



VICTORIA GOVERNMENT GAZETTE.

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THURSDAY, NOVEMBER 23.

[1939

Factories and Shops Acts.

DETERMINATION OF THE FURNITURE BOARD.

Adjusted pursuant to Section 31 of the *Factories and Shops Act 1934* (No. 4275).

(WIRE MATTRESS SECTION.)

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 23rd November, 1938, by the Furniture Board, and published in the *Government Gazette* on the 19th December, 1938, hereby issue an adjusted Determination showing the adjusted wages rates to be paid to any person or persons or classes of persons employed in the manufacturing of wire mattresses.

(1) The adjusted rates shown herein shall be paid as from the beginning of the first pay period to commence in December, 1939.

(2) **APPRENTICES AND IMPROVERS.**

Weekly Wages.		Proportion (in any place).	
APPRENTICES.	IMPROVERS.	APPRENTICES.	
<i>s. d.</i>	<i>s. d.</i>	One apprentice to every three or fraction of three workers receiving not less than the minimum wage.	
First year	Under 16 years' of age ..	IMPROVERS.	
Second year	16 and under 17	One improver to every six or fraction of six workers receiving not less than the minimum wage.	
Third year	17 and under 18	Provided that where no apprentices are employed one improver shall be allowed to every four or fraction of four workers receiving not less than the minimum wage.	
Fourth year	18 and under 19	Provided also in any case that at least three workers receiving not less than the minimum wage must be employed before an improver can be employed.	
Fifth year	19 and under 20		
And thereafter the minimum wage	20 and under 21		

(3) **OTHER EMPLOYEES.**

	WEEKLY WAGES.	
	Within 20 Miles of G.P.O., Melbourne, 10 Miles of G.P.O., Geelong, at Warramboul and in the Mildura and Gippsland Districts.	Elsewhere in Victoria.
Operator of Boulton's carver or shaping machine	£ s. d. 5 8 0	£ s. d. 5 5 0
Moulding machinist—		
(a) who grinds his own cutters	5 8 0	5 5 0
(b) who does not grind his own cutters	4 19 0	4 16 0
Operator of buzzer, planer, thicknesser, circular saw, tenoner, or morticer	4 16 0	4 13 0
Operator of sander, boring, or any other machine not otherwise specified	4 10 0	4 7 0
Wireweaver	4 14 6	4 11 6
Stretcher-up, tacker-on, splitter-up, or varnisher	4 13 0	4 10 0
Spray hands	4 16 0	4 13 0
All others	4 1 0	3 18 0

(4) **ORDINARY WEEK'S WORK.**—The number of hours to constitute a week's work shall be 44, to be worked between the times of beginning and ending work shown below :—

Times of beginning.	Times of ending.
7.30 a.m.	5 p.m. Mondays to Fridays.
7.30 a.m.	12 noon Saturdays

(5) **OVERTIME.**—All time worked—

- (a) Before or after the usual times of beginning and ending work ;
- (b) In excess of nine hours per day ;
- (c) In excess of 44 hours in any week ;

shall be paid for at the rate of time and one half for the first four hours and double time thereafter, provided that all time worked between the hours of 9 p.m. and 7.30 a.m. shall be paid for at double time.

All work done outside the times of beginning and ending work on any holiday specified in clause (15) shall be paid for at the rate of double ordinary time.

No person under the age of seventeen years shall be permitted to work more than four hours' overtime in any week.

(6) **TEA MONEY.**—All employees required to work beyond the usual time of ending work shall be allowed 2s. tea money in addition to overtime rates as prescribed for in this Determination when the usual time of ending work is exceeded by two hours.

(7) **TERMS OF ENGAGEMENT.**—Except as herein in this Determination provided, all employees shall be employed by the week. Employees to become entitled to the weekly wage prescribed by this Determination must be available and ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employees affected. Where the majority of the employees of any establishment or of any department of such establishment agree to work part time for any period or to close down for any period other than the prescribed holidays, the provisions of the weekly wage shall not apply to any employee of such establishment or department during such periods.

Employment for the first two weeks of service at any time shall be from hour to hour at the weekly rate fixed.

(8) **CASUAL LABOUR.**—Casual labour at hourly rates may be engaged, provided the rates are 10 per cent. higher than those prescribed for weekly hands.

Casual labour means labour where an employer does not provide a full week's work, but does not include a weekly hand whose engagement is terminated in the middle of a week.

(9) **TERMINATING EMPLOYMENT.**—Employment to be terminated only by a week's notice on either side, and such notice may be given at any time during the week. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty, or misconduct, or to deduct payment for any time 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.

An employer shall not terminate the employment of an employee for the purpose of evading payment for the holidays prescribed by this Determination.

Where an employee is dismissed within seven days prior to any such holiday the re-engagement of such employee within seven days after such holiday shall be prima facie evidence that the employment was terminated for the purpose of evading payment for such holiday.

Where the employer terminates the employment within one week of a day on which a holiday occurs, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee has been employed by the employer for a period of at least one week prior to the termination of the employment.

Should an employee be dismissed during the course of a week, any wages due to him shall be paid to him forthwith or shall be posted to him within 24 hours.

(10) **SPECIAL RATES FOR SUNDAYS AND HOLIDAYS.**—Any employee who is employed on any holiday specified in clause (15) shall be paid at the rate of the ordinary time in addition to the usual rate.

All work done on Sundays shall be paid for at the rate of double time.

(11) **MIDDAY MEAL.**—An interval of not less than 30 minutes shall be allowed for the midday meal between the hours of 12 noon and 2 p.m.

(12) **MIXED FUNCTIONS.**—Where an employee is engaged in any one week for more than half of such week at work in a higher class than he or she is employed to perform, he or she shall be paid for the full week at the highest rate payable for any such work under this Determination ; but if he or she is engaged for less than half of any such week, he or she shall only be paid at the rates fixed by this Determination for the work he or she actually performs.

(13) **MATERIALS TO BE PROVIDED.**—Any person employed in wholly or partly preparing or manufacturing any article of furniture or in preparing any new or second-hand article of furniture shall be paid 6d. per hour in addition to the lowest rate fixed by this Determination, unless the following are provided by the employer if required in the performance of the work :—Benches, wood, or iron clamps over 2 ft. 6 in., hand screws (in excess of four), glue pots, and glue brushes and varnish brushes. Any employee engaged at french polishing shall be supplied with all materials, including rags, brushes, and kit-box.

(14) **ALLOWANCES FOR TRAVELLING TIME AND BOARD.**—All time reasonably occupied by an employee in travelling to or from work outside the factory and outside ordinary hours and in travelling to and from work in a country district if engaged in the Metropolitan District for employment in a country district shall be treated as time of duty and paid for at ordinary rates up to a maximum of eight hours for the journey, except on Sundays, when time and a half rates shall be paid up to a maximum of eight hours for the journey. Provided that, where an employee proceeds direct from his home to a job outside the factory, he shall be paid for all time reasonably occupied in travelling to the job in excess of the time usually taken to go from his home to the factory.

All fares and reasonable travelling expenses incurred by an employee in such travelling, including the cost, if any, incurred for meals—together with the reasonable cost of board and lodging if the employee has to be away from his home for a night—shall be paid to the employee.

The fares allowed shall be first class where the employee has to travel all night in connexion with his employer's business and in other cases the fares shall be second class.

The foregoing travelling and accommodation allowances shall be paid additional to the usual rates for the time employees are working.

When it is more convenient for the employee to go direct to the job from his home, he shall so do, and start and cease work at the usual times customary at the factory, provided that any extra expense incurred by him in travelling shall be borne by the employer.

(15) **HOLIDAYS.**—All weekly wage employees shall be granted the following holidays without deduction of pay :—The days observed: as New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day.

All employees working on piece-work or task-work shall be granted the same holidays as are granted to weekly wage workers, and they shall, subject as hereinafter provided, be paid for such holidays the amount for each holiday based on the minimum weekly wage as set out in this Determination for the class of work performed.

If any of the above holidays occur on a Sunday or Saturday and are not observed on any other day, then employees shall not be paid for such Sunday, and shall be paid for such Saturday as for a half day, but not otherwise.

All other weekly employees shall be paid for the above holidays an amount for each holiday based on the actual weekly wages paid to them by the employer.

Any employee absenting himself from work on any portion of the working day preceding a holiday provided for herein other than Boxing Day and New Year's Day without permission from the employer, or without having reasonable cause for having absented himself from work, shall not be entitled to payment for such holiday.

(16) SICKNESS, ACCIDENTS.—Any employee not attending duty shall lose his pay for the actual time of non-attendance unless he produces or forwards within 24 hours of the beginning of his absence evidence satisfactory to the management that his non-attendance was due to personal accident arising out of or in the course of his employment or to personal ill health sufficient to incapacitate him for his usual work.

An employee shall not be entitled to payment for non-attendance on the ground of accident or ill health for more than six days in each year.

For the purpose of this clause a year shall mean a period of twelve months commencing on the 17th day of August in each year.

(17) PAY DAY.—All employees shall be paid weekly on any other day than Saturday.

No employer shall hold more than two days pay in hand.

Any employee kept waiting for his pay on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid overtime rates after that quarter of an hour and as for a quarter of an hour at least.

(18) TIME BOOK OR RECORD.—(a) Employers shall provide at each shop, factory or place where work is being carried on a time book or record which shall contain a correct account of the hours worked and the wages received by each employee. Such time book or record shall be kept correctly entered up in ink and shall be open for inspection by a duly accredited official of the Federated Furnishing Trade Society of Australasia during the usual office hours at the office or other convenient place.

Provided that no inspection shall be demanded unless the accredited official of the said society suspects that a breach of this Determination has been or is being committed and provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment. The official making such inspection shall be entitled to take a copy of entries in any time and wages book relating to the suspected breach of this Determination.

(b) The time occupied by an employee in filling in any time book or cards, or in making any records, shall be treated as time of duty; but this clause does not apply to "checking" in or out at beginning or end of duty.

(19) RIGHT OF ENTRY OF UNION OFFICIAL.—A duly accredited representative of the Federated Furnishing Trade Society of Australasia shall have the right to enter employers' workshops during the midday meal hour for the purpose of interviewing employees on legitimate Union business on the following conditions:—

(a) That he produces his authority to the gatekeeper or such other person as may be appointed by the employer;

(b) That he interview employees only at the places where they are taking their meals;

(c) That not more than one representative in all be in any workshop at any one time;

(d) That no one representative visit a workshop more than once in each week;

(e) That if any employer alleges that a representative is unduly interfering with his workshop or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions, such employer may refuse the right of entry but the representative shall have the right to bring such refusal before this Wages Board.

(20) PIECE-WORK.—The employer may fix his own piece-work prices or task rates, provided such prices or rates enable an employee of average capacity working under like conditions to earn at least 10 per cent. more than the minimum weekly wage prescribed for the class of work performed. The same piece-work prices shall be paid to all piece-workers doing the same operation in the factory, whether they be apprentices or improvers on piece-work, or otherwise.

All piece-workers who are available and ready and willing to work during the ordinary working hours shall be paid in each week not less than 8s.

F. A. MARZORINI,

Secretary for Labour.

Melbourne, 17th November, 1939.





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No. 374]

FRIDAY, NOVEMBER 24.

[1939

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 4 (BUTCHERS, COUNTRY).

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

NOTE.—(a) This Determination applies to the whole of the State of Victoria outside and excepting the Metropolitan District as defined in the *Factories and Shops Act 1928* (No. 3677) and the Order in Council thereunder; such portion of the city of Sandringham as is not included within the said District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; the boroughs of Eaglehawk and Sebastopol; and the Moorpanyal and Peak Ridings of the Shire of Corio.

(b) Butchering and/or Small Goods Making were proclaimed on 9th October, 1939, as Apprenticeship Trades under the Apprenticeship Acts for the Metropolitan District as defined in the said Acts. The areas subject to this Determination which are affected by the said Acts are:—The Western and River Ridings of the Shire of Braybrook, the South Riding of the Shire of Mulgrave, the East, North and West Ridings and that portion of the South Riding north of Lower Dandenong Road of the Shire of Dandenong.

Full particulars of the apprenticeship regulations for these trades may be obtained on application to the Secretary, Apprenticeship Commission, Gisborne-street, Melbourne (Price 3d.)

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 22nd June, 1939, by the Shops Board No. 4 (Butchers, Country), and published in the *Government Gazette* on the 18th July, 1939, hereby issue an adjusted determination showing the adjusted wages rates to be paid to any person or persons, or classes of persons employed in the process, trade, or business of a butcher or seller of meat, or maker or seller of small goods.

(1) The adjusted rates herein shall be paid as from the beginning of the first pay period to commence in December, 1939.

(2)

APPRENTICES.

WAGES.

FIVE YEAR TERMS.

						Per week of 44 hours.
						<i>s. d.</i>
First year	..	..	..	..	..	15 6
Second year	..	..	..	..	..	20 6
Third year	..	..	..	..	..	35 6
Fourth year	..	..	..	..	..	51 0
Fifth year	..	..	..	..	..	66 0

FOUR YEAR TERMS.

First year	..	..	..	..	..	17 6
Second year	..	..	..	..	..	30 6
Third year	..	..	..	..	..	51 0
Fourth year	..	..	..	..	..	66 0

In such portions of the State of Victoria as come within the purview of the Apprenticeship Commission after a probationary period of four months male juniors shall only be employed as apprentices. The periods and conditions of such employment (except wages rates) and the duties and responsibilities of such apprentices and their employers shall be as prescribed by such Commission.

(b) In other areas covered by this Determination unapprenticed juniors may be employed on the following terms:—

After a probationary period of six months each junior for a period of at least four years shall be trained to be a general butcher and shall not be dismissed from his employment during such period except for inefficiency or misconduct or in the event of the employer ceasing to carry on business or who for financial reasons becomes unable to employ labour.

WAGES.

	Per week of 44 hours. s. d.
First six months' experience	15 6
Second six months' experience	20 6
Second years' experience	28 0
Third years' experience	38 6
Fourth years' experience	56 0
Fifth years' experience and until reaching the age of 21 years	68 0

Proportion within any shop or factory.

The number of apprentices or unapprenticed juniors employed in any one shop or factory shall not exceed one to every three or fraction of three adult weekly employees. An employer actually working in the factory or shop shall be treated as an adult for the purpose of this clause.

(3)

Other Employees.	Wages per Week of 44 hours.		
	(a) Within 20 miles of the G.P.O., Melbourne, outside and excepting the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder and such portion of the City of Sandringham as is not included within the said Metropolitan District;	At Yallourn.	All other parts of Victoria where this Determination applies.
	£ s. d.	£ s. d.	£ s. d.
Employees in butchers' shops required to do any slaughtering as herein defined in the slaughter house associated with such shop for more than 24 hours per week	5 6 0	5 12 6	5 3 0
Employees who do slaughtering for 24 hours or less in a slaughter house associated with a butcher's shop—			
Whilst employed on such work	5 6 0	5 12 6	5 3 0
Whilst employed on other work			
Slaughtermen employed in abattoirs	5 16 0	6 2 6	5 13 0
<i>Definition.</i> —"Slaughtering" means and includes taking charge of slaughter yard, penning up, knocking down, pithing, sticking, bleeding, dressing, skinning, necking off, cutting down, hanging back, and washing.			
General butchers who in the course of their duties act as shopmen or who are engaged principally cutting for window displays	5 4 0	5 10 6	5 1 0
Other general butchers not called on to serve in shops and including men who cut and deliver meat to customers outside the shop	5 1 0	5 7 6	4 18 0
Ordermen who deliver but do not cut meat	4 8 0	4 14 6	4 5 0
All others	4 6 0	4 12 6	4 3 0
<i>Definition.</i> —"General butcher" means an adult who has served an apprenticeship or has had at least four years' general experience in general butchering and is not exclusively employed in the making of small goods.			
<i>Small Goods Section.</i>			
Men employed principally on mixing machines	5 4 0	5 10 6	5 1 0
Fillermen	4 17 0	5 3 6	4 14 0
Small goods makers, small goods sellers from cart who collect cash, boners, salters, scalders, and cookers	4 16 0	5 2 6	4 13 0
Packing room hands	4 10 0	4 16 6	4 7 0
Linkers and table hands	4 10 0	4 16 6	4 7 0
All others	4 6 0	4 12 6	4 3 0
<i>Carters and Drivers.</i>			
Drivers of motor vehicles—			
not exceeding 25 cwt. capacity	4 9 6	4 16 0	4 6 6
exceeding 25 cwt. but not exceeding 3 tons capacity	4 13 6	5 0 0	4 10 6
exceeding 3 tons capacity	4 17 6	5 3 6	4 14 6
Horse drivers—			
one horse	4 7 0	4 13 6	4 4 0
two horses	4 9 6	4 16 0	4 6 6
three horses	4 11 6	4 18 0	4 8 6

- (4) CASUAL EMPLOYEES.—(a) A casual employee, that is, an employee who is not employed for a full week, shall be paid one-sixth of the weekly wage prescribed in this award for the class of work he performs, plus 10 per cent. of such one-sixth for each day or part of a day on which he is employed. For time worked in excess of 8 hours on any one day, time and a half rates shall be paid.
- (b) Where a casual employee is required to perform more than one class of work on any one day, he shall be paid for the whole of that day at the highest wage prescribed in this award for any of the work which he performs.
- (c) In addition to the rate payable under sub-clause (a) hereof casual employees shall be paid all fares above 4d. per day reasonably and necessarily incurred.
- (5) SPECIAL RATES AND ALLOWANCES.—Where an employee is temporarily transferred during working hours from one shop or factory to another the employer shall pay such employee all costs of transit and travelling time.
- (6) HOURS OF LABOUR.—(a) (1) In retail butchers' shops, small goods factories and in abattoirs the ordinary working hours shall not exceed in number 44 per week.
- (2) No time worked on a Sunday shall be reckoned as part of such ordinary hours.
- (3) (i) Each daily period of work comprised in such ordinary working hours shall be unbroken except by prescribed meal intervals.
- (ii) No such daily period of work shall exceed in duration nine hours exclusive of prescribed meal intervals.
- (iii) Such daily periods of work shall be so arranged that on at least one day in each week the employee concerned shall finish his ordinary hours of work not later than 12.30 p.m.
- (4) No time worked before 6 a.m. or after 8 p.m. shall be reckoned as part of such ordinary hours.
- (5) (i) Subject to compliance with the foregoing provisions and with those hereinafter contained the employer may for any of his employees fix each day's starting and finishing times of ordinary work (inclusive of special starting and finishing times for any day next preceding a public holiday) observed by him for the employee concerned.
- (ii) The employer shall state such times in advance in a notice posted in his establishment so as to be readily accessible and visible to the employee concerned.
- (iii) The employer may from time to time substitute other starting and finishing times if not less than a week in advance of the substituted times he states such times in a notice posted so as to be visible to the employee concerned together with the next previous notice concerning such times.
- (iv) Every fixation of starting and finishing times shall be made in respect of a period which shall not be less than a week in length.
- (7) MEAL INTERVALS.—(a) Employees shall be granted one hour for lunch on a full working day between noon and 2 p.m.
- (b) Employees called upon to start work before 7 a.m. shall be allowed one hour for breakfast to commence before 10 a.m.
- (c) Meal intervals, where allowed, shall not be counted as part of the daily or weekly hours worked.
- (8) OVERTIME—All time worked—
- (a) in excess of 44 hours per week ;
- (b) in excess of 9 hours on five days of the week and 5½ hours on the day on which the ordinary hours of work are fixed to finish not later than 12.30 p.m. ; or
- (c) before the fixed starting time or after the fixed finishing time ;
- shall be paid for at overtime rate, namely, time and a half.
- No employee shall be called upon to work overtime after 7 p.m. without a break of one hour or payment of 2s. tea money.
- (9) HOLIDAYS.—(a) The following days or the days observed in lieu thereof, except for the unavoidable delivery of small goods, shall be holidays and shall be paid for as though worked:—
- New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Eight Hours Day, King's Birthday, Christmas Day, Boxing Day and Union Picnic Day.
- For work done in the delivery of small goods on these days, time and a half rates shall be paid after 9.30 a.m., but on Good Friday after 11.30 a.m.
- (b) On any such holidays except Christmas Day, Anzac Day and Union Picnic Day, employees except those engaged in the making of small goods if required shall work without extra payment for not more than two hours but on Good Friday for not more than four hours.
- (c) If an employee is dismissed within fourteen days before any of the holidays abovementioned and is re-engaged within fourteen days after any of the holidays abovementioned he shall be deemed to have been dismissed for the purpose of evading payment for such holidays and any payment so evaded shall be due and payable to the employee.
- (d) For any work done on holidays except as provided in the preceding sub-clauses of this clause double time shall be paid.
- (10) SUNDAY WORK.—All work performed on Sundays except attention to horses or other live stock shall be paid for at double rates. For attention to horses or other live stock on Sundays ordinary rates shall be paid.
- (11) PAYMENT OF WAGES.—(a) Wages due under this determination to a weekly employee shall be paid in cash not later than Thursday in each week.
- (b) Employers may, if they so desire, keep two days' pay in hand.
- (c) Where the services of an employee are dispensed with all wages owing to him shall be paid to him on the day of dismissal.
- (d) Wages due under this determination to a casual employee shall be paid immediately on the termination of work on each day on which he is engaged.
- (12) TIME BOOKS.—(a) Each employer at each place at which he carries on business under this determination shall provide a time book or time sheet in which each day's hours of work of each employee shall be entered (including overtime, if any), and the wages received each week ; such entries shall, at least once a week, be vouched for by the signature of the employer or his representative.
- (b) The time book or time sheet so entered and vouched for if countersigned by an employee representing the Union of employees shall be evidence of the time actually worked by an employee for all purposes under this determination, including overtime.
- (c) The time book or time sheet, shall, on demand, be produced by the employer for inspection at the place where it is kept at any time between 10 a.m. and 4 p.m. Monday to Thursday inclusive and between 10 a.m. and 1 p.m. on Friday to an official of the Australasian Meat Industry Employees Union who has been authorized, in writing, to inspect the same by the general secretary or the secretary of a State branch of the said Union ; or to an official of the Master Butchers Meat and Allied Trades Federation of Australia who has been authorized, in writing, to inspect the same by the general secretary or the secretary of a State branch of the said Federation.
- (d) An inspection shall not be demanded unless the secretary of the Union or Federation or the district secretary or organizer of any division of the Union or Federation suspects that a breach of this determination is being or has been committed.
- (e) Only one demand for such inspection shall be made in any one fortnight at the same establishment and no inspection shall be demanded on a Saturday.
- (f) The official making an inspection shall be entitled to take a copy of entries in the time book or time sheet relating to the suspected breach of this determination.
- (13) RIGHT OF ENTRY.—A duly accredited representative of the Australasian Meat Industry Employees Union shall have the right to enter employers' premises during the meal hour for the purpose of interviewing employees on legitimate Union business on the following conditions:—
- (a) that he produces his authority to the manager or such other person as may be appointed by the employer ;
- (b) that he interviews employees only at the place where they are taking their meal ;
- (c) that not more than one representative visits the premises at any one time ;
- (d) that not more than one representative visits the same premises more than once in a week ; and
- (e) that if any employer allege that a representative is unduly interfering with his business or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions such employer may refuse the right of entry.

(14) **ENGAGEMENT.**—(a) Except in casual employment, all employment shall be by the week. An employee, to become entitled to payment on a weekly basis, shall perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employee affected.

(b) Employment other than casual shall be terminated only by a week's notice on either side, and such notice may be given at any time during the week. This shall not affect the right of an employer to dismiss an employee without notice for malingering, inefficiency, neglect of duty or misconduct, in which case wages shall be paid up to the time of dismissal only, or to deduct payment for any day on which an 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.

(c) An employee not attending for duty shall lose his pay for the actual time of such non-attendance unless he produces or forwards to his employer, within twenty-four hours of the commencement of such absence, evidence satisfactory to the employer that his non-attendance is due to personal accident arising out of and in the course of his employment or to personal ill-health necessitating such absence.

Provided that an employee shall not be entitled to payment for non-attendance on the ground of personal accident or personal ill-health or both, for more than six days in each year. An employer may by agreement with any employee grant such employee a clear week's holiday on full pay in lieu of payment for absences through sickness.

For the purposes of this clause the period between the coming into operation of this clause and the 1st day of July, 1940, shall constitute a year, and thereafter each year shall commence on the 1st day of July.

(15) **MIXED FUNCTIONS.**—Where an employee performs on any day functions of a mixed character, he shall be paid for that day the wage rate applicable to the function for which the highest rate is payable.

(16) **LEAVE TO ATTEND UNION BUSINESS.**—Leave of absence from work to attend any Union business shall be allowed by the employer to any employee member of the Australasian Meat Industry Employees Union named by such Union, provided fair and reasonable notice is given to the employer. Provided also that such leave shall be restricted to one employee at a time in the employment of any one employer and such employee shall not be entitled to payment for the time he is so absent from his employment.

(17) **MISCELLANEOUS PROVISIONS.**—(a) The employer shall provide boiling water for the use of employees at meal times.

(b) First aid appliances and requisites shall be provided free of cost by employers for the use of employees meeting with injuries while on duty.

(c) The employer shall provide for his employees reasonable facilities for the taking of meals and changing of clothes.

(18) **POSTING DETERMINATION.**—A copy of this determination shall be posted up by the employer in a conspicuous place accessible to all employees.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 22nd November, 1939.



VICTORIA GOVERNMENT GAZETTE.

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FRIDAY, NOVEMBER 24.

[1939

Factories and Shops Acts.

DETERMINATION OF THE FLOCK BOARD.

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

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder; such portions of the City of Sandringham as are not included in the said Metropolitan District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

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 July, 1939, by the Flock Board, and published in the *Government Gazette* on the 25th July, 1939, hereby issue an adjusted determination showing the adjusted wages rates to be paid to any person employed—

- (a) in the process, trade, or business of—
- (i) making flock, mungo, felt, or wadding;
 - (ii) cleaning wool by beating, blowing, or similar machines where such work is not subject to the Determination of any Wages Board heretofore appointed;
- (b) in connexion with any process, trade, or business set out in paragraph (a)—
- (i) as a storeman, packer, or sorter;
 - (ii) in assisting a storeman, packer, or sorter;
 - (iii) as an assembler, collector, or checker of goods in course of receipt or despatch.

(1) The adjusted rates herein shall be paid as from the beginning of the first pay period to commence in December, 1939.

(2)

IMPROVERS.			OTHER EMPLOYEES.																																																																						
Wages per Week of 44 Hours.			Wages per Week of 44 Hours.																																																																						
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<p><i>Note.</i>—For the purpose of calculating the proportion of improvers to workers receiving not less than the minimum wage only one working employer in any establishment covered by this Determination shall be classed as a worker receiving not less than the minimum wage and no such working employer or any person employed in connexion with any establishment covered by this Determination shall be regarded as a worker receiving not less than the minimum wage unless such person is usually employed in the establishment for 44 hours each week on work covered by this Determination or in supervising work covered by this Determination</p>			<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">MALES.</th> <th style="text-align: center;"><i>s. d.</i></th> </tr> </thead> <tbody> <tr> <td>Woollen pickers</td> <td></td> <td style="text-align: center;">87 0</td> </tr> <tr> <td>Feeders of—</td> <td></td> <td></td> </tr> <tr> <td> Rag machines</td> <td></td> <td style="text-align: center;">85 0</td> </tr> <tr> <td> Other machines</td> <td></td> <td style="text-align: center;">85 0</td> </tr> <tr> <td>Rippers</td> <td></td> <td style="text-align: center;">85 0</td> </tr> <tr> <td>Person in charge of milling machine</td> <td></td> <td style="text-align: center;">85 0</td> </tr> <tr> <td>Persons in charge of hardening machine</td> <td></td> <td style="text-align: center;">85 0</td> </tr> <tr> <td>Persons in charge of tentering machine</td> <td></td> <td style="text-align: center;">85 0</td> </tr> <tr> <td>Assistant to persons in charge of milling machine</td> <td></td> <td style="text-align: center;">82 6</td> </tr> <tr> <td>Assistant to person in charge of hardening machine</td> <td></td> <td style="text-align: center;">82 6</td> </tr> <tr> <td>Assistant to person in charge of tentering machine</td> <td></td> <td style="text-align: center;">82 6</td> </tr> <tr> <td>Cotton pickers</td> <td></td> <td style="text-align: center;">80 0</td> </tr> <tr> <td>All others</td> <td></td> <td style="text-align: center;">80 0</td> </tr> <tr> <td>Leading hands, if in charge of four or more workers</td> <td></td> <td style="text-align: center;">5s. a week extra</td> </tr> <tr> <td colspan="2" style="text-align: center;">FEMALES.</td> <td></td> </tr> <tr> <td>Feeders of rag machines</td> <td></td> <td style="text-align: center;">53 0</td> </tr> <tr> <td>Feeders of machines other than rag machines</td> <td></td> <td style="text-align: center;">47 3</td> </tr> <tr> <td>Rippers</td> <td></td> <td style="text-align: center;">44 9</td> </tr> <tr> <td>Woollen pickers</td> <td></td> <td style="text-align: center;">47 3</td> </tr> <tr> <td>Cotton pickers</td> <td></td> <td style="text-align: center;">44 9</td> </tr> <tr> <td>All others</td> <td></td> <td style="text-align: center;">44 9</td> </tr> <tr> <td>Leading hands, if in charge of four or more workers</td> <td></td> <td style="text-align: center;">5s. a week extra</td> </tr> </tbody> </table>		MALES.		<i>s. d.</i>	Woollen pickers		87 0	Feeders of—			Rag machines		85 0	Other machines		85 0	Rippers		85 0	Person in charge of milling machine		85 0	Persons in charge of hardening machine		85 0	Persons in charge of tentering machine		85 0	Assistant to persons in charge of milling machine		82 6	Assistant to person in charge of hardening machine		82 6	Assistant to person in charge of tentering machine		82 6	Cotton pickers		80 0	All others		80 0	Leading hands, if in charge of four or more workers		5s. a week extra	FEMALES.			Feeders of rag machines		53 0	Feeders of machines other than rag machines		47 3	Rippers		44 9	Woollen pickers		47 3	Cotton pickers		44 9	All others		44 9	Leading hands, if in charge of four or more workers		5s. a week extra
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NOTE.—The Board has determined that no apprentice shall be taken in the trade.

(3) **SHIFT WORK.**—(a) By mutual agreement between the employer and employees, shifts may be worked between midnight on Sunday and midnight on the following Saturday.

(b) In addition to the rates set out in Clause (2) of this Determination, adult workers employed on afternoon and/or night shift shall be paid 4s. per week. Male junior employees shall be paid 2s. per week extra if engaged on afternoon and/or night shift.

(c) Shift workers shall not be required to work in excess of 56 hours in any one week.

(4) **TIME OF BEGINNING AND ENDING WORK.**—For workers other than shift workers:—

Time of Beginning.	Time of Ending.
7 a.m.	6 p.m. on six days in the week.

(5) **OVERTIME.**—

Shift workers—

(a) all time worked before or after the usual hours of commencing and finishing a shift in excess of 44 hours;

(b) within the usual hours of commencing and ending a shift in excess of 44 hours;

Other workers—

(a) all time worked before or after the times of beginning and ending work prescribed in Clause (4) herein; or

(b) within such times of beginning and ending work in excess of 44 hours in any week—

shall be paid for at the rate of time and a half.

(6) **PROHIBITION OF EMPLOYMENT.**—No person under the age of eighteen years shall be engaged in the operation of feeding a rag machine.

(7) **REST PERIODS.**—A rest period of ten minutes in the forenoon and ten minutes in the afternoon shall be given all female workers without any deduction from wages.

(8) **TEA MONEY.**—Any employee required to work overtime for a period in excess of one hour after the time fixed in clause (4) for ending work shall be allowed 1s. tea money in addition to overtime rates as prescribed for in this Determination. Provided that this clause shall not apply where the employee was notified 24 hours previously of the intention to work overtime.

(9) **TERMS OF EMPLOYMENT.**—Employees who work less than 44 hours in any week may be paid the ordinary wages rate calculated *pro rata* according to the number of hours worked.

(10) **HOLIDAYS.**—(a) An employee shall be entitled to be absent from his employment without deduction of pay on any of the following holidays, viz.:—New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, King's Birthday, Christmas Day, and Boxing Day.

(b) An employer shall not terminate the employment of a weekly employee for the purpose of evading payment for the holidays prescribed by this Determination.

(c) Where an employee is dismissed within a week of any such holiday the re-engagement of such employee within three days of such holiday shall be prima facie evidence that the employment was terminated for the purpose of evading payment for such holiday.

(d) Where the employer terminates the employment within one week of a day on which a holiday occurs, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee had been employed by the employer for a period of at least a week prior to the termination of the employment.

(e) Where an employee is absent from his or her employment on the day before or the day after a public holiday without reasonable excuse or without the consent of the employer, the employee shall not be entitled to payment for such holiday.

(11) **SPECIAL RATES.**—Time and a half shall be the special rate for all work done on Sunday, and double time for all work done on New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, King's Birthday, Christmas Day, and Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, then the special rate shall be payable only for the day so substituted.

(12) **PIECEWORK.**—That the lowest piecework prices to be paid to persons for doing work of the kinds specified in the following Schedule shall be:—

Feeding a flock machine 1s. 2½d. per cwt.

Flock Board.

Piece Rates.	Males per Cwt.		Females per Cwt.	
	Sorting to Grade or Quality.	Sorting to Grade or Quality and Sorting to Colours.	Sorting to Grade or Quality.	Sorting to Grade or Quality and Sorting to Colours.
	s. d.	s. d.	s. d.	s. d.
Wool, shoddy or mantle clips	8 3	10 6	4 9	9 6
Hosiery	28 0	56 0	15 9	31 6
Wholesale tailoring factory clips	8 3	16 6	4 9	9 6
Bespoke tailors and dressmakers' clips	12 6	25 0	7 3	14 6
Shirt factory cottons	1 9	3 6	1 0	2 0
Cottons, other than shirt factory cottons	3 6	7 0	2 0	4 0
Sweepings	7 3	14 6	4 0	8 3
Rags (not including cutting and metalling)	2 0	4 0	1 0	2 3
	Ripping.		Ripping and Sorting to Grade or Quality.	
	Males.	Females.	Males.	Females.
Ripping woollens—	s. d.	s. d.	s. d.	s. d.
By machine	3 3	2 0	6 3	4 0
By hand	9 6	5 9	19 0	11 6

NOTE.—The above piecework prices shall be calculated on the weight of material supplied to the pieceworker.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 22nd November, 1939.



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 376]

FRIDAY, NOVEMBER 24.

[1939

Factories and Shops Acts.

DETERMINATION OF THE GAS WORKS BOARD.

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

NOTE.—The application of this Determination is as follows:—

- (a) Clauses 1 to 31 inclusive apply to the cities of Ballarat, Bendigo, and Warrnambool, the area within a radius of 20 miles of the G.P.O., Melbourne, 10 miles of the G.P.O., Geelong, and the borough of Castlemaine.
 (b) Clause 1 and clauses 32 to 43 inclusive apply to the whole of the State outside, and excepting those places enumerated in the preceding paragraph.
 (c) Clause 44 applies to the whole of the State.

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 4th January, 1938, by the Gas Works Board, and published in the *Government Gazette* on the 31st March, 1938, 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 or persons or classes of persons employed in or in connexion with making coal gas for trade or sale, but not including any person or persons or classes of persons subject to the Determination of any Wages Board heretofore appointed.

1. (a). Within the Localities Set Out in Note (a).

Improvers.	Wages per Week of 44 Hours.		
	£	s.	d.
Under 15 years of age	0	15	6
15 years and under 16 years of age	0	19	0
16 " " " 17 " " "	1	3	0
17 " " " 18 " " "	1	11	0
18 " " " 19 " " "	2	2	6
19 " " " 20 " " "	2	13	6
20 " " " 21 " " "	3	9	6

For shift work an extra rate of 3s. 6d. shall be paid, but no improver under eighteen years of age shall be employed upon night shift.

(b).

Adults.	Wages per Week of 44 Hours.	
	Within a Radius of 20 Miles of the G.P.O., Melbourne, 10 Miles of the G.P.O., Geelong, and the City of Warrnambool.	Within the Cities of Ballarat and Bendigo, and the Borough of Castlemaine.
	£ s. d.	£ s. d.
Patching and scurfing retorts and cleaning flues—man continuously employed as such ..	5 1 0	4 18 0
Stoker in charge of gas or steam engine, or other works plant	5 1 0	4 18 0
Stoker, vertical retort	4 18 0	4 15 0
Stoking machine driver	4 18 0	4 15 0
Stoker, horizontal retort (machine)	4 16 0	4 13 0
Stoker, hand charging	4 14 0	4 11 0
Retort (vertical) operator	4 18 0	4 15 0
Operator vertical retort	4 18 0	4 15 0
Fireman retort house	4 16 0	4 13 0
Machine and stage man	4 15 0	4 12 0
Hydraulic and tar main attendant	4 14 0	4 11 0
Angerer and pipe jumper	4 9 0	4 6 0
Coke and coal conveyor attendant (day worker)	4 7 0	4 4 0
Greaser and oiler (in retort house)	4 6 0	4 3 0
Elevator and coal crusher attendant	4 6 0	4 3 0
Coke and coal conveyor attendant (shift worker)	4 6 0	4 3 0
Oxide breaker—man attending and operating	4 6 0	4 3 0
Purifier—man opening up, or emptying, or filling	4 6 0	4 3 0
All others	4 0 0	3 17 0

GENERAL EXTRA RATE FOR SHIFT WORK.

2. (1) For work done on shift at any time by an employee in operations customarily done on shift he shall be paid 1s. extra per shift.

(2) For work done on shift at any time by an employee in other operations he shall be paid 1s. 3d. extra per shift.

EXTRA RATE FOR LEADING HANDS.

3. "Leading hand" herein means one who has in any degree control, supervision, or direction of any other employee of the same grade.

Leading hands shall be paid, in addition to their prescribed weekly wage, the amount assigned to them in the following table:—

Table.

	Per Day or Shift.	
	s.	d.
Leading stoker	2	0
Leading vertical retort house operator	2	0
Any other leading hand	1	6

Provided that this clause shall not apply to a leading stoker and/or leading vertical retort house operator when in charge of gas or steam engines or other works plant, but any such employee as aforesaid shall be paid the margin prescribed for the class of stoking performed, plus the appropriate leading hand rate.

RATE FOR OTHER THAN WEEKLY EMPLOYEES.

4. Any employee, other than one engaged on piecework, who is not employed for at least one full week shall for each day upon which he is required to attend for work be paid for the time worked at the relevant rate per week, plus 10 per cent.

PIECEWORK RATES.

5. In cases where piecework rates are now being paid for coal discharging the existing rates shall continue.

WORKING HOURS.

6. (1) Except as otherwise provided hereinafter the ordinary working hours of daymen shall not exceed 44 per week, comprising (unless otherwise agreed by the employer and his employees) eight hours each for the first five week days, to be worked between 7.30 a.m. and 5 p.m., and four hours on Saturday, to be worked between 7.30 a.m. and 12 noon. Provided that the employer shall have the option of arranging for the working of the said 44 hours during such first five week days and increasing the length of the day's work accordingly.

(2) Except as otherwise provided hereinafter, the ordinary working hours of shiftmen shall not exceed an average of 44 hours per week, to be worked in shifts not exceeding eight hours each including "crib" time reckoned as part of working time, such shifts to be distributed as the employer concerned may choose, but so as to make an aggregate shift time on duty not exceeding 48 hours in any one week, nor 176 hours in any period of four weeks, unless the excess time of duty is caused by arrangement between the employer and his employees.

(3) Unless otherwise agreed between the employer and his employees all shift work shall be so arranged as to allow each man, by rotation or otherwise, one clear day off in each week which week for this purpose shall be deemed to commence from the starting of the morning shift on Monday in each week unless otherwise agreed between the employer and his employees.

(4) For employees whose present ordinary working hours are less than 44 per week, the ordinary working hours and arrangement thereof shall continue as at present.

OVERTIME RATES FOR DAYMEN.

7. (1) *Over Prescribed Number of Ordinary Hours.*—Unless otherwise provided elsewhere herein, for any time worked by daymen on any one day in excess of the number of ordinary working hours prescribed for that day, payment shall be made at time and a half for the first two hours and at double time thereafter.

(2) *Outside Prescribed Time Limits.*—Unless otherwise provided elsewhere herein, for time worked at any time other than between 7.30 a.m. and 5 p.m. on Monday to Friday (both inclusive), or 7.30 a.m. and noon on Saturday, or if other time limits be agreed upon between the employer and his employees, at any other time than between such agreed limits, payment shall be made at time and a half for the first two hours and at double time thereafter.

(3) *Work after Recall.*—A dayman who after his ordinary day's work has departed from the place where he works and has reached his home or other stopping place without having been given notice that he would be required to do further work on that day, if recalled to do such work, shall be paid at the rate of double time for such work, with a minimum payment as for three hours at ordinary rates, but this sub-clause shall not apply to shift work.

(4) *Overtime Rates not Cumulative.*—If more than one of the foregoing provisions applies to the time worked, payment shall be obligatory under only one of such provisions and if one of such provisions prescribes a higher rate, only under that provision.

(5) *Shift Work as Prescribed in Clause 8.*—Overtime rates for shift work and shiftmen shall be as prescribed in clause 8 and this clause shall not apply to them.

SPECIAL EXTRA RATES FOR SHIFT WORK.

8. (1) *Shiftmen's Ordinary Hours.*—If an employee is required by the employer to do shift work, exceeding in length eight hours in any period of 24 hours, or 48 hours in any period of seven days, or an aggregate of 176 hours in any period of four weeks, he shall be paid for the excess time of working at time and a half for the first two hours and double time thereafter, unless the excess is worked as a result of an arrangement made between the employer and his employees, in which case he shall be paid for the excess time at ordinary rate. Provided that a shift worker who works two shifts in immediate succession shall be paid at the rate of double time for the second shift or part thereof, unless such second shift is worked by arrangement between the employee themselves, in which case the excess time shall be paid for at ordinary rates.

(2) *Daymen Put on Shift Work after doing Day's Work.*—Except in the case of arrangement between the employees themselves any dayman who after completing his ordinary day's work is put on to shift work shall be paid for all time worked on shift at time and a half, the payment to be in addition to payment for his ordinary work, and shall be entitled to absent himself from his ordinary work on the following day without incurring any deduction from his week's wages therefor. Provided that this sub-clause shall not apply to a dayman employed on the afternoon shift.

(3) *Daymen Put on to Shift Work before Finishing Ordinary Day's Work.*—Except in the case of arrangement between the employees themselves any dayman put on to shift work after doing portion only of his ordinary day's work, shall be paid the prescribed rate for the time actually worked on day work, and at the prescribed rate for the shift work from the time he commences the shift work until such time as he has worked in day work and shift work combined eight hours, Monday to Friday inclusive, or four hours, Saturday (where he works six days per week), or 8 hours 48 minutes, Monday to Friday inclusive (where he works five days per week), and for ensuing time at time and a half for the first two hours, and then at double time.

(4) *"Clash" Day Work.*—If an employee solely because of the "clashing" of shifts on the roster is on the day of the clash employed otherwise than on his ordinary shift he shall nevertheless be paid for his work on that day not less than at the prescribed rate for his ordinary shift.

(5) *Work on "Day Off."*—For all work on his day off in the week a shift man shall be paid at double time if the day be a Sunday or a holiday not observed on a Sunday, and at time and a half if it be another day, but if at the request of another employee he works as a substitute on the day for the other employee, he shall be paid at the rate at which the latter would have been paid.

(6) *Work on Sunday.*—For all shift work on a Sunday, not being his day off, a shiftman shall be paid at time and a half, but if his shift work during the weekly pay period which includes the Sunday does not exceed two shifts he shall be paid at double time for the work on the Sunday.

(7) *Relieving on Sunday.*—If an employee is required to relieve a shiftman on a Sunday, the relieving employee shall be paid at the rate of time and a half, but if on a Sunday the usual number in any gang is increased, the extra man or men required shall be paid at double time.

(8) *Mixed Shift and other Work on Sunday.*—If an employee is brought in on a Sunday for work, other than relieving a shiftman, and commences duty which entitles him to double time, and is, therefore, required to do shift work, he shall be paid at double time for the whole of the work done by him on that day.

(9) *Work on a Holiday.*—For all work on a holiday, other than one observed on a Sunday, a shiftman shall be paid at double time.

SUNDAYS.

9. (1) Any employee may be required to work on any Sunday.
- (2) For any work done on a Sunday the employee—other than a shiftman—shall be paid at double time, with a minimum payment as for two hours at such rate.
- (3) For work done by a shiftman on a Sunday payment shall be made as prescribed in clause 8.
- (4) Any weekly employee who in the ordinary course of his work is required to work on Sundays, shall be entitled to one clear day off in each calendar week, and if required to work on his day off, shall for all such work be paid at double time, if the day be a Sunday or a holiday, and at time and a half if it be another day, but if at the request of another employee he works on the day as a substitute for the other employee he shall be paid at the rate at which the latter would have been paid.

MIXED FUNCTIONS.

10. (1) Except as otherwise provided herein or by mutual arrangement between the employees themselves, an employee required to do more than one class of work in the course of a day shall for the whole of that day be paid as if he had throughout his work on that day done that one of those classes of work for which the highest rate is prescribed.
- (2) A dayman called upon for shift work after his ordinary work shall be paid as provided in clause 8 hereof, and is excepted from this clause.
- (3) Subject to the foregoing an employer may require an employee to do any class of work not outside the scope of the employee's engagement.

HOLIDAYS.

11. (1) The days on which the following days are observed as holidays in the district in which the employers works are situated shall for the purposes of this Determination be holidays:—
New Year's Day; Australia Day; Good Friday; Easter Monday; Anzac Day; King's Birthday; Eight Hours Day; Christmas Day; Boxing Day—

and also within 20 miles of the General Post Office, Melbourne, Melbourne Cup Day, and also elsewhere than within such 20 miles, one day to be agreed upon by the employer and employees concerned.

Provided that in cases where days or parts of days are substituted for any of the holidays above prescribed, the arrangements at present in existence shall continue.

- (2) Any employee may be required by the employer to work on any holiday.
- (3) Notwithstanding that an employee engaged by the week is not required to work on a holiday no deduction shall be made from his wages therefor, except in the following cases for which the employer may make a deduction proportionate to the time that the employee in the ordinary course would have worked on the holiday if it had been an ordinary working day:—
 - (a) if without leave from the employer he absent himself on the working day next prior to or on that next after a holiday and does not work on the holiday; and
 - (b) where the employee is absent without leave on the working days next prior to and next after a holiday and does not work on the holiday: provided that if a holiday falls during accident leave, the employee shall have an additional day added to such leave for the holiday.
- (4) If a holiday other than one observed on a Sunday falls on the weekly clear day off of an employee, as prescribed by clauses 6, 8, or 9 (4) of this Determination, the employee shall be paid his ordinary wages for the time worked during the week in which the holiday occurs, plus the ordinary rate for the time he would have worked if the holiday were not his day off, but shall not be so paid if the employee without leave from the employer absents himself from work on the working day next before or on that next after the holiday.
- (5) For work done by a shiftman on a holiday he shall be paid as provided in clause 8 hereof.

ANNUAL LEAVE.

12. The existing conditions in respect of annual leave for an employee shall continue until changed by agreement between the employees and the employer concerned, except:—

- (1) that if any of the prescribed holidays so falls in the week as in the ordinary course to entitle him to be paid in respect of that holiday although he does not work thereon, and that holiday happens to fall within that employee's period of annual leave the number of days in that period shall be reckoned in addition to the holiday;
- (2) that the number of days in that period of annual leave shall be reckoned in addition to any days off of the employee in excess of one for each consecutive seven days during that period; and
- (3) that in calculating the amount to be paid to the employee in respect of each week of leave, in addition to any amount payable to him otherwise than because of the rate for shift work prescribed by clause 2 hereof, 1s. shall be allowed to him for every 50 shifts worked by him during the twelve months preceding the leave and not previously allowed to him in such a calculation.

DIRT MONEY AND OTHER EXTRA PAYMENTS.

13. (1) "Dirty work" herein means work which the foreman and workman concerned agree is of an unusually dirty or offensive nature.
- (2) The following employees shall be paid dirt money at the rate of one penny per hour for the time they are engaged upon the following work:—
 - (a) Yardmen removing dust from the top of retort benches, hydraulic, and foul mains and bridge pipes.
- (3) Yardmen employed cleaning out washers, automatic C.W.G. plant shall be paid 1s. 6d. for each washer completely cleaned, in addition to their ordinary rate of pay for the time occupied on such work.

RATE FOR WET PLACES.

14. Any employee working in a place which the foreman or ganger concerned decides is a wet place shall be paid an additional 8d. for the day irrespective of the time during which he works in that place during the day.

Provided that this clause shall not apply if the employer supplies him with top boots or other covering reasonably sufficient to exclude the wet.

MEAL TIMES AND ALLOWANCES.

15. (1) Except as otherwise provided elsewhere herein a meal break of at least 45 minutes (if a six-day week be worked) or at least 42 minutes (if a five-day week be worked) shall be allowed to employees other than shiftmen.
- (2) Such meal break shall begin at 12 noon or at such other regular time as may be agreed upon by the employer and employees concerned, but in special circumstances of emergency only, the employer may require it to begin at some definite time not earlier than 11.30 a.m. not later than 12.15 p.m.

(3) Any employee required to work throughout more than five hours without a suitable interval for a meal, shall, for all time worked in excess of the five hours before being allowed such interval, be allowed an extra payment at double time.

(4) If an employee is required to continue or resume work during the prescribed meal break he shall for the time of continuance or resumption until the full meal break is given be entitled to an extra payment at time and a half.

(5) If the prescribed meal break of an employee is curtailed he shall for the time of curtailment be entitled to an extra payment at time and a half.

(6) Subject to observance of sub-clause (3) hereof, an employee may notwithstanding sub-clauses (4) and (5) hereof, be required to work at ordinary rates during the prescribed meal break for the purpose of making good break downs of plant or upon routine maintenance of plant (including oiling and greasing) which can only be done whilst such plant is idle.

(7) A dayman required to work overtime beyond 12.30 p.m., on Saturday, or 5.30 p.m. on any other day, or to work on the afternoon shift without having been notified on the previous day that he would be so required, shall be paid 1s. 6d. meal allowance.

If after having been so notified he provides himself with a meal and is not required to work such overtime or afternoon shift, he shall be paid 1s. 6d. meal allowance.

SICK LEAVE.

16. An employee after having completed three weeks' continuous service immediately preceding the day upon which he reasonably absents himself from work because of disability due to his own ill health, and who within 48 hours after the commencement of the absence produces evidence satisfactory to the employer of such disability by medical certificate or otherwise shall without incurring any deduction of pay be entitled to leave of absence during such disability for a period or periods not exceeding in the aggregate ten days in each year, beginning with the 1st day of December, 1937.

The rate of wage payable to the employee during such leave of absence without deduction of pay shall be the prescribed ordinary rate or averaged rates for the work done by him during his last six working days next before his absence began.

ACCIDENT LEAVE.

17. (1) An employee after having completed three weeks' continuous service immediately preceding the day upon which he reasonably absents himself from work because of disability due to bodily injury arising out of or in the course of his employment, and who within 48 hours after the commencement of the absence produces evidence satisfactory to the employer of such disability by medical certificate or otherwise shall without incurring any deduction of pay be entitled to leave of absence during such disability for a period or periods not exceeding in the aggregate two weeks in each year beginning with the 1st day of December, 1937.

The rate of wage payable to the employee during such leave of absence without deduction of pay shall be the prescribed ordinary rate or averaged rates for the work done by him during his last six working days next before his absence began.

(2) If weekly payments are payable by the employer to the employee under a Workers Compensation Act or other like Act in respect of the injury to the employee, payments made in pursuance of this clause may be treated by the employer as a discharge so far as their amount goes of his liability to pay the weekly payments under such Act.

EMPLOYMENT CONDITIONS OF PIECEWORKERS.

18. Existing conditions relating to working hours, waiting time, holidays, and leave for pieceworkers employed on coal discharging shall continue.

CONDITIONS OF ENGAGEMENT.

19. (a) Except as otherwise hereinafter provided, all employees shall be engaged by the week, the employment to be terminable only by a week's notice on either side, which notice may be given at any time during any week.

(b) Provided that for misconduct or neglect of duty by an employee, his employment may be determined forthwith without notice, in which case he shall be entitled only to an amount for wages proportionate to the amount of work done before such determination such amount for wages to be paid forthwith.

(c) From the commencement of an employee's service during a time not exceeding two weeks, the employer may engage him by the day, subject to payment of the rate of wage prescribed for other than weekly employees.

(d) Subject to any express limitation in the terms of his engagement and to his right to determine his employment by a week's notice, an employee to become entitled to the benefits of this Determination must do such kinds of work at such times as the employer may require him to do for the time being, but the employer shall in respect of such work observe any applicable provisions of this Determination as to special or extra rates.

(e) If an employee absents himself from duty or does not attend for duty, the employer, subject to the provisions for sick leave and accident leave hereinafter contained, may deduct from the employee's wages an amount proportionate to the length of the employee's absence or non-attendance.

PAYMENT OF WAGES.

20. Subject to wages being paid weekly existing conditions relating to times and places of payment of wages shall continue.

TOOLS.

21. Existing conditions as to the supply of sufficient and efficient tools in working order shall continue.

STANDARD OF WORK.

22. (1) The employer shall not, while existing conditions exist, increase the standard of work beyond the present limit in existing retort houses.

(2) The standard of work for men working in saturators in sulphate houses, while existing conditions exist, shall not be increased.

(3) Stokers hand charging shall be allowed a minimum of half an hour's rest period between each stoking time.

PURIFIER LIDS.

23. After the purifier box lids are lifted two hours shall elapse before men are sent into the purifiers to work.

CONDITION OF WORKING PLACES.

24. (1) Retort houses shall, as far as is practicable, be made and kept rainproof by the employer.

(2) The employer shall keep cellars and other work places well lighted, and so far as is practicable, shall keep them properly drained and free from water.

(3) The employer shall, as far as is practicable, repair and keep in repair the floor of the retort house, coal store, and coke stage.

OILSKINS.

25. To any employee required to work in the rain adequate oilskins, if reasonably necessary in the circumstances, shall be supplied by the employer.

CLOGS AND APRONS.

26. The employer shall, when necessary, provide and replace clogs for the use of men working on the top of retort benches, pitch pan men, and scurfers and patchers.

GAS MASKS.

27. The employer shall supply suitable gas masks to employees in cases where considered necessary by the management.

FIRST AID.

28. The employer shall provide all requisite first aid appliances at the works.

ACCOMMODATION.

29. (1) The employer shall at the works provide for employees adequate mess rooms and boiling water, washing and changing rooms, with hot and cold showers, and lock-up cupboards.

(2) The employer shall at the works provide for employees suitable sanitary conveniences, and cause them to be cleansed every day, except on Sundays and holidays, and to be left uncleaned in no case for more than one day.

EMPLOYMENT, PROMOTION, AND SENIORITY.

30. (1) In making promotion or in the shortening of hands efficiency shall be the first consideration, and in the case of men of equal efficiency, the employer shall give preference to the one with the higher seniority as shown by the seniority list. Provided that for the purposes of seniority each works or department shall be regarded separately. Provided further that in the case of the Metropolitan Gas Co., notwithstanding anything herein contained to the contrary, in shortening hands the said company shall, after placing efficiency foremost, transfer from one works to the other employees of not less than twelve months' continuous service, in the case where there are employees at the other works who have not been in the company's service for a continuous period of twelve months, the one such works being the West Melbourne, and the other the South Melbourne manufacturing station.

"Efficiency" herein means special qualifications and aptitude, including suitability in age for the discharge of the duties of the position to be filled together with merit and good and diligent conduct.

(2) Seniority lists shall be compiled by the employer showing in respect of each department the name of every employee of the employer covered by this Determination, the date of entering the department, and the date of entering the service of the employer.

(3) The lists shall be compiled to show employees in the order of their entering the department, but in the case of an employee who returns to a department after leaving it at his own request, such date shall be the date of re-entering the department.

(4) The date of entering the service of the employer shall be the date of entry continuous with the present employment, but an employee discharged by the employer and re-employed within four weeks shall retain his seniority.

(5) At each works or department a copy of the list affecting such works or department shall be kept, and shall be open to the inspection of any official named by the union, at any reasonable time.

(6) The employer, if and when reasonably so required, shall supply copies of such lists of the employees of such employer to the secretary of the union.

THE UNION.

31. (1) When the consent of the officer in charge has been obtained or has been unreasonably refused, any official named by the union shall be allowed, at any time or times, to enter any of the employer's works to make any necessary enquiries in regard to complaints submitted by employees.

(2) Any employee named by the union shall be allowed at any time or times approved by the employer, and at any of the employer's works, to collect union dues.

(3) Any employee named by the union shall be allowed by the employer reasonable leave of absence from duty, without pay, to attend to union business, when the absence does not interfere with the employer's operations.

Notices relating to the union and a copy of this Determination may be posted by any employee authorized by the union upon the notice board in the mess room, and on any other place provided by the employer for the purpose.

Each employer shall keep a copy of this Determination, posted in an accessible place in the works, and shall permit shop and union formal notices to be posted alongside.

(32) **Within the Localities Set Out in Note (b).**

(a) Improvers.	Wages per Week of 44 Hours.	(b) Other Employees.	Wages per Week of 44 Hours.
	£ s. d.		£ s. d.
Under 15 years of age	0 15 6	Stokers	4 7 0
15 years and under 16 years of age ..	0 19 0	All others	3 17 0
16 " " " 17 " " " ..	1 3 0		
17 " " " 18 " " " ..	1 11 0		
18 " " " 19 " " " ..	2 2 6		
19 " " " 20 " " " ..	2 13 6		
20 " " " 21 " " " ..	3 9 6		

NOTE.—The Board has determined in accordance with section 25 (1) of the amended *Factories and Shops Act 1934*, that the process, trade, business, or occupation is so unskilled that no person shall be taken as an apprentice.

TIMES OF BEGINNING AND ENDING WORK.

33. The times of beginning and ending work of persons other than stokers shall be between the hours of:—

7.30 a.m. and 5 p.m. on the first five week days.

7.30 a.m. and 12 noon on Saturday.

HOURS OF WORK.

34. (a) The ordinary working hours of stokers shall not, without payment for overtime, exceed eight per day, and shall be completed within ten hours of the time fixed for commencing work.

(b) The ordinary working hours of persons other than stokers, without payment for overtime, shall not exceed 44 per week, comprising eight hours each day for the first five week days and four hours on Saturday.

Provided that the employer shall have the option of arranging for the working of the said 44 hours during such first five week days, and increasing the length of the day's work accordingly.

OVERTIME.

35. That the following rates shall be paid as overtime:—

To Stokers—

- (i) for any time in excess of eight hours in any one day
- (ii) for any time (excluding that provided for under (i)) in excess of 176 hours in a period of four weeks

To Other Workers—

- (iii) for any time in excess of eight hours in any one day
- (iv) for any time (excluding that provided for under (iii)) in excess of 44 hours in any week

} Time and a half for the first two hours of such work, and double time thereafter.

ALLOWANCE FOR STOKERS.

36. In addition to the overtime rates, set out in clause 35, stokers who work between the hours of 6 p.m. and 6 a.m. shall be paid ²/₄₄ of ld. for each hour so worked.

TIME WAGES.

37. Any person 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 22 hours be paid:—

- (a) In any week in which two or more public holidays occur At the ordinary wages rate with an addition of fifty per centum.
- (b) In any other week At the ordinary wages rate with an addition of thirty-three and one-third per centum.

SUNDAYS AND HOLIDAYS.

38. (a) The following days shall be holidays:—New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day. Any days which are prescribed by the laws of the State to be observed in lieu of the holidays abovementioned will be treated as the days to which this clause applies.

(b) All employees, other than stokers, shall be free from duty on holidays without loss of pay for the day, but any employee may be required for duty on any Sunday or holiday, and if so required, shall be entitled to double rate for the day. The rates for stokers for Sundays and holidays shall be time and a half for Sundays, and double time for holidays.

CONDITIONS APPLICABLE TO STOKERS.

39. (a) All work shall be so arranged as to allow each stoker by rotation or otherwise one clear day off in each week. A week shall be deemed to commence from the starting time on Monday in each week.
- (b) For all duty on his day off in the week, not being a Sunday or a holiday, the minimum ordinary rate prescribed for a stoker shall be increased by one half, but in the case of a Sunday or a holiday shall be doubled.
- (c) For all time on a Sunday (not being his day off) the minimum ordinary rate for a stoker shall be increased by one half.
- (d) For all duty on holidays the minimum ordinary rate prescribed for a stoker shall be doubled.

PAYMENT OF WAGES.

40. Payment of wages due up to 6 a.m. on the preceding Monday shall be made on Thursday of each week, or in accordance with the practice existing at the time of the making of this Determination, provided that such wage shall be paid not later than Friday of each week.

ANNUAL LEAVE.

41. Every employee who serves an employer continuously for one year shall be allowed by the employer leave of absence in that year or in the following year for a continuous period of one week of seven days.

ABSENCE THROUGH SICKNESS OR ACCIDENT.

42. (a) Any employee not attending for duty will lose his pay for the time of such non-attendance, unless he produces or forwards, within twenty-four (24) hours of the commencement of such absence, a medical certificate or other evidence satisfactory to the management that his non-attendance was due to personal accident arising out of and in the course of his employment, or to personal ill health, necessitating such absence.

(b) In the case of personal accident or personal illness, necessitating such absence referred to in (a), the pay for the week in which such accident or illness occurs, shall be calculated on his pay at ordinary rates for the six working days up to and including the day such accident or illness occurs. Provided, however, that if such accident or illness necessitates absence beyond the week in which same occurs, the employer will for such period of absence, not exceeding in all ten days, pay the employee in the manner hereinbefore provided. The maximum amount of pay for days not worked owing to such accident or illness necessitating absence as aforesaid shall be a total of ten days' full pay in any year. For the purpose of this clause, a year shall be calculated as follows:—From 1st of August in each year to 31st July next following.

TIME BOOK OR OTHER RECORD.

43. That 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.

Within the Localities Set Out in Note (c).

DEFINITIONS.

44. In this Determination, unless the contrary intention clearly appears:—

- " Ordinary time " means a rate of wage per hour equal in amount to the prescribed weekly wage divided by the prescribed number of ordinary hours of work.
- " Time and a half " means one and a half the amount of ordinary time.
- " Double time " means double the amount of ordinary time.
- " Shift work " means work which is continuous, except that the employee is allowed to have his meal time included in his period of work.
- " Shiftman " means an employee engaged upon shift work.
- " Dayman " means an employee other than a shiftman.
- " The union, " wherever referred to in this Determination, means The Federated Gas Employees Industrial Union—Victorian Section.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 22nd November, 1939.