



VICTORIA GOVERNMENT GAZETTE.

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[1956

Labour and Industry Acts.

DETERMINATION OF THE CONDENSERIES BOARD.

NOTES.—(a) On 18th July, 1938, the Butter 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 (other than persons subject to the Butter Factories Board and the Retail Dairy Board) wheresoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale condensed milk, sterilized milk, dried milk, milk sugar, sterilized cream, or any other milk product,” and such power was conferred exclusively on the Condenseries Board:

(b) This Determination applies to the whole of the State of Victoria.

IN accordance with the provisions of the Labour and Industry Acts, the Wages Board which has the power to determine the lowest prices or rates which may be paid to any persons other than persons subject to the jurisdiction of the Butter Factories Board and the Retail Dairy Board) wheresoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale condensed milk, sterilized milk, dried milk, milk sugar, sterilized cream, or any other milk product, including the treatment of bulk milk for wholesale distribution, has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 28th June, 1956, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

APPRENTICES OR IMPROVERS.					JUVENILE WORKERS.				
	Wages per Week.					Wages per Week.			
	Shift Workers.		All Others.			Males.		Females.	
	Percentage of Basic Wage.	s. d.	Percentage of Basic Wage.	s. d.		Percentage of Basic Wage.	s. d.	Percentage of Female Basic Wage.	s. d.
Under 16 years ..	..	..	59	151 0	Under 16 years ..	49	125 6	64	123 0
16-17 years ..	..	..	69	176 6	16-17 years ..	56	143 6	70	134 6
17-18 years ..	..	..	78	199 6	17-18 years ..	69	176 6	78	150 0
18-19 years ..	100 plus	259 6	89	228 0	18-19 years ..	76	194 6	93	178 6
19-20 years ..	3s. 6d.	271 0	99	253 6	19-20 years ..	89	228 0	100	192 0
20-21 years ..	100 plus	279 6	100 plus	263 6	20-21 years ..	100 plus	258 0	100 plus	204 0
	15s.					2s.		12s.	
	23s. 6d.		7s. 6d.						

PROPORTION (IN ANY PLACE).

Males.

One apprentice to every three or fraction of three workers receiving not less than 289s. per week.

One improver to every eight or fraction of eight workers receiving not less than 289s. per week.

Females.

One apprentice and one improver to every three or fraction of three workers receiving not less than 222s. 3d. per week.

Female juvenile workers operating the Majonnier tester shall be paid 12s. per week in addition to their wage.

Female juvenile workers employed in laboratories shall be paid 6s. per week in addition to their ordinary wage.

OTHER EMPLOYEES.

	Wages per Week.	
	Shift Workers.	All Others.
	s. d.	s. d.
Milk or cream grader or tester	323 0	312 0
Majonnier operator holding tester's certificate	323 0	312 0
Other Majonnier operator	318 0	307 0
Neutralizer	315 0	304 0
Foreman of shift or department	315 0	304 0
Operator of any of the following machines:—		
Milk drier (roller system)	308 0	297 0
Milk drier (spray system)	309 0	298 0
Assistant to milk drier (spray system)	308 0	297 0
Sugar boiler	303 0	292 0
Vacuum pan—condensery	310 0	299 0
Vacuum pan-dried milk	309 0	298 0
Vacuum pan-milk sugar	309 0	298 0
Evaporator	308 0	297 0
Homogenizer or visiolizer	306 6	295 6
Cream retort	304 0	293 0
Powder sifter	302 0	291 0
Tubular heater or ejector	303 0	292 0
Separator	304 0	293 0
Separator operator when weighing off cream and/or skim milk for the purpose of standardization	305 0	294 0
Cream weigher for standardization	304 0	293 0
Pasteurizer	304 0	293 0
Weighing machines (milk receiving)	308 0	297 0
Wire-hoopers, storeman, stackers or packers	302 0	291 0
Washers of vacuum pan, vacuum holding vats, or evaporator	303 0	292 0
Male adult washing or sterilizing cans or bottles	302 0	291 0
Operator of a fork lift truck	303 0	292 0
All other male adults	300 0	289 0
Headwoman, i.e., a person who has charge of employees under, and takes her instructions from, the foreman .. .. .	..	222 3
Females operating dried milk automatic filler .. .. .	..	222 3
All other females .. .. .	..	222 3

Female workers operating the Majonnier shall be paid 12s. per week in addition to their ordinary wage.
 Female workers employed in laboratories shall be paid 6s. per week in addition to their ordinary wage.
 Persons employed clearing or cleaning horizontal drying boxes shall be paid 6s. per week for mid-clearance, or 3s. 6d. per week for morning clearance, in addition to their ordinary weekly wage.
 Persons operating more than two vacuum pans shall be paid 4s. 9d. per pan extra.
 Washers of vacuum pans, vacuum holding vats, or evaporators shall be allowed 4d. for each flying clean or 11d. for each full clean in addition to the ordinary weekly wage for the employee concerned.
 Persons employed cleaning milk tankers and vacuum pan vapour pipes, when the employee enters them shall receive 11d. for each clean in addition to the ordinary weekly wage for the employee concerned.
 Persons employed on a Dennington Spray Control floor shall be paid 15s. per week additional to the rates for milk drier (spray system).
 Persons employed stacking tinplate or unloading tinplate from trucks manually shall be paid 2½d. per hour in addition to their ordinary wage.
 Persons employed unloading or scooping briquettes or coal shall be paid 3d. per hour in addition to their ordinary wage.
 Persons (other than regular loading gang hands) transporting complete stillages of tinplate manually shall receive 3s. 6d. per week in addition to the rate prescribed for storemen.
 Washers and/or cleaners of any enclosed vat or tank fitted with a man hole, the height of which compels reaching overhead, shall be paid 2d. per clean with a maximum of 5s. per week, in addition to their ordinary wage, whilst so engaged.

DEFINITIONS.

3. "Juvenile worker" means a person under 21 years of age (other than an apprentice or improver) employed at—
 Weighing, filling, emptying, stacking, capping, sealing, opening, labelling, wrapping, packing, cleaning, or sterilizing tins, cartons, or bottles;
 Stamping or branding tins, cartons, cases, bottles, or labels;
 Stamping, branding, lining, or nailing-up boxes or shooks;
 Handling empty tins, cans, cases, crates, jars, moulds, boxes, or cartons;
 Feeding or assisting on machines; or
 Feeding or taking away from automatic machines.

"Ordinary Worker" means a person—

- (a) who works 8 hours, between 7 a.m. and 6 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday when the ordinary week's work is performed in five days;
- (b) who works 7 hours 12 minutes, between 7 a.m. and 6 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and 4 hours on Saturday when the ordinary week's work is performed in 5½ days.

"Shift worker" means a person other than an ordinary worker. Males under 21 years of age (other than an apprentice or improver 18 years of age or over), or females of any age shall not be employed on shift work.

HOURS FOR A WEEK'S WORK.

4. The number of hours which shall constitute an ordinary week's work shall be 40.

OVERTIME.

5. The following rates shall be paid—

(a) To "ordinary workers" for all time worked—

Outside the times of beginning and ending work as fixed in Clause 3 }
 Within the times of beginning and ending work so fixed in excess of 4 hours on Saturday }
 and 7 hours 12 minutes on the other working days where an ordinary week's work } Time and a half.
 is worked in 5½ days and for all time worked on Saturday and in excess of 8 hours }
 on Monday to Friday (inclusive) where an ordinary week's work is worked in five days . . . }
 Provided that double time shall be paid for all work done on Saturday after 12 noon.

- (b) To "shift workers" for all time worked in excess of 6 hours 40 minutes, on any day . . . Time and a half.
 (c) An employer may require any employee to work reasonable overtime at overtime rates and the employee shall work overtime in accordance with such requirement.

MEAL INTERVAL.

6. An interval of 45 minutes shall be granted for meals between the hours of 12 noon and 1.30 p.m., provided that females and juveniles shall be granted such interval not more than 4½ hours after starting work. Shift workers shall be allowed 45 minutes for each meal; such meal time to be not less than 3½ hours or more than 5 hours from the time of beginning work.

Meal time, if worked, shall be paid for at the rate of time and a half on prevailing rates, same to continue until such time as the employee has had the full time provided for meal.

CRIB TIME.

7. An ordinary worker who commences work at 6 a.m. or earlier shall be allowed a rest interval of 15 minutes at not more than three hours from the time of commencing work.

MORNING TEA.

8. Tea shall be made available each morning for female employees.

CONTINUITY OF WORK.

9. The work of each day or shift shall be continuous with the customary break for a meal.

TIME WAGES.

10. (a) Any ordinary worker ready, available and willing to work, employed on time wages for less than the number of hours fixed for an ordinary week's work between midnight Sunday and midnight Saturday shall for each hour worked up to one half the number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of 33 per centum, and for each hour worked beyond the one half aforesaid the rate of wages payable shall be the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

(b) Any shift worker ready, available and willing to work, employed on time wages for less than the number of hours fixed for an ordinary week's work shall for each hour worked up to one half the number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of 33 per centum, and for each hour worked beyond the one-half aforesaid the rate of wages payable shall be the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

(c) Notwithstanding anything contained in sub-clauses (a) and (b) of this clause, an employee who has not been absent without reasonable cause from work on any of the ordinary days of any week in which a holiday mentioned in clause 25 occurs shall not lose payment from his weekly wage by reason of such holiday if not required for work on such holiday.

MEAL ALLOWANCE.

11. Any employee required to work more than 60 minutes' overtime after the usual finishing time shall be paid, in addition to the overtime payable, an allowance of 4s. for a meal.

WAITING TIME.

12. When an employee is called to work at a certain hour, but is not put on at such hour, the time that the employee is kept waiting shall be treated as time on duty.

ALLOWANCE.

13. (a) Where an employee is required by law or by his employer to wear a washable outer overall, two such overalls of a proved type and quality (not exceeding two each year of employment) shall be provided by the employer within two weeks of the commencement of employment; such overalls shall remain the property of the employer.

(b) Employees whose work is performed under conditions in which their clothing would, in the absence of protective clothing, become saturated with moisture, shall be supplied free of cost with waterproof aprons. Protective footwear shall be supplied to employees required to work in wet places. Articles so supplied shall remain the property of the employer. With regard to footwear, the employer alternatively may pay an allowance of 2s. per week to each employee eligible for such footwear.

(c) Sand shoes shall be provided by the employer for spray box workers when clearing or cleaning boxes.

PROHIBITION OF EMPLOYMENT.

14. No person under 21 years of age shall be employed placing cans in or removing cans from a mechanical washer.

PAYMENT OF WAGES.

15. All wages shall be paid weekly.

TERMINATION OF EMPLOYMENT.

16. Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or employee.

WASHING AND DRINKING FACILITIES.

17. Adequate drinking and washing facilities shall be provided in each factory or department. All employees handling briquettes or coal shall be allowed seven minutes' washing time at the conclusion of the day's work. Where conditions of labour warrant their use, changing accommodation and showers shall be provided by the employer.

TIME BOOK OR OTHER RECORD.

18. Every employee shall indelibly record daily his or her correct times of beginning and ending work in a book, or on time cards, or by a mechanical contrivance, which shall be furnished by the employer.

INSPECTION OF TIME BOOK.

19. The Secretary, Assistant Secretary, or Organizer of the Federated Cold Storage and Meat Preserving Employees' Union of Australia, duly authorized in writing under the seal of the said Union, shall have access to the record of times recorded by the employees and the wages paid for a period of two months prior to date of inspection, provided that such inspection shall be made during the office hours of the factory, and not more than once in any fortnight. Authority shall be produced to the employer on demand.

IMPROVER TO RECEIVE ADULT WAGE.

20. An improver employed at any class of work for which a certificate from the Department of Agriculture is required, shall, unless he is working under the direct supervision of an employee so qualified, be paid the rates of pay prescribed for such an adult employee.

LIFTING OF WEIGHTS.

21. (a) Male employees under 18 years of age shall not lift weights in excess of 30 lb., and male employees between the age of 18 years and 21 years shall not lift weights in excess of 45 lb.

(b) Female employees under 18 years of age shall not lift weights in excess of 25 lb., and female employees over 18 years of age shall not lift weights in excess of 35 lb.

ANNUAL HOLIDAY.

22. (a) Subject to the provisions of sub-clauses (b) and (c) hereof the annual holiday shall be as prescribed by the provisions of the *Labour and Industry Acts*.

(b) Any shift worker who is rostered to work six or seven shifts per week, including Saturdays, and/or Sundays and/or holidays shall be entitled for each twelve monthly qualifying period, one week's annual leave in addition to such leave as prescribed in sub-clause (a) hereof.

(c) Any person who is employed for only part of a twelve monthly qualifying period as a six or seven day shift worker shall be entitled to annual leave, or payment in lieu if the total period of service is less than the full qualifying period of twelve months, as follows:—

- (i) during the period of service as such a shift worker, on a proportionate basis based on three weeks' annual leave for a full twelve monthly qualifying period, or payment in lieu, i.e., 3/50ths of the ordinary pay received during such period of service.
- (ii) for the remainder of the period of service (if any) on a proportionate basis based on two weeks' annual leave for a full twelve monthly qualifying period, or payment in lieu, i.e., 1/25th of the ordinary pay received during such period of service.

SICK LEAVE.

23. (a) Any employee who has been in the employment of the same employer for a period of not less than three months and who does not attend for duty shall lose his pay for the actual time lost unless such employee produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the ground of personal ill health or accident for more than 40 hours of working time in each year of employment or a proportionately less time during any shorter period of employment.

(b) Notwithstanding anything contained in 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. For the purposes of this sub-clause service prior to the 1st January, 1953, shall be disregarded, provided that any accumulated sick leave, not exceeding 120 hours of working time, standing to the credit of the employee on the 1st January, 1955, shall not be reduced by virtue of the provisions of this sub-clause.

(c) An employee shall not be entitled under this clause to paid leave of absence for any period in respect of which he is entitled to Worker's Compensation.

MIXED FUNCTIONS.

24. Where an employee is engaged in any one day or shift for more than two hours at work in a higher class than he is employed to perform, he shall be paid for the full day or shift at the highest rate payable for any such work under this Determination, but if he is so engaged for less than two hours he shall be paid at the rates fixed by this Determination only for the work he actually performs.

SPECIAL RATES FOR HOLIDAYS.

25. (a) Double time shall be the rate payable for all work done on New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, Christmas Day, Boxing Day, and a holiday to be fixed by each factory in lieu of Queen's Birthday; 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.

(b) Any employee who works part of a holiday shall be paid ordinary rate for remainder of the day.

(c) Olympic Day, 22nd November, 1956 (within such area as may be proclaimed by Order in Council), shall be deemed to be included in the list of holidays herein prescribed. Provided that any employee who fails to attend for work on the working day before and/or after such holiday without reasonable excuse, shall not be entitled to be paid for such holiday.

SPECIAL RATES FOR SUNDAY WORK.

26. (a) Time and a half shall be the rate payable for all work done on Sunday, providing that an employee shall be entitled to payment at the rate of double time for such Sunday work as shall be in excess of 40 hours worked since the previous Sunday exclusive of any overtime worked by him on Monday to Saturday, both inclusive.

(b) Any employee required to work on a Sunday shall be entitled to a minimum of an ordinary day's pay or work at the special rate to enable him to earn such ordinary day's pay.

DAY OFF FOR SHIFT WORKERS.

27. Seven day shift workers shall be entitled to one day off without pay in each week on any one of the days Monday to Sunday (both inclusive). The period of working time on such day off shall—

- (i) be taken into account for the purpose of prohibiting an employee from claiming benefits under the provisions of clause 10; and
- (ii) count as time worked for the purpose of clause 26.

PAYMENT FOR WORK DONE ON ROSTERED DAY OFF.

28. Notwithstanding the provisions of clause 26, an employee recalled to work on his rostered day off shall be paid double time and a quarter for Sunday, time and three quarters for Saturday, and time and a half for any other days of the week.

ROSTERING OF SHIFT WORKERS.

29. (a) Employees shall not be rostered off more than one Saturday and one Sunday in each seven consecutive weeks.

(b) Shift workers rostered to work on Sunday shall be paid in accordance with clauses 26 and 28 of this Determination.

(c) Shift workers rostered to work on Saturday between midnight on Friday and midnight on Saturday shall be paid at the minimum rate of time and a half.

NOTICE OF CHANGE OF SHIFT.

30. Where practicable each employer shall post on his premises in a place conveniently accessible to the employee a roster of shifts which shall specify the commencing times of ordinary working hours of such shifts. An employer shall not alter a roster of shifts, except upon giving at least seven days' notice of his intention so to do by posting such alteration in the manner aforesaid, providing that such roster of shifts may be varied at any time by agreement with the employer, and the employee concerned. Except where a change is necessary because of circumstances beyond the employer's control, an employee's place on the roster of shifts shall not be altered unless at least twenty-four hours' notice of such alteration has been given to the employee: provided that such notice need not be given where an alteration is made by mutual agreement.

EMPLOYEES NOT TO BE DEPRIVED OF RIGHTS.

31. Employees who have been absent from work on Worker's Compensation or sick leave as provided for by clause 23 of this Determination, or who have been on annual leave, shall not be deprived of any benefit under clause 26 of this Determination.

PERIODICAL ADJUSTMENT OF WAGES.

32. The wages rates for adult males 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 33.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
Throughout the State	£ s. d. 12 16 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

33. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'C' series' 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 August, 1956, the amount of the basic wage shall be as prescribed in clause 32.

(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 "C" series 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 apprentices, improvers or juvenile workers 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, 14th June, 1956.

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