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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.