VICTORIA

GOVERNMENT GAZETTE.

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Factories and Shops Acts.

DETERMINATION OF THE GENERAL BOARD.

(MINERAL EARTHS SECTION.)

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

(*b*) On 18th July, 1938, 11th November, 1940, and 30th September, 1941, respectively, by Orders in Council, the following additional trades and branches of trades were specified to be trades, or branches of trades, for the purposes of section (6) of the *Factories and Shops Act* 1936, that is to say :—

Gold beating.
Ornamenting cakes, where such work is not subject to the Determination of the Pastrycooks Board.
Manufacturing or preparing—
- Designs for paper patterns or for other paper articles whatsoever.
- Paper crackers or bons-bons.
- Lamp-shades of all types other than those made of silk, parchment, glass, metal, porcelain, earthenware, synthetic resin, casein, or other substance of a nature similar to synthetic resin or casein.
- Abrasive articles (other than abrasive paper or cloth), including carborundum wheels, emery wheels, and sharpening stones.
- Articles made of feathers, including dress ornaments and boas.
- Vinegar and yeast.
- Carbon dioxide or other industrial gases for trade or sale in gas, liquid, or solid form.
- Mineral earths by milling, grinding, or pulverizing rocks, earths, or clays other than mineral ores.

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 employed in the following trades and branches of trades, that is to say :—

Renovating carpets ;
Preparing feathers ;
Treating flax ;
Treating pyrites and other metalliferous ores ;
Mixing seed and making poultry foods ;
Glass badging ;
Gold stamping ;
Ivory working ;
Show-card and ticket-writing ;
Manufacturing or preparing—
- Abrasive paper or cloth ;
- Asbestos articles ;
- Blue prints ;
- Buttons and buckles other than those subject to the Determination of the Plastic Moulding Board ;
- Button badges ;
- Carbon articles ;
- Chalk, crayons, or other articles from mineral earth ;

Cinematograph film ;
Composition flooring ;
Cutlery ;
Artificial flowers and bouquets ;
Paper articles not subject to any Board heretofore appointed ;
Honey ;
Ink or adhesives ;
Lead and shot ;
Silk or parchment lamp shades ;
Mica products ;
Fishing and other nets ;
Ornaments for cakes ;
Plaster models ;
Sporting goods not provided for under any Board heretofore appointed ;
Surgical instruments ;
Toys ;
Watch cases"

has made, **in respect of the manufacturing or preparing of mineral earths by milling, grinding, or pulverizing rocks, earths, or clays other than mineral ores,** the following Determination, namely :—

(1) That this Determination shall come into force and become operative on and after 8th May, 1942.

(2) WAGES PER WEEK OF 44 HOURS.

(*a*) Improvers.

	s.	d.
Under 17 years of age	30	0
17 to 18 years of age	53	0
18 to 19 years of age	67	0
19 to 21 years of age	81	0

Proportion (*in any place*).

One improver to every six adult employees.

(*b*) Other Employees.

	s.	d.
Mill attendants	107	0
Persons not otherwise provided for, including mill feeders, baggers, and crusher hands	100	0

Leading Hands—

Leading hands in charge of not fewer than three and not more than ten employees, 6s. per week extra ; more than ten and not more than twenty employees, 12s. per week extra ; more than twenty employees, 18s. per week extra.

(3) PROHIBITION OF EMPLOYMENT.—The Board determines that no person shall be employed as an apprentice.

(4) HOURS OF EMPLOYMENT (EXCEPT IN THE CASE OF SHIFT WORK.)—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.

(5) OVERTIME.—That all time worked outside ordinary hours except by shift workers shall be paid for at the rate of time and a half for the first three hours' work, and double time thereafter.

(6) SHIFT WORK.—(*a*) The ordinary hours of shift workers shall not exceed—

(i) 44 in any week, to be worked in five shifts of 8 hours 48 minutes, on Monday to Friday inclusive, or five shifts of eight hours and one shift (Saturday) of four hours; or

(ii) 88 in fourteen consecutive days, in which case an employee shall not, without payment for overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week;

(iii) 132 in 21 consecutive days, in which case an employee shall not, without payment of overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week.

(*b*) Such ordinary hours shall be worked continuously except for meal breaks at the discretion of the employer. An employee shall not be required to work for more than six hours without a break for a meal.

(*c*) Except at regular change-over of shifts, an employee shall not be required to work more than one shift in each 24 hours.

(*d*) Shift workers whilst on afternoon or night shifts shall be paid 10 per cent. more than the ordinary rates for such shifts.

(*e*) Subject to this sub-clause, shift workers for all time worked on a Sunday or holiday shall be paid at the rates prescribed by clause 7 of this Determination. Where shifts commence between 11 p.m. and midnight on Sundays and/or holidays, the time so worked before midnight shall not entitle the employee to the Sunday or holiday rate: Provided that the time worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending into a Sunday or holiday shall be regarded as time worked on such Sunday or holiday.

(*f*) Shift workers for all time worked in excess of or outside the ordinary working hours prescribed by this Determination or on a shift other than a rostered shift shall—

(i) if employed on continuous work, be paid at the rate of double time; or

(ii) if employed on other shift work, at the rate of time and a half for the first four hours and double time thereafter;

except in each case when the time is worked—

(iii) by arrangement between the employees themselves;

(iv) for the purpose of effecting the customary rotation of shifts; or

(v) is due to the fact that the relief man does not come on duty at the proper time.

Provided that when not less than eight hours' notice has been given to the employer by the relief man that he will be absent from work and the employee whom he should relieve is not relieved, the unrelieved employee shall be paid at the rate of time and a half for the first four hours on duty after he has finished his ordinary shift, and at the rate of double time thereafter, except where the employee is required to continue to work on his rostered day off, when he shall be paid double time.

(*g*) Shift workers who work on any afternoon or night shift which does not continue for at least five successive afternoons or nights in a five-day workshop, or for at least six successive afternoons or nights in a six-day workshop, shall be paid at the rate of time and a half.

(*h*) A shift worker who, during a period of engagement on shift, works only on night shift and without some regular rotation with some other shift or with day work, shall be paid at the rate of time and a quarter for all time worked during ordinary working hours.

(*i*) The method of working shifts may in any case be varied by agreement between the employer and the accredited representative of the union to suit the circumstances of the establishment.

(7) HOLIDAYS.—(*a*) All employees, whether in a city or elsewhere, shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day.

(*b*) If any of the above holidays occurs on a Sunday or Saturday and is not observed on any other day, then employees shall not be paid for such Sunday, and shall be paid for such Saturday as for a half day only when the working week consists of five and a half days.

(*c*) All employees whether in a city or elsewhere, shall be paid for the above holidays an amount for each holiday based on the actual weekly wage paid to them by the employer.

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

(*e*) Any employee who is employed on a Sunday or any holiday provided for herein shall be paid for that day at the rate of double time.

(8) CASUAL EMPLOYEES.—Casual employees, namely persons engaged and paid as such, shall receive the appropriate wages rate together with the addition of ten per cent.

(9) ANNUAL LEAVE.—One week's annual leave shall be given to each employee after not less than twelve months' continuous service. For each holiday prescribed by this Determination and occurring during the period of annual leave, another day shall be added to the period of leave. Where the employment of an employee with not less than six months' continuous service within the twelve-monthly period is terminated during the currency of that period, otherwise than for misconduct, the employee shall be entitled to receive payment of one-twelfth of his weekly wage for each completed month of service. Apart from this provision, payment shall not be made or accepted in lieu of annual leave. Annual leave shall be paid for before it is taken.

Annual leave shall be given within three months after it has become due, but where in any factory it has been the practice to close down production during the Christmas–New Year period, the annual leave shall be given during such period to all employees to whom it is due, provided that by agreement between an employee and his employer, the leave may be taken at any time mutually convenient.

For the purpose of this clause service on 23rd December, 1941, shall be considered commencement of service.

(10) SICK LEAVE.—(*a*) An employee on weekly hiring who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—

(i) He shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation.

(ii) He shall prove to the satisfaction of his employer (or in the event of dispute the Secretary for Labour) that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(iii) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 44 hours of working time.

For the purpose of administering paragraph (iii) of this sub-clause, an employer may, within one month of this Determination coming into operation or within two weeks of the employee entering his employment, require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year; and upon such statement the employer shall be entitled to rely and act.

(*b*) Notwithstanding anything contained in sub-clause (*a*) hereof, an employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to Workers' Compensation) necessitating his attendance during working hours on a doctor, chemist, or trained nurse, or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

"Year" means the period between the 8th day of May in each year and the next 7th day of May.

(11) PAYMENT OF WAGES.—Wages due shall be paid not later than Thursday in each week.

(12) RESPIRATORS.—When engaged at rock-crushing mills or any place where the inhalation of dust or other matter is likely to occur, employees shall be provided, free of charge, with suitable and efficient respirators.

(13) SHOWERS.—The employer shall provide hot and cold shower baths for the employees' use.

(14) Right of Entry of Union Official.—(a) For the purpose of interviewing employees on legitimate union business, a duly accredited union representative shall have the right to enter employers' premises during the midday meal break on the following conditions :—

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

(ii) That he interviews employees only at places where they are taking their meal.

(iii) That not more than one representative of each of not more than three unions be on the premises at any one time.

(iv) That no one representative visit the premises more than once in each week.

(v) That if any employer alleges that a representative is unduly interfering with his work or is creating dissatisfaction amongst his employees, or is offensive in his methods, or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Secretary for Labour.

Provided that where certain employees are working under a system of shift-work which precludes a representative from interviewing them during the midday meal break, the representative shall have the right to enter the employer's premises for the purpose of interviewing such employees at such time and under such conditions as to notice as may be mutually arranged by the representative and the employer or, failing agreement at such times, and under such conditions as the Secretary for Labour may decide.

(b) For the purpose of investigating complaints concerning the application of this Determination, a duly accredited union representative shall be afforded reasonable facilities for entering an employer's workshop or plant during working hours, subject to the following conditions :—

(i) That he discloses to the employer or his representative the complaint which he desires to investigate ;

(ii) that he makes his investigations in the presence of the employer or his representative (if the employer so desires) ;

(iii) that he does not interfere with work proceeding in the workshop or plant ;

(iv) that he conducts himself properly.

(c) A union representative shall be a duly accredited representative of an organization bound by this Determination if he be the holder for the time being of a certificate, signed by the general secretary of that organization and bearing the seal of that organization, in the following form, or in a form not materially differing therefrom :—

(Name of organization.)

This is to certify that is a duly accredited representative of the abovenamed organization.

General Secretary.

Seal.

Date—

Specimen signature of holder.

Strictly not transferable.

(15) Periodical Adjustment of Wages.—The wages rates set out in clause 2 (b) are based upon the following basic wage and, pursuant to 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. 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 shown hereunder shall be adjusted as prescribed in clause 16.

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies	4 6 0	Melbourne

(16) Adjustment of Basic Wage.—(a) Until the beginning of the first pay period to commence in August, 1942, the amount of the basic wage shall be as prescribed in clause 15.

(b) During each future successive period beginning with the first pay period to commence in an August, a November, a February, or a May, 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 :—

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

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

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

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

Table.

Index Number Divisions.	Basic Wage.	Index Number Divisions.	Basic Wage.
	£ s. d.		£ s. d.
834–845	3 8 0	970– 981	3 19 0
846–858	3 9 0	982– 993	4 0 0
859–870	3 10 0	994–1006	4 1 0
871–882	3 11 0	1007–1018	4 2 0
883–895	3 12 0	1019–1030	4 3 0
896–907	3 13 0	1031–1043	4 4 0
908–919	3 14 0	1044–1055	4 5 0
920–932	3 15 0	1056–1067	4 6 0
933–944	3 16 0	1068–1080	4 7 0
945–956	3 17 0	1081–1092	4 8 0
957–969	3 18 0	1093–1104	4 9 0

D. GRANT, Chairman.

REX L. CECIL, Secretary.

Melbourne, 17th April, 1942.

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