quarrying not including agriculture;
- (ii) (a) carting or driving, or assisting in carting or driving in connexion with or incidental to the trade or business of quarrying (not including agriculture);
- (b) the trade of crushing stone—

has made the following Determination, namely:—

1. That as from the 8th December, 1953, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. (a)

| Apprentices.* | | | | | Improvers.* | | | | |
|--|--------------------------|------------------|------------------------------------|-------------|--|---------------------------|------------------|------------------------------------|-------------|
| Wages Per Week. | | | | | Wages Per Week. | | | | |
| | Percentage of Basic Wage | Adjustable Rate. | Plus War Loading (Non-adjustable). | Total Wage. | | Percentage of Basic Wage. | Adjustable Rate. | Plus War Loading (Non-adjustable). | Total Wage. |
| | % | s. d. | s. d. | s. d. | | % | s. d. | s. d. | s. d. |
| 1st year .. | 48 | 114 0 | 2 3 | 116 3 | Carting and Driving— | | | | |
| 2nd year .. | 58 | 137 6 | 2 6 | 140 0 | Under 18 years .. | 90 | 213 6 | 4 0 | 217 6 |
| 3rd year .. | 66 | 156 6 | 3 0 | 159 6 | 18 and under 19 years .. | 100 + 5/6 | 242 6 | 4 6 | 247 0 |
| And thereafter the minimum wage. | | | | | 19 and under 20 years .. | 100 + 17/6 | 254 6 | 5 0 | 259 6 |
| PROPORTION (within any place). | | | | | 20 and under 21 years .. | 100 + 26/- | 263 0 | 5 6 | 268 6 |
| One apprentice to every three or fraction of three workers receiving not less than 274s. per week. | | | | | All other improvers— | | | | |
| An indenture of apprenticeship prescribed was approved on 6th August, 1923. | | | | | 1st year .. | 72 | 170 6 | 3 3 | 173 9 |
| | | | | | 2nd year .. | 76 | 180 0 | 3 3 | 183 3 |
| | | | | | 3rd year .. | 87 | 206 0 | 3 9 | 209 9 |
| | | | | | 4th year .. | 100 + 5/6 | 242 6 | 4 6 | 247 0 |
| | | | | | And thereafter the minimum wage. | | | | |
| | | | | | PROPORTION (within any place). | | | | |
| | | | | | (a) Where a working crane is in operation for the production of pitchers or building stone:— | | | | |
| | | | | | One improver to every three or fraction of three workers receiving not less than 287s. per week. | | | | |
| | | | | | (b) Where spall quarrying is carried on:— | | | | |
| | | | | | One improver to every twenty or fraction of twenty workers receiving not less than 274s. per week. | | | | |

(b)

Other Employees. *

Day Shift.

Wages Per Week.

| | Adjustable Rate. | Plus War Loading (Non- adjustable). | Total Wage. | Wages Per Hour. |
|---|---------------------|--|-------------|-----------------------------------|
| | s. d. | s. d. | s. d. | s. d. |
| Powder monkey† | 300 6 | 6 0 | 306 6 | 7 7 ¹⁹ / ₂₀ |
| Assistant powder monkey ‡ | 279 9 | 6 0 | 285 9 | 7 1 ¹⁹ / ₄₀ |
| Hammerman | 291 6 | 6 0 | 297 6 | 7 5 ¹ / ₂ |
| Dresser of pitchers or cubes, or scabblers | 286 6 | 6 0 | 292 6 | 7 3 ¹ / ₂ |
| Spaller | 281 0 | 6 0 | 287 0 | 7 2 ¹ / ₁₀ |
| Faceman | 280 6 | 6 0 | 286 6 | 7 1 ¹⁹ / ₄₀ |
| Feeder of a stone crushing machine | 283 0 | 6 0 | 289 0 | 7 2 ⁷ / ₁₀ |
| Dust hole man | 278 0 | 6 0 | 284 0 | 7 1 ¹ / ₂ |
| Persons boring holes by hand or machine | 276 0 | 6 0 | 282 0 | 7 0 ¹ / ₂ |
| Borer's assistant | 276 0 | 6 0 | 282 0 | 7 0 ¹ / ₂ |
| Blacksmith | 295 6 | 6 0 | 301 6 | 7 6 ⁹ / ₂₀ |
| Tool sharpener | 279 0 | 6 0 | 285 0 | 7 1 ¹ / ₂ |
| Loader | 271 0 | 6 0 | 277 0 | 6 11 ¹ / ₁₀ |
| Carters or drivers driving— | | | | |
| One horse | 268 6 | 6 0 | 274 6 | 6 10 ⁷ / ₂₀ |
| Two horses | 276 0 | 6 0 | 282 0 | 7 0 ¹ / ₂ |
| Three horses | 282 0 | 6 0 | 288 0 | 7 2 ¹ / ₂ |
| Four or five horses | 285 0 | 6 0 | 291 0 | 7 3 ¹ / ₁₀ |
| And 6d. extra per day for each additional horse | | | | |
| Drivers of motor vehicles of the following carrying capacity :— | | | | |
| Not exceeding 25 cwt. | 273 0 | 6 0 | 279 0 | 6 11 ¹ / ₁₀ |
| Exceeding 25 cwt., but not exceeding 3 tons | 274 3 | 6 0 | 280 3 | 7 0 ⁹ / ₄₀ |
| Exceeding 3 tons | 281 9 | 6 0 | 287 9 | 7 2 ¹⁹ / ₄₀ |
| Dumper driver | 286 0 | 6 0 | 292 0 | 7 3 ¹ / ₂ |
| All others | 268 0 | 6 0 | 274 0 | 6 10 ¹ / ₂ |

* See clause 3 re hours.

† See clause 10 re definition.

‡ See clause 11 re definition.

When an employee is working in water to a depth of 2 inches or more, he shall, in addition to the ordinary rate of pay, receive 1s. 6d. extra per day or portion of a day whilst he is so employed.

The wages rates herein prescribed for a "Feeder of a stone crushing machine" and a "Dust hole man" were determined after due consideration had been given to the dirty and dusty conditions of the work.

(c) Employees on afternoon and/or night shift shall be paid at the appropriate rate prescribed in sub-clause (b) hereof plus 20 per cent.

Hours.

3. The number of hours to constitute an ordinary week's work shall be 40 for all employees to be worked between the following times :—

(a) Drivers of Motor vehicles :—

| | Where a 5½ day week is worked. | | Where a 5 day week is worked. | |
|--------------------------|--------------------------------|-----------------|-------------------------------|-----------------|
| | Time of Beginning. | Time of Ending. | Time of Beginning. | Time of Ending. |
| Monday to Friday | 7.30 a.m. | 5.15 p.m. | 7.15 a.m. | 5.36 p.m. |
| Saturday | 7.45 a.m. | noon. | | |

Meal intervals (which shall not be counted as time worked) shall be allowed as follows :—

- (i) Where a 5½-day week is worked One hour each day (Saturday excepted).
 (ii) Where a 5-day week is worked Three-quarters of an hour each day.

(b) All others—

Where one shift is worked—

| | Time of beginning. | Time of ending. |
|--------------------------------------|--------------------|-----------------|
| Monday to Friday (Day shift) | 7.30 a.m. | 5 p.m. |
| Saturday | 7.30 a.m. | noon |

Where two shifts are worked—

| | | |
|--|---------|---------|
| Monday to Friday (Day shift) | 7 a.m. | 3 p.m. |
| Monday to Friday (Afternoon shift) | 3 p.m. | 11 p.m. |
| Saturday (Day shift) | 7 a.m. | 11 a.m. |
| Saturday (Afternoon shift) | 11 a.m. | 3 p.m. |

Where three shifts are worked—

| | | |
|--|---------|---------|
| Monday to Friday (Day shift) | 7 a.m. | 3 p.m. |
| Monday to Friday (Afternoon shift) | 3 p.m. | 11 p.m. |
| Monday to Friday (Night shift) | 11 p.m. | 7 a.m. |
| Saturday (Day shift) | 7 a.m. | 11 a.m. |
| Saturday (Afternoon shift) | 11 a.m. | 3 p.m. |
| Saturday (Night shift) | 3 p.m. | 7 p.m. |

(c) Notwithstanding anything contained in sub-clause (b) hereof, the spread of hours may be varied on any job by mutual agreement between an employer and the majority of his employees on the job provided that the maximum number of hours that may be worked on any day without payment for overtime shall be 4 hours on a Saturday and 8 hours on any other day.

OVERTIME.

4. (a) The higher rate to be paid for each hour or fraction of an hour worked by any employee outside the times of beginning and ending work, or outside the hours mutually agreed upon between an employer, and the majority of his employees on the job as prescribed in clause 3 shall be time and a half for the first two hours and thereafter double time. Provided that an employee who has completed his ordinary week's work and is required to work on a Saturday morning shall be paid for such work at the rate of time and a half for the first three hours and double time thereafter. Provided further that time spent in harnessing or unharnessing horses shall be deemed not to be time worked. In computing overtime each day's work shall stand alone.

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

TIME WAGES.

5. Any person working on time wages in connexion with stone-crushing plants for less than the number of hours of an ordinary week's work, shall for each hour worked up to one-half the number of hours fixed for an ordinary week's work, be paid the ordinary wages rate with an addition of thirty-three and one-third per centum.

SPECIAL RATES.

6. (a) For all work done on Sunday (except as prescribed in sub-clause (b) hereof) and the undermentioned holidays the rates shall be:—

| | |
|--|----------------|
| Australia Day, Labour Day (and outside the Metropolitan District, Queen's Birthday) | } Double time. |
| New Year's Day, Good Friday, Easter Monday, Anzac Day, Christmas Day, Boxing Day (and within the Metropolitan District, Melbourne Cup Day) provided that time and a half only shall be payable in respect of time worked rendered necessary by (a) a breakdown in plant, | |
| (b) repair work on such plant | |

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

(b) Where work is rendered necessary by a breakdown in the plant or by repairs to such plant, time worked on any Sunday shall be paid for at the rate of time and a half.

HOLIDAYS.

7. All employees shall be entitled to be absent without deduction of pay on any of the holidays or any day or days substituted in lieu thereof prescribed in clause 6 hereof.

7A. In connexion with the visit to Australia of Her Majesty Queen Elizabeth II., where a public holiday or public half-holiday is proclaimed by Order in Council throughout any municipality or part thereof, or within any defined area, such public holiday or public half-holiday shall, so far as such municipality or part thereof, or such defined area is concerned, be deemed to be included in the list of holidays herein prescribed in clauses 6 and 7 hereof.

Provided that an employee who fails to attend for work on the working days before and/or after such public holiday or public half-holiday without reasonable excuse shall not be entitled to be paid for such public holiday or public half-holiday.

TOOLS AND APPLIANCES.

8. That any employee on wages rates who is called upon to supply any or all of the following tools or appliances, viz.:—

Picks, shovels, wheelbarrows, face bars, banker bars, drills, jumpers, dressing hammers, spawling hammers, striking hammers, scabbling picks, or any other tools that may be necessary for the process of quarrying, shall be paid by the employer 3d. per hour in addition to the ordinary rates fixed by this Determination.

ANNUAL HOLIDAY.

9. 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.

POWDER MONKEY.

10. Powder monkey shall mean a person using or having charge of explosives during any portion of a week.

ASSISTANT POWDER MONKEY.

11. Assistant powder monkey shall mean a person who assists a powder monkey. Provided that if, in the absence of the powder monkey and/or for any other reason, he carries out the duties of a powder monkey, he shall be paid at the rate fixed for such person.

SANITATION.

12. Proper sanitary conveniences for the use of employees shall be provided and kept clean by the employer.

PAYMENT OF WAGES.

13. Payment of wages shall be made not later than Thursday in each week and any employee kept waiting for his wages on pay day for more than ten minutes after:—

(a) the usual time of ceasing work in the case of a person not working overtime, or

(b) his time of ceasing work in the case of a person working overtime,

shall be paid at overtime rates after that quarter of an hour with a minimum of a quarter of an hour.

SHELTER.

14. (a) Where quarrying operations are continuously carried out each employer shall provide suitable dressing accommodation with a concrete or timber floor, and including seating and clothes hanging facilities on all jobs. Where three or more men are employed, and the work is estimated to last one week or more, a shelter shed based on six square feet per person with a minimum of 50 square feet, shall be provided. Such shed shall be for the exclusive use of workmen and not used for the storage of tools or other materials.

(b) Where running water is available an adequate number of showers with concrete floors shall also be provided adjacent to this building.

CARRYING OF WORKING TOOLS.

15. All time occupied by an employee in carrying his working tools—

(a) into or out of the quarry, or

(b) for a greater distance than 100 yards to or from the place of work,

shall be paid for at the rate fixed in this Determination for the class of work usually performed by him.

MEAL INTERVAL.

16. In places where only one shift is worked, each employee shall have not less than three-quarters of an hour, nor more than one hour meal interval each day.

WALKING TIME.

17. Where an employee during a meal hour is required for the purposes of safety, or for safety in the use of explosives to walk from his place of work to an appointed crib house, his meal hour shall be extended (without deduction of pay) for a period sufficient to cover the time occupied in returning from the crib house to his place of work.

EMPLOYEE PRESENTING HIMSELF FOR WORK.

18. Any employee who is not informed before he leaves the job at the end of his shift that he is not required to work at his next shift, and having presented himself at the time fixed for commencing work, is not employed, shall be paid for two hours on the basis of his classification. Provided that where an employee becomes entitled to payment as aforesaid, and is employed for part of the shift, he shall not receive payment for more than an ordinary day's work for such shift.

The provisions of this clause shall not apply where unemployment is caused by a breakdown in machinery, or an act of God not otherwise provided for.

To be entitled to the benefit of this provision, an employee (other than a driver of a motor vehicle engaged in delivery) shall have worked the whole or part of his immediately preceding shift.

PAYMENT FOR WET WEATHER.

19. An employee shall be paid on the basis of his ordinary classification for all time lost, when in the opinion of the employer or his responsible representative, the weather is too wet for the employee to continue his ordinary duties.

Provided that an employee shall not be entitled to payment as aforesaid, unless he attends at, and remains at, his place of employment, and is available and willing to perform under cover when requested to do so such other duties as may be allotted to him.

PIECE-WORK.

20. The Board determines under the provisions of Section 150 of the *Factories and Shops Act 1928* any employer may fix and pay piece-work prices to any person provided that any such employer shall base such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than the wages rates that are fixed by the Board for such work.

SICK LEAVE.

21. (a) An employee who is absent from his work on account of personal illness, or on account of injury by accident, 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 receive payment for leave of absence for any period in respect of which he is entitled to worker's compensation;
- (ii) He shall within 48 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 to attend for duty on the day or days for which sick leave is claimed on account of such illness or injury;
- (iv) He shall be entitled to sick leave not exceeding one hour's leave for each 48 hours he has actually worked up to a maximum leave of 40 hours of working time in any one year.
- (v) For the purposes of this clause a year shall be deemed to commence on the 1st January, and service prior to the 1st January, 1948, shall be disregarded.

(b) 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.

CAMP ALLOWANCE.

22. In connexion with a quarry established for a construction project where the majority of the employees in connexion with such project are entitled, under any Award, Agreement, or Determination, to a camping allowance the following provisions shall apply—

- (a) Employees who in order to be available for their work have to live in a camp established by employers or employees shall be paid a camping allowance of 4s. for each day on which they are required to hold themselves, and do hold themselves available throughout the said day to serve the employer's purposes on that or any other day, whether or not work is done on the said day. Provided however, that the total amount payable under this clause shall not exceed 20s. per week.
- (b) An employer who at his own cost provides the employees with a proper mess room and cooks the employees' food free of charge shall make a camping allowance of 2s. per working day provided, however, that the total amount payable under this provision shall not exceed 10s. per week.

MIXED FUNCTIONS.

23. An employee engaged for four hours or more on any one day or shift on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day or shift. If for less than four hours on any one day or shift he shall be paid the higher rate for the time so worked.

TRANSPORT OF INJURED OR SICK EMPLOYEE.

24. An employer shall take immediate action to provide for an employee, if required, the necessary transport in the case of sickness or injury arising out of the normal duties of such employee.

TEA BREAK.

25. A tea break, not exceeding ten minutes duration to be taken approximately mid-way between the commencement of work for the day, and the meal interval, and to be counted as time worked, shall be allowed without deduction of pay. The employer shall fix the time for the commencement of the tea break, and provide adequate boiling water. The interval shall be arranged by the employer so as to avoid the necessity for a stoppage of operations in the establishment, and may be staggered in regards to any sections thereof.

FIRST-AID OUTFIT.

26. In each workshop, and at other places where employees are regularly employed, the employer shall provide and continuously maintain at a place or places reasonably accessible to all employees an efficient first-aid outfit.

Clause 8 of chapter 9 of the Regulations under the *Factories and Shops Act 1928* requires that a first-aid ambulance chest shall be kept in some accessible place upon the premises, and that such chest shall be equipped and supplied with the following articles :—

| Articles. | Quantities to be kept in Ambulance Chest— |
|--|---|
| Antiseptic solution | 1 bottle |
| Bandages, cotton, and gauze | 1 dozen assorted sizes |
| Castor oil | 2 oz. |
| Iodine, tincture of | 2 oz. |
| Manual, first-aid | 1 |
| Petrolatum, carbolyzed | 1 jar |
| Pieric acid solution, made according to the following recipe or prescription :— 1½ teaspoonfuls of powdered pieric acid, 3 oz. of absolute alcohol and 2 pints of distilled water | 1 pint |
| Pins, safety | 1 packet |
| Sal volatile | 6 oz. |
| Scissors | 1 pair |
| Tourniquet | 1 |
| Tweezers | 1 pair |
| Cotton, absorbent | } An adequate assortment |
| Gauze, sterilized, plain | |
| Lint, absorbent | |
| Plaster, adhesive | |

PERIODICAL ADJUSTMENT OF WAGES.

27. The wages rates set out in clause 2 (b) are based upon the following basic wage, and, pursuant to and in accordance with 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 by clause 28.

Basic Wage.

| Place. | Basic Wage. (Adjustable.) | Index Number Set Assigned. |
|------------------------------|------------------------------|-------------------------------|
| | £ s. d. | |
| Throughout the State | 11 17 0 | Melbourne |

ADJUSTMENT OF BASIC WAGE.

28. (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, 1954, the amount of the Basic Wage shall be as prescribed in clause 27.

(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 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) The adjustable wages of apprentices and 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.

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 23rd November, 1953.

