VICTORIA

GOVERNMENT GAZETTE.

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Factories and Shops Acts.

DETERMINATION OF THE COAL MINERS BOARD.

NOTE.—This Determination on the 10th July, 1940, applied to the whole of the State.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in the business or occupation (other than fireman, boiler attendant, or engine-drivers) of mining for coal has made the following Determination, namely :—

(1) That on the 10th July, 1940, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2) WAGES.

Minors.

Surface Workers.

Age.	Per Day Shift. s.	d.
14 years	5	6
15 ,,	6	9
16 ,,	8	3
17 ,,	9	11
18 ,,	11	7
19 ,,	13	3
20 ,,	14	11

Underground Workers.

1s. per shift in addition to the rates prescribed above for surface workers.

Adult Persons.

Surface Workers.

All adults—16s. 10d. per day shift.

Underground Workers.

	Per Day Shift. s.	d.
Shaft sinkers	20	6
Timber drawers	21	4
Shiftmen	19	3
Platmen	19	3
Assistant platmen	17	11
Set runners (riding or walking)	18	11
Jigmen	18	11
Wheelers (hand wheeling or using one horse)	17	11
Wheelers (using two horses)	19	6
Examiners	21	4
Miners working on coal	19	8
Persons employed in stone-drives	19	3
Probationary miners	19	3
Machine-men (including assistant)	21	0
Shiftmen acting as examiners	20	3
Ventilation stopping builders	19	3
Ventilation stopping builders' assistants	17	11
Persons not provided for otherwise	17	11

(3) SHIFTS.—That work performed except on a day shift as defined in Clause (15) herein shall be paid for at the rate prescribed for day-shift work, with the addition of 7½ per cent.

(4) HOURS OF WORK.—That the ordinary hours of work except as prescribed in Clause (11) herein shall be 80 per fortnight, comprising ten shifts of eight hours each, such hours to be inclusive of 30 minutes each shift for cribtime without deduction of pay.

(5) PAYMENT OF WAGES.—That wages shall be paid at least once every fortnight, and that not more than one week's pay shall be kept in hand by the employer.

(6) OVERTIME.—That overtime shall mean all time on duty outside the hours prescribed as a shift in this Determination. Such hours of duty shall mean from the time a worker descends from the surface until such worker returns to the surface. Overtime shall be paid for at the rate of time and a quarter for the first two hours, and time and a half thereafter. A cribtime of 30 minutes without deduction of pay shall be allowed for every four hours of overtime.

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(7) Sunday and Holiday Work.—That all work performed on Sundays or holidays shall be paid for at the rate of time and a half. For the purpose of this clause, the expression "holidays" shall mean New Year's Day, Good Friday, Easter Monday, Christmas Day and the following day, and Labour Day. Whenever any of such days falls upon a Sunday, the following Monday shall be a holiday in lieu of such day.

(8) Mixed Functions.—That where, in any shift, a worker performs the duties of a higher grade or grades than that in which he is classified, he shall be paid at the rate prescribed for the highest of such grades for the whole shift, provided that, if he is occupied in such higher grade work for not more than half the shift, he shall be paid at a rate not less than that which is equal to the average of the rates prescribed for the grades of work which he is performing.

(9) Wet Pay.—That—

(a) Any surface worker who is required to work in a "wet place" for at least one hour during the shift, if not provided with clothing or footwear so as to protect him from getting wet, shall be paid 1s. extra for such shift, unless the wet conditions occur only in the last two hours of the shift.

(b) Any underground worker who is required to work in a "wet place" for at least one hour during the shift shall be paid 1s. 3d. extra for such shift, unless the wet conditions occur only in the last two hours of the shift.

(c) A place shall be deemed to be wet when water other than rain is flowing or dripping from overhead to such an extent as to saturate the clothing of the worker, or when the worker is required to work in water more than 2 inches deep.

(10) Provision against Wet Weather.—That workers (except those the nature of whose duties ordinarily requires them to work out in the open throughout the shift) who are required to work in the rain, shall be provided as far as practicable with suitable clothing to protect them therefrom.

(11) Reduction of Hours in High Temperatures.—That where any person is required to work in any place where the temperatures exceed 79° Fah. dry, and 76° Fah. wet, the hours of work shall not exceed six hours per shift, but the employee shall be paid as though the ordinary hours had been worked on the shift concerned.

(12) Employee to be Notified.—That where an employee who has not been notified that he is not required to work the following shift presents himself for work and, though willing to work, is not engaged, he shall be paid at the rate applicable to his grade of work as though he had worked for the shift in question. Provided that, in any case where, through circumstances over which the employer has no control, notification is impracticable, this clause shall not operate.

(13) Contract Rates.—That any employer may fix and pay contract rates, provided that any person employed at such contract rates shall receive not less than the wages prescribed in clause (2) of this Determination.

(14) Cavilling.—That a system of cavilling for coal places shall be adopted in respect of any mine in which work is performed at contract rates. Pursuant to the provisions of Section 164 (1) Act 3677, the Board hereby prescribes the following cavilling rules, viz.:—

1. Prior to the quarterly cavil, all working places shall be inspected by the management, with two scrutineers, to be appointed by the workmen. The management and scrutineers shall decide mutually what places are deficient. Places deemed deficient shall not be included in the quarterly cavil, but shall be worked in such manner as the management may determine.
2. All places at each colliery which are going to be worked at the commencement of each quarter shall be cavilled for every three months with the exception of those which may be otherwise arranged for between the management and the employees' representatives. Cavils shall be drawn as arranged by scrutineers appointed by the miners in the presence of the colliery officials. Cavils to be arranged so that the first cavil in each year be drawn previous to the Christmas holidays preceding such cavil.
3. In the event of there being sufficient working places, all miners at each colliery, including those promised work for the commencement of each quarter, shall choose their own mates, and shall notify the person appointed to receive names at least two days before the cavils are drawn. Any man neglecting to mate himself shall be mated by the scrutineers, subject to the approval of the management, and his name included in the ballot with the others.
4. All places that are to be drawn for as specials must be made known by the management in the usual way by posting at the pit mouth one week before the drawing of each quarterly cavil, and such places shall be cavilled for first. In the event of there not being a sufficient number of names given in to fill the whole of the specials, an additional number required shall be drawn from the general cavil. Persons cavilling for special places shall be subject to the approval of the management and two scrutineers appointed by the men.
5. Any man or men finishing his or their place during the currency of a quarter, shall fill the nearest available place (if any) in that district, unless it be stipulated at cavilling that the men finishing such place should occupy another place reserved for such contingency.
6. In the event of any place being stopped and restarted during the currency of a quarter, the miners who cavilled such place shall be the persons to work it, unless they have left the colliery or cavilled a special place in accordance with the rule.
7. In the event of two or more places being stopped at the same time during the currency of a quarter in any district, the men who were working in such places shall cavil for any vacant place or places which have to be filled in the district where they have finished, or in any other district should there not be a sufficient number of vacant places in the district where they finished.
8. If any special place or places be started during the currency of a quarter, applications shall be invited from the miners to fill such place or places, and should there be sufficient applications received, such place or places shall be cavilled for in accordance with the rules of the general cavil. In the event of insufficiency of applications the management shall have the right to nominate names for such cavil from the men at the same colliery, provided the persons nominated are agreeable. Failing this, the management may work the place as they may decide.
9. Miners shall be allowed to exchange places at any time with the consent of the management and of their party, but no exchange shall be allowed between miners who are working their notice or about to leave the colliery. In the event of one man of a party leaving after such an exchange, the man who has exchanged shall return to the original cavil if so required by the management or party.
10. Should any dispute arise with regard to the conditions in which any place has been left, the men cavilled to such place may call in the miners' scrutineers or the two miners working on either side provided they are not cross-mates, to decide the matter, and should they allow any compensation, it may be stopped from the wages of the men who worked in the place last, and paid to the men who cavilled such place. The compensation may be stopped from the miners' wages by the management and paid to the men who cavilled to work such place, on their written order.
11. Any miner leaving the colliery and being re-employed during the currency of a quarter shall work his own cavil with the consent of the miners working such place.
12. No man shall work in another man's cavil, except to open out air-ways or to effect repairs.
13. Where four men cavil a place and it is subsequently found necessary to move two men, the four shall cavil to determine who shall leave the place.

(15) Definitions.—"Probationary miner" shall mean a person who has had less than two years' experience of work at the coal face.

"Day shift" shall mean any shift commencing not earlier than 6 a.m and not later than 8 a.m.

A. C. TINGATE, Chairman.

REX. L. CECIL, Secretary.

Melbourne, 25th June, 1940.

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