



VICTORIA GOVERNMENT GAZETTE.

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[1949

Factories and Shops Acts.

DETERMINATION OF THE FARRIERS BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria. By Order in Council, dated the 2nd December, 1941, the Farriers (Country) Wages Board was deprived of the whole of its powers and such powers were conferred exclusively on the Farriers Board.

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 in the process, trade, or business of a farrier," has made the following Determination, namely:—

1. That on the 24th December, 1948, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Wages.

Apprentices and Improvers.					Other Employees.	
	Percentage of Needs Basic Wage.	Constant Loading.	Special Loading.	Total Wage Per Week 40 Hours.		
		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>		
1st year's experience	38·4	..	2 6	46 6	(a) Employed within the Metropolitan District as defined in the Factories and Shops Acts, and at Ballarat, Bendigo, Geelong, Warrnambool, Castlemaine, Yallourn, and Frankston, and within the Gippsland district:— All Employees .. *169s. per week of 40 hours	
2nd year's experience	41·9	..	2 6	50 6		
3rd year's experience	50·0	1 6	1 6	60 0		
4th year's experience	83·0	2 0	2 3	99 0		
5th year's experience	100·0	2 0	3 0	125 0		
	plus 6s.				(b) Employed outside the areas specified in paragraph (a):— All Employees .. *166s. per week of 40 hours	

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

* Including a loading of 6s. per week.

HOURS OF EMPLOYMENT.

3. (a) Within the Metropolitan District and the City of Ballarat.—The ordinary hours of employment shall be 40 per week to be worked in five days of not more than 8 hours (Monday to Friday inclusive) and/or one day (Saturday) of not more than 4 hours, or of five days (Monday to Friday inclusive) of not more than 8 hours each, to be worked continuously (except for meal breaks) at the discretion of the employer, between 7.30 a.m. and 5 p.m. on Monday to Friday inclusive, and 7 a.m. to 11 a.m. on Saturdays. Provided that the number of hours for a day's work herein prescribed may be altered as to all or a section of the employees by mutual agreement between an employer and his employee or employees.

(b) Elsewhere in the State of Victoria.—The ordinary hours of employment shall be 40 per week to be worked between the following daily times:—

- | | | | | |
|---|----|----|--------------------|-----------------|
| (i) On the day that the half holiday is ordinarily locally observed | .. | .. | Time of Beginning. | Time of Ending. |
| (ii) On other working days | .. | .. | 8 a.m. | Noon |
| | | | 8 a.m. | 5 p.m. |

Provided that the spread of hours herein prescribed may be altered and the number of hours for a day's work may be determined, as to all or a section of the employees by mutual agreement between an employer and his employee or employees but in no case may the hours be so determined as to exceed an ordinary working week of 40 hours without payment for overtime.

OVERTIME.

4. All work done outside the spread of hours provided in clause 3 or in excess of:—

- (a) 8 hours 48 minutes on any day where a 5-day week is worked, or
 (b) 4 hours on Saturday
 8 hours on other Working Days } Where work is done on 6 days a week, or
 (c) the hours for a day's work mutually agreed upon, between an employer and his employee or employees shall be paid for at the rate of double time.

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 AND SUNDAY WORK.

5. Employees shall be entitled to the following public holidays, without loss of pay:—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, and within the Metropolitan District on the first Tuesday in November in each year, Labour Day, Anzac Day, Boxing Day, and Christmas Day. Provided that Christmas Day and Boxing Day shall for the year, 1948, be deemed to fall on the 27th and 28th days of December, 1948, respectively, and that New Year's Day for the year, 1949, shall be deemed to fall on the 3rd day of January, 1949. Employees required to work on any of the above holidays or on a Sunday are to be paid double time for such work.

CONTRACT OF EMPLOYMENT.

6. (a) Except as hereinafter provided employment shall be by the week. Any employee, not specifically engaged in writing as a casual employee shall be deemed to be employed by the week. Employment shall be terminated by a week's notice on either side, given at any time during the week, or in lieu of such notice by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of an 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 break-down in the machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(b) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour 1/40th of the weekly rate prescribed by this Determination, plus 10 per cent.

SICK LEAVE.

7. (a) An employee on weekly hiring 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, within 24 hours of the commencement of such absence, inform the employer of his inability to attend for duty and, as far as practicable, state the nature of the injury or illness and the estimated duration of the absence.
 (iii) He shall prove to the satisfaction of his employer (or in the event of dispute the Wages Board) 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.
 (iv) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 40 hours of working time. A year shall be deemed to commence on the 18th July and end on the 17th July next following.

For the purpose of administering paragraph (iv) 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.

Single Day Absences.

(b) In the case of an employee who claims to be allowed paid sick leave in accordance with this clause for an absence of one day only such employee if in the year he has already been allowed paid sick leave on more than one occasion for one day only, shall not be entitled to payment for the day claimed unless he produces to the employer a certificate of a duly-qualified medical practitioner that in his, the medical practitioner's opinion the employee was unable to attend for duty on account of personal illness or on account of injury by accident. Nothing in this sub-clause shall limit the employer's rights under sub-clause (a) (iii) hereof.

Cumulative Sick Leave.

(c) Notwithstanding anything contained in sub-clause (a) hereof, 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 120 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 purpose of this sub-clause service prior to the 18th July, 1946, shall be disregarded.

Attendance at Hospital, &c.

(d) 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.

ANNUAL HOLIDAY.

8. 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.

RACECOURSE WORK.

9. When employees are engaged on racecourses, the other clauses of this Determination shall not apply as may be inconsistent with the following sub-clauses which shall apply to racecourse work only:—

- (a) On all racecourses throughout Victoria, each weekly employee shall receive in addition to payments to which he would be entitled under any other clause of this Determination. The following allowances per day—
 On ordinary week days 10s.
 On Saturdays and Public Holidays prescribed in clause 5 20s.
 (b) When casual employees are engaged to work on a racecourse only, they shall be paid not less than 30s. on week days, and 40s. on Saturdays and Public Holidays prescribed in clause 5.
 (c) All fares incurred in travelling to and from the racecourse shall be paid by the employer.

RIGHT OF INTERVIEW BY UNION OFFICIAL.

10. The Secretary of the Blacksmiths' Society of Australasia (Victorian Branch) shall have the right to interview any employee on legitimate union business on any employer's premises and/or on any racecourse where a person is engaged upon work to which this Determination applies, provided that if any employer alleges that the said Secretary is unduly interfering with his work or is creating dissatisfaction amongst his employees or is offensive in his methods such employer may refuse the right of interview, but the Secretary shall have the right to bring such refusal before the Wages Board. The right of free entry to any racecourse is not implied hereby.

PAYMENT OF WAGES.

11. Wages shall be paid not later than 4.30 p.m. on Friday in each week. Upon the termination of employment of an employee, wages due shall be paid to him on the day of such termination or forwarded to him by post the next following day.

MEAL BREAK.

12. No employee shall be required to work for a spread exceeding five hours without a break for a meal of at least 45 minutes.

TIME AND WAGE RECORD.

13. Each employer shall keep a record from which can be readily ascertained the name of each employee, the hours worked each day and the wages and allowances paid each week. Such record shall be open for inspection to inspectors of Factories and a duly accredited union official of the Blacksmiths' Society of Australasia who shall be entitled to take a copy of the entries in such record.

PERIODICAL ADJUSTMENT OF WAGES.

14. The wages rates for males set out in clause 2 are based upon the following basic wages 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 in clause 15. Provided that the wages of apprentices or improvers shall be adjusted proportionately to adjustments of the basic wage (Melbourne) so as to preserve the percentages shown in clause 2 of this Determination: such adjustments to be to the nearest 6d., half or less than half of 6d, to be disregarded.

Basic Wage.

Place.	Needs Basic Wage. (Adjustable).	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
Employed withing the Metropolitan District as defined in the Factories and Shops Acts, and at Ballarat, Bendigo, Geelong, Warrnambool, Castlemaine, Yallourn, and Frankston, and within the Gippsland district	£ s. d.	s. d.	£ s. d.	Melbourne
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne.	5 14 0	6 0	6 0 0	

ADJUSTMENT OF BASIC WAGE.

15. (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 amount of the basic wage shall be as prescribed in clause 14.

(c) During each 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.

MARGINAL RATE.

In addition to the basic wage provided in clause 14 the margin and loading set out in this clause shall be the minimum rate payable to employees therein named:—

Classification.	Margin Per Week.	Loading Per Week.
	£ s. d.	s. d.
All employees (other than apprentices and improvers)	2 3 0	6 0

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

J. W. RYAN, Secretary.

Melbourne, 9th December, 1948.

