VICTORIA

# GOVERNMENT GAZETTE.

Published by Authority.

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

No. 365] WEDNESDAY, DECEMBER 31. [1941

Factories and Shops Acts.

## DETERMINATION OF THE ICE CREAM BOARD.

NOTE.—This Determination on the 26th December, 1941, applied to the whole of the State of Victoria.

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 employed in the trade of making edible ices, ice cream, or any frozen articles of which ice cream is the principal ingredient," has made the following Determination, namely:—

(1) That on the 26th December, 1941, the last previous determination of this Board shall be revoked and replaced by this Determination.

(2)

### ORDINARY WORKERS.

#### Apprentices and Improvers.

Wages per Week of 44 Hours.

*Males.*

| | Ordinary Wage. | War Loading. (Not Adjustable.) | Total Wage. |
|---|---|---|---|
| | s. c. | s. d. | s. d. |
| **Apprentices.** | | | |
| Under 16 years of age | 20 3 | 1 0 | 21 3 |
| 16–17 years of age | 28 3 | 1 6 | 29 9 |
| 17–18 years of age | 32 6 | 1 6 | 34 0 |
| 18–19 years of age | 41 9 | 2 0 | 43 9 |
| 19–20 years of age | 58 3 | 3 0 | 61 3 |
| 20–21 years of age | 69 6 | 3 6 | 73 0 |
| **Improvers.** | | | |
| Under 16 years of age | 32 3 | 1 6 | 33 9 |
| 16–17 years of age | 38 6 | 2 0 | 40 6 |
| 17–18 years of age | 44 3 | 2 6 | 46 9 |
| 18–19 years of age | 53 9 | 3 0 | 56 9 |
| 19–20 years of age | 69 6 | 3 6 | 73 0 |
| 20–21 years of age | 82 0 | 4 6 | 86 6 |

PROPORTION.

One male apprentice and one male improver to every three or fraction of three male workers receiving not less than 99s. per week of 44 hours.

#### Juvenile Workers.

Wages per Week of 44 Hours.

*Males.*

| | Ordinary Wage. | War Loading. (Not Adjustable.) | Total Wage. |
|---|---|---|---|
| | s. d. | s. d. | s. d. |
| Under 16 years of age | 32 3 | 1 6 | 33 9 |
| 16–17 years of age | 38 6 | 2 0 | 40 6 |
| 17–18 years of age | 44 3 | 2 6 | 46 9 |
| *Females.* | | | |
| Under 16 years of age | 28 3 | 1 6 | 29 9 |
| 16–17 years of age | 31 9 | 1 6 | 33 3 |
| 17–18 years of age | 33 6 | 2 0 | 35 6 |
| 18–19 years of age | 38 0 | 2 0 | 40 0 |
| 19–20 years of age | 40 6 | 2 0 | 42 6 |
| 20–21 years of age | 44 6 | 2 6 | 47 0 |

PROPORTION.

Three female juvenile workers to every two female workers receiving 57s. per week of 44 hours.

#### Adult Employees.

Wages per Week of 44 Hours.

*Males.*

| | Ordinary Wage. | War Loading. (Not Adjustable.) | Total Wage. |
|---|---|---|---|
| | s. d. | s. d. | s. d. |
| Pasteurizer, Mixer, Cooling, or Freezer — Machine operator | 104 0 | 5 0 | 109 0 |
| Assistant to any of the above-mentioned operators | 97 0 | 5 0 | 102 0 |
| Dixie, Cup, or Chocolate bar — Machine operator | 98 6 | 5 0 | 103 6 |
| Mould cutter, by machine | 98 6 | 5 0 | 103 6 |
| Mould cutter, by hand | 102 0 | 5 0 | 107 0 |
| Can washer, floor hand, chamber hand, or person handling ice | 97 0 | 5 0 | 102 0 |
| All others | 94 0 | 5 0 | 99 0 |
| *Females.* | | | |
| All adults | 54 0 | 3 0 | 57 0 |

(3) SHIFT WORKERS.—Shift workers shall receive the wages prescribed in clause (2) for ordinary workers according to the class of work done plus an additional 1s. per shift.

(4) EMPLOYEES IN FREEZING CHAMBER.—(a) Notwithstanding the rates provided in clauses (2) and (3), any employee who is required to work in a freezing chamber, the temperature of which does not exceed 40° F., for an aggregate of time exceeding two hours on any day, shall be paid for all work (whether inside or outside the chamber) done on such day at the rate of 2s. 9½d. per hour. If employed under such conditions for less than an aggregate of two hours on any day he shall receive 2s. 9½d. per hour whilst so employed.

(b) An employee required to work in a temperature less than 4° F. shall receive 3d. per hour or part of an hour in addition to the rate provided in sub-clause (a) hereof.

(c) The total time worked by any employee in a chamber mentioned in sub-clause (a) hereof shall not exceed an aggregate of four hours in any shift and an employee shall not be employed in such a chamber for a continuous period of two hours without being allowed a rest period of fifteen minutes outside such chamber.

(d) An employer shall provide free of charge for the use of each employee required to work in temperatures below 4° F. a blanket suit, helmet and gloves.

(5) DEFINITIONS.—(a) A juvenile worker is any person under 21 years of age (other than an apprentice or improver) employed stirring melted chocolate; picking out defective goods; stacking or counting articles not over 4 oz. in weight; moving goods for packing; counting, wrapping or sealing up to six dozen containers; filling ice cream cups or similar vessels; chocolate dipping; or wrapping any article intended for consumption.

(b) An ordinary worker is an employee who usually commences and completes his day's work between the hours of 6 a.m. and 7 p.m. on Monday to Friday inclusive, and between the hours of 6 a.m. and 1 p.m. on Saturday.

(c) A shift worker is any employee other than an ordinary worker.

(6) HOURS OF EMPLOYMENT.—The ordinary hours for a week's work shall be 44 per week, to be worked in five days of eight hours, and one day (Saturday) of four hours, or five days of eight hours forty-eight minutes each.

(7) OVERTIME.—Time and a half, based on the total wage shown for each class of employee in clause (2), shall be paid for all work done—

(i) By shift workers—

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

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

(ii) By ordinary workers—

(a) Outside the times fixed for beginning and ending work.

(b) Within the times fixed for commencing and ending work in excess of four hours on Saturday and eight hours on other days where an ordinary week's work is worked in six days and for all work done on Saturday and in excess of eight hours forty-eight minutes on Monday to Friday where an ordinary week's work is worked in five days.

(8) SPECIAL RATES.—Double time (with a minimum of four hours' work or payment for same) shall be the rate for all work done on Sundays, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day (21st April), Anzac 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, the special rate shall only be payable for work done on the day so substituted.

(9) TIME WAGES.—Any person employed on time wages for less than the number of hours of an ordinary week's work shall for each hour worked up to one-half the number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of thirty-three per centum, and for each hour worked beyond the one-half aforesaid shall be paid the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

(10) NOTICE OF INTENTION TO WORK OVERTIME.—In every case where practicable an employer shall give 24 hours' notice to each employee of his intention to work such employee overtime. In each case where such notice has not been given and the employee is required to work overtime for not less than one hour he shall receive one shilling and sixpence as tea money, in addition to any other special payments provided.

(11) MEAL ALLOWANCE.—When an employee has provided himself with a customary meal because of receipt of notice of intention to work overtime, he shall be entitled to payment of 2s. for each meal so provided in the event of the work not being done or ceasing before such meal time.

(12) PROVISION OF CLOTHING.—Overalls shall be provided and maintained by the employer; and employees when engaged in de-frosting shall be provided with rubber capes and rubber boots.

(13) CONTINUITY OF WORK.—The work of each day shall be continuous with the customary break of not more than one hour for a meal.

(14) TIME BOOK AND WAGE RECORD.—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. In addition to such time record every employee shall be required to sign each week a wage book or other record showing the total amount received as wages for such week.

(15) UNION INSPECTION.—An accredited representative of the Federated Cold Storage and Meat Preserving Employees' Union of Australia shall have access to the records of times recorded by employees and wages paid, provided that such inspection is made between the hours of 8 a.m. and 4.30 p.m. on a working day.

(16) SPECIAL CONDITIONS regarding work in the chambers—

(a) No person under the age of nineteen years shall be required to work in a chamber.

(b) Chamber hands shall be supplied with suitable gloves by the employer.

(17) PROHIBITION OF NIGHT WORK FOR FEMALES.—No female employee shall be employed between the hours of 9 p.m. on one day and 6 a.m. on the following day.

(18) ANNUAL LEAVE.—(a) Employees who have been in the continuous employment of an employer for twelve months shall be entitled to one week's annual leave without deduction of pay.

(b) Employees who have been in the continuous employment of an employer for less than twelve months and more than four months shall be entitled to one day's leave without deduction of pay for each completed two months of service.

(19) SICK LEAVE.—Any employee who has been in the employment of the same employer for a period of not less than three months and who does not attend for duty shall lose his pay for the actual time lost unless such employee produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the ground of personal ill-health or accident for more than four days in each year or a proportionate less time during any shorter period of employment.

(20) TERMINATION OF EMPLOYMENT.—(a) Notice equivalent to 44 working hours shall be given on either side to terminate employment. Such notice may be given at any time. This shall not affect the right of an employer to dismiss any 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 the employee cannot usefully be employed because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot reasonably be held responsible.

(b) In lieu of such 44 working hours' notice, except in circumstances referred to above, the employer may pay 44 hours' wages and vice versa the employee leaving his or her employment without notice shall forfeit 44 hours' wages which may be deducted from any wages due.

(21) Periodical Adjustment of Wages.—The wages rates for adult employees set out in clause (2) are based upon the following basic wage, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act* 1934, the Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage. Provided that the wage of any adult female, and of apprentices, improvers, and juvenile workers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 6d.

The basic wage shown hereunder shall be adjusted as prescribed in clause (22).

*Basic Wage.*

| Place. | Basic Wage. | Loading (Constant). | Total Basic Wage. | Index Number Set Assigned. |
|---|---|---|---|---|
| | £ s. d. | £ s. d. | £ s. d. | |
| Within the area to which this Determination applies .. .. | 4 2 0 | 0 6 0 | 4 8 0 | Melbourne |

(22) Adjustment of Basic Wage.—(a) Until the beginning of the first pay period to commence in February, 1942, the amount of the basic wage shall be as prescribed in clause (21).

(b) During each future period of or near a quarter beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" Retail Price Index Numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's retail price index numbers" or any like expression, means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician:—

(1) The Index Number set to be applied to a place is that assigned thereto in clause (21).

(2) The Index Number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.

(3) The amount assigned in the following table (or in any extension thereof) of the Index Number Division comprising that number is to be ascertained.

(4) The basic wage shall be of that assigned amount during such successive period.

*Table.*

| Index Number Divisions. | Basic Wage. | Index Number Divisions. | Basic Wage. |
|---|---|---|---|
| | £ s. d. | | £ s. d. |
| 735–746 .. .. .. .. | 3 0 0 | 908– 919 .. .. .. .. | 3 14 0 |
| 747–759 .. .. .. .. | 3 1 0 | 920– 932 .. .. .. .. | 3 15 0 |
| 760–771 .. .. .. .. | 3 2 0 | 933– 944 .. .. .. .. | 3 16 0 |
| 772–783 .. .. .. .. | 3 3 0 | 945– 956 .. .. .. .. | 3 17 0 |
| 784–796 .. .. .. .. | 3 4 0 | 957– 969 .. .. .. .. | 3 18 0 |
| 797–808 .. .. .. .. | 3 5 0 | 970– 981 .. .. .. .. | 3 19 0 |
| 809–820 .. .. .. .. | 3 6 0 | 982– 993 .. .. .. .. | 4 0 0 |
| 821–833 .. .. .. .. | 3 7 0 | 994–1006 .. .. .. .. | 4 1 0 |
| 834–845 .. .. .. .. | 3 8 0 | 1007–1018 .. .. .. .. | 4 2 0 |
| 846–858 .. .. .. .. | 3 9 0 | 1019–1030 .. .. .. .. | 4 3 0 |
| 859–870 .. .. .. .. | 3 10 0 | 1031–1043 .. .. .. .. | 4 4 0 |
| 871–882 .. .. .. .. | 3 11 0 | 1044–1055 .. .. .. .. | 4 5 0 |
| 883–895 .. .. .. .. | 3 12 0 | 1556–1567 .. .. .. .. | 4 6 0 |
| 896–907 .. .. .. .. | 3 13 0 | | |

D. GRANT, Chairman.

J. W. RYAN, Secretary.

Melbourne, 8th December, 1941.

By Authority: H. E. Daw, Government Printer, Melbourne.

# VICTORIA

# GOVERNMENT GAZETTE.

**Published by Authority.**

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

**No. 366] WEDNESDAY, DECEMBER 31. [1941**


Factories and Shops Acts.

## DETERMINATION OF THE TAR AND BITUMEN 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 since the 18th February, 1941, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons subject to the jurisdiction of the Excavation or Roadwork Board) wheresover employed in the process, trade, business or occupation of—

(i) tar distilling;
(ii) manufacturing or preparing bituminous emulsions, tar distillates, asphaltic concrete, or other road surfacing preparations;
(iii) manufacturing or preparing enamel made from tar pitch;

has made the following Determination, namely:—

(1) That as from the beginning of the first pay period to commence after the 25th December, 1941, the adjusted Determination which came into operation as from the beginning of the first pay period to commence in November, 1941, shall be revoked and replaced by this Determination.

(2) WAGE PER WEEK OF 44 HOURS.

| Improvers. | Adjustable Rate. | Plus Conditions Allowance (Non-adjustable). | Total Wage. |
|---|---|---|---|
| | s. d. | s. d. | s. d. |
| Under 19 years of age | 63 9 | 3 0 | 66 9 |
| 19 years and under 20 years | 75 3 | 3 0 | 78 3 |
| 20 years and under 21 years | 79 9 | 3 0 | 82 9 |

PROPORTION (IN ANY PLACE).

One improver to every five or fraction of five workers receiving not less than 103s. 6d. per week.

| Other Employees. | Adjustable Rate. | Plus Conditions Allowance (Non-adjustable). | Total Wage. |
|---|---|---|---|
| | s. d. | s. d. | s. d |
| Bitumen emulsion maker .. | 103 0 | 3 0 | 106 0. |
| Bitumen, tar or pitch kettle attendant (where direct heat by fire is used) .. .. | 103 0 | 3 0 | 106 0 |
| Tar distiller and/or maker of pitch (T.I.C. type of plant) | 102 0 | 3 0 | 105 0 |
| Tar distiller and/or maker of pitch (other types of plants) | 105 0 | 3 0 | 108 0 |
| Tar acid still attendant .. | 105 0 | 3 0 | 108 0 |
| Weigher or measurer and/or mixer of asphaltic concrete or other pre-mixed materials .. | 103 0 | 3 0 | 106 0 |
| Pitch enamel maker (closed type of plant) .. .. .. | 105 0 | 3 0 | 108 0 |
| Pitch enamel maker (open type of plant) .. .. .. | For rate see clause 7 (c) | | |
| All others .. .. .. | 100 6 | 3 0 | 103 6 |

NOTE.—The Board determines that no person shall be employed as an apprentice.

(3) HOURS OF EMPLOYMENT.—The ordinary hours of employment shall be 44 per week, to be worked in five days of 8 hours and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each continuously, except for meal hour breaks, at the discretion of the employer, between 6.30 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 6.30 a.m. to noon on Saturday: Provided that, by mutual agreement between an employer and his employees, the spread of hours herein prescribed may be altered, and ordinary hours may be worked on the basis of 88 per fortnight with weeks of 40 hours and 48 hours alternately.

(4) OVERTIME.—For all work done in excess of the ordinary hours (daily or fortnightly) the rate payable shall be time and a half for the first 3 hours' work and double time thereafter.

(5) SHIFT WORK.—(a) Employees working on afternoon or night shift shall be paid 1s. per shift or part thereof in addition to the rates prescribed in clause (2).

(b) "Afternoon shift" means any shift finishing between 6 p.m. and midnight.

"Night shift" means any shift finishing between midnight and 8 a.m.

(6) CASUAL LABOUR.—Persons employed for less than two consecutive weeks shall be paid 10 per centum in addition to the rates prescribed in clause (2).

(7) ALLOWANCES.—(a) Persons employed cleaning tar distiller boiler where the artificial temperature is 130° Fahr. or less shall be paid 4½d. per hour in addition to their ordinary wage.

(b) Persons employed cleaning bitumen tanks and/or bitumen emulsion tanks shall be paid 4½d. per hour in addition to their ordinary wage.

(c) Persons employed cleaning tar distiller boiler where the artificial temperature exceeds 130° Fahr. shall be paid 6d. per hour in addition to their ordinary wage. Where work continues for more than two hours in temperatures exceeding 130° Fahr. employees shall be entitled to twenty minutes' rest after every two hours' work without deduction of pay. The temperature shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.

(d) Persons employed making pitch enamel (open type of plant) shall, whilst so employed, be paid the rate fixed for the work usually performed by them with the addition of 4d. per hour.

(8) SPECIAL RATES.—Double time shall be the rate payable for all work done on Sunday, Christmas Day, Boxing Day, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday and 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 be payable only for work done on the day so substituted.

(9) HOLIDAYS.—Employees shall be entitled to the following public holidays without deduction of pay:—Christmas Day, Boxing Day, New Year's Day, Australia Day, Labour Day, Anzac Day, Good Friday, Easter Saturday and Easter Monday.

(10) ANNUAL LEAVE.—Any employee who has been in the employment of the same employer for a period of not less than twelve consecutive months shall be granted with full pay six consecutive working days' annual leave exclusive of the holidays mentioned in Clause (9). Should his services be terminated before the expiration of twelve months' service, or before the completion of any subsequent year of service, he shall be entitled in lieu of holidays to one day's pay for each two months of service.

(11) SICK LEAVE.—When an employee is disabled by personal ill-health, proof of which sickness is given to the employer, by medical certificate or other satisfactory evidence within 24 hours of the employee's consequential absence, he shall, on account thereof, be entitled without deduction of pay to absent himself from work one day in each two months, or for a proportionate aggregate in a longer period, but not exceeding six days in any year of employment.

(12) MEAL MONEY.—When an employee is required to work overtime in excess of one hour and a half, and has not been given notice accordingly on the previous working day, he shall be allowed an amount of 1s. 6d. for a meal.

(13) GLOVES.—Persons employed handling hot materials, drums of pitch, or corrosive materials shall be provided free of charge with suitable gloves by the employer.

(14) CLEANSING MATERIALS.—A suitable solvent and cotton waste shall be provided by the employer.

(15) RIGHT OF ENTRY OF UNION OFFICIALS.—The Secretary or any other official of the Australian Workers' Union duly authorized in writing by the said union shall not be prevented on production of such authority by any employer from visiting and conversing with employees at meal time or at any other time mutually agreed upon by the employer or his works manager and the said union secretary or other authorized official.

(16) PERIODICAL ADJUSTMENT OF WAGES.—The wages rates set out in clause (2) are based upon the following basic wage and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act* 1934, the Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time, as such basic wage. Provided that the wages of improvers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage rates shown hereunder shall be adjusted as prescribed in clause (17).

*Basic Wage.*

| Place. | Basic Wage. | Additional Constant Loading. | Index Number Set Assigned. |
|---|---|---|---|
| | £ s. d. | s. d. | |
| Within the area to which this Determination applies .. .. | 4 2 0 | 6 0 | Melbourne |

(17) ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in February, 1942, the amounts of the basic wage shall be prescribed in clause (16).

(b) During each future successive period beginning with the first pay period to commence in a Februay, a May, an August, or a November, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer, or to be signed by or on behalf of the Commonwealth Statistician.

(1) The index number set to be applied to a place is that assigned to Melbourne.

(2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.

(3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.

(4) The basic wage shall be of that assigned amount during such successive period plus the additional constant loading as prescribed in clause 16.

TABLE.

| Index Number Divisions. | Basic Wage. | Index Number Divisions. | Basic Wage. |
|---|---|---|---|
| | £ s. d. | | £ s. d. |
| 735–746 .. .. .. .. | 3 0 0 | 908–919 .. .. .. .. | 3 14 0 |
| 747–759 .. .. .. .. | 3 1 0 | 920–932 .. .. .. .. | 3 15 0 |
| 760–771 .. .. .. .. | 3 2 0 | 933–944 .. .. .. .. | 3 16 0 |
| 772–783 .. .. .. .. | 3 3 0 | 945–956 .. .. .. .. | 3 17 0 |
| 784–796 .. .. .. .. | 3 4 0 | 957–969 .. .. .. .. | 3 18 0 |
| 797–808 .. .. .. .. | 3 5 0 | 970–981 .. .. .. .. | 3 19 0 |
| 809–820 .. .. .. .. | 3 6 0 | 982–993 .. .. .. .. | 4 0 0 |
| 821–833 .. .. .. .. | 3 7 0 | 994–1006 .. .. .. .. | 4 1 0 |
| 834–845 .. .. .. .. | 3 8 0 | 1007–1018 .. .. .. .. | 4 2 0 |
| 846–858 .. .. .. .. | 3 9 0 | 1019–1030 .. .. .. .. | 4 3 0 |
| 859–870 .. .. .. .. | 3 10 0 | 1031–1043 .. .. .. .. | 4 4 0 |
| 871–882 .. .. .. .. | 3 11 0 | 1044–1055 .. .. .. .. | 4 5 0 |
| 883–895 .. .. .. .. | 3 12 0 | 1056–1067 .. .. .. .. | 4 6 0 |
| 896–907 .. .. .. .. | 3 13 0 | | |

H. L. JACKSON, P.M., Chairman.

J. R. MACPHERSON, Secretary.

Melbourne, 10th December, 1941.

By Authority: H. E. DAW, Government Printer, Melbourne.

VICTORIA

# GOVERNMENT GAZETTE.

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No. 367] WEDNESDAY, DECEMBER 31. [1941

Factories and Shops Acts.

## DETERMINATION OF THE NICKELWARE BOARD.

NOTE.—(*a*) This Determination applies to the whole of the State of Victoria.

(*b*) On the 25th June, 1934, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any person employed electroplating, grinding, polishing, or finishing articles of table ware, and such power was conferred exclusively on the Electroplaters Board.

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 persons employed in the trade of making nickel-silver articles of table ware," and whose powers were, by Order in Council dated 16th November, 1920, extended so that it may "fix the lowest prices or rates which may be paid to any persons employed in the trade of making articles of table ware of any base metal," has made the following Determination, namely:—

(1) That on the 26th December, 1941, the adjusted determination which came into force as from the beginning of the first pay period to commence in November, 1941, shall be revoked and replaced by this Determination.

(2) APPRENTICES OR IMPROVERS.

| Apprentices. | Wages per week of 44 Hours. s. d. | Improvers. | Wages per week of 44 Hours. s. d. |
|---|---|---|---|
| 1st year—1st six month's experience | 13 4 | 1st year—1st six month's experience | 14 0 |
| 2nd six month's experience | 14 4 | 2nd six month's experience | 15 0 |
| 2nd year—1st six month's experience | 17 1 | 2nd year—1st six month's experience | 17 11 |
| 2nd six month's experience | 18 7 | 2nd six month's experience | 19 7 |
| 3rd year—1st six month's experience | 35 3 | 3rd year—1st six month's experience | 37 0 |
| 2nd six month's experience | 38 3 | 2nd six month's experience | 40 3 |
| 4th year's experience | 51 9 | 4th year's experience | 54 6 |
| 5th year's experience | 70 3 | 5th year's experience | 73 9 |
| 6th year's experience | 83 6 | 6th year's experience | 87 3 |
| and thereafter the minimum wage. | | and thereafter the minimum wage. | |

*Proportion* (*in any place*)—Three apprentices and two improvers or two apprentices and three improvers to every three or fraction of three workers receiving not less than 91s. per week of 44 hours.

(3) OTHER EMPLOYEES.

| | Wages per week of 44 Hours. s. d. | War time loading. s. d. | Total Weekly Wage. s. d. |
|---|---|---|---|
| Stamper who puts in die and makes force | 115 0 | 6 0 | 121 0 |
| Repairers | 115 0 | 6 0 | 121 0 |
| Maker-up | 115 0 | 6 0 | 121 0 |
| Metal spinner setting up and making his own dies | 112 0 | 4 0 | 116 0 |
| Other spinners | 100 0 | 3 0 | 103 0 |
| Die setters | 100 0 | 3 0 | 103 0 |
| Drop hammer stampers (other than those who put in die and make force) | 98 0 | 3 0 | 101 0 |
| Press operators (heavy) | 98 0 | 3 0 | 101 0 |
| Press operators (light) | 96 0 | 3 0 | 99 0 |
| Pickler who prepares and maintains acid baths | 96 0 | 3 0 | 99 0 |
| Hand blanker | 96 0 | 3 0 | 99 0 |
| All others | 88 0 | 3 0 | 91 0 |

SPECIAL RATES.

(4) In addition to the wages prescribed in clause (3) hereof the following special rates and allowances shall be paid:—

(*a*) Leading hands in charge of not less than 3 and not more than 10 employees, including apprentices, 6s. per week extra; more than 10 and not more than 20, including apprentices, 12s. per week extra; more than 20, including apprentices, 18s. per week extra.

(*b*) Working in wet places—1½d. per hour extra.

(*c*) Compensation to the extent of damage sustained shall be made for work in which clothing or tools are damaged or destroyed by the use of acids.

(*d*) Where more than one of the disabilities entitling a workman to extra rates exist on the same job the employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

HOURS OF EMPLOYMENT.

(5) With the exceptions herein set out the ordinary hours of employment shall be 44 per week, to be worked in five days of 8 hours and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each, continuously except for meal hour breaks at the discretion of the employer between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. to noon on Saturday: Provided hat the spread of hours herein prescribed may be altered by mutual agreement between an employer and his employees.

By agreement between any employer and his employees ordinary hours may be worked on the basis of 88 per fortnight with one week of 40 and one of 48 hours.

SHIFT WORK.

*Continuous Work Shifts.*

(6) (*a*) For the purposes of this clause, the expression "Continuous Work" means work carried on with consecutive shifts of men throughout the twenty-four hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks (if any).

(*b*) Employees working on continuous work shifts shall work thereon such number of shifts up to six per week as may be required; no such shift to exceed 8 hours inclusive of meal breaks (if any) nor to be discontinuous except for meal breaks (if any).

(*c*) The ordinary hours of actual work or duty exclusive of meal breaks off duty (if any) of employees working on continuous work shifts shall not exceed—

(i) 8 in any one day; nor
(ii) 48 in any one week; nor
(iii) an average of 44 per week during the period of employment upon such shifts; nor
(iv) such average reduced to 43 hours 5 minutes if such shifts include Sunday shifts; nor
(v) a total of 176 hours during any four weeks of the period of employment upon such shifts; nor
(vi) such total reduced to 172 hours 20 minutes during any such four weeks if such shifts include Sunday shifts.

Provided that such average and total shall not be so reduced to 43 hours 5 minutes and 172 hours 20 minutes if the employees on such shifts are for each ordinary hour worked thereon by them paid at the rate of one forty-third (1/43) of the prescribed weekly wage.

(*d*) For all time of duty outside the limits of the ordinary hours prescribed in sub-clause (*c*) hereof, an employee on continuous work shift shall be paid at double rates. But this shall not apply to arrangements between employees themselves or in cases due to rotation of shift, or when the relief does not come on duty at the proper time: Provided that where not less than eight hours' notice has been given to the employer by the employee that he will be absent from work, and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

(*e*) Employees on continuous work shifts, working afternoon and night shifts, shall be paid 5 per cent. more than ordinary rates for such shifts.

(*f*) Employees on continuous work shifts, working any Sunday or holiday shift, shall be paid at the rate of time and a half for such shift.

*Shift Work in other than Continuous Work.*

(*g*) In shift work, not upon continuous work as herein defined, any afternoon or night shift which does not continue for five successive working nights or more in a five-day workshop, or six successive working nights or more in a six-day work shop, shall be paid for at the rate of time and a half.

(*h*) Except as hereinafter provided for any afternoon or night shift which has been in operation for five nights or more and less than one month 10 per cent. more than ordinary rates shall be paid and after such shifts have continued for more than one month 7½ per cent. more than ordinary rates shall be paid.

(*i*) (i) Shift workers shall be paid overtime at the rate of time and a half for the first four hours and double time thereafter for all time worked in excess of shift hours.

(ii) Employees who, during a period of engagement, work only on night shifts shall be paid at the rate of time and a quarter.

(iii) When employees are called on to work afternoon and night shifts only they shall change over week and week about, and shall be paid 10 per cent. above ordinary rates for both shifts.

Where men work day and afternoon shifts only they shall change over week and week about, and shall be paid 10 per cent. extra for afternoon shifts.

MIXED FUNCTIONS.

(7) An employee engaged for more than half of one day or shift on duties carrying a higher rate than his ordinary classification, shall be paid the higher rate for such day or shift. If for less than half of one day or shift he shall be paid the higher rate for the time so worked.

OVERTIME.

(8) (*a*) For all work done outside ordinary hours the rates of wages shall be time and a half for the first 4 hours and double time thereafter, such double time to continue to be paid until an employee has been relieved from work for at least 8 hours. Provided that an employee shall not be entitled to payment for such rest period.

(*b*) Except as provided above in computing overtime each day's work shall stand alone.

(*c*) An employee recalled after leaving his workshop to work overtime shall be paid for a minimum of three hours' work at the appropriate rate.

(*d*) An employee occasionally required to hold himself in readiness to work after ordinary hours shall until released be paid standing-by time at ordinary rates from the time from which he is so to hold himself in readiness. But any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back shall continue.

(*e*) An employee (other than on shift) who has worked up to or beyond midnight shall not be bound to continue work on the following day.

(*f*) As far as practicable employees shall not work overtime while competent labour is available.

(*g*) For work done during meal hours and thereafter until a meal hour break is allowed time and a half rates shall be paid. An employee shall not be compelled to work for more than six hours without a break for a meal.

(*h*) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each 4 hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay.

(*i*) Before starting overtime after working ordinary hours a meal break of at least 45 minutes shall be allowed, unless the period of overtime is less than one and a half hours.

An employer and his employee may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

(*j*) An employee required to work overtime for more than 2 hours without being notified the day before that he will be so required to work, shall either be supplied with a meal by the employer or paid 1s. 6d., or if work extends into a second meal hour 2s. 6d. for the two meals, but such payment need not be made to employees living in the same locality as their work shop who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime he shall be paid for each meal so provided.

(*k*) Subject to the provisions of the second part of the sub-clause (*g*) of this clause an employee shall work during meal breaks at the ordinary rates herein prescribed whenever instructed so to do for the purpose of making good break-downs of plant or upon routine maintenance of plant which can only be done while such plant is idle.

(*l*) When an employee, working overtime, finishes work at a time when reasonable means of transport is not available, the employer shall provide him with a conveyance or pay him his current wage for the time occupied in reaching his home.

HOLIDAYS AND SUNDAY WORK.

(9) (*a*) Employees shall be entitled to the following public holidays (without pay as except as hereinafter provided):—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the said days respectively.

*Exceptions.*

By agreement between any employer and his employees, other holidays may be substituted for the said days or any of them as to such employer's undertaking.

(*b*) Employees not engaged in continuous work shall be paid at the rate of double ordinary time for work done on Sundays and public holidays, such double time to continue until the employee has been relieved from duty for at least 8 hours. Provided that the employee shall not be paid for the time he is resting.

Provided that employees engaged in repairs to or renewals of their employer's plant and machinery necessary for resumption of work the next following working day or for maintaining the continuity of electric light and power (not including the installation of new machinery) shall on holidays or Sundays be paid at the rate of time and a half.

(*c*) Employees, other than on shift or engaged in maintaining the continuity of electric light and power, required to work on Sundays or public holidays shall be paid for a minimum of 3 hours' work.

ANNUAL LEAVE.

(10) (*a*) A period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave) in any one or more of the occupations to which this Determination applies.

(*b*) In addition to the leave hereinbefore prescribed seven day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays shall be allowed seven consecutive days' leave including non-working days: Provided that in the case of shift workers whose hours have been reduced or whose wages have been increased in accordance with clause (6) of the Determination service before the date of this Determination shall not be taken into consideration for the purpose of calculating annual leave.

(*c*) Where an employee with twelve months' continuous service in engaged for part of the twelve monthly period as a seven-day shift worker, he shall be entitled to have the period of seven consecutive days' annual leave prescribed in sub-clause (*a*) of this clause increased by half a day for each month he is continuously engaged as aforesaid.

(*d*) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than one week's notice to the employee provided that the giving of annual leave may with the consent of the Secretary for Labour be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of six months.

(*e*) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such a case a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(*f*) If after six months' continuous service in any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer through no fault of the employee the employee shall be paid one-sixth of a week's wages in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.

(*g*) Each employee before going on leave shall be paid a week's wage except a seven-day shift worker who shall be paid for the period of additional leave allowed in his case the amount of wages he would have received for that period if he had not been on such leave. For the purpose of this sub-clause and sub-clause (*f*) hereof the week's wage shall be at the rate prescribed by clauses (2) and (3) of this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

(*h*) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided by sub-clause (*f*) hereof payment shall not be made or accepted in lieu of annual leave.

(*i*) Where leave has been granted to an employee pursuant to sub-clause (*e*) hereof before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted the employer may for each two complete months of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by clause (9) of this Determination.

(*j*) Service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave provided that an employee shall not be entitled to leave or to payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under the Determination hereby rescinded.

(*k*) For the purposes of this clause service shall be deemed to be continuous, notwithstanding—

(i) any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;

(ii) any absence from work on account of sickness or accident and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service.

(*l*) The annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause (9) of this Determination and if any such holiday falls within an employee's period of annual leave there shall be added to that period one day for each such holiday falling as aforesaid.

(*m*) For the purposes of this clause a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month and if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.

(*n*) Where the employer is a successor or assignee or transmittee of a business, if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transmittee the employee in respect of the period during which he was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

(*o*) This clause shall not apply to any employer in respect of any employee to whom—pursuant to a Determination or agreement—he is required to allow annual leave to an extent equal to or greater than that presribed herein.

PIECEWORK RATES.

(11) Subject to the minimum wages herein prescribed an employer may remunerate any of his employees under any system of payment by results.

EXTRA RATES NOT CUMULATIVE.

(12) Extra rates in this Determination, including rates prescribed in clause (4), are not cumulative so as to exceed the maximum of double the ordinary rates.

PAYMENT OF WAGES.

(13) (*a*) Wages shall be paid weekly or fortnightly. Where the services of an employee are dispensed with, wages shall be paid to him on the day of dismissal or forwarded to him by post on the day following.

(*b*) An employee kept waiting for his wages on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid at overtime rates after that quarter-hour, with a minimum of a quarter of an hour.

CONTRACT OF EMPLOYMENT.

*Weekly Employment.*

(14) (*a*) Except as hereinafter provided, employment shall be by the week. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(*b*) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages as the case may be. This shall not affect the right of the employer to dismiss any employees without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid up to the time of dismissal only or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown in 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, except as provided by sub-clause (*d*) hereof, lose his pay for the actual time of such non-attendance.

(*d*) If an employee absents himself from duty, except on public holidays or for days for which he produces a certificate from a medical practitioner or other proof satisfactory to his employer of sickness (aggregating 4 days' sickness in each year), a sum proportionate to his time of absence may be deducted from his pay, i.e., one-sixth of the weekly wage for each day of absence, including Saturday in shops working six days and one-fifth in shops working five days per week: Provided that only time actually lost shall be deducted when an employee is absent with leave on a Saturday.

*Casual Employment.*

(*e*) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he or she performs.

MISCELLANEOUS PROVISIONS.

(15) (*a*) *Tools.*—The employer shall provide for each employee all necessary tools, including micrometer, where used, but excluding other measuring or precision tools less than 13". The employee shall replace or pay for any tools so provided if lost through his negligence.

(*b*) Employers shall provide proper washing and sanitary conveniences. In any workshop in which employees through a shop steward or committee ask for the provision of lockers and shower baths and an undertaking is given that the baths provided will be used by the majority of the workmen and that the baths and lockers will be properly cared for, a locker shall be installed by the employer for each workman, and hot and cold shower baths (away from lavatories) for all workmen employed in foundries.

(*c*) Suitable asbestos sheet and coloured glasses shall be provided by employers for the protection of electric arc and oxy-acetylene operators and their assistants, and suitable mica or other goggles for emery wheel operators.

SHOP STEWARDS.

(16) Shop stewards appointed by employees in each workshop shall be allowed the necessary time during working hours to nterview the employer or his representative on matters affecting employees whom they represent.

TIME AND WAGES BOOK.

(17) Each employer shall keep a time and wages book showing the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

The time occupied by an employee in filling in any time books or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out at the beginning or end of duty.

DEFINITIONS.

(18) "Year" means 365 consecutive days, starting from the 19th July each year.

"Shift work"—afternoon shift means any shift finishing after 6 p.m. and at or before midnight. Night shift means any shift finishing subsequent to midnight and at or before 8 a.m.

"Sunday" means all time between midnight Saturday and midnight Sunday.

"Wet place" means a place in which water is continually dripping from overhead to such an extent as to saturate the clothing of a workman, or a place where water accumulates underfoot to a depth exceeding 2 inches.

PERIODICAL ADJUSTMENT OF WAGES.

(19) The wages rates set out in clause (3) are based upon the following basic wage and, pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act* 1934, this Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage. Provided that the wages of apprentices and improvers in receipt of 20s. per week or more shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause (20):—

*Basic Wage*

| Place. | Basic Wage. | Index Number Set Assigned. |
|---|---|---|
| | £ s. d. | |
| Within the area to which this Determination Applies .. .. .. .. | 4 2 0 | Melbourne |

ADJUSTMENT OF BASIC WAGE.

(20) (*a*) For work done before the beginning of the first pay period to commence in February, 1942, the amount of the basic wage prescribed in clause (19) shall be paid.

(*b*) For work done during each future successive period beginning with the first pay period to commence in a February, a May, an August, and a November, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician:—

(1) The index number set to be applied is that assigned to Melbourne.

(2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.

(3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.

(4) The basic wage shall be of that assigned amount during such successive period.