



VICTORIA GOVERNMENT GAZETTE.

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No. 3]

TUESDAY, JANUARY 3.

[1950

Factories and Shops Acts.

DETERMINATION OF THE PASTRYCOOKS BOARD.

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

(b) Pastrycooking was proclaimed on 10th October, 1938, as an apprenticeship trade under the Apprenticeship Acts for the Metropolitan District.

Full particulars of the apprenticeship regulations for these trades may be obtained on application to the Secretary, Apprenticeship Commission, 103 Russell Street, Melbourne. (Price 3d.)

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 pastrycook," has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 15th December, 1949, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. APPRENTICES OR IMPROVERS—MALE OR FEMALE. (EXCEPT THOSE COVERED BY THE APPRENTICESHIP ACTS.)

Wages Per Week of 40 Hours.

Experience.	Commencing Age.						Overtime— For overtime rates for Apprentices and Improvers, see Clause 7.
	Under 17 Years.			17 Years and Over.			
	Adjustable Weekly Rate.	Non- adjustable *War Loading.	Total Weekly Rate.	Adjustable Weekly Rate.	Non- adjustable *War Loading.	Total Weekly Wage.	
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	
First Year ..	28 9	1 3	33 0	43 9	1 9	45 6	
Second Year ..	43 9	1 9	45 6	58 3	2 3	60 6	
Third Year ..	58 3	2 3	60 6	82 9	3 3	86 0	
Fourth Year ..	82 9	3 3	86 0	112 0	4 6	116 6	
Fifth Year ..	112 0	4 6	116 6	..	..	..

NOTE.—The Apprenticeship Commission has provided that after 10th October, 1938, no new improver shall be employed in the Metropolitan District except with the consent of the Commission.

PROPORTIONATE NUMBER.

Apprentices.

One apprentice to every three or fraction of three workers receiving not less than the minimum wage. An indenture of apprenticeship has been prescribed by the Board.

Improvers.

One improver to the first three workers receiving not less than 17s. 6d. per week of 40 hours, and thereafter one improver to every six additional such workers.

JUVENILE WORKERS.

Wages Per Week of 40 Hours.

Persons under 21 years of age (other than apprentices or improvers) employed as follows:—

	Persons Engaged in General Work for the Whole of their Working Time						Females Engaged Decorating Christmas and New Year Cakes		
	Males.			Females.			Adjustable Weekly Wage.	Non-adjustable *War Loading.	Total Weekly Wage.
	Adjustable Weekly Rate.	Non-adjustable *War Loading.	Total Weekly Wage.	Adjustable Weekly Wage.	Non-adjustable *War Loading.	Total Weekly Wage.			
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
14 years of age ..	32 9	1 6	34 3	..	..	..	..	..	..
15 " " ..	36 6	1 6	38 0	30 9	1 6	32 3	36 6	1 9	38 3
16 " " ..	42 0	2 0	44 0	33 3	1 6	34 9	42 3	2 0	44 3
17 " " ..	49 6	2 3	51 9	42 3	2 0	44 3	49 6	2 3	51 9
18 " " ..	55 9	2 6	58 3	45 9	2 3	48 0	56 9	2 9	59 6
19 " " ..	62 6	2 9	65 3	50 3	2 6	52 9	64 9	3 0	67 9
20 " " ..	73 9	3 3	77 0	54 0	2 6	56 6	71 0	3 6	74 6

OTHER EMPLOYEES.

Wages Per Week of 40 Hours.

	Adjustable Weekly Rate.	Non-adjustable *War Loading.	Total Weekly Wage.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Fore-hand, i.e., a person who has charge of a bakehouse or bakehouses in adjacent buildings and employees therein ..	187 6	6 0	187 6
Single-hand, i.e., a person who has charge of a bakehouse or workroom with no pastrycook, ornament, or ornamental worker under his or her charge ..	176 6	6 0	182 6
Pastrycooks, ovenmen, ornamenters, ornamental workers, crumpet or muffin bakers ..	168 6	6 0	174 6
All other males ..	134 0	6 0	140 0
Females engaged in general work ..	88 0	4 0	92 0

	Ordinary Wage Per hour.	*War Loading Per hour.	Total Wage Per hour.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Jobbers, i.e., pastrycooks engaged for not more than half the number of hours fixed for a week's work ..	4 9	0 2	4 11

* The War Loading shall not be taken into account in the calculation of overtime and other penalty rates.

WEEKLY HOURS.

3. The number of hours to constitute a week's work shall be forty (40).

TERMS OF EMPLOYMENT.

4. Employees, other than jobbers, who work less than 40 hours in any week may be paid the ordinary wages rate calculated *pro rata* according to the number of hours worked.

GENERAL WORK.

5. That wherever occurring in this Determination, the expression "General Work" shall only include —
- | | |
|--|--|
| Bringing fuel to oven. | Creaming and filling, |
| Bringing in raw material. | Emptying tins or trays. |
| Buttering tins. | Labelling tins or boxes. |
| Carrying goods to and from the oven. | Packing wedding cakes, other cakes, or pastry. |
| Cleaning bakehouse yard or premises. | Papering hoops. |
| Cleaning fruit and cutting peel. | Turning hand machines. |
| Cleaning pans, tins, tools, or other utensils. | Washing of machines. |
| Cracking eggs. | Wrapping cakes or flour. |

TIME OF BEGINNING AND ENDING WORK.

6. On Monday to Saturday (inclusive) Time of Beginning. 6 a.m. Time of Ending. 7 p.m.

OVERTIME.

7. (a) All time worked in excess of 40 hours per week. Time and a half for the first 6 hours and double time thereafter. In computing such overtime all work shall be taken into account whether performed by day or by night or both combined.
 (b) All time worked between the hours of 7 p.m. and 12 midnight on Monday, Tuesday, and Wednesday, between the hours of 7 p.m. and 10 p.m. on Thursday, and between the hour of 7 p.m. and 8 p.m. on Friday } Double time.

- (c) *Night work.*—All time worked on:—
 (i) Sunday between 12 midnight and 6 a.m. Monday; }
 (ii) Monday, Tuesday, Wednesday between the hours of 12 midnight and 6 a.m. on the following day; } Adult employees—Ordinary rate plus 25 per cent.
 (iii) Thursday, between the hours of 10 p.m. and 6 a.m. the following day; } Apprentices, Improvers, Juvenile workers—Ordinary rate plus 25 per cent. or 1½d. per hour, whichever is the higher.
 (iv) Friday, between the hours of 8 p.m. and 6 a.m. the following day }

All employees who commence work at or before 1 a.m. shall receive night work rates for time worked after 6 a.m. until completion of shift.

- (d) Employees (other than jobbers) whose services are not required on any holiday mentioned in clauses 12 and 13 shall not be required to make up time lost through such holiday which shall be deemed to be of 7 hours, and employees required to work:—
 (a) In excess of 33 hours in any week in which one holiday occurs } shall be paid for such excess at the rate of time and a half.
 (b) In excess of 26 hours in any week in which two holidays occur }

LIMITATION OF NIGHT WORK.

8. Subject to the provisions of clause 17 no employee shall be required to work at night for more than ten hours in a spread of eleven hours.

SHIFTS.

9. There shall be a ten (10) hour interval between shifts.

TERMINATION OF EMPLOYMENT.

10. Employees who have worked for 28 days or longer shall except in a case of misconduct by either employer or employee give or receive one week's notice of termination of employment, or one week's wages shall be forfeited or paid in lieu thereof.

SPECIAL RATE FOR PUBLIC HOLIDAYS.

11. That double time shall be the special rate for all work (except making fermented doughs) done on New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the abovementioned holidays, the special rate shall only be payable for work done on the day so substituted.

PUBLIC HOLIDAYS.

12. All employees (except jobbers) shall be granted the following holidays without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day; or any other day substituted for the above days by Acts of Parliament or Proclamation:

Provided that where an employee is absent from his or her employment on the working day before or after a holiday without reasonable cause or without the employer's consent, the employee shall not be entitled to payment for such holiday.

UNION PICNIC DAY.

13. All employees (except jobbers) shall be granted a holiday on Union Picnic Day (i.e. the third Monday in February in each year) without deduction of pay.

SUNDAY WORK.

14. No person shall be employed on Sunday before 12 midnight with the following exceptions:—

- (a) Making fermented doughs, for which double time shall be paid;
- (b) One man per factory may be employed in the preparation of pie meat between the hours of 1 p.m. and 5 p.m. at double rates of pay, with a minimum payment of 10s. for this work.

TIME BOOK.

15. The correct times of beginning and ending work shall be recorded daily in a proper book or time card, or by mechanical means, to be furnished by the employer, such record shall be initiated by the employee at least once a week, and shall be open for inspection by the permanent Secretary-Treasurer of the Victorian Branch of the Pastrycooks Union of Australia and the Inspector of Factories.

AUTHORIZED PERSON MAY ENTER FACTORY.

16. The permanent Secretary-Treasurer of the Pastrycooks Union of Australia, Victorian Branch, shall have power to enter and inspect during working hours any part of a pastrycook's factory or workshop in which any work is being carried on. The Secretary-Treasurer of the Pastrycooks Union shall have the right to interview employees in regard to conditions of employment at the employer's convenience.

MEAL TIME.

17. A meal break of not less than 30 minutes and not more than one hour shall be allowed after a period of four hours' and not more than five hours' continuous work. Such meal break shall not be calculated as time worked.

REST PERIODS.

18. A rest period of ten minutes in the forenoon and ten minutes in the afternoon shall be given all female workers without any deduction from wages.

FEMALE EMPLOYEES.

19. No female of any age shall be employed prior to 6 a.m.

LAUNDERING ALLOWANCE.

20. Any employee required to wear overalls shall receive a laundering allowance of two shillings per week.

ANNUAL HOLIDAYS.

21. 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.

22. (a) Any employee who, having had at least three months' service with the same employer, is absent from duty as a result of personal ill health or accident shall be entitled to sick pay as follows:—

- (i) During the first year—3½ hours' ordinary pay for each complete month of service;
- (ii) During any subsequent year of service—40 hours' ordinary pay.

Provided that in either case such employee produces or forwards within 24 hours' of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to personal ill health or accident necessitating such absence.

(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 the equivalent of 80 hours' ordinary pay, which shall be the maximum amount of leave to which an employee may be entitled in any year of service without deduction of pay.

DETERMINATION TO BE EXHIBITED.

23. A copy of this Determination shall be posted or hung up in a place where it is easily accessible to the employees.

DEFINITION.

24. "Ovenman" shall mean an employee responsible for the baking of all kinds of cakes and pastry.

PERIODICAL ADJUSTMENT OF WAGES.

25. The wages rates set out in clause 2 are based upon the following basic wage rates and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, this Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 26. Provided that the wages of females, apprentices, improvers and juveniles shall be adjusted from time to time by increasing or decreasing the said rates in the same proportion as the amount of increase or decrease of the basic wage bears to the basic wage current immediately prior to the adjustment. Such adjustments shall be calculated to the nearest 3d., half or less than half of 3d. to be disregarded.

Basic Wage.

Place.	Needs Basic Wage (Adjustable.)	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
Throughout the State	£ s. d. 6 4 0	s. d. 6 0	£ s. d. 6 10 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

26. (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, 1950, the amounts of the Basic Wage shall be as prescribed in clause 25.

(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 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, 1st December, 1949.



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No. 4]

TUESDAY, JANUARY 3.

[1950

Factories and Shops Acts.

DETERMINATION OF THE INDUSTRIAL GASES 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 in the trade of manufacturing or preparing carbon dioxide or other industrial gases for trade or sale in gas, liquid or solid form has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 19th December, 1949, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. WAGES PER WEEK.

(a) Juniors.					(b) Other employees.	
—	Percentage of Needs Basic Wage.	Constant Loading.	Further Additional Loading.	Total Wage Payable.	Oxygen, Acetylene, Air, Nitrogen, CO ₂ , and Hydrogen.	
		<i>s. d.</i>	<i>s. d.</i>	<i>£ s. d.</i>	<i>£ s. d.</i>	
Under 16 years of age ..	25	0 6	2 0	1 13 6	Acetylene plant attendant ..	8 7 6
16 years of age ..	35	0 9	3 0	2 7 0	Acetylene generator attendant ..	7 19 6
17 years of age ..	47½	1 0	4 0	3 4 0	Operator of dry-ice machine ..	7 14 0
18 years of age ..	60	1 0	5 0	4 0 6	Cylinder tester and/or valve hand ..	7 14 0
19 years of age ..	75	2 0	6 0	5 1 0	Cylinder filler ..	7 12 0
20 years of age ..	90	2 0	7 0	6 0 6	Other employees with not less than three months' experience in the industry ..	6 19 0
					All others ..	6 13 0

The total wage shall be calculated to the nearest sixpence, any broken part of sixpence in the result not exceeding threepence to be disregarded.

The Board has determined that no apprentice shall be taken to the trade.

Leading Hands.

Leading hands in charge of not less than three and not more than ten employees, 9s. per week extra; more than ten and not more than twenty employees, 18s. per week extra; more than twenty employees, 27s. per week extra.

SPECIAL RATES.

3. In addition to the wages prescribed in clause 2 hereof, the following special rates and allowances shall be paid to employees:—

Cold Places.

(a) Working for more than one hour in places where the temperature is reduced by artificial means below 32 degrees Fahrenheit—1½d. per hour extra. Where the work continues for more than two hours, employees shall be entitled to a rest period of twenty minutes every two hours without loss of pay.

Confined Spaces.

(b) Working in confined space (as defined)—3d. per hour extra.

Dirty Work.

(c) Work which a foreman and workman shall agree is of an unusually dirty or offensive nature—1½d. per hour extra. In case of disagreement between the foreman and workman, the workman, or a shop steward on his behalf, shall be entitled, within 24 hours, to ask for a decision on the workman's claim by the employer's industrial officer (if there be one), or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such case a decision shall be given on the workman's claim within 48 hours of its being asked for (unless that time expires on a non-working day, in which case it shall be given during the next working day), or else the said allowance shall be paid.

In any case where an organization alleges that an employer or his representative is persistently unreasonable or capricious in relation to such claims, it may bring such case before the Wages Board.

Hot Places.

(d) Working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, 1½d. per hour extra; in places where the temperature exceeds 130 degrees Fahrenheit, 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay. The temperature shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.

Slag Wool.

(e) Employees handling loose slag wool, loose insul wool or other loose material of a like nature used for providing insulation against heat, cold or noise, shall when so employed on ship construction or ship repairing or on the construction, repair or demolition of furnaces, walls, floors and/or ceilings be paid 4d. per hour extra.

Wet Places.

(f) An employee working in any place where his clothing or boots become saturated whether by water, oil, or otherwise, shall be paid 2d. per hour extra: Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear: And provided further that any employee who becomes entitled to this extra rate shall be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.

Special Rates not Cumulative.

(g) Where more than one of the disabilities entitling a workman to extra rates exist on the same job the employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

Rates not Subject to Penalty Additions.

(h) The special rates herein prescribed shall be paid, irrespective of the times at which the work is performed, and shall not be subject to any premium or penalty additions.

HOURS OF WORK.*Day Workers.*

4. (a) Subject to the exceptions hereinafter provided the ordinary hours of work shall be 40 per week to be worked in five days of not more than eight hours (Monday to Friday inclusive) and one day (Saturday) of not more than four hours; or five days (Monday to Friday inclusive) of eight hours each continuously except for meal 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. and noon on Saturday.

In localities where the recognized half-holiday is on a day other than Saturday the day so recognized may be substituted for Saturday for all the purposes of this Determination.

Provided that the spread of hours or the daily hours prescribed may be altered as to all or a section of the employees by mutual agreement between an employer and the representative of the union in that shop.

Five-days Week.

- (b) In any case in which the ordinary week's work of 40 hours can be performed in five-days as aforesaid without—
- (i) detriment to the public interest;
 - (ii) loss in the value of goods handled or to be handled;
 - (iii) reducing the efficiency of production; or
 - (iv) reducing the efficacy of the necessary service.

the employer shall allow those employees who so desire to do so to work their ordinary hours in five days as aforesaid. Any dispute as to whether the ordinary hours of work can in any case or cases be worked in five days without detriment, loss or reduction as aforesaid shall be determined by the Wages Board upon application made by or on behalf of the employees. Upon such an application proof that the working of a five-days week will result in such detriment, loss or reduction as aforesaid shall be upon the employer.

This sub-clause shall not apply to employees engaged on the maintenance and servicing of plant.

It is a condition of the allowing of a five-days week hereunder that if required employees shall comply with the reasonable and lawful orders of the employer as to working overtime, including the working of overtime on Saturday.

SHIFT WORK.*Definitions.*

5. (a) For the purposes of this clause—
- “Afternoon shift” means any shift finishing after 6 p.m., and at or before midnight.
- “Continuous work” means work carried on with consecutive shifts of men throughout the 24 hours of each of at least six consecutive days without interruption, except during breakdowns or meal breaks, or due to unavoidable causes beyond the control of the employer.
- “Night shift” means any shift finishing subsequent to midnight, and at or before 8 a.m.
- “Rostered shift” means a shift of which the employee concerned has had at least 48 hours' notice.

Hours—Continuous Work Shifts.

(b) This sub-clause shall apply to shift workers on continuous work, as hereinbefore defined.

The ordinary hours of such shift workers shall not exceed—

- (i) 8 in any 1 day; or
- (ii) 48 in any 1 week; or
- (iii) 88 in 14 consecutive days; or
- (iv) 160 in 28 consecutive days.

Subject to the following conditions, such shift workers shall work at such times as the employer may require:—

- (i) a shift shall consist of not more than eight hours, inclusive of crib time;
- (ii) except at the regular change-over of shifts, an employee shall not be required to work more than one shift in each 24 hours;
- (iii) twenty minutes shall be allowed to shift workers each shift for crib which shall be counted as time worked.

Hours—Other than Continuous Work.

(c) This sub-clause shall apply to shift workers not upon continuous work as hereinbefore defined. The ordinary hours of such shift workers shall not exceed—

- (i) 40 in any week to be worked in five shifts of eight hours on Monday to Friday inclusive, or five shifts of not more than eight hours and one shift (Saturday) of not more than four hours; or
- (ii) 80 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; or
- (iii) 120 in 21 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.

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.

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

Rosters.

(d) Shift rosters shall specify the commencing and finishing times of ordinary working hours of the respective shifts.

Variation by Agreement.

(e) 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.

The time of commencing and finishing shifts once having been determined may be varied by agreement between the employer and the accredited representative of the union to suit the circumstances of the establishment, or in the absence of agreement by seven days' notice of alteration given by the employer to the employees.

Afternoon or Night Shift Allowances.

(f) Shift workers on continuous work whilst on afternoon or night shifts shall be paid 7½d. per cent. more than the ordinary rates for such shifts.

Shift workers on other than continuous work whilst on afternoon or night shifts shall be paid 10 per cent. more than the ordinary rates for such shifts.

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.

An employee who—

- (i) during a period of engagement on shift works night shift only; or
- (ii) remains on night shift for a longer period than four consecutive weeks; or
- (iii) works on a night shift which does not rotate or alternate with another shift or with day work so as to give him at least one-third of his working time off night shift in each shift cycle.

shall during such engagement, period or cycle, be paid at the rate of time and a quarter for all time worked during ordinary working hours on such night shifts.

The minimum rate to be paid to any shift worker for work performed between midnight on Friday and midnight on Saturday shall be time and a quarter. Such extra rate to be in substitution for and not cumulative upon the shift premiums prescribed in the first and second paragraphs of sub-clause (f) hereof.

Overtime.

(g) Shift workers for all time worked in excess of or outside the ordinary working hours prescribed by this Determination 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; or
- (vi) on a shift to which an employee is transferred on short notice as an alternative to standing the employee off in circumstances which would entitle the employer to deduct payment for a day in accordance with clause 11 (b) hereof.

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.

Compulsory Overtime.

(gi) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

Sundays and Holidays.

(h) Shift workers on continuous work shifts for work done on a rostered shift the major portion of which is performed on a Sunday or holiday shall be paid at the rate of time and a half.

Shift workers on other than continuous work for all time worked on a Sunday or holiday shall be paid at the rates prescribed by clause 8 of this Determination. Where shifts commence between 11 p.m. and midnight on a Sunday or holiday 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.

Junior Employees.

(i) Juniors whilst on afternoon or night shifts shall be paid not less than the rates hereinbefore prescribed or 1s. per shift whichever is the higher.

MIXED FUNCTIONS.

6. An employee engaged for more than half of one day or shift on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day or shift. If for less than half of one day or shift, he shall be paid the higher rate for the time so worked.

OVERTIME.

7. (a) For all work done outside ordinary hours the rates of pay shall be time and a half for the first four hours and double time thereafter, such double time to continue until the completion of the overtime work: Provided that in the case of an apprentice or a junior the rate for overtime shall be not less than the rate herein prescribed or 1s. 6d. per hour, whichever is the higher.

Except as provided in this sub-clause or sub-clause (b) hereof in computing overtime each day's work shall stand alone.

Rest Period after Overtime.

(b) When overtime work is necessary it shall, wherever reasonably practicable, be so arranged that employees have at least eight consecutive hours off duty between the work of successive days.

An employee (other than a casual employee) who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not at least eight consecutive hours off duty between those times shall, subject to this sub-clause, be released after completion of such overtime until he has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If on the instructions of his employer such an employee resumes or continues work without having had such eight consecutive hours off duty he shall be paid at double rates until he is released from duty for such period and he shall then be entitled to be absent until he has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

Call Back.

(c) An employee recalled to work overtime after leaving his employer's business premises (whether notified before or after leaving the premises) shall be paid for a minimum of three hours' work at the appropriate rate for each time he is so recalled; provided that, except in the case of unforeseen circumstances arising, the employee shall not be required to work the full three hours if the job he was recalled to perform is completed within a shorter period. This sub-clause shall not apply in cases where it is customary for an employee to return to his employer's premises to perform a specific job outside his ordinary working hours, or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.

Overtime worked in the circumstances specified in this sub-clause shall not be regarded as overtime for the purposes sub-clause (b) of this clause where the actual time worked is less than three hours on such recall or on each of such recalls.

Saturday Work—Five-days Week.

(d) A day worker on a five-days week required to work overtime on a Saturday shall be afforded at least three hours' work or paid for three hours at the appropriate rate except where such overtime is continuous with overtime commenced on the day previous.

Standing By.

(e) Subject to any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back, an employee required to hold himself in readiness to work after ordinary hours shall until released be paid standing-by time at ordinary rates from the time from which he is so to hold himself in readiness.

Meal Hours—General.

(f) For work done during meal hours and thereafter until a meal-hour break is allowed, time and a half rates shall be paid. An employee shall not be compelled to work for more than six hours without a break for a meal.

Meal Hours—Maintenance Employees.

(g) Subject to the provisions of the second part of sub-clause (f) of this clause an employee employed as a regular maintenance man shall work during meal breaks at the ordinary rates herein prescribed whenever instructed to do so for the purpose of making good breakdowns of plant or upon routine maintenance of plant which can only be done while such plant is idle.

Crib Time.

(h) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each four hours of overtime worked if the employee continues work after such crib time.

Provided that where a day worker on a five-days week is required to work overtime on a Saturday the first prescribed crib time shall, if occurring between 10 a.m. and 1 p.m., be paid at ordinary rates.

Unless the period of overtime is less than one and a half hours an employee before starting overtime after working ordinary hours shall be allowed a meal break of twenty minutes which shall be paid for at ordinary rates. An employer and employee may agree to any variation of this provision to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of any time allowed in excess of twenty minutes.

Tea Money.

(i) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that he will be so required to work shall either be supplied with a meal by the employer or paid 2s., and 1s. 3d. for each subsequent meal, but such payment need not be made to employees living in the same locality as their workshops who can reasonably return home for meals.

Unless the employer advises an employee on the previous day or earlier that the amount of overtime to be worked will necessitate the partaking of a second or subsequent meal (as the case may be) the employer shall provide such second and/or subsequent meals or make payment in lieu thereof as above prescribed.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime or is required to work less than the amount advised he shall be paid as above prescribed for meals which he has provided, but which are surplus.

Transport of Employees.

(j) When an employee, after having worked overtime, or a shift for which he has not been regularly rostered, finishes work at a time when reasonable means of transport are not available, the employer shall provide him with a conveyance to his home, or pay him his current wage for the time reasonably occupied in reaching his home.

Compulsory Overtime.

(k) 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.

8. (a) Employees shall be entitled to the following public holidays, without loss of pay, as regards employees on weekly hiring:—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or such other other day as is generally observed in the locality as a substitute for any of the said days respectively.

Provided that Christmas Day and Boxing Day shall for the year, 1949, be deemed to fall on the 26th and 27th days of December, 1949, respectively, and that New Year's Day for the year, 1950, shall be deemed to fall on the 2nd day of January, 1950.

By agreement between any employer and his employees, other days may be substituted for the said days, or any of them as to such employer's undertaking.

(b) An employee not engaged on continuous work shall be paid at the rate of double time for work done on Sundays and public holidays, such double time to continue until he is relieved from duty.

Provided that where employees are necessarily engaged in repairs to or renewals of their employer's plant and machinery necessary for resumption of work the next following working day, or for maintaining the continuity of electric light and power (not including the installation of new machinery), work done on holidays shall be paid for at the rate of time and a half for the first eight hours, and double time thereafter.

(c) An employee, other than a casual employee, not engaged in continuous work, who works on a Sunday or a public holiday and (except for meal breaks) immediately thereafter continues such work, shall on being relieved from duty be entitled to be absent until he has had eight consecutive hours off duty, without deduction of pay for ordinary time of duty occurring during such absence.

(d) Employees, other than on shift or engaged in maintaining the continuity of electric light and power, required to work on Sundays or public holidays shall be paid for a minimum of three hours' work.

EXTRA RATES NOT CUMULATIVE.

9. Extra rates in this Determination, except rates prescribed in clause 3, are not cumulative so as to exceed the maximum of double the ordinary rates.

PAYMENT OF WAGES.

10. (a) Wages shall be paid weekly or fortnightly.
- (b) On the first pay day occurring during his employment, an employee shall be paid whatever wages are due to him up to the completion of his work on the previous day: Provided that this sub-clause shall not apply to employers who make a practice of allowing advances to employees approximating wages due.
- (c) Upon termination of the employment, wages due to an employee shall be paid to him on the day of such termination, or forwarded to him by post on the next working day.
- (d) An employee kept waiting for his wages on pay day for more than a quarter of an hour after the usual time for ceasing work, shall be paid at overtime rates after that quarter-hour, with a minimum of a quarter of an hour.
- (e) On or prior to pay day, the employer shall state to each employee, in writing, the amount of wages to which he is entitled, the amount of deductions made therefrom, and the net amount being paid to him.

CONTRACT OF EMPLOYMENT.

Weekly Employment.

11. (a) Except as hereinafter provided employment shall be by the week. 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. This shall not affect the right of the employer to dismiss any employees 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 machinery, or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.
- (c) An employee not attending for duty shall, except as provided by clause 12 hereof, lose his pay for the actual time of such non-attendance.

Casual Employment.

- (d) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he or she performs plus 10 per cent.

LATE COMERS.

- (e) Notwithstanding anything elsewhere contained in this Determination an employer may select and utilize for time-keeping purposes any fractional or decimal proportion of an hour (not exceeding a quarter of an hour) and may apply such proportion in the calculation of the working time of employees who without reasonable cause promptly communicated to the employer, report for duty after their appointed starting times or cease duty before their appointed finishing times.
- An employer who adopts a proportion for the aforesaid purpose shall apply the same proportion for the calculation of overtime.

SICK LEAVE.

12. (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.

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) Sick leave shall accumulate from year to year so that any balance of the period specified in sub-clause (a) (iv) of this clause which has in any year not been allowed to an employee by an employer as paid sick leave may be claimed by the employee and subject to the conditions hereinbefore prescribed shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year. Provided that sick leave which accumulates pursuant to this sub-clause shall be available to the employee for a period of two years, but for no longer from the end of the year in which it accrues.
- (c) Rights accrued under sub-clause (c) hereof prior to the 1st day of January, 1948, shall be preserved except that the total number of hours so accrued and not taken prior to the 1st day of January, 1948, shall be reduced by 1/11th of such total the result to be calculated to the nearest hour.

ATTENDANCE AT HOSPITAL, ETC.

- (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.

13. 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.

MISCELLANEOUS.
Accommodation and Conveniences.

Boiling Water.

14. (a) (i) Employers shall provide boiling water for employees at meal times.

Drinking Water.

(ii) Employers shall provide for the use of employees in workshops a sufficient supply of wholesome cool drinking water from bubble taps or other suitable drinking fountains.

First Aid Outfit.

(iii) In each workshop, and at other places where employees are regularly employed, the employer shall provide and continuously maintain, at a place or places reasonably accessible to all employees, an efficient first-aid outfit.

Clause 8 of Chapter 9 of the Regulations under the *Factories and Shops Act 1928* requires that a first-aid ambulance chest shall be kept in some accessible place upon the premises, and that such chest shall be equipped and supplied with the following articles :—

Articles.	Quantities to be Kept in Ambulance Chest—
Antiseptic solution	1 bottle
Bandages, cotton and gauze	1 dozen assorted sizes
Castor oil	2 oz.
Iodine, tincture of	2 oz.
Manual, first-aid	1
Petrolatum, carbolyzed	1 jar
Picric acid solution, made according to the following recipe or prescription :—	
1½ teaspoonfuls of powdered picric acid, 3 oz. of absolute alcohol, and 2 pints of distilled water	1 pint
Pins, safety	1 packet
Sal volatile	6 oz.
Scissors	1 pair
Tourniquet	1
Tweezers	1 pair
Cotton, absorbent	} An adequate assortment
Gauze, sterilized, plain	
Lint, absorbent	
Plaster, adhesive	

Lockers.

(iv) An employer shall at some reasonably convenient place on his premises provide a suitable locker for each employee in his workshop, or hanging facilities which afford reasonable protection for employees' clothes. In any case in which compliance with this paragraph necessitates the provision of lockers or new or improved hanging facilities, they shall be provided by the 1st November, 1947, unless the employer proves to the satisfaction of the Wages Board that he is unable by reason of shortage of material or labour or any other difficulties to provide such new or improved facilities, in which case their provision may be postponed for such period or periods as the Wages Board determines.

Washing and Sanitary Conveniences.

(v) Employers shall provide proper and sufficient washing and sanitary conveniences.

Clothing, Equipment and Tools.

Damage to Clothing and Tools.

(b) (i) Compensation to the extent of the damage sustained shall be made where in the course of the work clothing or tools are damaged or destroyed by fire or molten metal or through the use of corrosive substances. Provided that the employer's liability in respect of tools shall be limited to such tools of trade as are ordinarily required for the performance of the employee's duties.

Gas Masks.

(ii) The employer shall ensure that sufficient masks are available to enable each employee when engaged on repairs to refrigeration plants outside the employer's premises, to take one with him.

Gloves.

(iii) Suitable gloves or pads shall be provided by employers for such work as the foreman and employee may agree. In case of disagreement between the foreman and workman, the workman or a shop steward on his behalf shall be entitled, within 24 hours, to ask for a decision on the workman's claim by the employer's industrial officer (if there be one) or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such case a decision shall be given on the workman's claim within 48 hours of its being asked for (unless that time expires on a non-working day in which case it shall be given during the next working day), or else the said equipment shall be provided. In any case where an organization alleges that an employer or his representative is persistently unreasonable or capricious in relation to such claims, it may bring such case before the Wages Board.

Ventilation.

(c) While any work is being carried on in any confined or enclosed space in which—
(i) fumes, gases, dust or vapours which may be dangerous or injurious are liable to be present or to be generated in the course of the work; or
(ii) the atmosphere may otherwise become vitiated;
the employer shall install a suction exhaust apparatus, through which by means of a power-driven fan air is drawn from the vicinity of the work in relation to which it is installed.

Where it is impracticable to install such suction exhaust apparatus the employer shall take all such steps as are necessary to ensure safe working conditions in any such confined or enclosed space.

This sub-clause shall not be deemed to be inconsistent with the Harmful Gases, Vapours, Mists, Smokes and Dust Regulations 1945 (published in the *Victoria Government Gazette* No. 21, dated 7th February, 1945) and shall not apply to any processes or occupations to which those Regulations apply.

Shop Stewards.

15. An employee appointed shop steward in the shop or department in which he is employed shall, upon notification thereof to his employer, be recognized as the accredited representative of the union to which he belongs, and he shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents.

RIGHT OF ENTRY OF UNION OFFICIALS.

16. (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 Wages Board.

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 Wages Board may decide.

(b) For the purpose of investigating complaints concerning the application of this Determination, or the employment of females upon work which is alleged to be unsuitable for females, 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 concerned 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 :—

(Name of organization.)

This is to certify that
is a duly accredited representative of the above-named organization.

General Secretary.
Date.

(SEAL)

Specimen signature of holder.

Strictly not transferable.

TIME AND WAGES BOOK.

17. (a) Each employer shall keep a record from which can be readily ascertained the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

(b) The time occupied by an employee in filling in any time record or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out when entering or leaving the employer's premises.

(c) The time and wages record shall be open for inspection to a duly accredited union official during the usual office hours at the employer's office or other convenient place: Provided that an inspection shall not be demanded unless the secretary of the union or the district secretary or organizer of any division suspects that a breach of the Determination has been committed: Provided also that only one demand for such inspection shall be made in one fortnight at the same establishment.

(d) The official making such inspection shall be entitled to take a copy of entries in a time and wages record relating to the suspected breach of the Determination.

NOTICE BOARD.

18. The employer shall permit a notice board of reasonable dimensions to be erected in a prominent position in his establishment, upon which accredited union representatives shall be permitted to post formal union notices, signed or countersigned by the representative posting same.

Any notice posted on such board not so signed or countersigned may be removed by an accredited union representative or by the employer.

DEFINITIONS.

19. "Confined space" means a compartment or space access to which is through a man hole or similar opening, or a place the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, and includes such a space—

- (i) in the case of a ship, inside complete tanks, chain lockers, and peaks; in bilges, under engine beds, under engine room and stokehold floors, or under or inside boilers;
- (ii) in the case of a locomotive, inside the barrels of boilers, fire boxes, water spaces of tenders, side tanks, bunker tanks, saddle tanks, or smoke boxes;
- (iii) in other cases, inside boilers, steam drums, mud drums, fire boxes of vertical or road vehicle boilers, furnaces, flues, combustion chambers, receivers, buoys, tanks, superheaters, or economizers.

"Sunday" means all time between midnight Saturday and midnight Sunday.

"Year" means the period between the 1st day of June in each year and the next 31st day of May.

PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates set out in clause 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 21.

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Throughout the State	6 4 0	6 0	6 10 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

21. (a) For the purpose 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 1950, the amounts of the Basic Wage shall be as prescribed in clause 20.

(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.

(d) The wages of juniors shall be the percentages of the contemporaneous needs basic wage and in addition thereto the constant and war loadings specified in clause 2 of this Determination.

MARGINAL RATES.

22. In addition to the basic wage provided in clause 20, the margins and loadings set out in this clause shall be the minimum rate payable to employees therein named:—

Classification.	Margins	Loadings
	Per Week.	Per Week.
	<i>s. d.</i>	<i>s. d.</i>
Acetylene plant attendant	33 6	4 0
Acetylene generator attendant	26 6	3 0
Operator of dry-ice machine	21 0	3 0
Cylinder tester and/or valve hand	21 0	3 0
Cylinder filler	19 0	3 0
Other employees with not less than three months' experience in the industry	6 0	3 0
All others .. .. .	..	3 0

P. A. RANDES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 6th December, 1949.