



# VICTORIA GOVERNMENT GAZETTE.

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WEDNESDAY, JUNE 6.

[1945

Factories and Shops Acts.

## DETERMINATION OF THE CEMETERY EMPLOYEES BOARD.

NOTE.—This Determination on the 5th December, 1941, applied to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, and the Order in Council thereunder, the Wages Board appointed to "determine the lowest price or rates which may be paid to any person employed in or about a cemetery as a grave digger, grave decorator, gatekeeper, labourer, or gardener" has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 25th May, 1945, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Apprentices or Improvers.				Other Employees.			
				Wages.			
Wages per Week of 44 Hours.				Within the Metropolitan District.		All other Parts of Victoria.	
s. d.				Per Hour.	Per Week of 44 Hours.	Per Hour.	Per Week of 44 Hours.
s. d.				s. d.	s. d.	s. d.	s. d.
1st year	..	..	24 6	2	9 <sup>8</sup> / <sub>11</sub>	2	8 <sup>7</sup> / <sub>11</sub>
2nd "	..	..	28 6	..	122 6	..	118 6
3rd "	..	..	33 0	2	5 <sup>2</sup> / <sub>11</sub>	2	5 <sup>2</sup> / <sub>11</sub>
4th "	..	..	39 6	..	109 0	..	107 0
5th "	..	..	50 6	Grave diggers	..	..	..
				All others	..	..	..

PROPORTION (WITHIN ANY PLACE).  
One apprentice and one improver to every three or fraction of three workers receiving not less than the minimum wage.

### ALLOWANCES.

3. (a) Any employee who is required to set and/or fire explosives shall be paid 2s. extra per day for each day or part of a day on which he performs such operations, and any person who has been directed by the management to assist such an employee shall be paid 1s. extra per day for each day or part of a day on which he is so required to assist.

(b) Any employee who is engaged in boring holes in stone by hand or machine for any period in excess of two hours on any day shall be paid 1s. per day extra for each day on which he is so required to work.

### EXHUMATIONS.

4. Workmen employed for the purpose of exhumations shall be paid for the first body exhumed from any grave the sum of one pound and for each additional body exhumed from the same grave a further ten shillings shall be paid.

### TIME OF BEGINNING AND ENDING WORK.

Time of Beginning.	Time of Ending.
7.30 a.m. ..	.. 12 noon on the day on which the half-holiday is locally observed.
7.30 a.m. ..	.. 5.15 p.m. on the other working days of the week.

## OVERTIME.

6. All work done outside the hours specified as the times of beginning and ending work, or for any work done within such hours in excess of 44 hours in any week, shall be paid at the rate of time and a half. Provided that any employee who is required to do any work after 1 p.m. on the day on which the half holiday is locally observed shall receive a minimum payment for four hours' work at such overtime rate. Such overtime shall be paid for in cash, and employees shall not be booked time off in lieu thereof.

## HOLIDAYS.

7. (a) Employees shall, as far as practicable, be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labour Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day, and,

(i) within the Metropolitan District as defined in the Factories and Shops Acts—Melbourne Cup Day;

(ii) outside the said Metropolitan District—Melbourne Cup Day or in lieu of such day, a holiday to be mutually agreed upon between any Cemetery Trust and a majority of its employees;

but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, this condition shall only apply for the day so substituted, or should any such holiday occur on a Sunday and a day is not so substituted, employees shall be entitled to a holiday in lieu of same on a day to be arranged between the employees and the Trust concerned.

Provided that should an employee be required to work on any day specified in this sub-clause such work shall not include the digging of stock graves, but may include:—

(i) any necessary maintenance work up to noon on such day;

(ii) the filling in of a grave;

(iii) the preparation of an ordered grave.

(b) Any employee who having been instructed to report for work on any holiday mentioned in sub-clause (a) hereof shall if he so reports be entitled to payment as follows:—

(i) An allowance of 5s. if not given a start at work.

(ii) A full day's wage if required to do any work on any such day.

The allowance or wage provided for in (i) and (ii) hereof are in addition to the payment of a day's pay to which an employee is entitled under sub-clause (a).

## SUNDAYS.

8. All work done on Sundays shall be paid for at double time. Provided that any employee who is required to be on duty solely for the purpose of opening or closing the cemetery and/or for acting as a patrolman or as a supervising attendant shall receive a minimum payment of 6s., and any employee called on duty to do any other work shall receive a minimum payment of one pound for each Sunday he is so required to work.

## NOTICE OF WORK ON A SUNDAY OR HOLIDAY.

9. If at all possible, 24 hours' notice that his services will be required on such day, shall be given to an employee required to work on a Sunday or a holiday specified in clause 7.

## PICNIC DAY.

10. The 3rd Wednesday in February in each year shall be observed as a holiday within a radius of 20 miles of the General Post Office, Melbourne, and at Ballarat, Bendigo, and Geelong. Employees (except those required to carry out essential services) shall be entitled to such holiday without deduction of pay.

Employees required to carry out essential services may receive ordinary rates of pay only for work done on such day, but shall within one month receive another day off in lieu of such picnic holiday or have one day added to the annual leave provided for in clause 13.

## FARE ALLOWANCE.

11. Any employee residing outside a radius of five miles from his place of employment shall in addition to any other amounts to which he may be entitled under this Determination receive the sum of Two shillings per week as a fare allowance.

## TERMS OF ENGAGEMENT.

12. Any employee (other than a casual employee) willing and available to work shall in respect of each week of his employment be paid the full weekly wage fixed by this Determination.

## ANNUAL HOLIDAY.

13. (a) Any employee (other than a casual employee) who has been in the service of an employer for a period of not less than twelve months, shall be granted 6½ days' (exclusive of Sundays and the days mentioned as holidays in clause 7) annual holidays in each year on full pay. Such leave shall be granted within three months of becoming due. For the purpose of computing annual leave Saturday shall be deemed to be half a day. An employer by mutual arrangement with an employee may pay such employee 6½ days' additional pay in lieu of the annual leave provided in this sub-clause.

(b) Any employee who is granted leave as prescribed in sub-clause (a) hereof shall receive payment for such leave period before ceasing work on the last working day preceding such leave period.

(c) Any employee who has been in the service of an employer for a period exceeding twelve months and who is discharged for any reason other than for a misdemeanour shall be entitled to holiday pay consisting of one-half day's pay for each month of service subsequent to the date when the last previous annual leave provided for in sub-clause (a) became due.

## PAYMENT OF WAGES.

14. Wages shall be paid not later than Thursday in each week.

## SICK LEAVE.

15. (a) Any employee (other than a casual employee) who has not less than twelve months' service with the same employer shall be entitled to leave of absence on account of ill health or accident, provided he has submitted within 24 hours of the commencement of such absence satisfactory evidence that same is not the result of his own misconduct. If the conditions hereinbefore stated have been complied with, the employee shall also be entitled during such absence in any year to payment as follows:—

(i) For the first two weeks, full pay.

(ii) For the next two weeks, half pay.

(b) Notwithstanding anything contained in sub-clause (a) hereof, if the full period of sick leave, as prescribed above is not taken during the employee's fourth, or any subsequent year of continuous service, such portion as is not taken in such fourth or any subsequent year of service, shall be cumulative from year to year up to a period not exceeding six weeks on full pay, and a further six weeks on half pay, provided that for each two weeks of any such sick leave, a medical certificate, or other satisfactory evidence of injury or illness shall be furnished by the employee if so required.

(c) Notwithstanding anything contained in sub-clauses (a) or (b) hereof, for absence on account of ill-health or injury for any period not exceeding two consecutive working days, and not exceeding in the aggregate four working days in any one year, the production of a medical certificate shall not be necessary.

(d) Where, under any scheme of insurance or an accident relief or provident fund, to secure the benefit of which the employer has paid the necessary premium, or under any Workers' Compensation Act, compensation becomes payable for any of such days of absence, the employer shall not be bound to pay more of such wage as is prescribed by sub-sections (a) and (b) hereof than is sufficient with such compensation to make up the full or half pay as the case may be.

(e) For the purpose of this clause a year shall mean a period of twelve months commencing on the 1st day of January in each year.

WET PLACES.

16. Employees required to work in wet places shall be provided with leather or rubber knee boots. Suitable and adequate overhead covering shall be provided for all employees engaged in grave digging.

PROTECTION FROM FALLING EARTH OR MASONRY.

17. Where an employee is working in sand or loose earth at a depth of 5 ft. 6 in. or greater, or in any earth at a depth below 7 feet, he shall be assisted by another employee, or given protection by means of timbering or other adequate protection to obviate danger from falling earth or masonry.

DEFINITION.

18. A casual employee is a person who is not required to report for duty on each or every ordinary working day, but who is called upon to do certain specified work at irregular intervals.

TERMINATION OF EMPLOYMENT.

19. 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 worker, or a week's wages shall be paid or forfeited, as the case may be, in lieu thereof. This clause does not operate in the case of a casual employee.

PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates for males 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 or improvers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 6d., half or less than half of 6d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause 21.

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Throughout the State of Victoria .. .. .	£ s. d. 4 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

21. (a) Until the beginning of the first pay period to commence in August, 1945, the amount of the basic wage shall be as prescribed in clause 20.

(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.
994-1006 .. .. .	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 of the same construction as the table.

A. V. BARNS, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 29th May, 1945.

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