

[1669]



VICTORIA GOVERNMENT GAZETTE.

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WEDNESDAY, JULY 7.

[1943

Factories and Shops Acts.

DETERMINATION OF THE CONDENSERIES BOARD.

NOTES.—(a) On 18th July, 1938, the Butter Board was deprived of 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 Butter Factories Board and the Retail Dairy Board) wheresoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale condensed milk, sterilized milk, dried milk, milk sugar, sterilized cream, or any other milk product," and such power was conferred exclusively on the Condenseries Board.

(b) 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 has the power to determine the lowest prices or rates which may be paid to any persons (other than persons subject to the jurisdiction of the Butter Factories Board and the Retail Dairy Board) wheresoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale condensed milk, sterilized milk, dried milk, milk sugar, sterilized cream, or any other milk product, including the treatment of bulk milk for wholesale distribution, has made the following Determination, namely:—

(1) That on 4th June, 1943, the adjusted Determination which came into force as from the beginning of the first pay period to commence in February, 1943, shall be revoked and replaced by this Determination.

(2) Apprentices or Improvers.			Juvenile Workers.			Other Employees.		
WAGES PER WEEK OF 44 HOURS.			WAGES PER WEEK OF 44 HOURS.			WAGES PER WEEK OF 44 HOURS.		
	Shift Workers.	All Others.		Males.	Females.		Shift Workers.	All Others.
	s. d.	s. d.		s. d.	s. d.		s. d.	s. d.
Under 16 years	..	45 6	Under 16 years	38 3	33 6	Milk or cream grader, tester or neutralizer	128 0	117 0
16-17 years	..	53 0	16-17 years	42 9	36 9	Foreman of shift or department ..	128 0	117 0
17-18 "	..	60 3	17-18 "	53 0	41 6	Operator of any of the following machines:—		
18-19 "	79 9	68 6	18-19 "	58 6	48 9	Milk drier (roller system) ..	121 0	110 0
19-20 "	88 9	76 6	19-20 "	68 9	53 0	Milk drier (spray system) ..	122 0	111 0
20-21 "	94 9	82 6	20-21 "	78 3	58 9	Assistant to milk drier (spray system)	121 0	110 0
						Sugar boiler	116 0	105 0
						Vacuum pan—condensery ..	123 0	112 0
						Vacuum pan-dried milk ..	122 0	111 0
						Vacuum pan-milk sugar ..	122 0	111 0
						Evaporator	121 0	110 0
						Homogenizer or visiolizer ..	119 6	108 6
						Cream retort	116 0	105 0
						Powder sifter	114 0	103 0
						Tubular heater or ejector ..	116 0	105 0
						Separator	114 0	103 0
						Pasteurizer	114 0	103 0
						Weighting machine (milk receiving) *Wire hoopers, storeman, stackers or packers	121 0	110 0
						Washers of vacuum pan, vacuum holding vats, or evaporator ..	115 0	104 0
						Male adult washing or sterilizing cans or bottles	116 0	105 0
						All other male adults not covered by a Determination of any other Wages Board	115 0	104 0
						Headwoman, i.e., a person who has charge of employees under, and takes her instructions from, the foreman	113 0	102 0
						Females operating dried milk auto- matic filler	74 0
						All other females	71 3
								69 0

PROPORTION (IN ANY PLACE).

Males.

One apprentice to every three or fraction of three workers receiving not less than 102s. per week.

One improver to every eight or fraction of eight workers receiving not less than 102s. per week.

Females.

One apprentice and one improver to every three or fraction of three workers receiving not less than 69s. per week.

Apprentices or Improvers.	Juvenile Workers.	Other Employees.
WAGES PER WEEK OF 44 HOURS.	WAGES PER WEEK OF 44 HOURS.	WAGES PER WEEK OF 44 HOURS.
		<p>Female workers operating the Majonnier tester shall be paid 9s. 3d. per week in addition to their ordinary wage.</p> <p>Female workers employed in laboratories shall be paid 4s. 3d. per week in addition to their ordinary wage.</p> <p>Persons employed clearing or cleaning horizontal drying boxes shall be paid 3s. 6d. per week for mid-clearance, or 2s. per week for morning clearance, in addition to their ordinary weekly wage.</p> <p>Persons operating more than two vacuum pans shall be paid 4s. per pan extra.</p> <p>Washers of vacuum pans, vacuum holding vats, or evaporators shall be allowed 3d. for each flying clean or 9d. for each full clean in addition to the ordinary weekly wage for the employee concerned.</p> <p>Persons employed cleaning milk tankers and vacuum pan vapour pipes, when the employee enters the latter, shall receive 9d. for each clean in addition to the ordinary weekly wage for the employee concerned.</p> <p>Persons employed stacking tinplate or unloading tinplate from trucks shall be paid 2d. per hour in addition to their ordinary wage.</p> <p>Persons employed unloading or scooping briquettes shall be paid 3d. per hour in addition to their ordinary wage.</p>

(3) DEFINITIONS.—“Juvenile worker” means a person under 21 years of age (other than an apprentice or improver) employed at—

- Weighing, filling, emptying, stacking, capping, sealing, opening, labelling, wrapping, packing, cleaning, or sterilizing tins, cartons, or bottles;
- Stamping or branding tins, cartons, cases, bottles, or labels;
- Stamping, branding, lining, or nailing-up boxes or shooks;
- Handling empty tins, cans, cases, crates, jars, moulds, boxes, or cartons;
- Feeding or assisting on machines; or
- Feeding or taking away from automatic machines.

“Ordinary Worker” means a person—

- (a) who ordinarily works 8 hours 48 minutes between 7 a.m. and 6 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday when the ordinary week's work is performed in five days;
- (b) who ordinarily works 8 hours between 7 a.m. and 6 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and 4 hours on Saturday when the ordinary week's work is performed in 5½ days.

“Shift worker” means a person other than an ordinary worker. Males under 21 years of age (other than an apprentice or improver 18 years of age or over), or females of any age shall not be employed on shift work.

(4) OVERTIME.—The following rates shall be paid—

(a) To “ordinary workers” for all time worked—

- Outside the times of beginning and ending work as fixed in Clause 3
 - Within the times of beginning and ending work so fixed in excess of 4 hours on Saturday and 8 hours on the other working days where an ordinary week's work is worked in 5½ days and for all time worked on Saturday and in excess of 8 hours 48 minutes on Monday to Friday (inclusive) where an ordinary week's work is worked in five days
- } Time and a half.
- Provided that double time shall be paid for all work done on Saturday after 12 noon.

(b) To “shift workers” for all time worked in excess of 7 hours 20 minutes on any day . . . Time and a half.

(5) MEAL INTERVAL.—An interval of 45 minutes shall be granted for meals between the hours of 12 noon and 1.30 p.m., provided that females and juveniles shall be granted such interval not more than 4½ hours after starting work. Shift workers shall be allowed 45 minutes for each meal; such meal time to be not less than three hours, or more than five hours from the time of beginning work.

Meal time, if worked, shall be paid for at the rate of time and a half on prevailing rates, same to continue until such time as the employee has had the full time provided for meal.

(6) CRIB TIME.—An ordinary worker who commences work at 6 a.m. or earlier shall be allowed a rest interval of 15 minutes at not more than three hours from the time of commencing work.

(7) MORNING TEA.—Tea shall be made available each morning for female employees.

(8) CONTINUITY OF WORK.—The work of each day or shift shall be continuous with the customary break for a meal.

(9) TIME WAGES.—Any person employed on time wages for less than the number of hours fixed for an ordinary week's work between midnight on Sunday and midnight on Saturday 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 33 per centum, and for each hour worked beyond the one-half aforesaid the rate of wages payable shall be 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 the event of employees being required to work in excess of 60 minutes' overtime in any one day, they shall be notified of such intention on the previous day. Failing such notice they shall be paid in addition to the overtime a sum of 1s. 6d. for meal.

When an employee has provided himself with customary meal because of receipt of notice of intention to work overtime in excess of 60 minutes in any one day, he shall be entitled to the sum of 1s. 6d. per meal so provided in the event of the overtime not being worked or ceasing before respective meal time.

(11) WAITING TIME.—When an employee is called to work at a certain hour, but is not put on at such hour, the time that the employee is kept waiting shall be treated as time on duty.

(12) ALLOWANCE.—When an employee is required by law or by his employer to wear a washable outer garment such garment (not exceeding two each year) shall be provided by the employer.

- (13) **PAYMENT OF WAGES.**—All wages shall be paid weekly.
- (14) **TERMINATION OF EMPLOYMENT.**—Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or employee.
- (15) **WASHING AND DRINKING FACILITIES.**—Adequate drinking and washing facilities shall be provided in each factory or department. All employees handling briquettes or coal shall be allowed seven minutes' washing time at the conclusion of the day's work. Where conditions of labour warrant their use, changing accommodation and showers shall be provided by the employer.
- (16) **TIME BOOK OR OTHER 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.
- (17) **INSPECTION OF TIME BOOK.**—The Secretary, Assistant Secretary, or Organizer of the Federated Cold Storage and Meat Preserving Employees' Union of Australia, duly authorized in writing under the seal of the said Union shall have access to the record of times recorded by the employees and the wages paid for a period of two months prior to date of inspection, provided that such inspection shall be made during the office hours of the factory, and not more than once in any fortnight. Authority shall be produced to the employer on demand.
- (18) **VARIATION OF DETERMINATION.**—Where the exigencies of the industry are such that the best interests of the employer's employees, and the community as a whole may be served by varying any part of this Determination by mutual consent, such variation may be mutually arranged by agreement with an officer of the Department of Labour, an officer of the Federated Cold Storage and Meat Preserving Employees' Union of Australia, and the employer or his representative. Full particulars of such variation are to be reported to and approved by the Chief Inspector of Factories or his deputy.
- (19) **IMPROVER TO RECEIVE ADULT WAGE.**—An improver employed at any class of work for which a certificate from the Department of Agriculture is required, shall, unless he is working under the direct supervision of an employee so qualified, be paid the rates of pay prescribed for such an adult employee.
- (20) **LIFTING OF WEIGHTS.**—No person under the age of eighteen years shall lift weights exceeding 30 lb. and no person between the age of 18 and 21 years shall lift weights exceeding 45 lb.
- (21) **ANNUAL LEAVE.**—Any employee who has been in the service of the same employer for a period of not less than twelve months shall be granted two weeks' holiday on full pay each year, and such holiday shall be given within three months of completion of each twelve months' service.
- If the employee leaves or is dismissed before the expiration of twelve months, then such employee shall be given or paid for one day's holiday for each calendar month or part of a calendar month's service. Provided that an employee shall not be entitled to one day's holiday pay for part of a calendar month until he has completed three calendar months' continuous service with the same employer.
- (22) **SICK LEAVE.**—(a) 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 proportionately less time during any shorter period of employment. For the purposes of this clause service prior to 4th June, 1943, shall be disregarded.
- (b) If the full period of sick leave as prescribed in sub-clause (a) hereof is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding eight days, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.
- (23) **MIXED FUNCTIONS.**—Where an employee is engaged in any one day or shift for more than two hours at work in a higher class than he is employed to perform, he shall be paid for the full day or shift at the highest rate payable for any such work under this Determination, but if he is so engaged for less than two hours he shall be paid at the rates fixed by this Determination only for the work he actually performs.
- (24) **SPECIAL RATES.**—(a) Time and a half shall be the rate payable for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, Christmas Day, Boxing Day, and a holiday to be fixed by each factory in lieu of King's Birthday in accordance with Clause 18; 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.
- (b) Any employee who works part of a holiday shall be paid ordinary rate for remainder of the day.
- (c) Any employee required to work on a Sunday shall be entitled to a minimum of an ordinary day's pay or work at special rates to enable him to earn such ordinary day's pay.
- (25) **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 apprentices, improvers, juveniles, and females 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 (26).

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination applies	£ s. d. 4 12 0	Melbourne

(26) **ADJUSTMENT OF BASIC WAGE.**—(a) Until the beginning of the first pay period to commence in August, 1943, the amount of the basic wage shall be as prescribed in clause (25).

(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:—

- (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 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) 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.

Table.

Index Number Divisions.	Basic Wage.	Index Number Divisions.	Basic Wage.
	£ s. d.		£ s. d.
904-1006	4 1 0	1118-1129	4 11 0
1007-1018	4 2 0	1130-1141	4 12 0
1019-1030	4 3 0	1142-1154	4 13 0
1031-1043	4 4 0	1155-1166	4 14 0
1044-1055	4 5 0	1167-1179	4 15 0
1056-1067	4 6 0	1180-1191	4 16 0
1068-1080	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

Any extension of this table must be the same construction as the table.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 16th June, 1943.

IN THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of the above Determination of
the Condenseries Board

and

IN THE MATTER of Appeals by the representatives
of the employers and of the employees on the said
Board.

(Before His Honour Judge Stretton, Mr. C. H. Grant, and
Mr. J. V. Stout).

Monday the 21st day of June, 1943.

These Appeals coming on for hearing this day UPON READING the
appeals and UPON HEARING Messieurs Boykett and Abigail for the
representatives of the employers and Messieurs Healey and Scutcheon for
the representatives of the employees THIS COURT DOTH ORDER AND
DETERMINE:—

*1. *Wire hoopers*: that the words "wire hoopers" be deleted from
the expression "wire hoopers, storeman, stackers, or packers"
in clause (2) of the said Determination.

*2. *Sick Leave*: that clause (22) be deleted from the said Determination.

By the Court.

REX L. CECIL,
Registrar.