



VICTORIA GOVERNMENT GAZETTE.

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[1954

Factories and Shops Acts.

DETERMINATION OF THE WATCHMEN'S BOARD.

NOTES.—(a) This Determination applies to the whole of the State of Victoria.

(b) Section 225 of the *Factories and Shops Act* 1928 (No. 3677) provides that "every person employed as a watchman shall be granted one holiday in every week."

IN accordance with the provisions of the *Factories and Shops Acts*, the Wages Board appointed in lieu of the Nightwatchmen's Board to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the occupation of a watchman" has made the following Determination, namely:—

1. That on the 14th December, 1953, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

| Classes of Employees. | Wages per Week of 40 Hours. | | | | | |
|--|--|-------------------|--------------|---|-------------------|--------------|
| | Within a Radius of 20 Miles of G.P.O., Melbourne, 10 Miles of G.P.O., Geelong, at Warrnambool, and within Mildura and Gippsland Districts. | | | Other Parts of Victoria where this Determination applies. | | |
| | Wages. | War-time Loading. | Total. | Wages. | War-time Loading. | Total. |
| | <i>s. d.</i> | <i>s. d.</i> | <i>s. d.</i> | <i>s. d.</i> | <i>s. d.</i> | <i>s. d.</i> |
| Watchman (other than watchmen as defined in clause 3), who in addition to watching, performs manual work not subject to the Determination of any other Wages Board, while performing such work, at the rate of All others (other than watchmen as defined in clause 3) | 269 5 | 3 0 | 272 5 | 266 5 | 3 0 | 269 5 |
| | 254 0 | 3 0 | 257 0 | 251 0 | 3 0 | 254 0 |

WHARF WATCHMEN.

3. (a) Wharf Watchmen—i.e., persons employed as watchmen in connexion with overseas and/or interstate shipping shall be paid as follows:—

- (i) On wharfs and/or ships (excluding ships' holds) at the rate of 6s. 8³/₁₀d. per hour.
- (ii) In ships' holds at the rate of 7s. 3¹/₂₀d. per hour.

(b) Hold Watchmen—When waterside workers engaged in handling cargo in a vessel's hold are paid an extra rate because of the obnoxiousness of such cargo, either by Board of Reference decision or by agreement, any hold watchman employed in such hold shall be paid an extra rate of 6d. per hour, or such lesser amount as may be paid to the waterside workers concerned.

(c) Wharf Watchmen—When a cargo watchman is engaged elsewhere than in the hold of a vessel, and is obliged to work in close proximity to cargo, which, because of its obnoxiousness, is the subject of an extra rate paid to the waterside workers handling such cargo, he shall be paid an extra rate of 3d. per hour for such period as he may be affected.

(d) Dangerous Cargo—When waterside workers are paid an extra rate for handling Ammonium Nitrate and Sodium Chlorate, such extra rate shall be paid to any hold watchman who may be employed in the hold where such cargo is being handled for such period as may be applicable.

(e) Hold and/or wharf watchmen commencing duty at 5 p.m. for the evening shift or at midnight for the midnight shift shall be paid 8 hours at the ordinary rate provided in each case the full shift is worked and provided further that he does not work a total of 8 hours by working on into the succeeding shift.

(f) Wharf watchmen shall be required to diligently attend to their duties as watchmen and immediately report to the Superintendent or foreman in charge of the hatch or the Ship's Officer on duty any cases of pillage or suspected or attempted pillage and damage, and if required, make notes and furnish reports regarding same. It is also required that smoking and committing a nuisance in the hold should be stopped and, if persisted in, reported in the manner directed above.

OVERTIME.

4. (a) All time worked by hold or wharf watchmen in excess of 8 hours from the commencement of any shift, Monday to Friday inclusive, shall be paid for at the rate of time and a half.

(b) Any time worked by watchmen other than hold or wharf watchmen in excess of 40 hours in any one week shall be paid for at the rate of time and a half.

(c) For the purpose of computing overtime, all time actually worked on Sundays shall be included, and all time worked on Saturdays or on holidays mentioned in clause 7 shall be excluded.

EMPLOYMENT FOR LESS THAN FULL WEEK.

5. Employees except wharf watchmen as defined in clause 3, who are employed during any week for less than the working week of 40 hours shall be paid for the first 20 hours at the rate of time and a quarter, and for every hour thereafter ordinary time up to but not exceeding the ordinary wages rates for an ordinary week's work.

Provided that any person who is not engaged for a week but who earns a sum in wages equal to the wages of an ordinary week's work may be required by the employer to complete the week's work without further pay, and if such person refuses to do so he shall forfeit his right to any payment for that week unless his refusal is caused by his illness, inability, or some other sufficient cause beyond his control.

SPECIAL RATES FOR SATURDAY AND SUNDAY.

6. (a) Hold or Wharf Watchmen—Time and a half shall be the special rate for all work done on Saturday or Sunday.

(b) Watchmen, other than Hold or Wharf Watchmen—Time and a quarter shall be the special rate for all work done on Saturday and time and a half on Sunday.

SPECIAL RATES FOR HOLIDAYS.

7. (a) Double time shall be the special rate for all work done on New Year's Day, Australia Day, Good Friday, 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 only be payable for work done on the day so substituted.

Provided that a person who is directed by his employer to absent himself from duty on any of the days above mentioned shall if he is unable to complete 40 hours' work in that particular week, be paid ordinary rates for any such day on which he is absent.

(b) 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.

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.

TRAVELLING TIME AND FARES.

8. Any watchman employed on wharfs or ships at Newport, Williamstown or Yarraville shall be paid travelling time at the ordinary rate together with all fares necessarily incurred by the most economical means of travel from and to the place of engagement to and from the place of employment.

Travelling time at the ordinary rate shall be paid to any watchman employed on wharfs and ships at 21 South Wharf and beyond on the south side of the river, and at 22 Victoria Dock and beyond.

The above provisions shall not apply in cases where the employer provides, or offers to provide, transport.

EMPLOYEE PROVIDING OWN BICYCLE.

9. Any patrol watchman required by his employer to provide his own bicycle shall receive 1s. per week extra.

MINIMUM PAYMENT.

10. Any watchman called up for duty shall receive at least four hours' pay.

PAYMENT FOR MEAL TIMES.

11. No deduction shall be made in an employee's time for a meal period of 30 minutes unless he is permitted to leave his employer's premises for such meal. An employee shall not be required to punch clocks during the meal period of 30 minutes.

MEAL ALLOWANCE.

12. Where an employee is directed by the employer to work more than two hours into the next shift he shall be supplied by the employer with a meal or be paid a meal allowance of 3s., provided he was not specifically notified the previous day that he would be required to work.

ANNUAL HOLIDAY.

13. (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) In addition to the leave hereinbefore prescribed seven-day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays, shall be allowed seven consecutive days' leave including non-working days. Provided always that this clause shall not apply to any employee whose normal working week is less than 35 hours.

(c) Where an employee with twelve months' continuous service is engaged for part of the twelve-monthly period as a seven-days' shift worker, he shall be entitled to have the period of fourteen consecutive days' annual leave prescribed in sub-clause (a) hereof increased by half a day for each month he is continuously engaged as aforesaid.

(d) If in any twelve-monthly qualifying period a shift worker as prescribed in sub-clause (b) hereof lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid, in addition to all other amounts (including any payment in lieu of annual leave as prescribed by sub-clause (a) hereof) due to him, an amount equal to one-fiftieth of his ordinary pay for the period of employment as a shift worker.

SICK LEAVE.

14. (a) An employee, except wharf watchmen as defined in clause 3, who has been in the service of an employer for not less than three months, shall be entitled to sick leave of absence for a maximum aggregate of 40 hours of working time with full pay during each subsequent twelve months' service provided he produces satisfactory evidence to his employer that such absence was caused by ill-health or an accident.

(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 80 hours of working time, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay. For the purposes of this sub-clause service prior to 18th November, 1946, shall be disregarded.

UNIFORMS.

15. Any employee required to wear a uniform whilst on duty shall be provided with such uniform by the employer free of cost to the employee. The uniform so provided shall remain the property of the employer.

PERIODICAL ADJUSTMENT OF WAGES.

16. The wages rates set out in clauses 2 and 3 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 in clause 16, provided that for every increase or decrease of 1s. in the basic wage the rates in clause 3 shall be increased or decreased by $\frac{3}{10}$ d.

BASIC WAGE.

| Place. | Basic Wage (Adjustable). | Index Number Set Assigned. |
|------------------------------|-----------------------------|-------------------------------|
| | £ s. d. | |
| Throughout the State | 11 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 February, 1954, 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 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.

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

J. V. WILLOX, Secretary.

Melbourne, 14th December, 1953.

