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[1951

DETERMINATION OF THE ROAD PATROLMEN'S BOARD.

NOTE.—This Determination applies within 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 (other than persons subject to the jurisdiction of any Wages Board heretofore appointed), employed by a club or association of users of motor vehicles which renders free roadside service to its members, and engaged at testing, replacing, repairing, or adjusting parts of motor vehicles,” has made the following Determination namely :—

1. That as from the beginning of the first pay period to commence in December, 1950, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. WAGES PER WEEK OF 40 HOURS.

	£ s. d.
All employees covered by this Determination	10 14 0

DISABILITY ALLOWANCE.

3. In addition to the weekly rate as prescribed in clause 2 hereof, as adjusted from time to time in accordance with clause 25 hereof, an allowance of $7\frac{1}{2}$ per cent. shall be paid. Such allowance shall be deemed to cover all disabilities associated with the work including the working of shifts and shall be regarded as in addition to the wages for all purposes of this Determination. Provided that in the case of a shift commencing at or after midnight and before 8 a.m. an allowance of 10 per cent. shall be paid in substitution for and not cumulative upon the $7\frac{1}{2}$ per cent. hereinbefore prescribed.

HOURS OF EMPLOYMENT.

4. The ordinary hours of employment shall be an average of 40 per week based on a roster mutually agreed upon provided that such ordinary hours shall not exceed :—

- (a) Eight (8) in any one day, or
- (b) Fifty-six (56) in any seven consecutive days, or
- (c) One hundred and four (104) in any fourteen consecutive days, or
- (d) One hundred and sixty-eight (168) in any twenty-eight consecutive days.

Such ordinary hours shall be worked continuously except for meal breaks at the discretion of the employer. Except at regular change-over of shifts, an employee shall not be required to work more than one shift in each 24 hours.

SPREAD OF WORK.

5. Not more than thirteen shifts are to be worked in any fourteen consecutive days, inclusive of Sundays and holidays, and the principle of a five-day week is to be adhered to as far as is possible without reducing the efficiency of the service.

ROSTERS.

6. The present system of displaying a continuous roster shall be adhered to.

VARIATION BY AGREEMENT.

7. The hours of employment as set out in clause 4 and the spread of work as set out in clause 5 may be varied by mutual consent between the employer and the employees' representative.

OVERTIME.

8. (a) For all work done :—
- (i) Outside the ordinary rostered hours for a day's shift, time and a half shall be paid for the first four hours, and double time thereafter; such double time shall continue to be paid until the employee is relieved from work for at least eight consecutive hours.
 - (ii) Within the ordinary rostered hours for a day's shift in excess of the ordinary hours prescribed in clause 4 sub-clauses (b), (c), and (d) time and a half shall be paid for the first four hours and double time thereafter.
- (b) When an employee works so much overtime between the termination of his ordinary finishing time on one day and the ordinary commencing time on the next day that he has not at least eight consecutive hours off duty between these times, he shall be released after completion of such overtime until he has had eight consecutive hours off duty without loss of pay for the ordinary working time occurring during such absence.
- If, on the instructions of the employer, such an employee resumes on continuous 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 the ordinary working time occurring during such absence.
- (c) An employee recalled to work overtime after having ceased work (whether notified before or after leaving the Patrol Station) shall be paid for a minimum of three hours' work at the rate of time and one half for each time he is so recalled. Provided that the time occupied in travelling to and from the Patrol Station shall be regarded as time worked.
- (d) An employee required to work overtime for more than four hours without being notified the day before or earlier that he will be so required to work shall either be supplied by the employer with a meal or paid 2s. 6d. in lieu thereof.
- If an employee pursuant to notice has provided a meal and is not required to work overtime for at least four hours he shall be paid as above prescribed for the meal he has provided.
- (e) The employer may require any employee to work reasonable overtime and such employee shall work in accordance with such requirement.

SUNDAYS, HOLIDAYS, AND WEEK END WORK.

9. (a) Employees on weekly engagement shall be entitled to the following Public Holidays without loss of pay :—
New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, King's Birthday, Christmas Day, and Boxing Day.
or such other day as is generally observed in the locality as a substitute for any of the said days respectively.
- (b) Any employee required to work on any of the Public Holidays enumerated in sub-clause (a) hereof shall be paid at the rate of time and one half. Such time and one half shall continue to be paid until he is relieved from duty.
- (c) Employees required to work on Sundays or Public Holidays shall be paid for a minimum of three hours' work at the appropriate rate.
- (d) The minimum rate to be paid for work done on Sundays shall be time and one half, and for work done between midnight on Friday and midnight on Saturday time and one quarter.

MEAL BREAK.

10. A meal break of 40 minutes shall be allowed and taken at the discretion of the employer, but not later than five hours after the commencement of the employee's shift.
Twenty minutes of this meal break shall be regarded as time worked.

CONTRACT OF EMPLOYMENT.

11. (a) An 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 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 an employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid only up to the time of dismissal.
- (c) A casual employee is one who is engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate as prescribed by clauses 2 and 3 hereof, plus 10 per cent.
- (d) Except as otherwise provided herein an employee not attending for duty shall lose his pay for the actual time of such non-attendance.

ANNUAL LEAVE.

12. (a) A period of twenty-one consecutive days shall be allowed annually to all employees who have completed twelve months' continuous service (less the period of annual leave). Such leave shall be taken at the discretion of the employer within a period not exceeding six months from the date when it accrued and after not less than two weeks' notice to the employee.
- (b) If, after one month's continuous service in any twelve-monthly qualifying period, an employee lawfully leaves his employment or his employment is terminated by the employer, the annual leave prescribed herein shall be granted to such employee on a pro-rata basis.
- (c) The annual leave provided by this clause shall be allowed and shall be taken and, except as provided by sub-clause (b) hereof payment shall not be made or accepted in lieu of such leave.
- (d) The leave prescribed by this clause shall be exclusive of any of the public holidays prescribed in clause 9 (a) hereof and if any such holiday falls within an employee's period of annual leave there shall be added to the period of annual leave an additional day for each such holiday.
- (e) Each employee, before going on annual leave, shall be paid three weeks' wages or pro-rata if leave is taken under sub-clause (b) hereof.

SICK LEAVE.

13. (a) An employee on weekly engagement who is absent from work on account of personal illness or on account of injury by accident arising out of, or in the course of, his employment, shall be entitled to leave of absence without deduction of pay, subject to the following conditions :—
- (1) He shall not be entitled to be paid sick leave for any period in respect of which he is entitled to worker's compensation.
 - (2) An employee unable to attend for duty through illness or injury shall advise the employer with a minimum of delay stating the reason for and the estimated duration of the absence.
 - (3) In the case of absence through illness or injury extending over two consecutive working days the employee shall produce a medical certificate or other satisfactory proof of his inability to attend for duty on such days.
 - (4) In the case of single day absences where an employee has within the current year already been paid for two single day absences due to illness or injuries, he shall produce a medical certificate for the third and all subsequent single day absences for which paid sick leave is claimed.
 - (5) He shall not, except as hereinafter provided, be entitled in any year to paid sick leave in excess of 40 hours of working time.
- (b) Sick leave shall accumulate from year to year so that any balance of the period specified in sub-clause (a) (5) of this clause which has not been availed of in any year shall, subject to the conditions hereinbefore prescribed, be allowed 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 one year, but for no longer from the end of the year in which it accrues.
- (c) "Year" for the purpose of this clause means the period between the first day of employment with the employer to the day preceding the day having the same date in the succeeding year. Both the commencing and the finishing days in this period are inclusive.

(d) Notwithstanding anything contained in sub-clause (a) hereof, an employee suffering 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) occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

EMPLOYEES' REPRESENTATIVE.

14. One member of the Patrol Staff who has had at least eighteen months' continuous service with the employer shall be nominated and elected by the employees concerned as their representative to act as liaison between the employer and Patrol Staff. Such representative shall be allowed the necessary time during working hours to discuss with the employer any matters affecting the employees whom he represents.

TOOLS.

15. Provision by the employer of tools as listed below is to continue in accordance with present practice.

- | | | |
|-------------------|-------------------------------------|--------------------|
| 1 large jack | } Either or both, according to type | 2 battery cables |
| 1 small jack | | 1 street directory |
| 2 tyre levers | | 1 wheel spanner |
| 1 heat unit clamp | | 1 tyre pump |
| 1 two-gallon can | | 1 service battery |

An employee shall replace or pay for any such tools lost or damaged through his negligence.

OVERALLS AND UNIFORMS.

16. Each employee is to be supplied by the employer with overalls as required. Where an employee is required to wear a uniform, such uniform shall be provided by and at the expense of the employer. Clothing ration coupons, where necessary, are to be provided by the employees.

TRANSPORT OF EMPLOYEES.

17. (a) Subject to the availability of vehicles and to the condition that the vehicle must be housed in a properly constructed and securely locked garage overnight, a patrol working after 11.30 p.m. shall be permitted to use his patrol vehicle for transport to his home providing that his house is within reasonable distance from the Patrol Station and provided that the patrol concerned is rostered to report for duty on the day following. This provision shall not apply to tow-trucks or to tow-truck drivers.

(b) In the case of an employee, for whom transport is not otherwise provided by sub-clause (a) hereof, who, in consequence of working overtime or on 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.

FIRST-AID KIT.

18. An adequate supply of First-aid material as contained in the schedule hereunder shall be provided and constantly maintained by the employer at a place reasonably accessible to all employees requiring to use such material.

Schedule.

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, carbolized	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	

PAYMENT OF WAGES.

19. (a) Wages shall be paid weekly.
- (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.
- (c) Upon termination of the employment, wages due to an employee shall be paid to him on the day of such termination.
- (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.

WET PLACES.

20. Each employee shall be provided with suitable protective clothing and/or footwear for use in wet places.

RIGHT OF ENTRY OF UNION OFFICIALS.

21. (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 no one representative visit the premises more than once in each week ;
- (iii) 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.

(b) A union representative shall be a duly accredited representative of the Australasian Society of Engineers 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.

(Seal.)

Date—

Specimen Signature of Holder—

STRICTLY NOT TRANSFERABLE.

TIME AND WAGES BOOK.

22. (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 eated 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 organization 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.

23. 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.

MISCELLANEOUS PROVISIONS.

24. (a) The employer shall at some reasonably convenient place on his premises provide a suitable locker for each employee or hanging facilities which afford reasonable protection against theft or soiling of employees' clothes.

(b) The employer shall provide:—

- (1) Boiling water for employees at meal times.
- (2) A sufficient supply of cool drinking water from bubble taps or other suitable drinking fountains.
- (3) Hot water for washing and hot and cold showers.
- (4) Adequate sanitary conveniences.

(c) 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 through the use of corrosive substances unless such damage is caused by negligence on the part of the employee.

PERIODICAL ADJUSTMENT OF WAGES.

25. The wage rate set out in clause 2 is 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 rate shall be automatically adjusted by the same amount and at the same time as such basic wage as prescribed by clause 26.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
Throughout the State	£ s. d. 8 2 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, 1951, 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 .103 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, 5th December 1950.