



VICTORIA GOVERNMENT GAZETTE.

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[1955

Labour and Industry Act 1953.

DETERMINATION OF THE PAINT AND COLOUR BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria.

In accordance with the provisions of the *Labour and Industry Act*, 1953, the Wages Board which since the 4th February, 1936, has had the power to determine the lowest prices or rates which may be paid to any persons—

- (a) employed in the trade of preparing any kind of paint, varnish, enamel or colour, either wet or dry;
- (b) employed in manufacturing titanium white or white lead,

has made the following Determination, namely :—

1. That as from the beginning of the first pay period to commence in May, 1955, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

IMPROVERS.*

Males.			Females.		
	Percentage of Basic Wage.	Wages Per Week of 40 Hours.		Percentage of Female Basic Wage.	Wages Per Week of 40 Hours.
		<i>s. d.</i>			<i>s. d.</i>
15 years of age ..	44	104 6	16 years of age ..	48	85 0
16 years of age ..	48	114 0	17 years of age ..	58	103 0
17 years of age ..	58	137 6	18 years of age ..	69	122 6
18 years of age ..	69	163 6	19 years of age ..	80	142 0
19 years of age ..	80	189 6	20 years of age ..	95	168 6
20 years of age ..	95	225 0			

*NOTE.—The board has determined, that no apprentices shall be taken in the trade.

PROPORTION (IN ANY PLACE).

Two male improvers to every three or fraction of three workers, and three female improvers to each worker of the same sex receiving not less than the minimum wage.

No male under 15 years of age and no female under 16 years of age shall be employed at the trade.

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OTHER EMPLOYEES.

Persons employed in preparing any kind of paint, varnish, enamel or colour, either wet or dry, or in manufacturing white lead—

	Wages per Week of 40 Hours.
	s. d.
Employed in manufacturing white lead—	
Employee engaged on lead filters	275 0
Employee engaged on carbonators	274 0
Employee engaged on lead dryers	273 0
Employee engaged on lead melting kettles	272 6
General process worker	270 0
All others	259 0
Elsewhere—	
Varnish maker or natural gum runner	299 0
Oil boiler or burner or chemical colour maker	293 0
Tinter of paint, lacquer or enamel	289 0
Varnish maker's assistant	274 0
Employee selecting, handling, weighing, and/or distributing pigments or resins	274 0
Any person engaged on paint, enamel, lacquer or putty mixing or grinding machine, or kalsomine mixer or dry colour grinding machine caustic washer, lacquer solution or thinner maker	274 0
Male fillers	265 0
All other males	259 0
All other females	186 3

Leading hand, i.e., an employee appointed to work under the supervision of a foreman, and who has three or more male employees under his supervision, shall be paid not less than ten shillings per week in addition to the rates specified.

HOURS OF EMPLOYMENT.

Day Workers.

3. The ordinary hours of employment shall be 40 per week to be worked in five days, Monday to Friday inclusive, of 8 hours each continuously except for meal breaks, between 7.30 a.m. and 5.30 p.m.

The commencing and finishing times once having been determined shall be alterable only by agreement or by the employer giving the employees at least seven days' notice of the alteration.

OVERTIME.

4. For work done outside the ordinary hours, or in excess of 8 hours on any day, the rate of pay shall be time and a half for the first two hours and double time thereafter.

CALCULATING OVERTIME WHEN HOLIDAY OCCURS.

5. If in any week there occurs a holiday to which an employee, whether a shift worker or not, is entitled under clause 7, then such time as would ordinarily have been worked on such day shall, for the purpose of calculating overtime, be regarded as time worked.

SPECIAL RATES.

6. Double time shall be the rate payable to all persons for all work done on Sunday, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Queen's Birthday, Melbourne Cup Day, Christmas Day, Boxing Day, and New Year's 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.

HOLIDAYS.

7. All employees shall be entitled to the following holidays without deduction of pay :—Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, Queen's Birthday, Melbourne Cup Day, Christmas Day, Boxing Day, and New Year's Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays this provision shall apply only to the day so substituted.

Provided that any employee who is absent from his employment on the working day before or after a holiday without reasonable excuse or without the employer's consent shall not be entitled to payment for such holiday.

SHIFT WORK.

8. (a) Employees on shifts shall work such shifts up to five per week as may be required.

(b) A shift shall consist of eight hours, inclusive of 20 minutes for meal breaks.

(c) Shift workers whilst on afternoon or night shift shall be paid ten per cent. more than ordinary rates for such shifts.

Provided that an employee who works on a night shift which does not rotate with some other shift or with day work so as to give him at least one third of his working time off night shift, shall be paid at the rate of time and a quarter for the ordinary working hours on such night shifts.

(d) Shift workers who work on any afternoon or night shift which does not continue for at least five successive afternoons or nights shall be paid at the rate of time and a half.

(e) For all time worked before or after the ordinary starting or finishing time of his shift or in excess of 8 hours on any day a shift worker shall be paid at overtime rates in accordance with the provisions of clause 4 hereof.

(f) An employee shall not be required to work more than one shift in each 24 hours, except in an emergency or when the relief does not report for duty.

(g) Shift rosters shall specify the commencing and finishing times of the ordinary working hours of the respective shifts. These times once having been determined may be varied by agreement between the employer and the representative of the Union or, failing agreement, by seven days' notice given by the employer to the employees concerned.

"Afternoon shift" means any shift finishing after 6 p.m. and at or before midnight.

"Night shift" means any shift finishing subsequent to midnight and at or before 8 a.m.

MIXED FUNCTIONS.

9. An employee engaged for more than half of 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 half of one day or shift he shall be paid the higher rate for the time so worked.

BOOTS, GLOVES, OVERALLS, AND RESPIRATORS.

10. (a) The employer shall provide free of cost to the employee the following:—
- (i) Two pairs of overalls per year to each employee.
 - (ii) Gloves and one pair of boots per year to employees in the varnish section.
 - (iii) One pair of boots per year to employees in the grinding and mixing section.
 - (iv) Rubber boots and gloves to employees in wet colour making and in caustic.
 - (v) Gloves to yardmen when handling drums.
- (b) On the request of any employee using or handling dry pigments or gums, he shall be supplied with a respirator by his employer free of cost.
- No two employees shall be required to use the same respirator, but a previously used respirator may, after sterilization, be given up to the exclusive use of another employee.

MEAL INTERVAL.

11. A meal interval of 45 minutes shall be given between 11.30 a.m. and 1.30 p.m. Any employee not having received the prescribed meal interval by 1.30 p.m. shall, until relieved for such meal interval, be paid at the rate of double time for all time worked after 12.45 p.m.

BOILING WATER.

12. A sufficient supply of boiling water for all employees shall be provided at meal times.

MEAL ALLOWANCE.

13. A meal allowance of 4s. shall be paid to employees on any day when required to work for a period of not less than one hour after the usual finishing time unless notice has been given the day before such extra time is worked.

WASHING AND CLEANING TIME.

14. Employees shall be allowed five minutes in the employer's time for cleaning and washing before any meal time and before finishing time daily. Hot water and soap shall be supplied by the employer for the use of his employees.

TERMS OF ENGAGEMENT.

15. (a) No employee shall be employed other than as a weekly employee.
- (b) A weekly employee, to become entitled to the weekly wage prescribed by this Determination, 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 by such employee.
- (c) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of the employer to dismiss any employee without notice for malingering, neglect of duty or misconduct (in which case wages shall be paid up to time of dismissal only without any allowance for public holiday pay) or to deduct payment for any day the employee cannot be usefully employed because of any strike, or through of any breakdown machinery, or any stoppage of work, or any case for which the employer cannot be reasonably held responsible.

SICK LEAVE.

16. (a) An employee on weekly engagement who has been in the service of an employer for three months and who is absent from work on account of personal illness, or on account of injury by accident arising out of or in 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 worker's compensation.
- (ii) 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.
- (iii) He shall within 24 hours of the commencement of such absence inform the employer of his inability to attend for duty.
- (iv) He shall not be entitled in any year to leave in excess of 40 hours of working time.

Cumulative Sick Leave.

(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 1st June, 1946, shall be disregarded providing that any accumulated sick leave (not exceeding 80 hours of working time) standing to the credit of the employee on the 26th November, 1952, shall not be reduced by virtue of the provisions of this sub-clause.

Single Day Absences.

(c) 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) (ii) hereof.

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 course of his employment necessitating his attendance during working hours on a doctor, chemist or trained nurse, or at a hospital, shall not suffer any deduction of 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.

(e) For the purposes of this clause "year" means the period between the 1st day of June in each year and the next 31st day of May.

ANNUAL HOLIDAY.

17. The annual holiday shall be as prescribed by the provisions of the *Labour and Industry Act, 1953*, and any amendments which may be made thereto from time to time.

DEFINITIONS.

18. Varnish maker is one who, (a) is capable of selecting in their proper proportions the ingredients necessary for making standard varnishes, and (b) has the duty of combining these ingredients by the application of heat at the proper time in their proper order and at their proper temperatures, and (c) is so employed, and includes a runner of natural gum.

Tinter of paint, lacquer or enamel is one who is invested with discretion as to the kind and quantity of colouring matter to be added to a mixture in order to make it conform to a certain specified colour, or to match a given colour sample or colour standard.

RIGHT OF ENTRY OF UNION OFFICIAL.

19. A duly accredited representative of the Federated Miscellaneous Workers' Union of Australia shall have the right to enter employers' workshops during the midday meal hour for the purpose of interviewing employees on legitimate union business on the following conditions:—

- (a) That he produces his authority to the gate-keeper or such other person as may be appointed by the employer.
- (b) That he interview employees in a room provided for the purpose by the employer, which room should be adequate to accommodate, at the same time, the whole of the employees subject to this Determination.

Where no such room is provided the representative shall be permitted to interview employees where they are taking their meal.

- (c) That not more than one representative in all be in any workshop at any one time.
- (d) That no one representative visit a workshop more than once in each week.
- (e) That if any employer alleges that a representative is unduly interfering with his workshop, or is creating disaffection amongst his employees, or is offensive in his methods, or is committing a breach of any of the previous conditions, such employer may refuse the right of entry.

PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates for "other Employees" set out in clause 2 are based upon the following basic wage, and, pursuant to the provisions of section 33 of the *Labour and Industry Act 1953*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 21.

Basic Wage.

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

ADJUSTMENT OF BASIC WAGE.

21. (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 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, 1955, the amount of the basic wage shall be as prescribed in clause 20.

(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.

(d) The wages rates for adult females are based on a basic wage being 75 per cent. of the basic wage for adult males calculated to the nearest 6d., half or less than half of 6d. to be disregarded. The wages rates for adult females shall be adjusted by increasing or decreasing such rates by the amount of the difference from time to time in the said basic wage for females.

(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, 25th May, 1955.