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Factories and Shops Acts.

## DETERMINATION OF THE MINING ENGINE-DRIVERS BOARD.

Adjusted pursuant to section 21 of the *Factories and Shops Act* 1934 (No. 4275).

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

I, FRANCIS ANTHONY MARZORINI, in pursuance of the powers contained in the Factories and Shops Acts and in consequence of the provisions contained in a determination made on the 12th May, 1939, by the Mining Engine-drivers Board, and published in the *Government Gazette* on the 8th June, 1939, hereby issue an adjusted determination showing the adjusted wages rates to be paid, as from the beginning of the first pay period to commence in December, 1939, to any person employed in the occupation of—

- (a) a fireman, boiler attendant, boiler cleaner, or engine-driver in connexion with steam engines or steam boilers in or about mines or in or about plants for crushing metalliferous ores—
- (b) an engine-driver or attendant in connexion with the use of internal combustion engines, compressed air engines, or electrical engines in or about mines or in or about plants for crushing metalliferous ores.

(2) WAGES PER WEEK OF 40 HOURS FOR EMPLOYEES WORKING UNDERGROUND AND 44 HOURS IN ANY OTHER PLACE.

|   | Other Employees. |  |                              |
|---|------------------|--|------------------------------|
|   |                  | Mining District of Gippsland, and the Dry Creek, Gaffney's Creek, Wood's Point, Matlock, Big River, Jamieson, Kevington, Mitta Mitta, Bethanga, Harrietville, Bright, Wandiligong, Alexandra, Walhalla, and Corryong Divisions of the Mining District of Beechworth. | All Other Parts of Victoria. |
|   | s. d.            | s. d.  | s. d.                        |
| Apprentices or Improvers.   |                  |  |                              |
| If under 16 years of age .. .. .  | 36 0             |  |                              |
| 16 and under 18 years of age .. .. .  | 48 6             |  |                              |
| 18 and under 19 years of age .. .. .  | 56 6             |  |                              |
| 19 and under 20 years of age .. .. .  | 73 0             |  |                              |
| 20 years of age, minimum rate for class of work done.   |                  |  |                              |
| If under the control of an engine-driver they start or stop an engine, 6s. per week extra shall be paid.          |                  |  |                              |
| PROPORTION.   |                  |  |                              |
| Apprentices.  |                  |  |                              |
| One apprentice to every three or fraction of three workers receiving not less than 78s. 6d. per week of 44 hours. |                  |  |                              |
| Improvers.  |                  |  |                              |
| One improver to every three workers receiving not less than 78s. 6d. per week of 44 hours.                        |                  |  |                              |
| Winding and haulage engine-drivers—   |                  |  |                              |
| (a) If they sometimes or always raise or lower human beings .. .. .   | 108 0            |  | 105 0                        |
| (b) If they do not raise or lower human beings .. .. .  | 102 0            |  | 99 0                         |
| Winch drivers—  |                  |  |                              |
| (a) If working underground or on surface of mines, and they raise or lower human beings .. .. .                   | 98 0             |  | 95 0                         |
| (b) If working underground or on surface of mines, and they do not raise or lower human beings .. .. .            | 95 0             |  | 92 0                         |
| (c) On dredges .. .. .  | 95 0             |  | 92 0                         |
| Other drivers—  |                  |  |                              |
| (a) Attending to a steam engine with condenser attached .. .. .   | 98 0             |  | 95 0                         |
| Attending to a steam engine without condenser .. .. .   | 95 0             |  | 92 0                         |
| (b) Operating a suction gas engine, other internal combustion engine, or electrically-driven plant—               |                  |  |                              |
| (i) if 50 h.p. or over .. .. .  | 95 0             |  | 92 0                         |
| (ii) if under 50 h.p. .. .. .   | 92 0             |  | 89 0                         |
| Motor Drivers or Attendants .. .. .   | 86 0             |  | 83 0                         |
| Firemen—  |                  |  |                              |
| (a) Attending one boiler .. .. .  | 86 0             |  | 83 0                         |
| (b) Attending two boilers .. .. .   | 87 6             |  | 84 6                         |
| (c) Attending three or more boilers developing 1,000 i.h.p. in the aggregate .. .. .                              | 89 0             |  | 86 0                         |
| Greasers .. .. .  | 84 0             |  | 81 0                         |
| All others .. .. .  | 81 6             |  | 78 6                         |

## WAGES PER WEEK OF 40 HOURS FOR EMPLOYEES WORKING UNDERGROUND AND 44 HOURS IN ANY OTHER PLACE.

## JUVENILE WORKERS.

Juvenile workers (i.e., employees 17 to 19 years of age, both inclusive, working in a coal mine on an intermediate, air, or electrically-driven geared hauling winch operating intermittently on branch haulage roads to any one or more main haulage roads)—

## DAY SHIFT.

|                 |    |    |    |    | s. | d.         |
|-----------------|----|----|----|----|----|------------|
| 17 years of age | .. | .. | .. | .. | 55 | 6 per week |
| 18 "            | "  | .. | .. | .. | 65 | 0 "        |
| 19 "            | "  | .. | .. | .. | 72 | 9 "        |

## AFTERNOON OR NIGHT SHIFT.

The rates to be paid for the afternoon or night shift shall be the rates provided for day shift, plus 7½ per cent.

## PROPORTION.

One juvenile worker to every three or fraction of three workers receiving not less than 76s. 6d. per week of 44 hours.

Where the employment or work involves functions of a mixed character the wages to be paid to an employee shall be calculated as if he performed such only of the said functions as involves the highest rate of wages.

(3) EXTRA RATES.—Extra rates payable, in addition to those mentioned in clause (2) :—

|   | Per Week<br>Extra.<br>s. d. |
|---|-----------------------------|
| Engine-drivers or firemen who also attend an electric generator or dynamo (other than a dynamo for merely lighting the works) | 6 0                         |
| Engine-drivers or firemen in charge of plant  | 6 0                         |
| When two firemen are employed on the plant at the one time, one shall be a leading fireman and shall be paid                  | 3 0                         |
| Greasers, if under the supervision of an engine-driver, they stop and start engines   | 6 0                         |
| Winch drivers hauling up or down shafts where the haul exceeds 150 feet   | 3 0                         |

Greasers doing engine-drivers' work other than starting and stopping engines under the supervision of an engine-driver, shall be paid engine-drivers' rates.

Any person engaged inside the gas or water space of any boiler, flue, or economizer, in cleaning or scraping work shall be paid whilst so employed, in addition to his ordinary or overtime rate, 9d. per hour extra.

(4) WEEKLY ENGAGEMENT.—(a) Except as hereinafter provided all employment shall be by the week. Employees to become entitled to payment on a weekly basis shall perform such work as the management shall from time to time require on the days and during the hours usually worked by the class of employees effected. Employment shall be terminated only by a week's notice being given on either side, such notice to be given at any time during the week. This shall not affect the right of the management to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct, and in such cases wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown of machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible. Provided that where an employer orders employees not to work on rainy days because of the state of the weather, such order shall not deprive such employees of their claim for payment under the weekly engagement, but if such employees cease work on rainy days without being ordered to do so they shall not be entitled to payment for time so lost.

(b) Any employee, competent to do the work he is engaged to do, who is employed for less than six days from the date he starts work, and is refused work or dismissed without any fault of his own shall be entitled to be paid for each day so worked 10 per cent. more than one-fourth of the weekly rate prescribed by this Determination for the work performed by him, multiplied by the number of hours actually worked.

(5) OVERTIME.—(NOTE.—Nothing in this clause shall apply to persons working underground in a coal mine). Time and a half shall be paid for all work done :—

(a) In excess of four hours on Saturday (where an ordinary week's work is and eight hours on other days) worked on six week days.

(b) On Saturdays, and in excess of eight hours 48 minutes on other days (where an ordinary week's work is worked on five week days (Monday to Friday)).

The hourly rate on which the overtime additional rates shall be computed shall be one-fourth of the weekly rate prescribed in Clause (2) for the class of work done.

In reckoning the time of duty any time necessarily occupied in raising steam, in starting up or closing down engines, or in banking fires, shall be included.

(6) MEAL INTERVAL.—(a) Except on shift work, provision shall as far as practicable be made by the employer to enable an employee to have a midday meal interval of not less than 45 minutes nor more than one hour on all working days except Saturday. Such meal interval shall not be deemed to be time worked, and the time of ceasing work shall be extended by time equal to the duration of the meal interval.

(b) Employees on shift work shall be given a meal interval of half-an-hour whilst "standing by" their engines. Such interval shall be included as part of the day's work, and if an employee is required for work during same he shall be paid for such work at the rate of time and a half.

(7) SUNDAYS AND HOLIDAYS.—(a) Time and a half shall be paid for all work done on Sundays.

(b) An employee shall be entitled to the following six holidays without deduction of pay, viz. :—New Year's Day, Good Friday or Easter Monday (alternately at the option of the employer to be declared on or before the Monday before Good Friday), Labour Day, Anzac Day, Christmas Day, and Boxing Day, or any day which by Act of Parliament or proclamation shall be substituted for any of the abovementioned holidays, or any such other days not less than six as the employer may substitute for the employee with the consent of the Union through its nearest local representative.

(c) In the event of an employee being called upon to work on any of the above holidays or substituted holidays, he shall be paid for each day so worked an additional sum of one-sixth of his ordinary weekly wage.

(8) ANNUAL LEAVE.—In addition to the holidays provided for in Clause (7) an employee shall be entitled to annual leave on full pay for a period amounting to one day for every two months of his service during the year next preceding the annual leave, but subject to the following conditions :—

(a) The date of the leave shall be fixed by the employer.

(b) In order to claim the leave on pay each employee shall attend his work regularly, not losing more than one shift in each calendar month without valid reason, valid reasons being :—

(i) Bona fide cases of accident or sickness.

(ii) Business of which prior notice is given and approved by the Mine Manager.

(iii) Some urgent matter of which prior notice could not be given, but which is reported to the Mine Manager at the earliest possible moment and approved by him.

(iv) Business in connexion with the Union of which notice is given.

(v) Absence of the employee through no fault of his own.

(vi) Accident to the mine or works.

(c) Any employee who is discharged from his employment or leaves shall for every complete two months of service complying with condition (b) herein given to the employer since the employee's last annual leave (if any) hereunder shall be entitled to one day's pay at his ordinary rate at the time of discharge or leaving.

(9) SICK PAY.—All employees necessarily absent on account of sickness, or through an accident whilst at work, shall be entitled to six days' leave on full pay in each year, provided satisfactory evidence of such illness or accident is produced to the management within 24 hours of his first absence from work.

Sick pay shall be payable on the first pay day after becoming due.

(10) DEFINITIONS.—(a) "Engine-driver" shall mean and include any person who operates or drives any engine or engines, the motive power of which is steam, and shall include the operator or driver of an internal combustion engine, a compressed air engine, or electrical engine.

(b) "Winding and haulage engine-driver" shall mean and include an engine-driver who takes charge of the principal winding plant or plants (other than a Holman or similar baby hoist) on or below the surface of a mine, whether the motor power is steam, air, water, gas, oil, or electricity.

(c) "Winch driver" shall mean and include an engine-driver (other than a winding or haulage engine-driver, as defined in sub-clause (b)) in charge of and working a geared winding engine.

(d) An engine-driver shall be deemed to be "in charge of plant"—

(i) When two or more drivers are employed at the plant at one time, and he is the driver invested with the superintendence and responsibility; or

(ii) When a driver, being the only person of his class employed on the plant, does the general repair work of the plant in addition to the work of engine-driving, but not when he merely assists the fitter or engineer to do such work.

F. A. MARZORINI,

Secretary for Labour.

Melbourne, 6th November, 1939.

