



VICTORIA GOVERNMENT GAZETTE.

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No. 53]

MONDAY, MARCH 25.

[1946

Factories and Shops Acts.

DETERMINATION OF THE MANUFACTURING CHEMISTS BOARD.

NOTE.—This Determination applies to the following parts of Victoria, viz.:—The Metropolitan District and the Geelong District as defined in the Factories and Shops Acts; the cities of Ballarat, Bendigo, Sandringham, and Warrnambool; the boroughs of Eaglehawk and Sebastopol; and such portion of the shire of Buninyong as is within a radius of 5 miles of the Ballarat Post Office.

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—

(a) a wholesale or a manufacturing chemist;

(b) manufacturing toilet preparations, perfumery, essences, essential oils, food preservatives, branding fluids, deodorants, disinfectants, fungicides, insecticides, vermin destroyers, weed destroyers,"

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 1st March, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

WAGES.

	Apprentices.						Improvers.						
	Males.			Females.			Males.			Females.			
	Adjust-able Weekly Rate.	War Loading Non-adjust-able.	Total Weekly Wage.	Adjust-able Weekly Rate.	War Loading Non-adjust-able.	Total Weekly Wage.	Adjust-able Weekly Rate.	War Loading Non-adjust-able.	Total Weekly Wage.	Adjust-able Weekly Rate.	War Loading Non-adjust-able.	Total Weekly Wage.	
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
1st year	22 0	0 9	22 9	22 0	0 9	22 9	Under 16 years	23 6	0 9	24 3	20 0	0 6	20 6
2nd "	28 6	0 9	29 3	24 9	0 9	25 6	of age						
3rd "	36 3	1 0	37 3	28 6	0 9	29 3	16 years of age	28 6	0 9	29 3	22 0	0 9	22 9
4th "	44 0	1 3	45 3	36 0	1 0	37 0	17 "	38 0	1 0	39 0	24 9	0 9	25 6
5th "	52 6	1 6	54 0	44 3	1 3	45 6	18 "	51 9	1 6	53 3	29 0	0 9	29 9
							19 "	64 0	1 9	65 9	35 6	1 0	36 6
							20 "	80 0	2 3	82 3	44 3	1 3	45 6

NUMBER (in any place).

Apprentices.

One apprentice to every three or fraction of three workers of the same sex receiving not less than the minimum wage.

Male Improvers.

One male improver to every two male workers receiving 106s. per week.

Female Improvers.

Two female improvers to each female worker receiving 61s. 3d. per week.

Apprentices and Improvers shall be subject to the same number of hours per week as fixed for their respective sections.

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OTHER EMPLOYEES.		Per Week of 44 Hours.		
		Adjustable Weekly Rate.	War Loading Non-adjustable.	Total Weekly Wage.
<i>Males.</i>				
Employees in Warehouses.				
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	
Foreman of any Department in which six or more workers are employed	134 0	3 0	137 0	
Foreman of any Department in which three to five workers are employed	125 0	3 0	128 0	
First Assistant in any Department in which five or more workers are employed ..	117 0	3 0	120 0	
Drug Department employee engaged in weighing, measuring, and wrapping under supervision	110 0	3 0	113 0	
Salesman in any Department under supervision	107 6	3 0	110 6	
All others	103 0	3 0	106 0	
EMPLOYEES IN FACTORIES AND ELSEWHERE.				
Foreman capable of manufacturing from given formulae, under supervision, and who is in charge of six or more workers	133 0	3 0	137 0	
Foreman capable of manufacturing from given formulae, under supervision, and who is in charge of one to five workers	125 0	3 0	128 0	
First Assistant where five or more workers are employed	117 0	3 0	120 0	
Either Stillman	115 0	3 0	118 0	
Assistant engaged in any of the following processes under supervision :—				
(a) Manufacturing Galenical or Chemical Compounds, Pills, Tablets, Toilet Preparations and Perfumery	110 0	3 0	113 0	
(b) Granulating				
(c) Pill and Tablet Coating				
All others	103 0	3 0	106 0	
<i>Females.</i>				
Forewoman in charge of one to five workers	75 9	2 3	78 0	
Forewoman in charge of six or more workers	78 9	2 3	81 0	
Other adults	69 6	1 9	71 3	

3. **TIMES OF BEGINNING AND ENDING WORK :—**
 Times of Beginning. Times of Ending.
 7.30 a.m. .. 1 p.m. .. on the day the half-holiday is usually observed.
 7.30 a.m. .. 6 p.m. .. on the other working days of the week.

OVERTIME.

4. The following rates shall be paid for all work done :—
 Outside the times of beginning and ending work } Time and a half for the first three
 Within the times of beginning and ending work, in excess of 44 hours in any week } hours and double time thereafter.

TEA MONEY.

5. An employee required to work overtime for any period in excess of one hour after the usual hour of ceasing duty shall be paid as follows for a meal :—
 (a) Males 16 years and over, when no notice of intention to work overtime was given the previous day 2s. 6d.
 (b) Females and males under 16 years 2s. 6d.

Provided that when any employee is notified the previous day of the intention to work overtime and overtime is not worked he shall be entitled to the appropriate meal allowance as herein provided.

TERMS OF EMPLOYMENT.

6. (a) All employees shall be engaged by the week, and shall be paid weekly. A week's notice shall be given by the employer or employee to determine employment, or, in lieu of such notice, a week's wages shall be paid. Such notice shall be given at the end of a working week. All time of absence from work shall be deducted from the employee's wages, except absence on the holidays hereinafter mentioned and except absence without deduction of pay in accordance with clause 9.
 (b) Notwithstanding the provisions of sub-clause (a) hereof the employer may deduct payment for any time during which the employee cannot be usefully employed because of any strike, or any other cause for which the employer cannot reasonably be held responsible; but any such employee shall be entitled to payment for any of the holidays named in clause 7 which occur during such period.

HOLIDAYS.

7. All employees shall be entitled to the twelve holidays hereinafter mentioned without deduction of pay :—New Year's Day, Australia Day, Union Picnic Day, Labor Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day.

ANNUAL LEAVE.

Period of Leave.

8. (a) Except as hereinafter provided a period of fourteen consecutive days' leave shall be allowed annually to an employee after twelve months' continuous service (less the period of annual leave) as an employee in any one or more of the occupations to which this Determination applies.

Seven-day Shift Workers.

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

Annual Leave Exclusive of Public Holidays.

(c) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 7 of this Determination, and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to that period one working day for each such holiday falling as aforesaid.

Where a holiday falls as aforesaid and the employee fails without reasonable cause proof whereof shall be upon him to attend for work on the working day immediately preceding the first day or at his ordinary starting time on the working day immediately following the last day of the period of his annual leave he shall not be entitled to be paid for any such holiday.

Broken Leave.

(d) The annual leave shall be given and taken in a continuous period or, if the employee and the employer so agree, in two separate periods and not otherwise.

Calculation of Continuous Service.

(e) 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 personal sickness or accident or on account of leave lawfully granted by the employer or
- (iii) any absence with reasonable cause proof whereof shall be upon the employee.

In calculating the period of twelve months' continuous service any such absence as aforesaid shall not, except to the extent of not more than fourteen days in a twelve-monthly period in the case of sickness or accident, be taken into account in calculating the period of twelve months' continuous service.

In cases of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this sub-clause shall inform the employer in writing if practicable within 24 hours of the commencement of such absence of his inability to attend for duty and as far as practicable the nature of the illness injury or cause and the estimated duration of his absence. A notification given by an employee pursuant to clause 9 shall be accepted as a notification under this sub-clause.

Any absence from work by reason of any cause not being a cause specified in this sub-clause shall not be deemed to break the continuity of service for the purposes of this clause unless the employer during the absence or within fourteen days of the termination of the absence notifies the employee in writing that such absence will be regarded as having broken the continuity of service.

In cases of individual absenteeism such notice shall be given in writing to the employee concerned, but in cases of concerted or collective absenteeism notice may be given to employees by the posting up of a notification in the plant, in the manner in which general notifications to employees are usually made in that plant and by posting to the union whose members have participated in such concerted or collective absenteeism a copy of same not later than the day it is posted up in the plant.

A notice to an individual employee may be given by delivering same to him personally or by posting it to his last recorded address, in which case it shall be deemed to have reached him in due course of post.

Calculation of Service.

(f) Service before the 1st January, 1946 shall be taken into consideration for the purpose of calculating annual leave, but an employee shall not be entitled to leave or 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 clause hereby revoked. Provided however, that in respect of service before the 1st January, 1946, the annual leave shall be allowed at the rate of 6 hours for each completed one month of continuous service and in respect of service after that date at the rate of 7½ hours for each completed one month of continuous service. Any broken part of a month served before the 1st January, 1946, shall for the purposes of this clause be deemed to be service after the 1st January, 1946. The period of annual leave to be allowed under this sub-clause shall be calculated to the nearest day any broken part of a day in the result not exceeding half a day to be disregarded.

Where the employer is a successor or assignee or transferee 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 transferee 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.

Calculation of Month.

(g) For the purpose 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.

Leave to be Taken.

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

Time of Taking Leave.

(i) Annual leave shall be given at a time fixed by the employer within a period not exceeding three months from the date when the right to annual leave accrued and after not less than two weeks' notice to the employee.

Leave Allowed Before Due Date.

(j) 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.

Where leave has been granted to an employee pursuant to this sub-clause 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 one complete month 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-twelfth 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 7 of this Determination.

Payment for Period of Leave.

(k) Each employee before going on leave shall be paid two weeks' wages, except a seven-days shift worker who shall be paid the amount of wage he would have received in respect of the ordinary time which he would have worked had he not been on leave during the relevant periods. For the purposes of this sub-clause and sub-clause (l) hereof, wages shall be at the rate prescribed by clause 2 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.

Proportionate Leave on Dismissal.

(l) If after one month's continuous service in any qualifying twelve-monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid at his ordinary rate of wage for 6 hours in respect of each completed one month of continuous service before the 1st January, 1946, and for 7½ hours at the same rate in respect of each completed month of continuous service after that date, the service in each case being service in respect of which leave has not been granted hereunder.

Annual Close Down.

(m) Where an employer closes down his plant, or a section or sections thereof, for the purposes of allowing annual leave to all or the bulk of the employees in the plant, or section or sections concerned, the following provisions shall apply—

- (i) He may by giving not less than one month's notice of his intention so to do stand off for the duration of the close down all employees in the plant or section or sections concerned, and allow to those who are not then qualified for two full weeks' leave, paid leave on a proportionate basis of one-sixth of a week's leave for each completed month of continuous service.
- (ii) An employee who has then qualified for two full weeks' leave, and has also completed a further month or more of continuous service shall be allowed his leave, and shall also be paid one-sixth of a week's wages in respect of each completed month of continuous service performed since the close of his last twelve-monthly qualifying period.
- (iii) The next twelve-monthly qualifying period for each employee affected by such close down shall commence from the day on which the plant, or section or sections concerned is re-opened for work.
- (iv) If in the first year of his service with an employer an employee is allowed proportionate annual leave under paragraph (i) hereof, and subsequently within such year lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, he shall be entitled to the benefit of sub-clause (l) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

SICKNESS, ACCIDENTS.

9. (a) Any employee not attending duty shall lose his or her pay for the actual time of non-attendance unless he or she produces or forwards within 24 hours of the beginning of his or her absence evidence satisfactory to the management that his or her non-attendance was due to personal accident arising out of or in the course of his or her employment or to personal ill health sufficient to incapacitate him or her for his or her usual work.

An employee shall not be entitled to payment for non-attendance on the ground of accident or ill health for more than forty-four hours of working time in each year.

For the purposes of this clause a year shall mean a period of twelve months commencing on the 1st day of June in each year.

(b) Notwithstanding the provisions of sub-clause (a) hereof, if the full period of sick leave as prescribed 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 132 hours of working time which shall be the maximum amount of leave to which an employee may be entitled in any year of service without deduction of pay.

For the purposes of this sub-clause service prior to 1st March, 1946, shall be disregarded.

DEFINITION OF FOREMAN.

10. Where three or more adults are employed in any department of a warehouse, one shall be deemed to be a foreman and entitled to the rate prescribed for such a foreman.

MEAL INTERVAL.

11. No employee shall be required to work for a longer period than five hours without an interval of at least half an hour for a meal.

SPECIAL RATES.

12. All work done on Sundays, New Year's Day, Australia Day, Easter Monday, Good Friday, Labour Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day shall be paid for at the rate of double time; but if any other day be by Act of Parliament or Proclamation substituted for any of the above holidays, the special rates shall be payable only for the days so substituted.

SHIFT WORK.

13. By mutual agreement between an employer and his employees shifts may be worked subject to the following conditions:—

(a) The rates of pay for shift workers shall be:—

(i) On afternoon shift, 7½ per cent. in excess of ordinary rates.

(ii) On night shift, 10 per cent. in excess of ordinary rates.

(b) Overtime shall be paid at the rate of time and a half for all time worked in excess of 8 hours per shift in any week in which six or more shifts are worked and in excess of 8 hours 48 minutes per shift in any week in which less than six shifts are worked.

(c) 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.

(d) For the purposes of this clause "afternoon shift" means any shift finishing after 6 p.m. and at or before midnight and "night shift" means any shift worked wholly or partly between midnight and 7.30 a.m.

RIGHT OF ENTRY OF UNION OFFICIAL.

14. A duly accredited representative of the Federated Storemen and Packers' Union of Australia shall have the right to enter employers' establishments during the midday meal hour for the purposes of interviewing employees on legitimate Union business on the following conditions:—

(a) That he produces his authority to the employer or his representative.

(b) That he interviews employees only at the place where they are taking their meal.

(c) That not more than one representative in all be in any establishment at any one time.

(d) That no one representative visit an establishment more than once a fortnight.

(e) That if an employer alleges that a representative is unduly interfering with his establishment or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions, such employer may refuse right of entry, but the representative shall have the right to bring such refusal before this Wages Board.

PERIODICAL ADJUSTMENT OF WAGES.

15. 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, improvers, and of 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 proscribed in clause 16.

Basic Wage.

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

ADJUSTMENT OF BASIC WAGE.

16. (a) Until the beginning of the first pay period to commence in May, 1946, 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 a May, an August, a November, or a February, 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 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.

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

J. V. WILLOX, Secretary.

Melbourne, 19th March, 1946.

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