

DETERMINATION OF THE BRICKLAYERS BOARD.

NOTE.

A notice of appeal to the Industrial Appeals Court has been lodged against certain parts of the Determination.

Section 22 (2), Act 4874, provides that, when an appeal is made in accordance with that Act, the Determination or parts thereof appealed against shall not come into operation until the appeal has been dealt with by the Court.

2887/54.

(b)

Other Employees.

SECTION "A".

This Section applies only in respect of the employment of persons on the construction renovation repair alteration or demolition of buildings performed on the site thereof, and in particular it shall have no application—

- (i) to employment by an employer in any industry where the work performed by the employee is subsidiary or auxiliary to the chief and principal purpose and business of such industry; or
(ii) to employment in workshops.

	Per Week.	Per Hour.
	s. d.	s. d.
(1) Foreman bricklayer in charge of three or more employees (see clause 21 hereof)		
(2) Bricklayers employed on sewerage work, drainage work, or underground work such as tunnelling	335 0	8 4½
(3) Bricklayers employed in the construction of, and/or repairs to gas retorts for the manufacture of gas, or retorts used in the manufacture and/or refining of oil from shale or coal—		
(a) Where the temperature does not exceed 120° Fahrenheit	354 2	8 10½
(b) Where the temperature exceeds 120° Fahrenheit	374 2	9 4½
(4) Bricklayers employed on old firework and/or repairs to boilers, bakers' ovens, furnaces, and all work pertaining thereto—		
(a) Where the temperature does not exceed 120° Fahrenheit	354 2	8 10½
(b) Where the temperature exceeds 120° Fahrenheit	374 2	9 4½
(5) Bricklayers employed on all new firework, construction of stills, towers, and acid-resisting brickwork, and all work pertaining thereto other than repairs to same	335 0	8 4½
(6) Bricklayers employed on repair work to acid furnaces, acid stills, acid towers, and all other acid-resisting brickwork	374 2	9 4½
(7) Bricklayers laying glass bricks	324 2	8 1½
(8) Bricklayers engaged below ground level (in underpinning the foundation of an adjoining building)	331 6	8 3½
(9) All other bricklayers	324 2	8 1½
(10) Persons employed laying or fixing faience or majolica on floors, walls, or ceilings	324 2	8 1½
Bricklayers employed building chimney stacks shall be paid—		
Over 50 feet to 100 feet, at the rate of 7s. 6d. per week extra.		
And for every additional 50 feet or fraction thereof, at the rate of 7s. 6d. per week extra.		
Bricklayers employed laying blocks (other than cindercrete blocks for plugging purposes) shall be paid the rate prescribed for the classification of the work on which they are employed plus—		
Where the blocks weigh over 12 lb. and under 20 lb., 6d. per hour;		
Where the blocks weigh 20 lb. or over and up to 40 lb., 1s. per hour;		
Where the blocks weigh over 40 lb., 1s. 6d. per hour.		

SECTION "B".

This Section applies in respect of the employment of all persons coming within the ambit of the Determination, other than those provided for in Section "A" hereof.

	Per Week.	Per Hour.
	s. d.	s. d.
(1) Foreman bricklayer in charge of three or more employees (see clause 21 hereof)		
(2) Bricklayers employed on sewerage work, drainage work, or underground work such as tunnelling not connected with building construction	328 4	8 2½
(3) Bricklayers employed in the construction of, and/or repairs to gas retorts for the manufacture of gas, or retorts used in the manufacture and/or refining of oil from shale or coal—		
(a) Where the temperature does not exceed 120° Fahrenheit	347 8	8 8½
(b) Where the temperature exceeds 120° Fahrenheit	367 8	9 2½
(4) Bricklayers employed on old firework and/or repairs to boilers, bakers' ovens, furnaces, and all work pertaining thereto—		
(a) Where the temperature does not exceed 120° Fahrenheit	347 8	8 8½
(b) Where the temperature exceeds 120° Fahrenheit	367 8	9 2½
(5) Bricklayers employed on all new firework, construction of stills, towers, and acid-resisting brickwork, and all work pertaining thereto other than repairs to same	328 4	8 2½
(6) Bricklayers employed on repair work to acid furnaces, acid stills, acid towers, and all other acid-resisting brickwork	367 8	9 2½
(7) Bricklayers laying glass bricks	317 6	7 11½
(8) Bricklayers engaged below ground level (in underpinning the foundation of an adjoining building)	324 10	8 1½
(9) All other bricklayers	317 6	7 11½
(10) Persons employed laying or fixing faience or majolica on floors, walls, or ceilings	317 6	7 11½
Bricklayers employed building chimney stacks shall be paid—		
Over 50 feet to 100 feet, at the rate of 7/6 per week extra.		
And for every additional 50 feet or fraction thereof, at the rate of 7/6 per week extra.		
Bricklayers employed laying blocks (other than cindercrete blocks for plugging purposes) shall be paid the rate prescribed for the classification of the work on which they are employed plus—		
Where the blocks weigh over 12 lb. and under 20 lb., 6d. per hour;		
Where the blocks weigh 20 lb. or over and up to 40 lb., 1s. per hour;		
Where the blocks weigh over 40 lb., 1s. 6d. per hour.		

Notwithstanding anything contained in this Section any employee, within six months of his first employment in any place whose employment is terminated by the employer for any cause, shall on such termination be entitled to be paid for such work performed by him the appropriate rate or rates prescribed in Section "A" hereof.

NOTE.—The amounts of the differences between the rates prescribed in Section "A" and Section "B" hereof are consequent on the differences in the methods of adjustment as prescribed in clause 28 hereof, due to the rates in the first mentioned Section including a loading for "following the job."

(c)

Special Allowances.

In addition to the rates hereinbefore prescribed in this clause the following special allowances shall be paid, provided that the provisions of paragraphs (i), (ii), and (iii) hereof shall apply only to bricklayers doing work classified under classifications (7) and (9) of Sections "A" and "B" of sub-clause (b).

(i) *Wet Places*.—An employee working in any place where his clothing or boots become saturated whether by water, concrete, or otherwise shall be paid 3d. per hour extra: Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable effective protective clothing and/or footwear. And provided further that any employee who becomes entitled to this extra rate shall be paid such extra rate per hour for the whole of the day or shift if he is required to work in wet clothing or boots.

(ii) *Confined Space*.—An employee required to work in a confined space (i.e., a compartment or space, access to which is through a manhole or similar opening, or a place the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, and which is of a class not usually associated with the bricklaying trade) shall be paid 3d. per hour whilst so employed.

(iii) *Dirty Work*.—An employee working at dirty work, that is work concerning which the employer or his foreman agree that it is of an unusually dirty or offensive nature, shall be paid for the period of such work at the rate of 3d. per hour extra.

(iv) *Casual Labour*.—Casual employee (i.e., an employee employed during the week for not more than one-half the maximum number of hours fixed in this Determination as a week's work) shall be paid at the ordinary rate hourly with an addition of 10 per centum.

(v) *Employee Reporting for Duty*.—An employee notified to commence duty and actually attending for duty, when notified by the employer or his representative that his services are not required shall be paid for two hours as time worked.

(vi) *Waiting Time*.—An employee who is required to attend for work and is kept waiting to commence work by instructions of the employer or his representative, shall be paid at his ordinary rate of pay for the time he is so kept waiting.

(vii) Any person required to work in a place where the temperature is artificially reduced below 32° Fahrenheit shall be paid for the period of such work at the rate of 4d. per hour extra. Where work continues for more than two hours the employee shall be entitled to a rest period of twenty minutes every two hours without loss of pay.

(viii) Where an employee is required to transfer to another job or site within ordinary working hours, he shall be paid all necessary fares and at the ordinary wages rate for the time occupied in travelling.

(ix) Where an employee is required to transfer to another site to commence work on the following working day, he shall be allowed sufficient time to gather, clean, pack, and transport his tools.

DIRTY WORK.

3. Bricklayers employed at work as described in Sections "A" and "B" of clause 2 (b) hereof, classifications (2), (3), (4), (6), and (8), which is of an unusually dirty nature shall be allowed ten minutes as washing time on completion of each day's work.

WORKING IN EXCESSIVE HEAT.

4. When a bricklayer in the last two hours of his day's work is working in artificial heat exceeding 120° Fah. he shall be allowed ten minutes of working time in which to cool off, in addition to any other time off elsewhere prescribed in this Determination for other causes.

HOURS.

5. The ordinary hours for a week's work shall be 40 to be worked in five days (Monday to Friday inclusive) of 8 hours each. The ordinary time for the beginning and ending of work shall be between the hours of 7.30 a.m. and 5.30 p.m.: A meal break of not less than 42 minutes shall be allowed each day.

INCLEMENT WEATHER.

6. Each employee shall be paid an allowance at ordinary rates for time lost through inclement weather, subject to the following conditions:—

- (i) That such allowance shall not exceed the equivalent of sixteen hours' pay in any one week.
- (ii) That weather shall not be regarded as inclement for the purposes of this clause unless the employer or his representative on the job, and a representative of the men on such job, agree that it shall be so regarded. Failing such agreement weather shall not be regarded as inclement and work shall continue.
- (iii) Any intermission of work owing to inclement weather so regarded as aforesaid shall immediately cease and work shall be immediately resumed on the employer or his representative calling for a resumption of work.
- (iv) An employee shall not be entitled to payment as provided for in this clause, unless he remains on the job until a decision to cease work for the day has been made by agreement between the employer or his representative and a representative of the men.
- (v) The intermission of work by employees who would be exposed to or working in inclement weather so regarded in accordance with this clause shall not be a ground for intermission of work in places where employees are not so exposed to or are not called upon to work in such inclement weather.

ALLOWANCE IN RESPECT OF MEALS.

7. Where an employee is required to work overtime for two hours or more after his ordinary hour of ceasing work for the day, he shall be allowed an amount of 3s. for a meal. When working overtime for two hours or more, an employee shall be allowed to take, without deduction of pay, 20 minutes for crib immediately after the ordinary ceasing time, and thereafter 30 minutes for crib shall be allowed after each four hours of continuous work. Provided that where an employee works overtime for two hours without taking the prescribed interval of 20 minutes, he shall be deemed to have worked two and one-third hours.

OVERTIME.

8. Work done outside the ordinary times of beginning and ending work as prescribed in clause 5 hereof, or in excess of eight hours on any day shall be paid for at the rate of time and a half for the first two hours and double time thereafter until the completion of such period of continuous work.

ALLOWANCE IN RESPECT OF EXCESS FARES AND TRAVELLING TIME.

9. (a) The following payments shall be made in lieu of fares and travelling time within the radii named using G.P.O., Melbourne (or Bourke and Elizabeth streets), or the principal post offices at Ballarat, Bendigo, and Geelong as centres:—

	s.	d.
Up to and including 12 miles	4	0 per day
Over 12 miles and including 20 miles	4	10 per day
Over 20 miles and including 30 miles	5	8 per day

These allowances shall not be payable if the employer provides or offers to provide transport free of charge, in which case 3s per day travelling allowance shall be paid.

On all work performed outside a radius of 30 miles from his centre as prescribed herein, and to which the provisions of clause 10 (a) do not apply, the employee shall be returned to the centre in the employer's time and shall be paid at the ordinary appropriate rate for such time. Provided that an employee who is required to return to the centre in his own time shall be paid at the rate of time and a half for such time. In addition to the above such employee shall, in either case, be paid 4s. per day as a travelling allowance. Where transport is not provided by the employer the employee shall be reimbursed all reasonable fares incurred.

(b) Where fares are necessarily incurred on distant jobs, as defined in clause 10 (a) hereof or on work performed outside the radii named in sub-clause (a) hereof the provisions of that sub-clause shall apply except that the local Post Office shall be the centre.

ALLOWANCES IN RESPECT OF DISTANT JOBS.

10. (a) When distance and/or travelling facilities reasonably prevent an employee going from and returning each day to his usual place of residence, reasonable and suitable board and sleeping accommodation including stretcher and mattress for each employee shall be provided. When work is situated away from suitable accommodation, the employer shall supply tents or huts with sleeping accommodation therein including stretcher and mattress for each employee in addition to any allowance provided in this clause the allowance to be made shall be—

	s.	d.
For less than a full week	12	9 per day
For a full working week at the rate of	52	6 per week

Provided that the foregoing allowances shall be increased if the employee satisfies the employer that he reasonably incurred a greater outlay than that prescribed.

(b) In lieu of the payments prescribed in clause 9 (a) hereof an employee to whom sub-clause (a) applies shall be paid travelling time (not exceeding ordinary working hours per day) at ordinary rates of pay, and, where incurred, second class return fare, and 5s. to cover expense of reaching his home railway station and transport of tools if any cost necessary. Provided that the return fare shall not be payable if the employee is dismissed for misconduct or is held incompetent within one week of starting work or leaves within one month of engagement. Travelling time shall be calculated as from Spencer-street and Flinders-street Railway Stations or the home Central Railway Station (if residing in the country) to destination by rail or usual travelling facilities.

(c) If an employee elects to return to his home at the week end after three months of continuous service and thereafter at three-monthly periods he shall be paid a second class return fare (Victorian Railways only) on the pay day which immediately follows the date on which he returns to the job.

If the work upon which the employee is engaged will terminate in the ordinary course within a further 28 days after the expiration of three months this sub-clause shall not apply.

SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.

11. All work done on—Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day—shall be paid for at the rate of double time; but if any other day be by Act of Parliament or proclamation substituted for any of the above-mentioned holidays, the special rate shall be payable only for the day so substituted.

11a. 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 included as a holiday in this Determination. An employee not required to work during the period of such public holiday or public half-holiday as so proclaimed provided same is an ordinary working day, shall receive payment at ordinary rates of pay for such period. Provided further that if he fails to attend for work on the working day before and/or after such public holiday or public half-holiday without reasonable excuse he shall not be entitled to be paid for such public holiday or public half-holiday. Double time shall be paid for all work done during the period of such public holiday or public half-holiday as so proclaimed.

EXCESS OF HOURS.

12. An employee who has worked continuously (except for meal intervals) for twenty hours, shall have a break of at least twelve hours before again starting work.

REST PAUSE.

13. (a) There shall be a rest period of ten minutes from the time of ceasing to the time of resuming work between the hours of 9.30 a.m. and 11 a.m. without deduction of pay.

(b) The employer shall provide facilities to enable the employees to obtain an adequate supply of boiling water at meal times and rest periods.

ANNUAL HOLIDAY.

14. 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.

FIRST-AID OUTFIT.

15. An efficient first-aid outfit shall be supplied on all jobs where building permits are necessary.

TRANSPORT.

16. If an employee is required to work overtime or on a Sunday or holiday (mentioned in clause 11 hereof) and no regular means of conveyance is available the employer shall at the request of the employee provide suitable transport to convey him to the job or to his residence as the case may be. If the employer fails to provide such transport he shall pay to the employee such reasonable amount as has been necessarily incurred by him.

PAYMENT OF WAGES.

17. (a) All wages due shall be paid not later than Thursday in each week.

(b) An employer shall not keep more than one day's pay in hand.

(c) If an employee leaves or is dismissed he shall be paid his wages on leaving or being dismissed, or paid by post or otherwise within 24 hours thereafter. If wages are not paid within the time prescribed in this paragraph, the employee shall be deemed to continue to be employed at ordinary rates until such wages are paid.

(d) All other wages shall be paid during ordinary working hours.

INSPECTION OF TIME SHEETS AND BOOKS.

18. The Secretary for Labour may authorize at any time (except pay day) or place, the inspection of all wages sheets, time sheets or other wages records by a person nominated by the Victorian Operative Bricklayers Society and approved by the Secretary for Labour, provided that 24 hours' notice of such inspection is given to the employer.

TOOLS.

19. Each employer shall provide at the works a safe and suitable place for the tools of his employees.

SHELTER, CONVENIENCES, ETC.

20. (a) Each employer shall provide suitable dressing accommodation with a dry floor, and including seating, on all jobs unless it is impracticable to do so due to site conditions or building regulations. 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 building materials.

(b) The employer shall provide on all jobs suitable and adequate sanitary conveniences. Such conveniences shall conform to the requirements of the local health authority and where no such local health authority exists, they shall not be regarded as suitable unless enclosed on all sides, fitted with doors and roofed and shall contain appropriate seats and sufficient quantities of lime or other suitable deodorant.

FOREMAN AND LEADING HAND.

21. (a) Where three or more journeymen bricklayers are employed on any job one shall be a foreman and entitled to the additional rate prescribed in sub-clause (c) of this clause.

(b) In addition to a foreman bricklayer, where the work under construction is performed by journeymen bricklayers working in groups, or in the form of separate units, for every ten journeymen bricklayers employed under a foreman (as defined in sub-clause (a) hereof), at least one of such bricklayers shall be classified as a leading hand, and paid the additional rate prescribed in sub-clause (c) of this clause.

(c) A foreman bricklayer or a leading hand shall be entitled to the following rate in addition to the ordinary rate prescribed for the highest class of work done under his supervision as follows:—

Foreman bricklayer—

(i) In charge of three and not more than nine journeymen bricklayers 4d. per hour

(ii) In charge of ten or more journeymen bricklayers 8d. per hour

Leading hand 2½d. per hour

TERMINATION OF EMPLOYMENT.

22. One hour's notice of termination of employment shall be given by either employer or employee or one hour's pay shall be paid or forfeited in lieu thereof. A further hour at ordinary rates shall be allowed the employee to gather, clean, pack, and transport his tools.

APPRENTICES AND IMPROVERS.

23. The provisions of clause 22 hereof shall not apply to the employment of apprentices.

ADDITIONAL ANNUAL AND SICK LEAVE FOR SPECIAL CIRCUMSTANCES.

24. All employees coming within the ambit of Section "B" of clause 2 shall be entitled to:—

(a) one week's additional leave with pay, and

(b) payment for a maximum of 40 hours for sickness (duly certified) in any one year, provided that in the event of an employee not claiming payment in whole or in part in any year, the number of days not claimed shall be held to his credit the following year or years, subject to a maximum of 120 hours for sickness. For the purposes of sub-clause (b) hereof service prior to the 1st July, 1945, shall be disregarded. "Mixed Industry" means an industry where the work performed by bricklayers (that is, any work to which this Determination applies) is subsidiary and auxiliary to the chief and principal purpose and business of such industry.

ATTENDANCE AT HOSPITAL ETC.

25. 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.

PERIODICAL ADJUSTMENT OF WAGES.

26. The wages rates set out in clause 2 (b) hereof 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. Provided that the method of adjustment shall be in accordance with the provisions of clause 27 hereof.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	11 18 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

27. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all items' retail price index numbers" of 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, 1954, the amount of the basic wage shall be as prescribed in clause 26 hereof.

(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 1.03 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) For the purposes of adjustment of classification (9) of Sections "A" and "B" of sub-clause (b) of clause 2 hereof in accordance with the variations from time to time in the basic wage, the following is the method to be adopted:—

(i) A weekly wage comprising the following constituents is ascertained—

	£	s.	d.
Basic Wage	11	18	0
Margin for skill	2	6	0
War loading	0	6	0
Tool allowance	0	4	0
Disabilities loading	0	5	6
Total	14	19	6

(ii) The amount payable for a year is £14 19s. 6d. \times 52 = £778 14s. Allowing two weeks on account of time lost through public holidays, one week for absence through ill health, and further in respect of classification (9) of the said Section "A" only one week for following the job; the hourly wage payable in respect of classification (9) of the said Section "A" is ascertained by dividing the amount payable for a year by 48×40 and in respect of classification (9) of the said Section "B" by dividing such amount by 49×40 .

Future adjustments of the wages mentioned are to be made by a similar method.

(e) Classifications, other than classification (9) of Sections "A" and "B", in sub-clause (b) of clause 2 hereof shall be adjusted so as to retain their existing margins over the said classification (9).

(f) The wages rates for apprentices shall be adjusted so as to conform from time to time with those prescribed for apprentices under the jurisdiction of the Apprenticeship Commission.

(g) 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.

A. V. BARNS, Chairman.

J. W. RYAN, Secretary.

Melbourne, 8th February, 1954.