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GOVERNMENT GAZETTE.

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[1954

Factories and Shops Acts.

DETERMINATION OF THE CARETAKERS 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 the 5th April, 1939, has had the power to "determine the lowest prices or rates which may be paid to persons employed as caretakers of buildings—

- (a) in which any process, trade, business, or occupation is carried on for profit;
- (b) which are temporarily untenanted but in which, ordinarily, any process, trade, business, or occupation is carried on for profit;
- (c) which contain flats;
- (d) which contain halls let for public entertainment or for other purposes"—

has made the following Determination, namely:—

1. That on the 4th December, 1953, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. **IMPROVERS.**

Wages per week of 40 Hours.			PROPORTION (in any place).	
	Percentage of Basic Wage.	s. d.	One improver to every worker receiving not less than 261s. 6d. per week of 40 hours.	
Under 18 years of age	52	123 0	NOTE.—The Board has determined that no apprentice shall be taken in the trade.	
18 to 19 years of age	65	154 0		
19 to 20 years of age	81	192 0		
20 to 21 years of age	96	227 6		

OTHER EMPLOYEES.

WAGES PER WEEK OF 40 HOURS.		
	Within the Metropolitan and Geelong Districts as defined in the Factories and Shops Acts and the City of Warrnambool.	All Other Parts of Victoria where this Determination Applies
	s. d.	s. d.
Persons engaged weekly to take care of buildings which contain—		
41 or more flats	253 0	250 0
21 to 40 flats	249 0	246 0
20 or less flats	247 6	244 6
Persons engaged weekly to take care of buildings which contain halls let for public entertainment or for other purposes		
Other caretakers of buildings in charge of—	244 0	241 0
11 or more cleaners	283 6	280 6
4 to 10 cleaners	273 6	270 6
1 to 3 cleaners	261 6	258 6
All others	252 6	249 6

ACCOMMODATION, FUEL AND LIGHT.

3. An employee required to reside on the premises where he is employed shall be provided with accommodation, fuel and light free of cost by his employer.

TIMES OF BEGINNING AND ENDING WORK.

4. For all persons other than those employed in connexion with flats or halls :—

	Time of Beginning.	Time of Ending.
On the usual half-holiday	6 a.m.	1.20 p.m.
On the usual late trading night, or the night previous to a Public Holiday	6 a.m.	9.20 p.m.
On all other working days of the week	6 a.m.	9 p.m.

NOTICE OF HOURS.

5. Every employer shall notify the hours at which he requires his employee to commence and cease work. Work done outside the hours notified shall be paid for at overtime rates. Such hours when notified shall not be changed except by a week's notice.

OVERTIME.

6. The following rates shall be paid for all work done :—

(a) by persons employed in connexion with Flats or Halls—

Outside the hours of commencing and ceasing work notified by the employer in accordance with clause 5. Time and a half.

In excess of 40 hours in any week. Time and a half.

(b) by all other persons—

Outside the times of beginning and ending work as fixed in clause 4—

(i) Between midnight and 6 a.m. Double time.

(ii) At any other time Time and a half.

Outside the hours of commencing and ceasing work notified by the employer in accordance with clause 5—

(i) Between midnight and 6 a.m. Double time.

(ii) At any other time Time and a half.

Within such prescribed times, but in excess of 40 hours in any one week. Time and a half.

Provided that overtime shall not be paid more than once in respect of the same period of work.

TERMS OF EMPLOYMENT.

7. (a) All employees other than casual employees shall be engaged by the week and shall be paid weekly. Employees to become entitled to payment on a weekly basis must be available and ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked. Notice equivalent to 40 working hours shall be given at any time. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct (in which case wages shall be paid up to time of dismissal only), or to deduct payment for any day the employee cannot be usefully employed through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot be reasonably held responsible.

(b) In lieu of such 40 working hours' notice, except in circumstances referred to above, the employer may pay 40 hours' wages; and vice versa, the employee leaving his employment without notice shall forfeit 40 hours' wages, which may be deducted from any wages due.

(c) Provided that any notice determining the employment solely for the purpose of evading payment for prescribed holidays, and not to determine finally the engagement, shall not deprive the employee of payment for any prescribed holidays occurring or observed between such notice to terminate and the re-engagement, if any.

CASUAL EMPLOYEES.

8. Persons engaged for less than the working week of 40 hours shall be paid for the first 21 hours at the rate of time and a quarter and for every hour thereafter ordinary time. Such payment shall be in addition to any overtime to which they may be entitled under clause 6.

Notwithstanding anything in this determination, no casual caretaker shall be paid less than 3s. 6d. for each time he is called up for duty in respect of any flat or block of flats.

ANNUAL HOLIDAY.

9. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946*, and any amendments which may be made thereto from time to time.

SPECIAL RATES.

10. Double time shall be the rate payable for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, Queen's Birthday, Christmas Day, and Boxing Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the special rate shall be payable only for work done on the day so substituted.

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.

Any employee other than one employed in connexion with halls who is required to work on any such days after 8 a.m. shall be paid for at least 4 hours' work.

SICK LEAVE.

11. (a) Any employee who, having had at least three months' service with the same employer, is absent from duty as a result of personal ill health or accident shall be entitled to sick pay as follows :—

(i) During the first year—3½ hours' ordinary pay for each complete month of service.

(ii) During any subsequent year of service—40 hours' ordinary pay.

Provided that in either case such employee produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to personal ill health or accident necessitating such absence.

(b) If the full period of sick leave as prescribed above is not taken in any year such portion as is not taken shall, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

For the purposes of this sub-clause service prior to the 22nd March, 1949 shall be disregarded, provided that any accumulated sick leave, not exceeding 80 hours of working time, standing to the credit of any employee on the 22nd March, 1951, shall not be reduced by virtue of the provisions of this sub-clause.

No employer shall terminate the services of an employee during the currency of any period of sick leave with the object of avoiding his obligations under this sub-clause.

CLEANING MATERIALS.

12. All materials and implements for cleaning purposes shall be provided and maintained by the employer.

CONTROL AND DIRECTION OF WORK OF CARETAKER.

13. The employer shall nominate himself or some other person as being the person who shall have the ultimate control and direction of the work of the caretaker.

TIME BOOK.

14. Every employee shall indelibly record and initial daily his correct times of beginning and ending work in a book which shall be furnished by the employer. Such book shall be open for inspection by the Secretary or Assistant Secretary of the Victorian Branch of the Federated Miscellaneous Workers' Union between the hours of 9 a.m. and 5 p.m. of any working day except Saturday at the employer's office or other convenient place provided that only one demand for each inspection shall be made at the same establishment in any calendar month. Such demand shall not be made unless the Secretary or Assistant Secretary of the Union suspects that a breach of this Determination has been committed.

PERIODICAL ADJUSTMENT OF WAGES.

15. The wages rates for adults 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 36.

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

ADJUSTMENT OF BASIC WAGE.

16. (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 35.

(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.

(e) 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.

J. V. WILLOX, Secretary.

Melbourne, 4th December, 1953.

