



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

(Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.)

No. 58]

MONDAY, JANUARY 9.

[1956

Labour and Industry Act 1953.

DETERMINATION OF THE JAM TRADE BOARD.

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

(b) By Order in Council dated the 19th January, 1954, the Fruit Packing Board was deprived of the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, or business of processing and packaging berry fruits and conferred such power exclusively on the Jam Trade Board.

IN accordance with the provisions of the *Labour and Industry Act 1953*, the Wages Board which now has the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process trade, or business of

- (i) manufacturing jam, fruit jelly, pickles, and sauces; or
- (ii) (a) preparing, canning or preserving lemon or other peel, fruit or vegetable; or
(b) preparing or putting up any of such articles for sale; or
- (iii) processing and packaging berry fruits;

has made the following Determination, namely:—

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

PART I.

(Other than persons employed by the Silvan Fruit Processors in the process, trade, or business of processing and packaging berry fruits.)

2.

(a) ADULT MALES.

		Wages Per Week.
		£ s. d.
<i>General Production Section.</i>		
1. Foreman (first jam maker)	.. .. .	16 11 0
2. Assistant jam maker (as defined)	.. .. .	15 1 6
3. Assistant pickle maker	.. .. .	15 1 6
4. Foreman sauce, chutney, pickles or condiment maker (as defined)	.. .. .	15 1 6
5. Fruit preserver (as defined)	.. .. .	15 1 6
6. Fruit crystalliser	.. .. .	14 10 6
7. Candy peel maker-in-charge	.. .. .	14 10 6
8. Assistant fruit preserver	.. .. .	14 3 6
9. Syrup maker, i.e., a person who actually boils the syrup	.. .. .	13 19 6
10. Operators of machines	.. .. .	13 19 6
11. Employee engaged in inspecting fruit fruit for acceptance or rejection	.. .. .	13 17 0
12. Employee in fruit crystallising department other than fruit crystalliser	.. .. .	13 17 0
13. Man-in-charge of and operating retorts (as defined)	.. .. .	13 17 0
14. Employee engaged cooking and/or sterilising corn, vegetable packs, soups, sauce or other kinds of fruit or vegetable	.. .. .	13 17 0
15. Employee feeding into and/or taking away from lacquer machine	.. .. .	13 14 6
16. Employee feeding into and/or taking away from bottle washing machine	.. .. .	13 14 6
17. Employee feeding into, by hand, other machines	.. .. .	13 14 6
18. Employee working amongst piece workers	.. .. .	13 14 6
19. General hand (employee not elsewhere classified)—		
(a) with four months or more experience in the industry	.. .. .	13 9 0
(b) with less than four months' experience in the industry	.. .. .	13 3 0
<i>Dehydration, Evaporation and/or Dried Fruits Section.</i>		
20. Man-in-charge of prunes or tree fruits	.. .. .	14 7 6
21. Man-in-charge of dehydrator	.. .. .	14 4 6
22. Man-in-charge of steam retorts on drying ovens	.. .. .	13 17 0
23. General hands	.. .. .	13 9 0
<i>Storing Section.</i>		
24. Foreman packer in charge of despatch and packing department	.. .. .	14 12 0
25. Foreman packer's assistant	.. .. .	14 0 0
26. Storeman and packer (as defined)	.. .. .	13 14 0
<i>Miscellaneous Section.</i>		
27. Driver of power-driven factory truck	.. .. .	13 17 6
28. Tapper	.. .. .	13 19 6

(b) ADULT FEMALES.

	Wages Per Week.		
	£	s.	d.
1. Head forewoman	12	5	6
2. Forewoman's assistant	11	1	6
3. Head woman supervisor	10	18	6
4. Supervisor	10	18	0
5. Operator of peach pitting, pear preparing or apricot slitting machines	10	10	9
6. Operator of other machines	10	9	6
7. Employee feeding into and/or taking away from lacquer machine	10	9	6
8. Employee feeding into and/or taking away from bottle washing machine	10	9	6
9. Employee pouring out or filling or stirring jams, soups, chutneys, pickles or pulp by hand	10	7	9
10. Employee in bottle washing department	10	7	9
11. Employee lifting jam, fruit, &c. weighing over 20 lbs.	10	7	9
12. Employee packing clear mixed pickles into glass containers	10	7	9
13. Employee working at fruit press	10	7	9
14. Employee feeding peach slicing machine	10	7	9
15. Employee cutting or pulping lemons, pineapples, oranges or grapefruit by hand or working on gouging or reaming machines	10	7	9
16. General hand (person not otherwise classified)—			
(a) with four months or more experience in the industry	10	1	6
(b) with less than four months' experience in the industry	9	18	6

Provided that no female 18 years of age and over shall be permitted or required to lift or carry by hand a greater weight than 35 lbs.

Leading Hands.

(c) In addition to the rates prescribed in clause 2 (a) hereof, the following rates shall be paid :—

	Per Week.
Leading hands :—	s. d.
In charge of less than 3 employees	8 0
In charge of 3 to 10 employees	15 0
In charge of 11 to 20 employees	30 0
In charge of 21 or more employees	45 0

Special Rates.

(d) In addition to the wage rates prescribed in clause 2 (a) hereof the following special rates shall be paid :—

	Per Week.
	s. d.
1. (i) Employee engaged under classifications numbered 13, 14, 15, 16 and 22 in sub-clause (a) hereof	5 0
(ii) An employee placing fruit or vegetables in and/or taking away from an acidic brine	5 0
2. General hands engaged in :—	
(i) Filling, stirring, weighing, loading in or taking off in the jam and pulp making sections	5 0
(ii) The juice making section	5 0
(iii) As retort hands	5 0
(iv) The bottle washing section	5 0
(v) Connexion with drier kiln or sulphur box	5 0
(vi) Dehydration tunnel	5 0
(vii) Operating blancher which includes spray washing	5 0
(viii) Peeling melons	5 0
3. (i) Employees whose work necessitates working in a cooling chamber—3d. per hour or part of an hour.	
(ii) Employees whose work necessitates entering a freezing chamber, i.e., when the temperature is below 32 degrees Fahrenheit—6d. per hour or part of an hour.	
(iii) An employee required to lift, carry or stack by hand, crates, cases, tubs or other containers of goods or commodities of any description weighing over 90 lbs. for continuous periods exceeding half an hour :—3d. per hour or part of an hour.	

Pea Vining Station.

(e) An employee who is employed at a pea-vining station and who is required to live away from home in the course of his employment shall be paid in addition to the rates prescribed in this Determination, such allowance as will be sufficient to meet the cost of reasonable board and lodging.

JUNIOR EMPLOYEES.

3. (a) The minimum rates of wage for juvenile male and female workers shall be the under-mentioned percentages of the basic wage for adult males and adult females, respectively.

Age.	Percentage of Basic Wage.	Wages Per Week.
(i) Males.		
Under 17 years of age	45	£ 5 10 0
17 years of age and under 18 years of age	56	6 17 0
18 years of age and under 19 years of age	67	8 4 0
19 years of age and under 20 years of age	79	9 13 6
20 years of age and under 21 years of age	95	11 12 6
(ii) Females.		
Under 18 years of age	83	7 12 6

The calculation of wages pertaining of the above percentages shall be to the nearest 6d., any fraction of 6d. in the result not exceeding 3d. to be disregarded.

(b) The proportion of male employees under the age of 21 years shall not exceed one to three adult male employees classified as general hand.

The proportion of female employees under the age of 18 years shall not exceed one to three female employees 18 years of age and over classified as general hand.

PROHIBITION OF EMPLOYMENT.

4. The Board determines that no person shall be employed as an apprentice.

DEFINITIONS.

5. For the purposes of this Determination, unless a contrary intention is by the context made apparent:—

- (i) "*Adult female employee*" means a female employee of the age of eighteen years or more.
- (ii) "*Assistant jam-maker*" means an employee who makes jam and determines the point at which to take off notwithstanding laboratory control.
- (iii) "*Foreman sauce, chutney, pickles or condiment maker*" means an employee who is competent to mix ingredients and make sauce, chutney, pickles or condiments and who, being so competent, is actually in charge of the making thereof.
- (iv) "*Fruit or vegetable preserver*" means an employee actually in charge of the work of fruit or vegetable preserving.
- (v) "*Leading hand*" means an adult male employee appointed as such by the employer and who, while working under the supervision of a foreman, gives instructions and/or is responsible for work done by other employees.
- (vi) "*Man-in-charge of retorts*" means an employee in charge of more than one retort and who is responsible for the functioning and effective working of such retorts.
- (vii) "*Season*" means the period from the first day of December in one year until the 30th day of April in the following year.
- (viii) "*Storeman and packer*" means either:—
 - (a) an employee who packs in sawdust or any other packing material for despatch or who checks goods at the time of their despatch or who packs from dockets for despatch; or
 - (b) a male employee in charge of a label room; or
 - (c) an employee who is employed at receiving and stacking boxes or stillages of tin-plate on arrival at a factory; or
 - (d) an employee who is employed at restacking boxes or stillages of tin-plate in a factory; or
 - (e) an employee who is employed at nailing or wiring machines or nailing or wiring by hand;
- (ix) "*Union*" means the Food Preservers Union of Australia.

TERMS OF EMPLOYMENT.

6. (a) Except as hereinafter provided, employment shall be by the week. Employment shall be terminated by one week's notice on either side given at any time during the week or by the payment or forfeiture of one week's wages as the case may be.

(b) During the season, employment shall be terminated by two days' notice on either side given at any time during the week or by the payment or forfeiture of two days' wages as the case may be.

(c) The foregoing provisions of this clause shall not affect the right of the employer to dismiss an employee without notice for malingering, inefficiency, neglect of duty or misconduct, or where such employee obtains employment by misrepresentation of his or her age, in which cases wages shall be paid up to the time of dismissal only.

(d) An employee shall not become entitled to payment of wages if before the time for payment of such wages, the employee has committed a breach of this Determination by:—

- (i) being absent from work except for reasonable cause (proof of which shall lie upon the employee), after receiving or giving the notice prescribed by this clause; or
- (ii) leaving the employment without giving notice.

Provided nevertheless that the employer shall pay wages for the time worked (and payment for any holiday to which the employee is entitled) less one week's wages calculated at the rate prescribed in this Determination for a day worker of such employee's classification.

(e) Notwithstanding anything elsewhere contained in this Determination, an employer shall not be liable to pay wages to an employee in respect of any day on which an employee cannot be usefully employed because of any strike or any breakdown of machinery or any stoppage of work for any reason for which the employer cannot reasonably be held responsible.

(f) Employees not attending for duty shall, except as provided by clause 17 of this Determination, lose their pay for the actual time of non-attendance.

CASUAL EMPLOYEES.

7. (a) To meet emergency any employer may engage a casual employee for a day or more on paying extra wages calculated at the rate of 12½ per cent higher than those prescribed in this Determination for similar work.

(b) A casual employee may be engaged and paid by the hour and is an employee whose services may be dispensed with or who may leave at any time without notice.

PART-TIME EMPLOYMENT.

8. (a) Females may be employed as part-time employees subject to the following terms and conditions.

(b) They shall be employed for not less than 20 hours in any week.

(c) They shall be paid for each hour worked during the regular hours of work at the rate of at least one-fortieth of the minimum weekly wage prescribed by this Determination for the class of work performed by them.

(d) The payment or deduction of payment in lieu of notice of termination of employment shall be two-fifths of the pay of the preceding week of the employee concerned.

(e) Within one week of the employment, written consent of the Secretary for Labour and Industry shall be obtained for the continued employment of a female as a part-time worker.

(f) The provisions of this Determination as regards sick leave and holidays shall apply to such part-time employees, but they shall be paid in respect of the period of such sick leave and holidays only at the wage rate actually being received by them at such time.

(g) Save as aforesaid, all the provisions of this Determination shall apply to such part-time employees.

HOURS.

9. (a) Forty hours shall constitute a week's work.
- (b) A week's work shall be performed in five days but where special circumstances exist a five and a half day week may be worked by agreement between the parties, or failing agreement, on the Secretary for Labour and Industry being satisfied that special circumstances exist.
- (c) The 40 hours shall be worked between 7 a.m. and 6 p.m. on Monday to Friday inclusive.
- (d) (i) Notwithstanding anything hereinbefore contained an employer may require any male or female employee to perform his or her week's work on an afternoon or night shift. Payment for such afternoon or night shift shall be at ordinary rates of pay plus 10 per cent.
- (ii) Where the work is performed on an afternoon shift of five afternoons in the week, it shall be performed between the hours of 12 noon and 12 midnight, Monday to Friday inclusive; and where the work is performed on a night shift of five nights in the week, it shall be performed between the hours of 10 p.m. on one day and 8 a.m. on the following day and between 10 p.m. on a Sunday and 8 a.m. on the following Saturday.
- (iii) "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.

PROHIBITION OF CONTRACT WORK.

10. An employee shall not perform work (except as herein provided) by contracting, sub-contracting, sub-letting or other similar systems.

PROHIBITION OF OUTDOOR WORK.

11. No employer shall give out work or permit work to be performed at any place other than a registered factory and no employee shall perform work for any employer at any place other than at a registered factory.

OVERTIME.

12. (a) Subject to this clause all time worked (other than on shift work) before 7 a.m. or after 6 p.m. or in excess of eight hours in a day or on Saturday shall be paid for at the rate of time and a half for the first four hours and double time thereafter.
- (b) Where the week's work is performed on a night or afternoon shift of five shifts in a week, all time worked before the usual starting time of a shift or after the usual finishing time of a shift or in excess of 8 hours (which shall be deemed to be the ordinary period of a shift) shall be paid at one and a half times the shift rate as prescribed in sub-clause (d) of clause 9 of this Determination for the first four hours and at double such rate thereafter.
- (c) All piecework performed on Saturday or before 7 a.m. or after 6 p.m. or in excess of 8 hours on any Monday to Friday inclusive shall be paid for at the rate of rate and a half for the first four hours and at double rates thereafter.
- (d) Any employee shall have completed his normal number of daily hours before overtime payment commences for such day, except in cases where failure to do so is due to causes outside the employee's control or where time off has been with the employer's consent.

Compulsory Overtime.

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

TEA MONEY.

13. (a) An employee required to work after 6 p.m. or for more than one hour after the usual finishing time, whichever is the later, shall either be supplied with a meal consisting of two courses, one of which shall be hot meat or fish and vegetables, by the employer, or be paid 5s. However, should such an employee refuse to work a minimum of two hours' overtime, if so required by the employer, such employee shall forfeit his right to the payment hereinbefore prescribed. Such payment need not be made to employees living in the same locality as their place of work, who can reasonably return home or to their hostel for meals, and in such cases an interval of at least one hour shall be allowed for such meals.
- (b) A shift worker who is required to work overtime for more than 1½ hours after the usual ceasing time shall be supplied with a meal by the employer or be paid 5s. as an allowance therefor.

ANNUAL HOLIDAY.

14. 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.

MEAL INTERVAL.

15. (a) For work done during an employee's recognized meal break and thereafter until a meal break is allowed, time and a half rates shall be paid.
- (b) No employee shall work more than 5 hours without a suitable interval for a meal, which shall be at least 45 minutes, except where the employer and a majority of the employees agree to an interval of 30 minutes. However, this provision shall not apply where the employee finished work for the day at or before 1 p.m. on Saturday or where on Monday to Friday inclusive, a female employee ceased work at or before 6 p.m. and a male employee finished work at or before 6.30 p.m.

MORNING AND AFTERNOON TEA.

16. Females shall be allowed morning and afternoon tea at such times and in such manner as shall not interfere with the continuous running of the factory.

HOLIDAYS.

17. (a) The following days shall be holidays :—New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labor Day, Queen's Birthday, Christmas Day, Boxing Day, and Union Picnic Day (to be observed during the period from 1st June to 15th November). Provided that in the metropolitan area of Melbourne and the City of Bendigo respectively, Melbourne Cup Day (in the case of the former) and Sunday School Picnic Day (in the case of the latter) may be continued as a holiday instead of Union Picnic Day.
- (b) Subject to the provisions of sub-clause (d) hereof employees not required to work on any of the afore-mentioned holidays shall be paid for the holiday at the ordinary rates of pay.
- (c) An employee shall not be entitled to payment in respect of a public holiday, if he or she fails to attend for duty on that day, after having been instructed to do so by the employer.
- (d) An employee absenting himself or herself from work on any actual working day immediately preceding or succeeding a public holiday named in this clause without the employer's consent shall not be entitled to payment in respect of such holiday.

(e) An employee who is dismissed within seven days of any of the said holidays and is re-engaged within fourteen days after the said holiday shall be paid for such holidays; and in the case of the said holiday being Christmas Day or Good Friday and the re-engagement being within fourteen days of the following New Year's Day or Easter Monday, as the case may be, the employee shall be paid for each of the intervening holidays.

(f) Should any other day be, by Act of Parliament or proclamation, substituted for any of the above-mentioned holidays, the day so substituted shall for all purposes be deemed to be a holiday within the scope, meaning and intention of this clause.

SICK LEAVE.

18. (a) An employee who is absent from work on account of his or her own illness or on account of injury by accident arising out of and in the course of his or her employment shall be entitled to leave of absence without deduction of pay subject to the following conditions and limitations:—

- (i) He or she shall not be entitled to such leave of absence unless he or she shall have been in the service of the employer concerned for at least three months immediately prior to such absence.
- (ii) He or she shall not be entitled to such leave of absence for any period in respect of which he or she is entitled to workers' compensation.
- (iii) He or she shall within twenty-four hours of the commencement of such absence inform the employer of his or her inability to attend at his or her work and, as far as practicable, state the nature of the illness or injury and the estimated duration of the absence.
- (iv) He or she shall prove to the satisfaction of the employer that he or she was unable on account of such illness or injury to attend at his or her work on the day or days in respect whereof such leave is claimed. (For the purpose hereof the employer may require an employee to make a statutory declaration verifying the cause and length of his or her absence).
- (v) He or she shall not be entitled in any year except as hereinafter provided (whether during such year in the employ of one or more than one employer) to such leave of absence in excess of 40 hours of working time nor to payment in excess of 40 hours at ordinary rates.
- (vi) An employee who in any one year of his or her employment with an employer has not been absent from work for 40 hours of working time on account of his or her own illness or on account of injury by accident arising out of and in the course of his or her employment, shall be entitled to the benefits of the provisions of this clause in a subsequent year of his or her employment with that employer to the extent of the difference between the actual working time so absent due to the aforesaid causes in that year and the maximum period of 40 hours provided for in this clause; Provided, however, that sick leave so accumulated shall not exceed 200 hours working time.

In this connexion, all leave of absence in excess of 40 hours of working time or payment in excess of 40 hours at ordinary rates in any year shall be upon the certificate of a duly qualified medical practitioner.

(b) For the purpose of paragraph (iv) of sub-clause (a) hereof an employer may within one month of the coming into operation of this Determination (in respect of the employees in his employ at the date of such coming into operation) or within two weeks of an employee entering his employment (in respect of other employees) require an employee to make a statutory declaration or other written statement as to what leave of absence without deduction of pay he or she has had from any employer during the then current year and the employer shall be entitled to rely and act upon such statement.

(c) For the purposes of this clause an employer may arrange with the secretary of the local branch of the Union for the recognition of a specified date as the commencing date of each year and when so arranged such date shall be binding for such purposes on the Union, the employer and his employees. In the absence of any such arrangement, "year" shall mean:—

- (i) in the case of an employee in the service of an employer on the date of the coming into operation of this Determination, a year of service commencing on that date; except in the case where the employer has before that date allowed paid sick leave when it shall mean the year of service then current;
- (ii) in other cases a year of service in the employ of the employer concerned.

(d) A piece-worker shall be entitled to leave of absence subject to the conditions and limitations set out in sub-clause (a) hereof and in respect thereof shall be paid at the time-work rate appropriate to the work at which he or she would, except for the illness or injury causing absence, have been employed.

RATES FOR SUNDAYS AND HOLIDAYS.

19. (a) All work other than piecework performed on Sundays and holidays shall be paid for at the rate of double time with a minimum payment as for four hours' work.

(b) All piecework performed on Sundays and holidays shall be paid for at double rates. Day workers shall be prohibited from working at piecework rates on Sundays or holidays.

(c) Subject to sub-clauses (d) and (e) hereof, shift workers, for all time worked on a Sunday or holiday, shall be paid in accordance with sub-clauses (a) or (b) hereof.

(d) Where shifts fall partly on a holiday, that shift, the major portion of which falls on a holiday, shall be regarded as the holiday shift and be payable at the appropriate rates under sub-clauses (a) or (b) hereof; and all time worked on the shift following the shift so regarded as the holiday shift, shall be payable at the appropriate rate prescribed by sub-clause (d) of clause 9 of this Determination.

(e) Where shifts commence between 11 p.m. and midnight on a Sunday, the time so worked before midnight shall not entitle the employee to the Sunday rate of pay.

IMPLEMENTS AND COVERINGS.

20. (a) The employer shall provide all brushes, spoons, knives and other necessary implements and materials requisite for the work of employees. Such implements and materials, if not returned by the employee on the employer's demand, shall be paid for by the employee at reasonable rates.

(b) Employees engaged in the preparation of lemons and pineapples or in connexion with the handling of hot jam or preserves or packing empty tins into cases shall be provided by the employer with gloves as may be reasonably required. Such gloves shall be returned by the employee to the employer on demand and in default thereof the employee shall pay for them at a reasonable rate.

(c) Where the employer requires an employee to wear a cap, overalls or uniform of any description such shall be provided by the employer, free of charge, and shall be kept laundered by the employer. Such cap, overalls or uniform shall be returned on demand or in default the employee shall pay for them at a reasonable rate.

(d) Employees required to work in the rain or in places or at work where the employees' clothes become wet shall be provided with waterproof overalls or aprons and waterproof footwear.

FIRST AID.

21. (a) A first-aid ambulance chest shall be placed in some accessible place upon the premises.

(b) Every employer shall appoint, where possible, an employee in charge of first aid and shall fix remuneration (if any) to be paid to such employee according to individual circumstances.

DINING ROOM AND CONVENIENCES.

22. (a) The employer shall provide suitable dining room accommodation for employees who desire to remain at the premises of the factory during the meal interval.

(b) The employer shall provide and maintain adequate sanitary and lavatory accommodation for employees, including wash basins and showers supplied with hot and cold water.

(c) The employer shall provide a locker, capable of being locked, for each employee or in the alternative accommodation for each employee's clothes and effects where such can be left and recovered by each employee without his or her gaining access to the clothes or effects of any other employee.

DRINKING WATER.

23. Employers shall provide for the use of employees a sufficient supply of wholesome cool drinking water from bubble taps or other suitable cool drinking installations.

PAYMENT OF WAGES.

24. (a) Wages shall be paid weekly.

(b) On or prior to pay day, the employer shall state to each employee in writing the amount of wages to which he is entitled, the amount of deductions made therefrom, and the net amount being paid to him.

(c) An employee kept waiting for his wages on pay day for more than 10 minutes after the usual time for ceasing shall be paid at overtime rates after that 10 minutes, with a minimum of one-quarter of an hour.

TIME-BOOK AND INSPECTION.

25. The employer shall provide at the factory a time-book or record. Such time-book or record shall contain a correct account of the hours worked and the rates received by each employee and shall be kept correctly entered up in ink. The Secretary or the branch secretary of the Union shall have power to inspect the time-book or record and also the right to visit the office of the employer for this purpose and also for the purpose of investigating any breach or suspected breach of this Determination which is occurring or has occurred and to interview such employee involved or concerned in the breach or suspected breach of this Determination. The employer shall make available to the officer any employees required by him in connexion with the investigation.

The time of any such visit shall be notified to the employer by the officer prior to his actually going to the office and the employer shall provide the officer with the necessary facilities for the investigation of the breach or suspected breach of this Determination.

The officer shall interfere with and inconvenience the work and duties of the employees as little as possible.

MIXED FUNCTIONS.

26. Where an employee is put to work at a classification higher in respect of remuneration than that under which such employee was engaged or was deemed to have been working such employee shall be paid for the whole of the time during which such employee is employed at such work at the rate of remuneration prescribed for such higher classification: Provided that such employee shall be paid at the rate prescribed for such higher classification for the whole of the day if such work is performed continuously for over half the day and for the whole of the week if such work is performed continuously for over half of the week.

LIMITATION OF EMPLOYER'S LIABILITY.

27. Where an employer covered by this Determination has made a payment to an employee, which payment purports to be a payment of the wages payable to the employee for any period, such employer shall not be liable to pay to the employee any further sums prescribed by this Determination in respect to any services rendered to such employer during such period, unless within three calendar months after the last day of such period a demand in writing of such further sum claimed has been given to the employer by the employee.

UNION NOTICES.

28. At each factory reasonable facilities shall be afforded officers of the Union for the necessary work in connexion therewith, and the Union shall be permitted to post Union meeting notices on a board in each factory in a reasonable manner.

Without affecting the generality of the foregoing paragraph, each employer carrying on principally the industry covered by this Determination shall permit a member of the Union nominated by the general secretary of the Union to enter the part of the factory premises of such employer set apart for meals once a week, on a day to be appointed by such employer during the meal interval, for the purpose of interviewing members of the Union on matters relating to this Determination. If such authorized person exceeds the limits of his authority, his permit may be terminated by the Secretary for Labour and Industry on an application by any employer showing good cause.

POSTING OF DETERMINATION.

29. This Determination shall be exhibited by each employer at his factory in a place accessible to all employees.

PIECEWORK RATES.

30. Notwithstanding anything hereinbefore contained, the rates to be paid for piecework shall be as follows:—

Fruit or Vegetable.	Work Performed.	Purpose for Which Prepared.	
		Jam.	Canning.
		Price Per Standard Case Excepted Where Otherwise Specified.	
		s. d.	s. d.
Apricots	Cutting and stoning by hand	2 1-426	2 9-901
Peaches	Cutting and stoning unpeeled peaches 2½" and over by hand .. ..	..	1 4-95
Peaches	Cutting and stoning "Golden Queen" and/or "Goodman's Choice" 2½" and over in diameter .. ..	..	1 7-977
Peaches	Cutting and stoning peaches under 2½" in diameter .. ..	..	1 10-55
Peaches	Trimming or specking per bucket .. ..	..	0 4-237
Peaches	Feeding into peach pitting machine—per thousand .. ..	..	2 11-262
Pears (large and medium)	Peeling, cutting and coring (not into water) .. ..	..	3 6-376
Pears (small)	Peeling, cutting and coring (not into water) .. ..	..	3 10-614
Pears	Feeding into pear preparation machine—per thousand .. ..	..	3 0-927
Pears	Trimming or specking—per bucket .. ..	..	0 4-237
Quinces	Peeling, cutting and coring by machines	1 6-312	1 6-312
Quinces	Peeling by hand (not topping or tailing)	1 9-49	1 9-49
Quinces	Peeling by hand and topping and tailing	2 3-544	2 3-544
Quinces	Cutting by hand	1 6-312	1 6-312
Quinces	Coring by hand (quarters)	1 6-312	1 6-312
Quinces	Coring by hand (halves)	1 1-771	1 1-771
Quinces	Sorting and picking over machine-cored slices (per bucket)	0 6-355	0 6-355
Tomatoes	Peeling (per bucket) by hand	0 9-231	0 9-231

	Per Tray of Twelve Cans—Open Tops.
	<i>s. d.</i>
Apricots—grading or placing in No. 2½ cans—	
Halves	0 4-54
Whole	0 2-874
Peaches—grading and placing in No. 2½ cans	0 2-421
Pears—grading and placing in No. 2½ cans	0 3-026
Any other fruits or tomatoes—grading and placing in No. 2½ cans	0 2-421
Asparagus grading and placing in 10-11 oz. cans, 24 tins per tray	0 11-653
14-16 oz. cans, 24 tins per tray	0 8-475
28-30 oz. cans, 15 tins per tray	0 8-475
Pickles—packing mixed pickles with vegetables as already cut—per dozen bottles	1 7-825
Pickles—cutting vegetables for mixed pickles and packing same—per dozen bottles	2 0-365
Pickles—Cutting up vegetables for mustard pickles by knife per cwt.	7 6-958
Pickles—Cutting up vegetables for mustard pickles by chopper per cwt.	6 0-046
Onions—peeling small onions (1-inch diameter and under)—per cwt. when weighed before the operation	22 8-725
Onions—when weighed after the operation per cwt.	30 3-381
Onions—peeling onions (over 1-inch and up to 1½ inches in diameter) per cwt. when weighed before the operation	18 2-089
Onions—per cwt. when weighed after the operation	24 3-038

Tomato Sauce or Chutney—Preparation for Sale.	Price Per Gross of Ordinary Pint Bottles.	Price Per Gross of Ordinary Quart Bottles.
	<i>s. d.</i>	<i>s. d.</i>
Class of Work—		
Labelling with one label	1 6-312	1 8-431
Wrapping	0 7-566	0 7-566

Provided always that if tins or cans of any other sizes than those hereinbefore specified are used the piecework rates in respect thereof shall be such as may be agreed upon between the employees and the employer concerned.

For the purposes of this sub-clause a standard case shall be understood to mean the equivalent of a kerosene case when not filled above the level of the top.

Where a pieceworker has been instructed to commence work on any day and has attended and is ready to work, but is prevented from or delayed in completing eight hours of piecework on that day through any cause for which the employer is responsible, such pieceworker shall be entitled to be paid not less than one-fifth of the weekly wage prescribed in this Determination for an adult male, or a junior male, or an adult female, or a junior female, employee as the case may be.

PERIODICAL ADJUSTMENT OF WAGES.

31. *Adult Males.*—The wages rates set out in clause 2 of Part I., 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 the rates for adult males shall be automatically adjusted as prescribed by clause 32.

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
	<i>£ s. d.</i>	
Throughout the State	12 5 0	Sydney, Melbourne, Adelaide, and Hobart } Weighted average

ADJUSTMENT OF BASIC WAGE INGREDIENT.

32. (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 November, 1955, the amount of the basic wage shall be as prescribed in clause 31.

(c) During each future successive period beginning with the first pay period to commence in a November, a February, a May, or an August, 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) *Adult Females.*—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) *Junior Employees.*—The wages of junior employees shall be the appropriate percentages as set out in clause 3.

(f) *Piecework.*—Piecework rates shall be adjusted proportionately to the increase or decrease in the quarterly adjustment of the basic wage if the alteration since the last adjustment of piecework prices exceeds three shillings per week.

MARGINAL RATES.

33. (a) *Adult Males*.—In addition to the basic wage as provided in clause 31 of this Determination the following margins shall be the minimum rates payable to male adults engaged in the occupations named.

	Margin.
	Per week.
	s. d.
<i>General Production Section.</i>	
1. Foreman (first jam maker)	86 0
2. Assistant jam maker (as defined)	56 6
3. Assistant pickle maker	56 8
4. Foreman sauce, chutney, pickles or condiment maker (as defined)	56 6
5. Fruit preserver (as defined)	56 6
6. Fruit crystalliser	45 6
7. Candy peel maker-in-charge	45 6
8. Assistant fruit preserver	38 6
9. Syrup maker, i.e., a person who actually boils the syrup	34 6
10. Operators of machines	34 6
11. Employee engaged in inspecting fruit for acceptance or rejection	32 0
12. Employee in fruit crystallising department other than fruit crystalliser	32 0
13. Man-in-charge of and operating retorts (as defined)	32 0
14. Employee engaged cooking and/or sterilising corn, vegetable packs, soup, sauce or other kinds of fruit or vegetable	32 0
15. Employee feeding into and/or taking away from lacquer machine	29 6
16. Employee feeding into and/or taking away from bottle washing machine	29 6
17. Employee feeding into, by hand, other machines	29 6
18. Employee working amongst pieceworkers	29 6
19. General hand (employee not elsewhere classified)	
(a) with four months or more experience in the industry	24 0
(b) with less than four months' experience in the industry	18 0
<i>Dehydration, Evaporation and/or Dried Fruits Section.</i>	
20. Man-in-charge of prunes or tree fruits	42 6
21. Man-in-charge of dehydrator	39 6
22. Man-in-charge of steam retorts on drying ovens	32 6
23. General hands	24 0
<i>Storing Section.</i>	
24. Foreman packer in charge of despatch and packing department	47 0
25. Foreman packer's assistant	35 0
26. Storeman and packer (as defined)	29 0
<i>Miscellaneous Section.</i>	
27. Driver of power-driven factory truck	32 6
28. Tapper	34 6

Adult Females.

(b) In addition to the amounts of the basic wage prescribed in clause 32 (d) of this Determination an adult female employee of a classification prescribed hereunder shall, except as otherwise specified, be paid the margin hereinafter assigned to that classification

	Margin.
	Per Week.
	s. d.
1. Head forewoman	62 0
2. Forewoman's assistant	38 0
3. Head woman supervisor	35 0
4. Supervisor	32 6
5. Operator of peach pitting, pear preparing or apricot slitting machines	27 3
6. Operator of other machines	26 0
7. Employee feeding into and/or taking away from lacquer machine	26 0
8. Employee feeding into and/or taking away from bottle washing machine	26 0
9. Employee pouring out or filling or stirring jams, soups, chutney, pickles or pulp by hand	24 3
10. Employee in bottle washing department	24 3
11. Employee lifting jam, fruit, &c., weighing over 20 lbs.	24 3
12. Employee packing clear mixed pickles into glass containers	24 3
13. Employee working at fruit press	24 3
14. Employee feeding peach slicing machine	24 3
15. Employee cutting or pulping lemons, pineapples, oranges or grapefruit by hand or working on gouging or reaming machines	24 3
16. General hand (person not otherwise classified)	
(a) with four months or more experience in the industry	18 0
(b) with less than four months' experience in the industry	15 0

PART II.

This Part applies to persons employed by the Silvan Fruit Processors in the process, trade, or business of processing and packaging berry fruits.

1. WAGES.		
	Males.	Females.
	Per Hour.	Per Hour.
	s. d.	s. d.
(a) For the first four hours on any start at work on any day	10 11/20	7 6 ²⁷ / ₁₀
(b) Thereafter	13 5 ² / ₅	10 0 ² / ₁₀

The above rates are based on the "General hands" rate in clause 2 of Part I., in the case of males and the rate for "General hand with four months' or more experience in the industry" in the same clause in the case of females and are calculated at time and a half on the said rates for the first four hours and double time thereafter.

RATES FOR SUNDAYS AND HOLIDAYS.

2. All work performed on Sundays and holidays as prescribed in clause 19 of Part I., shall be paid for at the rate prescribed by paragraph (b) in clause I of this Part.

PAYMENT OF WAGES.

3. (a) If an employee leaves or is dismissed he or she shall be paid all moneys due on leaving or dismissal or paid by post or otherwise on the next working day.

(b) Except as provided in the preceding sub-clause, payment of wages and other moneys due shall be made not later than Friday in each week.

Provided that this provision may be varied by mutual agreement between the employer and the majority of his employees.

ANNUAL HOLIDAY.

4. 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.

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

J. V. WILLOX, Secretary.

Melbourne, 21st July, 1955.

