



VICTORIA GOVERNMENT GAZETTE.

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[1946

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 10 (FISH AND POULTRY).

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

(b) On the 29th May, 1945, the Shops Board No. 10 (Fish and Poultry), the Determination of which was operative over an extended area, was appointed to take the place of the Shops Board No. 10 (Fish and Poultry) appointed on the 27th July, 1914, the Determination of which was limited to portion of the State only.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the 24th April, 1933, has had power to "determine the lowest prices or rates which may be paid to any persons wheresoever employed in the business of—

- (a) killing, plucking, dressing poultry or game ;
 (b) preparing fish for sale uncooked or for canning, drying, or smoking ;
 (c) selling by wholesale or retail (except for consumption on the premises) poultry, game, fish, or oysters ;
 (d) marketing (in fish and poultry markets) poultry, game, or fish"—

has made the following Determination, namely:—

- (a) That on the 26th April, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

PART ONE.

This Part applies to Persons employed in connexion with the Preparation of Rabbits for the Wholesale or Export Trade.

1. APPRENTICES OR IMPROVERS. Wages per Week of 44 Hours.

	Males.			Females.		
	Ordinary Wage.	War Loading.	Total Wage.	Ordinary Wage.	War Loading.	Total Wage.
	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>
Under 16 years of age	29 0	0 9	29 9	27 6	0 9	28 3
16 years of age	33 6	1 0	39 6	30 0	0 9	30 9
17 years of age	47 0	1 3	48 3	33 6	0 9	34 3
18 years of age	61 0	1 6	62 6	36 6	1 0	37 6
19 years of age	81 6	2 0	83 6	44 6	1 3	45 9
20 years of age	86 0	2 3	88 3	51 0	1 3	52 3

PROPORTION.

MALES.

Apprentices.

One male apprentice to every three or fraction of three male workers receiving not less than 116s. per week of 44 hours.

Improvers.

One male improver to every four or fraction of four male workers receiving not less than 116s. per week of 44 hours.

FEMALES.

Apprentices.

One female apprentice to every three or fraction of three female workers receiving not less than 60s. 6d. per week of 44 hours.

Improvers.

One female improver to every four or fraction of four female workers receiving not less than 60s. 6d. per week of 44 hours.

OTHER EMPLOYEES.

	Ordinary Wage.	War Loading.	Total Wage.
	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>
Rabbit skimmers or boners	118 6	3 0	121 6
Grader who grades for the export trade	124 0	3 0	127 0
Females employed filling cartons with boned meat	59 0	1 6	60 6
All others	113 0	3 0	116 0

TIME OF BEGINNING AND ENDING WORK.

2.	Time of Beginning.	Time of Ending.
	6.30 a.m.	4.30 p.m. on each of the five ordinary working days in the week.
	6.30 a.m.	11.30 a.m. on Saturday.

OVERTIME.

3. (a) Outside the hours fixed as the time of beginning and ending work } Time and a half, provided that all
 (b) Within the hours fixed as the time of beginning and ending work in excess of } work done after 1 p.m. on Saturday
 four hours on Saturday and eight hours on other days } shall be paid for at double time.

SPECIAL RATES.

4. (a) Double time shall be the special rate for all work done by time workers on Sunday, New Year's Day, Good Friday, Labour Day, and Christmas Day; and time and a half for all work done on Australia Day, Easter Monday, King's Birthday, 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.

(b) For all work done on Sunday, New Year's Day, Good Friday, Labour Day and Christmas Day piece-workers shall be paid double the rates mentioned in clause 15; and for all work done by such workers on Australia Day, Easter Monday, King's Birthday, and Boxing Day, the ordinary rates, plus 50 per cent., shall be paid.

(c) Pieceworkers shall be entitled to be absent on the Public Holidays mentioned in sub-clause (b) hereof and shall for such days be paid at time workers rates.

TIME RATES.

5. Any person employed between midnight Sunday and midnight Saturday on time wages for less than the number of hours fixed for an ordinary week's work shall for each hour worked up to one-half the number of hours per week fixed in this Determination be paid the ordinary wage, with an addition of 33 $\frac{1}{4}$ per cent., 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.

WAITING TIME.

6. Employees (piece-workers included) who are required to wait for a longer period than an aggregate of one hour (exclusive of meal hours) per day shall be paid for such excess at the wage rate provided for the class of work done.

TIME RECORD.

7. All employees (including piece-workers) shall indelibly record their daily times of beginning and ending work in a book, or on time cards, or by a mechanical contrivance. Any one of such means of recording shall be provided and maintained by the employer.

UNION INSPECTION.

8. An accredited representative of the Federated Cold Storage and Meat Preserving Employees Union of Australia shall have access to the records of times recorded and wages received by employees provided that such inspection is made during working hours.

DINING AND CHANGING ROOM.

9. A dining-room, changing-room, adequate washing facilities, and in addition (where facilities are available) hot water for the making of tea shall be provided.

PREMISES TO BE KEPT CLEAN.

10. The employer shall cause all rooms used by employees to be kept reasonably clean, and free from debris.

WET WORK.

11. Where any wet work is performed waterproof aprons and rubber boots shall be provided free of cost to the employee.

MEAL HOUR.

12. A period of one hour shall be allowed for breakfast between the hours of 8 a.m. and 9.30 a.m., and also a period of one hour for dinner between the hours of 11.30 a.m. and 1.30 p.m.

SMOKE OH.

13. Employees shall be entitled to a smoke oh period of ten minutes each morning and afternoon.

ANNUAL LEAVE.

Period of Leave.

14. (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.

Annual Leave Exclusive of Public Holidays.

(b) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 4 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.

(c) 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.

(d) 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.

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.

(e) 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 $3\frac{1}{2}$ hours for each completed one month of continuous service and in respect of service after that date at the rate of $7\frac{1}{2}$ 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 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.

Calculation of Month.

(f) 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.

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

Time of Taking Leave.

(h) 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.

(i) 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 4 of this Determination.

Payment for Period of Leave.

(j) Each employee before going on leave shall be paid two weeks' wages, except an employee taking his leave pursuant to sub-clause (c) of this clause, who shall be paid the amount of wages 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 (k) hereof, wages shall be at the rate prescribed by clause 1 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.

(k) 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 $3\frac{1}{2}$ hours in respect of each completed one month of continuous service before the 1st January, 1946, and for $7\frac{1}{2}$ 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.

(l) 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. Provided that all time during which an employee is stood off without pay for the purposes of this sub-clause shall be deemed to be service in the next twelve-monthly qualifying period.
- (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 (k) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

Disputes.

(m) Any dispute arising in connexion with annual leave shall be referred to the Wages Board.

SICK LEAVE.

15. (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 six days in each year or a proportionate less time during any shorter period of employment.

(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 twelve days, which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

For the purposes of this sub-clause, service prior to 26th April 1946, shall be disregarded.

PIECE-WORK PRICES.

16. The lowest piece-work prices payable to any person engaged in the following kinds of work shall be—

	Within the hours fixed in clause 2.	Outside the hours fixed in clause 2.
Skinning rabbits (heads off)	2s. 6d. per 100 } plus	3s. 9d. per 100 } plus
Skinning rabbits (heads on)	3s. 3d. per 100 } 11 per cent.	4s. 7½d. per 100 } 11 per cent.
Boning rabbits or hares (including washing, weighing, and taking in and out of chamber)	1d. per lb. } plus	
Skinning hares	9s. 3d. per 100 } 23 per cent.	

PART TWO.

This Part applies to Persons doing any Work other than Work in connexion with the Preparation of Rabbits for the Wholesale or Export Trade.

1. APPRENTICES OR IMPROVERS.
Wages per Week.

	Males.			Females.		
	Ordinary Wage.	War Loading.	Total Wage.	Ordinary Wage.	War Loading.	Total Wage.
Under 16 years of age	s. d. 28 6	s. d. 0 9	s. d. 27 3	s. d. 22 0	s. d. 0 9	s. d. 22 9
16 years of age	35 0	1 0	36 0	26 6	0 9	27 3
17 years of age	46 6	1 3	47 9	32 6	1 0	33 6
18 years of age	57 6	1 9	59 3	41 6	1 3	42 9
19 years of age	66 0	2 0	68 0	45 0	1 3	46 3
20 years of age	79 0	2 3	81 3	49 6	1 6	51 0

PROPORTION.

MALES.

Apprentices.

One apprentice to every three or fraction of three workers receiving not less than 104s. 6d. per week of 48 hours, or 44 hours, as the case may be.

Improvers.

One improver to every four or fraction of four workers receiving not less than 104s. 6d. per week of 48 hours, or 44 hours, as the case may be.

FEMALES.

Apprentices.

One apprentice to every three or fraction of three female workers receiving not less than 56s. 6d. per week of 48 hours, or 44 hours, as the case may be.

Improvers.

One improver to every three or fraction of three female workers receiving not less than 56s. 6d. per week of 48 hours, or 44 hours, as the case may be.

OTHER EMPLOYEES.

Wages per Week.

	Within the Metropolitan District.			All other parts of Victoria where this Determination applies.		
	Ordinary Wage.	War Loading.	Total Wage.	Ordinary Wage.	War Loading.	Total Wage.
Manager (i.e., the principal employee in any shop except a shop in which an owner or partner is working manager)	s. d. 131 6	s. d. 3 0	s. d. 134 6	s. d. 126 6	s. d. 3 0	s. d. 129 6
Manageress (i.e., the principal employee in any shop where females only are employed except a shop in which an owner or partner is working manager)	70 0	2 0	72 0	66 0	2 0	68 0
Foreman having the supervision of four or more workers	121 6	3 0	124 6	116 6	3 0	119 6
Shop hands (males) or salesmen	108 6	3 0	111 6	103 6	3 0	106 6
Block hands, pluckers (except wet chain pluckers), filleters, cleaners, or oyster openers	111 6	3 0	114 6	107 6	3 0	110 6
Wet chain pluckers	119 0	3 0	122 0	119 0	3 0	122 0
Labourers assisting—						
(a) Wholesale fish salesmen	116 6	3 0	119 6	111 6	3 0	114 6
(b) Wholesale poultry salesmen	106 6	3 0	109 6	103 6	3 0	106 6
Persons employed grading and/or placing plucked poultry in boxes	111 6	3 0	114 6	107 6	3 0	110 6
Females employed—						
(a) As shop hands	58 0	1 9	59 9	55 0	1 6	56 6
(b) At weighing, grading, washing, stamping, branding, or filling cartons, moulds, or boxes of fish or poultry	58 0	1 9	59 9	55 0	1 6	56 6
All others	101 6	3 0	104 6	101 6	3 0	104 6

EMPLOYEES IN FREEZING CHAMBER.

2. Notwithstanding the rates provided in Clause 1, 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 one hour on any day, shall be paid for all work (whether inside or outside the chamber) done on such day at the rate prescribed for chamber hands by the Determination of the Frozen Goods Board.

HOURS FOR AN ORDINARY WEEK'S WORK.

3. The hours for an ordinary week's work shall be:—

- (a) Manager as defined in clause 1 } 48 hours.
- Manageress as defined in clause 1 }
- Foreman having the supervision of 4 or more workers }
- Shop hands, salesmen, or saleswomen }

Provided that the hours of any person mentioned herein who in the ordinary course of his or her duties is required to do any work mentioned in sub-clause (b) hereof shall be 44 hours.

- (b) Block hands, pluckers, filleters, cleaners, or oyster openers, labourers assisting } 44 hours.
- wholesale fish or poultry salesmen, persons employed grading and/or }
- placing plucked poultry in boxes, females employed at weighing, grading, }
- washing, stamping, branding or filling cartons, moulds or boxes of fish or poultry }
- (c) All others 44 hours.

TIMES OF BEGINNING AND ENDING WORK.

4. Persons employed in connexion with—

(a) The sale by retail of poultry, fish or game:—

	Time of beginning.	Time of ending.
Friday	6.30 a.m.	9 p.m.
Saturday	6.30 a.m.	1 p.m.
Other days	6.30 a.m.	6.30 p.m.

(b) Packing and processing fish by refrigeration:—

Saturday	8 a.m.	12.30 p.m.
Other days	8 a.m.	8 p.m.

(c) Preparing poultry (other than in retail shops):—

Saturday	7 a.m.	12.30 p.m.
Other days	7 a.m.	7 p.m.

(d) At any work other than work provided for in sub-clauses (a), (b), and (c) hereof:—

Saturday	4.30 a.m.	12 noon
Other days	4.30 a.m.	4.30 p.m.

OVERTIME.

5. Any employee (other than a piece-worker) who works—

- (a) In excess of 9 hours on any one day within the hours provided in clause 4 } Shall be paid for such excess
- (employees in retail shops excepted) } or for work outside such hours
- (b) In excess of the hours provided for an ordinary week's work in clause 3 } at the rate of time and a
- (excluding any overtime already provided for in sub-clause (a)) } half.
- (c) Outside the hours fixed in clause 4.

SPECIAL RATES.

6. (a) Double time shall be the special rate for all work done by time workers on Sunday, New Year's Day, Good Friday, Labour Day, and Christmas Day; and time and a half for all work done on Australia Day, Easter Monday, King's Birthday, 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.

(b) For all work done on Sunday, New Year's Day, Good Friday, Labour Day, and Christmas Day piece-workers shall be paid double the rates mentioned in clause 20 (a) and for all work done by such workers on Australia Day, Easter Monday, King's Birthday, and Boxing Day, the ordinary rates, plus 50 per cent. shall be paid.

(c) Pieceworkers shall be entitled to be absent on the Public Holidays mentioned in sub-clause (b) hereof and shall for such days be paid at time workers rates.

TIME RATES.

7. Any person employed between midnight Sunday and midnight Saturday on time wages for less than the number of hours fixed for an ordinary week's work shall for each hour worked up to one-half the number of hours per week fixed in this Determination be paid the ordinary wage, with an addition of 33¼ per cent., 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.

MEAL ALLOWANCE.

8. Any employee (whether on time wages or piece-work) who is required to work for more than one hour after the usual closing time of the factory, shop, or place shall be paid 2s. as a meal allowance for each day that such extra time is worked. This clause shall not apply to employees of wholesale fish auctioneers.

MEAL INTERVALS.

9. (a) Employees (other than piece-workers) employed by wholesale fish auctioneers shall be allowed a meal interval of not less than half an hour, or more than one hour between 7.30 a.m. and 9 a.m. If such employees are required to work more than five hours after the completion of their first meal interval they shall be allowed a further interval of half an hour, and a meal shall be provided by the employer.

(b) Employees other than those employed by wholesale fish auctioneers shall receive a meal interval of not less than one half-hour, and not more than one hour. Such meal interval shall not be required to be taken earlier than three hours or later than five hours of commencing work.

WORK TO BE CONTINUOUS.

10. The work of employees engaged in the preparation of fish shall with the exception of meal intervals as provided in clause 9 be continuous.

WAITING TIME.

11. Employees (other than employees working in connexion with the preparation of fish) who are kept waiting before commencing work for a period in excess of two hours shall be paid for such excess at time rates according to the class of work to be done.

LIFTING OF HEAVY BOXES OF FISH.

12. No employee shall be required to lift unassisted, boxes of fish exceeding 100 lb. in weight.

SPECIAL CLOTHING.

13. When an employee is required by law or his employer to wear a washable outer garment such employee shall be supplied with a clean set of serviceable outer garments each week.

WET WORK.

14. Where any wet work is performed waterproof aprons and rubber boots shall be provided free of cost to the employee.

TIME RECORD.

15. All employees (including piece-workers) shall indelibly record their daily times of beginning and ending work in a book, or on time cards, or by a mechanical contrivance. Any one of such means of recording shall be provided and maintained by the employer.

UNION INSPECTION.

16. An accredited representative of the Federated Cold Storage and Meat Preserving Employees Union of Australia shall have access to the records of times recorded and wages received by employees provided such inspection is made during working hours.

DINING AND CHANGING ROOM.

17. A dining-room, and changing-room, together with adequate facilities for washing, and for boiling water for making tea shall be provided in all places (other than retail shops) in which two or more persons are employed preparing fish or poultry for trade or sale.

SMOKE OH.

18. Employees shall be entitled to a smoke-oh period of ten minutes each morning and afternoon.

ANNUAL LEAVE.

Period of Leave.

19. (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.

Annual Leave Exclusive of Public Holidays.

(b) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 6 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.

(c) 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.

(d) 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.

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.

(e) 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 3½ 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.

(f) 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.

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

Time of Taking Leave.

(h) 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.

(i) 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 6 of this Determination.

Payment for Period of Leave.

(j) Each employee before going on leave shall be paid two weeks' wages, except an employee taking his leave pursuant to sub-clause (c) of this clause, who shall be paid the amount of wages 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 (k) hereof, wages shall be at the rate prescribed by clause 1 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.

(k) 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 $3\frac{1}{2}$ hours in respect of each completed one month of continuous service before the 1st January, 1946, and for $7\frac{1}{2}$ 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.

(l) 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 be 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. Provided that all time during which an employee is stood off without pay for the purposes of this sub-clause shall be deemed to be service in the next twelve-monthly qualifying period.
- (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 (k) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

Disputes

(m) Any dispute arising in connexion with annual leave shall be referred to the Wages Board.

SICK LEAVE.

20. (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 six days in each year or a proportionate less time during any shorter period of employment.

(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 twelve days, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay. For the purpose of this sub-clause service prior to the 26th April 1946, shall be disregarded.

VARIATION OF DETERMINATION.

21. Where the exigencies of the industry are such that the best interests of the employers, 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 Cold Storage Union, 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.

PIECE-WORK PRICES.

22. The lowest piece-work prices payable to any person engaged in the following kinds of work shall be—

(a) Between the hours of 6.30 a.m. and 1 p.m. on Saturday, and 6.30 a.m. and 8 p.m. on any other week day—

	s.	d.	
(i) Roughing fowls by hand	0	3½	per pair
Roughing fowls by machine	0	3	per pair
Stumping fowls the same day as they are roughed by hand	0	3½	per pair
Stumping fowls, which have been put away overnight, or for a longer period, after being roughed	0	4	per pair
Stumping fowls which have been roughed by a machine	0	4	per pair
Plucking fowls	0	7	per pair
Plucking ducks, where wings are not plucked right out	0	7½	per pair
Plucking ducks, where wings are required to be plucked right out	0	11½	per pair
Plucking Muscovy drakes (redheads)	1	3	per pair
Plucking turkey hens	0	8½	per pair
Plucking turkey cocks	1	1	per pair
Plucking geese	1	1	per pair
Plucking teal	0	4	per pair
Plucking black duck	0	5	per pair
Plucking blue wing	0	4	per pair
Plucking mountain duck	0	5	per pair
Plucking pigeons and small birds	0	3	per pair
Plucking quail	0	3	per pair
Plucking pheasants	0	7	per pair
Drawing and trussing fowls or ducks	0	3	per pair extra
Drawing and trussing geese	0	6	per pair extra
Drawing and trussing turkeys	0	9	per pair extra
(ii) *Blooding couta	0	9	per large box
*Splitting couta	1	0	per large box
*Scaling and cleaning salmon	1	6	per large box
*Scaling and cleaning bream, flathead, trout, and all other medium fish	2	6	per large box
*Cleaning garfish, flathead, mullet, and all other very small fish	3	0	per large box
*Cleaning whiting	0	3	per dozen
*Filleting whiting	0	6	per dozen
*Cleaning flounders	0	3	per dozen
Trimming shark	0	6	per box
Skimming and trimming shark	2	0	per box

Plus 36 per cent.

* Including washing.

(b) Outside the hours stated in sub-clause (a) hereof:—The rates provided in clause 22, sub-clause (a) with the addition of 50 per cent.

PERIODICAL ADJUSTMENT OF WAGES.

23. The wages rates for adult males set out in clause 1, Part One, and clause 1, Part Two, 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. The piece-work prices set out in clauses 16, Part One, and 23, Part Two, shall be increased or decreased at the same time and in the following manner: For each increase or decrease of 1s. in the basic wage the added percentage shown in the margin shall be increased or decreased (as the case may be) by 1 per cent. The wages of apprentices and improvers and all females 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 24.

Basic Wage.

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

ADJUSTMENT OF BASIC WAGE.

24. (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 23.

(b) During each future period of or near a quarter 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 thereto in clause 23.
- (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 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, 12th April, 1946.

By Authority: J. J. GOUBLEY, Government Printer, Melbourne.