



# VICTORIA GOVERNMENT GAZETTE.

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[1947

Factories and Shops Acts.

## DETERMINATION OF THE MINERAL EARTHS BOARD.

NOTE.—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 appointed "to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed:—

- (i) in the process, trade, business, or occupation of manufacturing or preparing mineral earths by milling, grinding, or pulverizing rocks, earths, or clays other than mineral ores;
- (ii) in the process, trade, business, or occupation of pulverizing wood;
- (iii) in the process, trade, business, or occupation of manufacturing or preparing any insulating material fabricated from molten stone.

has made the following Determination, namely:—

1. That as from the 9th April, 1947, the last previous Determination of this Board shall be revoked and replaced by this Determination.

### PART 1.

**Persons OTHER THAN those employed in the process, trade, business, or occupation of manufacturing or preparing any insulating material fabricated from molten stone.**

#### 2. WAGES PER WEEK OF 44 HOURS.

(a) IMPROVERS.				(b) OTHER EMPLOYEES.			
			s. d.				s. d.
Under 17 years of age	..	..	35 3	Mill attendants	..	..	122 0
17 to 18 years of age	..	..	62 0	Persons not otherwise provided for, including mill	..	..	..
18 to 19 years of age	..	..	78 9	feeders, baggers, and crusher hands	..	..	115 0
19 to 21 years of age	..	..	95 3	Leading Hands—			
<i>Proportion (in any place).</i>				Leading hands in charge of not fewer than three and not			
One improver to every six adult employees.				more than ten employees, 6s. per week extra; more than			
				ten and not more than twenty employees, 12s. per week			
				extra; more than twenty employees, 18s. per week extra.			

#### ADDITIONAL PAYMENT.

3. Employees working on milling of coloured pigments shall be paid an additional 1s. 6d. per day for each day, or part thereof, they are so employed.

#### PROHIBITION OF EMPLOYMENT.

4. The Board determines that no person shall be employed as an apprentice at any work covered by this Part.

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

5. With the exceptions herein set out the ordinary hours of employment shall be 44 per week, to be worked in five days of 8 hours and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each, continuously except for meal hour breaks at the discretion of the employer between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. to noon on Saturday.

#### OVERTIME.

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

#### SHIFT WORK.

7. (a) The ordinary hours of shift workers shall not exceed—

- (i) 44 in any week, to be worked in five shifts of 8 hours 48 minutes, on Monday to Friday inclusive, or five shifts of eight hours and one shift (Saturday) of four hours; or
- (ii) 88 in fourteen consecutive days, in which case an employee shall not, without payment for overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week;
- (iii) 132 in 21 consecutive days, in which case an employee shall not, without payment of overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week.

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

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

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

(e) Subject to this sub-clause, shift workers for all time worked on a Sunday or holiday shall be paid at the rates prescribed by clause 8 of this Part. Where shifts commence between 11 p.m. and midnight on Sundays and/or holidays, the time so worked before midnight shall not entitle the employee to the Sunday or holiday rate: Provided that the time worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending into a Sunday or holiday shall be regarded as time worked on such Sunday or holiday.

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

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

(ii) if employed on other shift work, at the rate of time and a half for the first four hours and double time thereafter except in each case when the time is worked—

(iii) by arrangement between the employees themselves;

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

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

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

"Continuous work" shall mean work carried on by shifts of at least 12 hours for not less than five consecutive days.

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

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

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

#### HOLIDAYS.

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

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

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

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

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

#### CASUAL EMPLOYEES.

9. Casual employees, namely persons engaged and paid as such, shall receive the appropriate wages rate together with the addition of ten per cent.

#### ANNUAL HOLIDAY.

10. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946* No. 5111, and any amendments which may be made thereto from time to time.

#### SICK LEAVE.

11. (a) An employee on weekly hiring with not less than three months service with an employer who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—

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

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

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

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

(b) If the full period of sick leave as prescribed above 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 without deduction of pay.

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

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

#### CONTRACT OF EMPLOYMENT.

12. (a) All employees (other than casuals) willing, ready and available for work shall be paid the full weekly wage. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(b) Employment shall be terminated by a week's notice on either side given at any time during the week, or by the payment or forfeiture of a week's wages as the case may be.

(c) The provisions of sub-clauses (a) and (b) hereof shall not effect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike, or through any breakdown in machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

#### PAYMENT OF WAGES.

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

## RESPIRATORS.

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

## SHOWERS.

15. The employer shall provide hot and cold shower baths for the employees' use.

## WASHING TIME.

16. Persons employed on milling of coloured pigments shall be allowed ten minutes, and other employees five minutes, at the end of each day or shift, as washing time.

## RIGHT OF ENTRY OF UNION OFFICIAL.

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

- (i) That he produces his authority to the gatekeeper or such other person as may be appointed by the employer.
- (ii) That he interviews employees only at places where they are taking their meal.
- (iii) That not more than one representative of each of not more than three unions be on the premises at any one time.
- (iv) That no one representative visit the premises more than once in each week.
- (v) That if any employer alleges that a representative is unduly interfering with his work or is creating dissatisfaction amongst his employees, or is offensive in his methods, or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Secretary for Labour.

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

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

- (i) That he discloses to the employer or his representative the complaint which he desires to investigate;
- (ii) that he makes his investigations in the presence of the employer or his representative (if the employer so desires);
- (iii) that he does not interfere with work proceeding in the workshop or plant;
- (iv) that he conducts himself properly.

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

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

Seal.

General Secretary.

Date:—

Specimen signature of holder.

Strictly not transferable.

## PART 2.

Persons employed in the process, trade, business, or occupation of manufacturing or preparing any insulating material fabricated from molten stone.

## 18. WAGES PER WEEK OF 44 HOURS.

(a) Improvers.				(b) Other Employees.			
Males.		s. d.		Males.		s. d.	
Under 17 years of age	.. ..	35	3	Leading charging hand	.. ..	145	0
17 to 18 years of age	.. ..	62	0	Assistant charging hand	.. ..	126	6
18 to 19 years of age	.. ..	78	9	Notcher	.. ..	144	0
19 to 21 years of age	.. ..	95	3	Oven hands	.. ..	135	6
Females.				Process worker (including taker off conveyor or granulator attendant)	.. ..	123	0
Under 16 years of age	.. ..	26	6	Note:—The above rates include an allowance of 7½ per cent. for all shifts.			
16 to 17 years of age	.. ..	34	6	Females.			
17 to 18 years of age	.. ..	38	6	Adult females	.. ..	76	9
18 to 19 years of age	.. ..	44	9				
19 to 20 years of age	.. ..	50	6				
20 to 21 years of age	.. ..	57	0				
PROPORTION (IN ANY PLACE).							
Males.							
One male improver to every six adult employees.							
Females.							
One female improver to every four or fraction of four female workers receiving not less than the adult female rate.							

## PROHIBITION OF EMPLOYMENT.

19. The Board determines that no person shall be employed as an apprentice at any work covered by this Part.

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

20. With the exceptions herein set out the ordinary hours of employment shall be 44 per week, to be worked in five days of 8 hours and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each, continuously except for meal hour breaks at the discretion of the employer between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. to noon on Saturday.

## OVERTIME.

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

## SHIFT WORK.

22. (a) The ordinary hours of shift workers shall not exceed—

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

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

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

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

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

(d) Subject to this sub-clause, shift workers for all time worked on a Sunday or holiday shall be paid at the rates prescribed by clause 23 of this Part. Where shifts commence between 11 p.m. and midnight on Sundays and/or holidays, the time so worked before midnight shall not entitle the employee to the Sunday or holiday rate: Provided that the time worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending into a Sunday or holiday shall be regarded as time worked on such Sunday or holiday.

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

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

(ii) if employed on other shift work, at the rate of time and a half for the first four hours and double time thereafter; except in each case when the time is worked—

(iii) by arrangement between the employees themselves;

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

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

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

(f) 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.

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

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

## HOLIDAYS.

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

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

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

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

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

## CASUAL EMPLOYEES.

24. Casual employees, namely persons engaged and paid as such, shall receive the appropriate wages rate together with the addition of ten per cent.

## ANNUAL HOLIDAYS.

25. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946*, No. 5111, and any amendments which may be made thereto from time to time.

## SICK LEAVE.

26. (a) An employee on weekly hiring with not less than three months' service with an employer who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—

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

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

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

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

(b) If the full period of sick leave as prescribed above 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 without deduction of pay.

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

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

#### CONTRACT OF EMPLOYMENT.

27. (a) All employees (other than casuals) willing, ready and available for work shall be paid the full weekly wage. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(b) Employment shall be terminated by a week's notice on either side given at any time during the week, or by the payment or forfeiture of a week's wages as the case may be.

(c) The provisions of sub-clauses (a) and (b) hereof shall not effect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike, or through any breakdown in machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

#### PAYMENT OF WAGES.

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

#### RESPIRATORS.

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

#### SHOWERS.

30. The employer shall provide hot and cold shower baths for the employees' use.

#### WASHING TIME.

31. Employees shall be allowed five minutes, at the end of each day or shift, as washing time.

#### RIGHT OF ENTRY OF UNION OFFICIAL.

32. (a) For the purpose of interviewing employees on legitimate union business, a duly accredited union representative shall have the right to enter employer's premises during the midday meal break on the following conditions:—

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

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

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

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

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

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

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

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

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

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

(iv) that he conducts himself properly.

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

This is to certify that \_\_\_\_\_ (Name of organization.) is a duly accredited representative of the abovenamed organization.

Seal.  
Specimen signature of holder.

Date— \_\_\_\_\_ General Secretary.

Strictly not transferable.

### PART 3.

#### Wage adjustment provisions applicable to Part 1 and Part 2

##### PERIODICAL ADJUSTMENT OF WAGES.

33. The wages rates set out in clause 2 of Part 1 and clause 18 of Part 2 are based upon the following basic wage rates and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 34 provided that the wages of females and improvers whosoever appearing 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.

##### Basic Wage.

Place.	Needs Basic Wage.	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Throughout the State .. .. .	5 1 0	6 0	5 7 0	Melbourne

## ADJUSTMENT OF BASIC WAGE.

34. (a) For the purposes of this Determination the expression "Commonwealth Statistician's "all items" 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.

(b) Until the beginning of the first pay period to commence in May, 1947, the amounts of the basic wage shall be as prescribed in clause 33.

(c) 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, namely, by multiplying the last published Commonwealth Statistician's "all items" retail price index number by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

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

J. V. WILLOX, Secretary.

Melbourne, 9th April, 1947.