



# VICTORIA GOVERNMENT GAZETTE.

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[1949

Factories and Shops Acts.

## DETERMINATION OF THE CEMETERY EMPLOYEES BOARD.

NOTE.—1. This Determination applies to the whole of the State of Victoria.

2. On the 25th September, 1946, the powers of the Cemetery Employees Board were varied to enable it to "determine the lowest prices or rates which may be paid to any person employed in or about a crematorium".

IN accordance with the provisions of the Factories and Shops Acts, and the Orders in Council thereunder, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person employed :—

(a) in or about a cemetery as a grave digger, grave decorator, gatekeeper, labourer, or gardener ;

(b) in or about a crematorium"

has made the following Determination, namely :—

1. That as from the 1st December, 1948, the last previous Determination of this Board shall be revoked and replaced by this Determination.

### 2. WAGES PER WEEK OF 40 HOURS.

Apprentices or Improvers.				Other Employees.			
			<i>s. d.</i>		Wages.		
1st year	..	..	31 6		Within the Metropolitan District.		All Other Parts of Victoria.
2nd year	..	..	36 6				
3rd year	..	..	43 6				
4th year	..	..	51 6				
5th year	..	..	64 0				
				(a) In or about a cemetery.			
				Grave diggers	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
				All others	3 9 <sup>7</sup> / <sub>20</sub>	151 6	3 8 <sup>11</sup> / <sub>20</sub>
					3 4 <sup>1</sup> / <sub>2</sub>	136 0	3 3 <sup>9</sup> / <sub>10</sub>
					THROUGHOUT THE STATE.		
				(b) In or about a crematorium.			
				* Operator in charge	<i>s. d.</i>	<i>s. d.</i>	
				Other operator	4 1 <sup>1</sup> / <sub>2</sub>	165 0	
				All others	3 9 <sup>7</sup> / <sub>20</sub>	151 6	
					3 4 <sup>1</sup> / <sub>2</sub>	136 0	

#### PROPORTION (WITHIN ANY PLACE).

One apprentice and one improver to every three or fraction of three workers receiving not less than the minimum wage.

\* Any employee required to act as an Operator in Charge for a period of one week or over shall be entitled to be paid the rate prescribed for an Operator in Charge whilst he is so required to act.

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## ALLOWANCES.

3. (a) Any employee who is required to set and/or fire explosives shall be paid 2s. extra per day for each day or part of a day on which he performs such operations, and any person who has been directed by the management to assist such an employee shall be paid 1s. extra per day for each day or part of a day on which he is so required to assist.
- (b) Any employee who is engaged in boring holes in stone by hand or machine for any period in excess of two hours on any day shall be paid 1s. per day extra for each day on which he is so required to work.

## EXHUMATIONS.

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

## TIME OF BEGINNING AND ENDING WORK.

5. The ordinary times of beginning and ending work shall be between the following hours :—  
8 a.m. to 5.15 p.m. Monday to Friday inclusive.  
A meal interval of not less than 45 minutes shall be allowed each employee between noon and 1.30 p.m. each day.

## WEEK-END BURIAL OR CREMATION.

6. Within a radius of 25 miles from the Post Office situated at the corner of Bourke and Elizabeth-streets, Melbourne, no employee shall be required to participate in the conduct of any burial or cremation on a Saturday or Sunday, subject to the following exceptions—

- (a) unless such burial or cremation is by direction of the District Officer of Health ;  
(b) the deceased person died prior to midnight on the preceding Thursday ; or  
(c) where any of the holidays prescribed in clause 8 of this Determination occurs on the following Monday, save and except when the preceding Saturday is also prescribed as a holiday in the said clause 8.

## OVERTIME.

7. All work done outside the hours specified as the times of beginning and ending work, or for any work done within such hours in excess of 40 hours in any week, shall be paid at the rate of time and a half.  
An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

## HOLIDAYS.

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

- (i) within the Metropolitan District as defined in the Factories and Shops Acts—Melbourne Cup Day and Show Day ;  
(ii) outside the said Metropolitan District—Melbourne Cup Day and Show Day or in lieu of such days, holidays to be mutually agreed upon between any Cemetery Trust and a majority of its employees ;

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

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

- (i) any necessary maintenance work up to noon on such day ;  
(ii) the filling in of a grave ;  
(iii) the preparation of an ordered grave.

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

- (i) An allowance of 5s. if not given a start at work.  
(ii) A full day's wage if required to do any work on any such day.

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

## SUNDAYS.

9. All work done on Sundays shall be paid for at double time. Provided that any employee who is required to be on duty solely for the purpose of acting as a patrolman or as a supervising attendant shall receive a minimum payment of 10s., and any employee called on duty to do any other work shall receive a minimum payment of one pound for each Sunday he is so required to work.

## SATURDAYS.

10. Subject to the provisions of clause 8 hereof time and a half with a minimum payment of 10s. shall be paid for all work done on a Saturday.

## EMPLOYEE OPENING OR CLOSING A CEMETERY ON A SATURDAY, SUNDAY, OR A PUBLIC HOLIDAY.

11. Notwithstanding anything contained in clauses 8, 9, or 10 hereof any employee who is required only to open and/or close the gates of a cemetery on a Saturday, Sunday, or a Public Holiday specified in clause 8, shall be paid at the appropriate rate specified for work done on any such day with a minimum payment of 10s. for any such work.

## NOTICE OF WORK ON A SUNDAY OR HOLIDAY.

12. If at all possible, 24 hours' notice that his services will be required on such day, shall be given to an employee required to work on a Sunday or a holiday specified in clause 8.

## PICNIC DAY.

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

Employees required to carry out essential services may receive ordinary rates of pay only for work done on such day, but shall within one month receive another day off in lieu of such picnic holiday or have one day added to the annual leave provided for in clause 16.

## FARE ALLOWANCE.

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

## TERMS OF ENGAGEMENT.

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

## ANNUAL HOLIDAY.

16. 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.

## PAYMENT OF WAGES.

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

## SICK LEAVE.

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

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

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

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

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

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

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

## CLOTHING, ETC.

19. Employees required to work in wet places shall be provided with leather or rubber knee boots.

An employee whilst engaged at grave digging shall be supplied with overall trousers, which shall be replaced from time to time where necessary.

Suitable and adequate overhead covering shall be provided for all employees engaged in grave digging.

An employee engaged in filling in a grave in rain shall be provided with suitable protective clothing.

An employee required to attend at a grave during a funeral shall be provided with a suitable dustcoat to cover his working clothes during such period.

## PROTECTION FROM FALLING EARTH OR MASONRY.

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

## DEFINITION.

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

## TERMINATION OF EMPLOYMENT.

22. Except in a case where an employee or an employer has been guilty of misconduct seven days' notice of termination of employment shall be given by either employer or worker, or a week's wages shall be paid or forfeited, as the case may be, in lieu thereof. This clause does not operate in the case of a casual employee.

## PERIODICAL ADJUSTMENT OF WAGES.

23. The wages rates for males set out in clause 2 are based upon the following basic wage 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 by the same amount and at the same time as such basic wage as prescribed by clause 24. Provided that the wages of apprentices or improvers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 6d., half or less of 6d. to be disregarded.

## Basic Wage.

Place.	Needs Basic Wage Adjustable.	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
Throughout the State .. .. .	£ s. d. 5 14 0	s. d. 6 0	£ s. d. 6 0 0	Melbourne

## ADJUSTMENT OF BASIC WAGE.

24. (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 February, 1949, the amounts of the Basic Wage shall be as prescribed in clause 23.

(c) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the needs 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.

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 25th November, 1948.

