



VICTORIA GOVERNMENT GAZETTE.

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[1940

Factories and Shops Acts.

DETERMINATION OF THE FROZEN GOODS BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which now has the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, business or occupation of freezing or refrigerating goods of any kind for the purpose of trade or sale, including the packing or grading of such goods but not including—

- (a) persons engaged in packing or grading eggs;
- (b) persons engaged in packing ice-cream;
- (c) persons engaged in the slaughtering and boning departments of meat works or abattoirs in the preparation and packing of meats, offals, and by-products in a fresh condition;
- (d) persons subject to the jurisdiction of the Fruit Packing Board and of the Ice Board.

has made the following Determination, namely:—

- (1) That on the 20th September, 1940, the last previous Determination shall be revoked and replaced by this Determination.

- (2) WAGES.

Improvers and Juvenile Workers.			Other Employees.		
	Per Hour.	Per Week.		Per Hour.	Per Week of 44 Hours.
	s. d.	£ s. d.		s. d.	£ s. d.
16 years of age and under 17 ..	0 9½	1 13 11			
17 " " " 18 ..	0 10	1 16 8			
18 " " " 19 ..	1 0	2 4 0	Chamber hands	2 7 1/11	5 14 0
19 " " " 20 ..	1 1½	2 10 5			
20 " " " 21 ..	1 6	3 6 0	All others	2 5 3/22	5 6 10

For definition of juvenile workers see clause 9.

PROPORTION OF IMPROVERS.

One improver to every 25 or fraction of 25 workers receiving not less than the hourly rate herein prescribed for "all others."

Temporary workers shall be paid time and a third on the ordinary rates for work done during ordinary working hours. For work done outside these hours they shall receive ordinary overtime rates.

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the amended *Factories and Shops Act 1934* that the trade is so unskilful that no person should be taken as an apprentice to the trade.

- (3) ORDINARY WEEK'S WORK.—The number of hours which shall constitute a week's work shall be 44.

- (4) TIMES OF BEGINNING AND ENDING WORK.—The times of beginning and ending work each day shall be as follows:—

	Time of Beginning.	Time of Ending.
(a) Meat Export Works.		
Hanging ground and grading room hands—		
Monday to Friday	7.45 a.m.	5.15 p.m.
Saturday	7.45 a.m.	12 noon
Chamber hands—		
Monday to Friday	8 a.m.	5 p.m.
Saturday	8 a.m.	12 noon
(b) Cool Stores Works.		
All employees—		
Monday to Friday	7 a.m.	6 p.m.
Saturday	7 a.m.	12 noon

- (5) OVERTIME.—The following rates, subject to the conditions stated in clause (7), shall be paid for all work done:—

- (a) Outside the times of beginning and ending work as provided in clause (4).
 - (i) On Saturdays.—Time and a half fixed on the ordinary rates before starting time and between 12 noon and 1 p.m., and double time thereafter.
 - (ii) On other week days.—Time and a half.
- (b) Within the hours fixed as the time of beginning and ending work:—
 - (i) In excess of four hours on Saturday and eight hours on other week days.—Time and a half. This extra rate shall not apply to the hanging ground and grading room employees.
 - (ii) In excess of the number of hours fixed for a week's work in clause (3).—Time and a half.

The overtime rates payable for work done on Sundays and holidays are provided for in clause (8).

(6) **LIMITATION OF HOURS OF WORK.**—No employee shall be required to work more than 16 hours in any one day.

(7) **MINIMUM OF OVERTIME.**—If an employee is required to work more than one hour and a half on any day after the time of ending work as provided in clause (4) or if having ceased work for the day for not less than one hour, an employee is recalled to work he shall receive a minimum of two hours' pay.

(8) **SUNDAYS AND HOLIDAYS.**—(a) Double time fixed on the ordinary rates shall be paid for all work done on Sundays, New Year's Day, Union Picnic Day, Australia Day (26th January), Labour Day (21st April), Anzac Day, Good Friday, Easter Monday, Melbourne Cup Day, 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, the special rate shall be payable only for work done on the day so substituted.

An employee called to work on a Sunday shall receive a minimum of four (4) hours work or shall be paid for same, and if required to work in excess of eight hours on a Sunday or a holiday shall be paid the extra rate provided in this clause plus one-third of such extra rate for such excess work.

(b) Any person (other than a temporary worker) if not called upon to work on any day mentioned in clause (8) (a) as a holiday shall receive a day's pay (based on his ordinary rates) for such day provided that he is called upon to work for any portion of the working week in which such holiday occurs, but any person who is called upon to work on a holiday for a period of less than eight hours shall receive double ordinary rate for the time so worked and ordinary rate for the balance of eight hours.

(9) **DEFINITIONS.**—(a) A juvenile worker shall mean a person under 21 years of age (other than an improver) engaged in stamp marking carcasses, stamping, stringing and putting on tickets, handling or packing offals or by-products, scraping, nailing up, re-wiring, and branding packages, but not stacking cases of butter or eggs, sweeping up and acting as an assistant to a Government Inspector.

(b) A temporary worker shall mean any person (including a juvenile worker) other than a hanging ground or grading room employee who is employed for less than three full consecutive working days. Saturdays, Sundays, and holidays are not to be counted as working days, i.e., Friday, Monday, and Tuesday would be three consecutive working days whether Saturday or Sunday is worked or not.

(10) **MEAL HOURS.**

Clause (a) *Meat Export Works.*—Breakfast. A period of one hour between the hours of 6 a.m. and 9 a.m. shall be allowed for breakfast. Dinner—One hour between 12 noon and 1.30 p.m. shall be observed as a dinner hour. Tea—when work is to be continued for more than one and a quarter hours after the time fixed for ending work in clause (4) (a) one hour between 5 p.m. and 6.30 p.m. shall be observed as a tea hour, and if such overtime is to finish not later than midnight, work shall then proceed uninterruptedly (except for a smoke-oh as provided in clause 11). If however, work is to continue after midnight, one hour (before midnight) shall be observed as a meal hour, and thereafter, one hour after each four hours' work.

Clause (b) Not more than five hours shall be worked by employees in cool stores working between 7 a.m. and 6 p.m. without an interval of one hour for a meal. If work is to continue after 7 p.m., the hour from 5 p.m. to 6 p.m. shall be observed as a meal hour. If, however, work is to continue after midnight one hour (before midnight) shall be observed as a meal hour, and thereafter, one hour after each four hours' work.

Clause (c) All work done during a meal hour stated in clause (10) (a) and (b) shall be paid for at the rate of double time, fixed on the wage for the day on which such meal hour is worked.

(11) **SMOKE-OH.**—Fifteen minutes interval shall be allowed for smoke-oh between ordinary starting time in the morning and 12 noon, and fifteen minutes between 1 p.m. and 6 p.m., provided that no employee shall be required to work for more than 2½ hours without a smoke-oh. Provided also that employees who commence work before 7 a.m. and have no breakfast hour shall be allowed an interval of fifteen minutes at the end of each two hours' work until dinner hour. If men are required to work after 6 p.m. an interval of fifteen minutes after every two hours' work shall be allowed.

GENERAL CONDITIONS.

(12) **WAITING TIME.**—When an employee has been instructed to report at a certain hour and is kept waiting before he commences work such waiting shall be paid for at ordinary rates provided for the class of work to be done.

(13) **MINIMUM OF WORK.**—(a) Employees called to work on any day within the hours set out in clause (4) shall be given a minimum of 3½ hours' work on Saturdays, and 8 hours on other days (except Sundays or holidays) or shall be paid for same, but they may be worked for any period beyond the hours fixed in clause (4) until such amount has been absorbed in payment at the rate applicable to the time worked. This clause shall not apply if there has been a breakdown in the machinery or if work cannot be proceeded with due to a sectional strike.

(b) Employees called to work exclusively outside the hours set out in clause (4) shall be given a minimum of 4 hours' work or shall be paid for same.

(14) **COLD TEMPERATURES.**—Employees called upon to work in a temperature less than four degrees above zero shall be paid 3d. per hour extra. No employee shall be compelled to work in a temperature of below zero, and an employee who becomes overheated working outside a cool chamber shall be allowed to cool down before entering the chamber. This provision shall be reasonably construed.

(15) **LEAKAGE OF AMMONIA.**—No employee shall be called upon to work in a chamber where a leak of ammonia exists.

(16) **CONTINUATION OF WORK BETWEEN MIDNIGHT AND TIME OF COMMENCING AS SET OUT IN CLAUSE (4).**—When an employee works for more than 2 hours between midnight and ordinary time of commencing work, and continues work during the day, the special rate provided in clause (5) (a) for work done outside the hours fixed for a day's work, shall continue to be paid for all work done until the employee has had a clear break from work of 12 hours.

(17) **EMPLOYEES WORKING IN A FREEZING CHAMBER.**—(a) No employee shall work in a freezing chamber, the temperature of which does not exceed 40 degrees Fahr. unless he is paid according to the rates provided for chamber hands in clause 2 of this Determination.

(b) Any employee who is required to work in a freezing chamber for a period exceeding in the aggregate one hour in any one day shall be paid for the whole of such day at the rate set out for chamber hands in clause 2 of this Determination.

(18) **CONTINUITY OF WORK.**—The work of each employee on each day shall be continuous with the customary break for a meal.

(19) **MEAL ALLOWANCE.**—(a) An employee required to work overtime for more than one and a quarter hours in Meat Export Works after the time of ending work in clause (4), shall be paid 1s. 6d. tea money unless notified on the previous day that his services will be needed. If having been notified accordingly he has provided himself with a meal he shall receive, in the event of the work not being done or ceasing before respective meal times, 1s. 6d. for each meal so provided.

(b) An employee required to work in Cool Stores for more than nine hours from the time of commencing work shall be granted 1s. 6d. tea money unless notified on the previous day that his services will be needed. If having been notified accordingly he has provided himself with a meal he shall receive, in the event of the work not being done or ceasing before respective meal times, 1s. 6d. for each meal so provided.

(20) **TERMINATION OF EMPLOYMENT.**—Employees may be paid off at any time without notice.

(21) **PROVISION OF OUTFIT.**—The following articles shall be provided at each place where work under this Determination is done:—

- (a) An ammonia outfit which shall be kept adjacent to the chambers.
- (b) An alarm outfit in each chamber, such outfit to be connected with the engine-room.
- (c) Waterproof capes and caps for use of employees engaged in de-frosting.
- (d) Bagging for moccasins and suitable hand covering for use of chamber hands.

RAY. H. BEERS, P.M., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 5th September, 1940.

(3) TIMES OF BEGINNING AND ENDING WORK—

Times of Beginning.	Times of Ending.
(a) For Males—	
6 a.m.	1 p.m. on Saturday.
6 a.m.	6 p.m. on the other working days of the week.
(b) For Females—	
6 a.m.	12 noon on Saturday.
6 a.m.	9 p.m. on the other working days of the week.

(4) OVERTIME.—That the following rates shall be paid for overtime:—

Outside the hours fixed in clause 3 Time and a quarter except that males shall be paid at the rate of time and a half for all work performed by them on Saturday after 1 p.m. and females double time for all work performed by them on Saturday after 12 noon.

Within the hours fixed in clause 3 in excess of the number of hours as fixed for a week's work 3s. per hour.

(5) EMPLOYMENT FOR LESS THAN FULL WEEK.—(a) MALES.—Male employees who are employed during any week for less than the working week of 44 hours, shall be paid for the first 22 hours at the rate of time and a quarter, and for every hour thereafter ordinary time up to but not exceeding the ordinary wages rates for an ordinary week's work.

Provided that any male person who is not engaged for a week who earns a sum in wages equal to the wages of an ordinary week's work may be required by the employer to complete the week's work without further pay, and if such person refuses to do so he shall forfeit his right to any payment for that week unless his refusal is caused by his illness inability or some other sufficient cause beyond his control.

(b) (i) FEMALES.—Female employees, who are employed during any week for not more than one-half the maximum number of hours fixed in this Determination as a week's work, shall be paid at the rate of time and a quarter.

(ii) Female persons who are employed during any week for more than one-half the maximum number of hours fixed in this Determination as a week's work, but for less than 44 hours shall be paid not less than the ordinary wages rate calculated *pro rata* according to the number of hours worked.

(6) ALLOWANCES.—(i) If a cleaner is required to clean windows and it is necessary to go wholly outside the window, or climb around an outside column to do such cleaning, and if such cleaning is at a height of more than 10 feet from the ground or verandah, he shall be paid 1½d. extra for every such window cleaned unless the outside window or column ledge is more than 24 inches wide. Provided that nothing in this sub-clause shall apply to cleaning from a ladder resting on the ground.

(ii) Where cleaning is done from a ladder, and the height of any portion of the window to be cleaned exceeds 25 feet from the ground, the employee shall be paid 1½d. extra for each window so cleaned.

(iii) The amount payable under this clause shall not exceed 1s. per day.

(7) RESTRICTION AS TO CLEANING OF SANITARY CONVENIENCES.—No female employee shall be required to clean or attend to any sanitary convenience provided for persons of the male sex.

(8) ANNUAL LEAVE.—Any employee who has been in the service of an employer for a period of not less than twelve months, shall be granted with pay, one week's holiday in each year (exclusive of the holidays mentioned in clause 9) and such holiday shall be given within three months of the completion of twelve months' service, provided that, for the purposes of this clause, any service prior to the 7th August, 1937, shall not be taken into account, and that payment for such holiday pay shall be calculated on an average of the four weeks immediately preceding such holiday.

Provided further, that any employee who leaves or is dismissed before the expiration of twelve months shall be given or paid for holidays *pro rata* in accordance with the length of service, viz., one day for each complete two months of service.

(9) PAYMENT FOR HOLIDAYS.—Except as hereinafter provided, all employees shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Anzac Day, Labour Day, Good Friday, Easter Monday, King's Birthday, Christmas Day, and Boxing Day.

Provided that the following employees shall not be entitled to payment for such holidays:—

(a) In any week in which one of such holidays occur—any male employee who has been employed for less than 30½ hours.

(b) In any week in which two of such holidays occur—any male employee who has been employed for less than 22½ hours.

(10) SPECIAL RATES.—Double time shall be the rate for all work done on Sunday, Good Friday, 21st April (Labour Day), Anzac Day, or Christmas Day; and time and a half shall be the rate for all work done on New Year's Day, 26th January (Australia Day), King's Birthday, Boxing Day, or Easter Monday; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted.

RAY. H. BEERS, P.M., Chairman.

C. W. TREVETHAN, Secretary.

Melbourne, 3rd September, 1940