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GOVERNMENT GAZETTE.

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No. 9981

FRIDAY, NOVEMBER 30

[1956

Labour and Industry Acts.

DETERMINATION OF THE COAL AND COKE BOARD.

Note.—This Determination applies to the Metropolitan district as defined in the Labour and Industry Acts, the Cities of Ballarat, Bendigo, Geelong, Geelong West, Warrnambool, and of Newtown and Chilwell, and the Boroughs of Eaglehawk and Sebastopol.

N accordance with the provisions of the Labour and Industry Acts, 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—

- (a) in any business or occupation connected with the sale or distribution of coal or coke by any-
 - (i) coal importer;
 - (ii) coal mine owner,
 - (iii) gas company;
 - (iv) agent or contractor who distributes coal or coke for any coal importer, coal mine owner, or gas company:
- (b) in loading, unloading, trimming, or otherwise handling coal or coke for the purpose of its conveyance to a purchaser who uses such coal or coke in his trade, or of any subsequent removal thereof.—
 - (i) by any such purchaser,
 - (ii) by any agent or contractor with such purchaser who conveys or removes such coal or coke for such purchaser,

but not including persons employed in any of the trades to which the Determinations of the under-mentioned Boards apply:—

Carters and Drivers Board,

Factory Engine Drivers Board,

Gas Works Board,

Mining Engine Drivers Board,

Shope Board No. 12 (Fuel and Fodder), Shope Board No. 13 (Fuel and Fodder---Country)

- (c) in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal in a form suitable for use—
 - (i) in power-producing or heat-producing units;
 - (ii) in the manufacture of explosives;
 - . (iii) in the manufacture, repair, or maintenance of gas masks or respirators "

has made the following Determination, namely:-

1. That as from the beginning of the first pay period to commence in August, 1958, the last previous Determination of this Board shall be revoked and replaced by this Determination.

No. 998,-9143/56.-PRICE 6D.

PART 1.—Persons OTHER THAN those employed in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal in a form suitable for use in power-producing or heat-producing units; in the manufacture of explosives or in the manufacture, repair, or maintenance of gas masks or respirators.

Improvers.									
_			Other Employees.						
	Percentage of		Persons trimming	or spreading coal that	is heated or on	e.			
	Basic Wage.		fire Persons employed	d driving and/or operat	ing power-driven	382			
		s. d.		l/or operating mechanic					
	47	170 0	of such coal-lo	ading or unloading mac	hines	326			
nder 17 years of age	67 79	176 0 208 0	to and from co	ed trimming coal and,	or reeding coal	316			
Byears of age	91	239 6	Persons trimming	g coal from the "Grab	"	323			
years of age or over—the appropriate			Other coal trimm Coal baggers or l			316 316			
rate prescribed under the heading "other employees".		1		loaders I loading or unloading l		010			
				i railway trucks to vehi I loading or unloading l		316			
			loose coal from	n vehicles to railway tri	icks	338			
Proportion.			Persons loading ground into ra	by shovel or fork loos ilway trucks	se coal from the	349			
One improver to the first six workers,			Coke stackers at	wharf coal yards		325			
nprover to every ten workers receiving no er week.	t less than	286s. 8d.	Coke yard emplo Carters driving o			286 286			
, , , , , , , , , , , , , , , , , , ,			Carters driving t		••	299			
			Carters driving t		• • • • • • • • • • • • • • • • • • • •	306			
			Carters driving for Carters driving fi			311 314			
				per day for every addit	tional horse.				
			Drivers of moto maker's capaci	r vehicle, including gir ty of—	linger, having a				
	•		(a) 25 ewt.			299 308			
				cwt., but not over 3 tor ons, but under 6 tons		818			
			Further to	nnage—for each comple	te ton over 5 an				
			extra 2s. 6d All other coal ya			309			
			-						
(iv) Employers shall provide proper cleansing material.	washing	convenienc	es for such emplo	oyees, and al-o hot wa	ter or some othe	r effi			
		•	Hours.						
3. All persons other than carters	and driver	8			hours per week.				
Carters and drivers	••	••	• • • •		hours per f provided that no han 44 hours pe	t m			
•					hail be worked ayment of overting				
	TIME OF	BEGINNI	NG AND ENDING V	-	James of Orelon	шо,			
4.									
4.		• 1 (197-							
4. 	,	Tin	ne of Beginning.	Five Days in the Week.	The day the half- is usually obse	holida			
· · ·	••	Ti	ne of Beginning	Five Days in the Week.	The day the half-la usually obse	rved.			
artora	••	Tir	_		is usually obse	rved.			

Should a casual employee be employed during the day and until 7 a.m. the following day by one employer, he shall not be required to continue after 7 a.m. if other labour is available.

Should a casual employee who has been employed all day be ordered back by the same employer to resume not later than 2 a.m. and continues until 7 a.m., he shall not be required to continue after 7 a.m. if other labour is available

Should a casual employee's first start be midnight or later he shall if required, continue working throughout that

If a regular yard employee after completing a full day's work is called upon to work overtime until later than 11 p.m., he shall not be required to resume work next morning if other labour is available.

TERMS OF ENGAGEMENT.

6. (a) An employer shall have the option of engaging any employee either by the week or casually.

(b) (i) If the engagement is by the week, termination of employment shall be subject to a week's notice on either side. Provided that this clause shall not affect the employer's right to dismiss without notice at any time an employee because of the latter's incompetence or misconduct, in which case the employee shall be entitled in respect of wages for the then current week's employment, only to payment proportionate to the aggregate of time worked by him, and of such other previous time (if any) in that week as to which under this Determination no deduction from his week's wages is allowed.

(ii) An engagement shall be deemed to be and to continue casual unless the employer, at the commencement of the engagement or before any change by him of a casual engagement of the employee to one by the week, expressly notifies the employee that he is to be engaged by the week.

(c) The employer shall have the right to deduct payment for any day on which the employee cannot be employed usefully because of any strike or through any breakdown of machinery or any stoppage of work or any cause for which the employer cannot reasonably be held responsible.

MINIMUM OF WORK.

7. Casual employees called on to work on any day shall be given four (4) hours' work, or alternatively, four (4) hours

BROKEN WORKING HOURS.

8. Any broken part of fifteen minutes at the completion of a day's work shall be paid for as for a full fifteen minutes.

TRANSPORT.

9. When work finishes between midnight and 6 a.m., transport (if obtainable) shall be provided to convey the employees to a point adjacent to Flinders-street, in the City. This clause shall only apply to the Metropolitan District.

PAY DAY.

10. (a) All wages due to 5 p.m. on Thursday in each week shall be paid on that day.

(b) Each employee shall be furnished with particulars each pay day of time worked and rates of payment.

SMOKE-OH.

11. (a) Persons employed in trimming coal or coaling small vessels by means of baskets, shall be entitled to the following smoke-oh without loss of pay:--

10 a.m. to 10.30 a.m., unless work ends at or before 10 a.m.

3 p.m. to 3.30 p.m., unless work ends at or before 3 p.m.

Night-

9 p.m. to 9.30 p.m., unless work ends at or before 10 p.m. 3 a.m. to 3.30 a.m. unless work ends at or before 3 a.m.

(b) Persons employed continuously feeding coal into and/or driving or in charge of any mechanical appliance or elevator, shall be allowed 30 minutes' smoke-oh during each morning and each afternoon or alternatively shall be paid for

such time. (c) All other employees shall receive a smoke-oh of 10 minutes during each morning and each afternoon at a time mutually agreed upon or alternatively shall be paid for such time.

WET WEATHER PROVISIONS.

12. (a) A committee consisting of a representative of employers and a representative of employees appointed by the Federated Fodder and Fuel Trades Industrial Union, shall by agreement determine whether work at the South Wharf Coal Yards or any other place within the Metropolitan District as defined in the Labour and Industry Acts, shall proceed or cease in the event of wet weather.

(b) If the Committee agrees that rain is sufficiently heavy to justify a temporary cessation of work, such work shall cease forthwith provided that wagons which have been loaded to at least half capacity shall be completed before work ceases.

(c) In the event of employees working under cover and protected from rain the foregoing sub-clauses of this clause shall not apply and such employees shall continue working during any period of wet weather.

(d) During the temporary cession of work employees shall hold themselves in readiness for work during ordinary hours of employment and shall be paid for the actual time of waiting as follows:—

For the first two hours-ordinary rates.

Thereafter at one-half ordinary rates.

(e) When the Committee determines that the weather conditions are suitable, employees affected shall immediately

(f) In the event of a disagreement by the Committee as to whether the conditions are suitable for a resumption of work, lots shall be drawn to determine the matter.

(g) If the employers' representative considers the weather justifying the cessation of work is likely to continue for a lengthy period, the payment of allowances sot forth in paragraph (d) may be discontinued, and employees shall not be bound to hold themselves in readiness flor a resumption of work.

(h) It shall be the function of the Wet Weather Committee as constituted under clause 12 (a) herein to determine if coal is too dusty to work, and if it so determines such coal ex-ship shall be sprinkled with water prior to the coal being handled by employees.

MEAL MONEY.

13. Any person required to continue work until 5.30 p.m. or later shall be paid 5s. meal money.

PICKING-UP TIME.

. 14. The picking-up time for engagement of labour at the South Wharf shall be from 7.45 a.m. to 11 a.m. Mondays to Fridays inclusive, and 7.45 a.m. to 10 a.m. on Saturdays.

PLACE FOR ENGAGEMENT OF LABOUR.

15. The place for engagement of labour at the South Wharf coal yards, shall be at the Harbor Trust shelter shed.

RIGHT OF ENTRY OF UNION OFFICIAL.

16. A duly accredited representative of the Federated Fodder and Fuel Trades Industrial Union shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed, for the purpose of interviewing employees on legitimate union business.

HOT AND COLD SHOWERS.

17. Employers shall provide hot and cold showers for the use of employees.

DINING AND SANITARY ACCOMMODATION.

18. Proper dining and sanitary accommodation shall be provided by the employer for the use of employees and shall be cleaned every day except Sundays and holidays, but in no case to be left uncleaned for more than one day

HOLIDAYS.

19. (a) Weekly employees shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, Melbourne Cup Day, Christmas Day, Boxing Day, Queen's Birthday, or any other day substituted by Act of Parliament or Proclamation of any of the above-mentioned holidays.

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.

(b) For all work done on the above-mentioned holidays the rate prescribed in clause 20 shall apply and for the se of this sub-clause, "double time" shall mean an extra day's pay in addition to the day's pay included in the purpose of the weekly wage.

SPECIAL RATES.

20. Double time shall be paid for all work done on Sundays, and the holidays specified in clause 19 hereof. Provided that any employee required to work on a holiday shall receive a minimum of 4 hours work or pay at the appropriate rate.

ANNUAL HOLIDAYS.

21. The annual holiday shall be as prescribed by the provisions of the Labour and Industry Acts.

SICK LEAVE.

- 22. (a) No deduction shall be made from the wages of any weekly employee unavoidably absent through illness for not more than 40 working hours in any year, i.e., one day for each two months' service, provided he has submitted, within 24 hours of the commencement of such absence, satisfactory evidence to the employer or his representative that such illness was not the result of his own misconduct.
- (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 200 hours of working time, which shall be the maximum amount of leave to which an employee shall be entitled in any year of service without deduction of pay.

For the purpose of this clause, service prior to the 1st December, 1950, shall be disregarded.

CLOTHING ALLOWANCE.

23. Each employee shall be paid a clothing allowance at the rate of 2s. per week of 40 hours.

EMPLOYEES ON LOAN.

24. Notwithstanding anything elsewhere contained in this Determination, an employee shall be deemed to be in the employ of his employer even though such employee shall or may be loaned temporarily or transferred to another employer who is subject to the provisions of this Determination.

PART 2.—Persons employed in the process, trade, business, or occupation of burning, preparing, grinding, grading, or distributing charcoal, in a form suitable for use in power-producing or heat-producing units; in the manufacture of explosives or in the manufacture, repair, or maintenance of gas masks or respirators.

1. (a)			WA	GES PER WEER OF 40 HOURS.						
Improvers.				Other Employees.						
	Percentage of Basic Wage.	-		Wood cutters, using axe, power crosscut circular saw, or other method	296					
	i	-	_	Carters driving one horse	286 299					
	l .		đ.	Carters driving three horses	306					
	l	1		Carters driving four horses	311					
Under 17 years of age	65	171	0	Carters driving five horses	314	Ō				
17 years of age	77	202	6	And 2s. extra per day for every additional horse.						
18 years of age	87	229	0	Drivers of vehicle (including girlinger) having maker's capacity of-						
19 years of age or over-the				(a) 25 owt. or less	299	0				
appropriate rate prescribed		1		(b) Over 25 cwt., but not over 3 tons						
under the heading "other				(c) Over 3 tons, but under 6 tons	318	0				
employees ".	}	į		Further tonnage—for each complete ton over 5 an extra per 2s. 6d.						
				week. Charcoal burning by retorts, metal or brick kilns, or pits—						
D				(a) Operator in charge of plant (b) All other employees, including persons employed in emptying.	311	8				
PROPORTION (BY ANY EMPLOYER).					301	٥				
One improver to the first six workers, and there-				Grinding or grading charcoal—	301	•				
after one additional improver to every ten additional				(a) Attendant in charge of plant—						
workers receiving not less than 286s. 6d. per week.			ok.	(i) With four or more persons under his supervision	321	£				
MOLKETS TOPETATING HOS ICES STREET	acce, our pe			(ii) With three or fewer persons under his supervision	317					
NOTEThe Board determin	nes that no	pers	on	(b) All other persons, including those engaged in grinding, grading.		•				
shall be employed as an apprentice.					311	8				

- (b) Gas Producer Units.—The following provisions shall apply to drivers of gas producer units:—
 - (i) Driver of a motor vehicle fitted and operated with a charcoal gas producer unit for each day or portion thereof upon which he is called upon to drive such vehicle, is, extra.

(ii) Such driver for each day or portion thereof upon which he is called upon to clean the hopper and/or final filter of such unit, 1s. extra.

(iii) Suitable overalls and gloves shall be provided by employers for the employees mentioned in sub-clauses (i) and

(ii) hereof.
(iv) Employers shall provide proper washing conveniences for such employees, and also hot water or some other efficient cleansing material.

CONDITIONS OF EMPLOYMENT (OTHER THAN FOR SHIFT WORK).

- 2. (i) The ordinary weekly total of hours shall be 40 in number, all to be worked on days other than Sunday.
- (ii) (a) Such ordinary weekly total, at the option of the employer, may be spread over five or six days, and except on shift work, shall be worked in one period occurring between 7.30 a.m. and 12.30 p.m. on Saturday and between 7.30 a.m. and 5.15 p.m. on other days, subject to the recognized meal hours or intervals and smoke-oh of ten minutes each morning and afternoon, but no other breaks imposed by the employer.
- (b) If a five-day week is worked the ordinary daily total of working hours shall be 8'4/5ths, and if a six-day week worked such total shall be four on Saturday and eight on any other day.
 - (iii) Smoke-ohs shall be counted as part of time worked.

SHIFT WORK.

- 3. (i) For the purposes of this Determination afternoon and night shifts shall be defined as follows:--
 - (a) Afternoon shift shall mean any shift finishing after 6 p.m. and at or before midnight.
 - (b) Night shift shall mean any shift finishing after midnight and at or before 8 a.m.
- (ii) The ordinary hours of shift workers shall not exceed-
 - (a) 8 hours in any one day; or
 - (b) 40 hours in any one week; or
 - (c) 88 hours in any 14 consecutive days; or
 - (d) 160 hours in any 28 consecutive days.
- (iii) Subject to the following conditions shift-workers shall work at such times as the employer may require.
 - (a) A shift shall consist of eight hours inclusive of crib-time and smoke-oh.
 - (b) Except at regular change over of shifts, or except in the event of relief not arriving or except in some special circumstance an employee shall not be required to work more than one shift in any one period of 24 hours.
 - (c) Any employee who is required to continue working on account of one of the special conditions mentioned in sub-clause (b) hereof shall not work more than two consecutive shifts in any one period of 24 hours.
- (iv) In each shift during which the employee does not receive the same amount of time for a meal interval or smoke-oh as that which day-workers receive under this Determination, he shall be paid at ordinary rates for twenty minutes' crib-time and two smoke-ohs of ten minutes each.
- (v) Shiftworkers whilst engaged on afternoon or night shifts shall receive the ordinary rates of payment provided in clause 2 with the addition of 7½ per cent. Provided that for work done on any shift the major portion of which is worked on a Sunday or a holiday mentioned in clause 8, an additional 50 per cent. shall be paid.

4. Except as in this Determination may be otherwise provided, all time worked in excess of the ordinary daily or weekly hours of work shall be paid for at one and a half times the ordinary rate for the first four hours and double the ordinary rate thereafter.

TERMS OF ENGAGEMENT.

- 5. (i) An employer shall have the option of engaging any employee either by the week or casually.
- (ii) (a) If the engagement is by the week it shall be for a continuous period of at least eight weeks, and thereafter shall be terminable on either side by a week's notice which may be made to expire at any time during a week of the employment. Provided that this clause shall not affect the employer's right to dismiss forthwith at any time an employee because of the latter's incompetence or misconduct, in which case the employee shall be entitled in respect of wages for the then current week's employment, only to payment proportionate to the aggregate of time worked by him, and of such other previous time (if any) in that week as to which under this Determination no deduction from his week's wages is allowable.
- (b) An engagement shall be deemed to be and to continue casual unless the employer, at the commencement of the engagement or before any change by him of a casual engagement of the employee to one by the week, expressly notifies the employee that he is to be engaged by the week.
- (c) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he performs.
- (d) The employer shall have the right to deduct payment for any day upon which the employee cannot be employed usefully because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot reasonably be held responsible.

ANNUAL HOLIDAYS.

6. The annual holiday shall be as prescribed by the provisions of the Labour and Industry Acts.

SICK LEAVE.

- 7. (a) No deduction shall be made from the wages of any weekly employee unavoidably absent through illness for not more than 40 working hours in any year, i.e., one day for each two months' service, provided he has submitted, within 24 hours of the commencement of such absence, satisfactory evidence to the employer or his representative that such illness was not the result of his own misconduct.
- (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 200 hours of working time, which shall be the maximum amount of leave to which an employee shall be entitled in any year of service without deduction of pay.

For the purposes of this clause, service prior to the 1st December, 1950, shall be disregarded.

SUNDAYS AND HOLIDAYS.

8. (i) Weekly employees shall be entitled to the following holidays without deduction of pay. The days observed as:—Now Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, Queen's Birthday, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.

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.

(ii) Any weekly employee required to work on a Sunday or any holiday mentioned in sub-clause (i) hereof, shall be paid for such work at double the ordinary rate.

MEAL MONEY.

9. Any person required to continue work until 5.30 p.m. or later shall be paid 5s. meal money.

WASHING FACILITIES.

10. Each employer shall provide for all the employees hot and cold showers or other conveniences, which shall be approved by the Secretary for Labour or his Inspector.

TIME RECORD.

- 11. (a) The employer shall keep a record of the names of the employees of such employer, and in respect of each such employees, a record from week to week of the periods, times, and class of work done, and the rates of wage and amounts of wages paid, and shall obtain from week to week the signature of each employee to such record.
- (b) The secretary or duly accredited representative of the Federated Fodder and Fuel Trades' Industrial Union authorized in writing to that effect by such secretary shall be allowed, on any day after which two days' notice has been given to inspect such records so far as may be reasonably necessary to obtain information therefrom relating to any member or members of the said union.

RIGHT OF ENTRY OF UNION OFFICIAL.

12. A duly accredited representative of the Federated Fodder and Fuel Trades Industrial Union shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination is done, for the purpose of interviewing employees on legitimate Union business.

NOTICE BOARD.

13. The Federated Fodder and Fuel Trades Industrial Union shall be permitted to post on a board notices appertaining to Union business generally.

FIRST-AID CHEST.

14. Every employer shall provide a fully-equipped first-aid outfit for use of any employee injured in the course of his employment.

. Goggles and Respirators.

15. Every employer shall provide suitable goggles and respirators for use of employees whilst employed by him.

PART 3 .-- Periodical Adjustment of Wages.

(Note.—The provisions of this Part operate in the cases of employees covered by Part 1 and Part 2.)

1. The wages rates set out in Part 1 and Part 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 2.

Rasic Wage

			Place.						Basic Wage (Adjustable).	Index Number Set Assigned.
,									£ s. d.	
Throughout the State	• •	••	• •	• •	• • •	••	• •		13 3 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

- 2. (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 November, 1956, the amount of the basic wage shall be as prescribed in clause 1.
- (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 "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 of improvers shall be the appropriate percentages as set out in clause 2 of Part I and clause 1 of Part 2. Such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

P. A. RANDLES, J.P., Chairman,

J. P. WILLOX Secretary.

Melbourne, 26th July, 1956.