



# VICTORIA GOVERNMENT GAZETTE.

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[1951

Factories and Shops Acts.

## DETERMINATION OF THE SEWAGE DISTRIBUTION 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—

- (a) in the process, trade, business, or occupation of distributing sewage or effluent from channels or treatment tanks;  
(b) at or about tanks at sewage treatment works,” 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.

### WAGES PER WEEK.

										£	s.	d.
2. (a)	Leading waterman	..	..	..	..	..	..	..	..	10	7	0
	Waterman	..	..	..	..	..	..	..	..	9	16	0
	Groundsman	..	..	..	..	..	..	..	..	9	16	0

### Maintenance Work.

	Ganger (i.e., a man in charge of over six men)	..	..	..	..	..	..	..	..	10	1	0
	Leading hand (i.e., a man in charge of from three to six men)	..	..	..	..	..	..	..	..	9	15	0
	All others	..	..	..	..	..	..	..	..	9	6	0

Maintenance work includes operations in areas used for sewage disposal on carriers used for the conveyance of sewage, and on drains used for the conveyance of effluent.

(b) An employee engaged on continuous shift work shall, in addition to the appropriate rate fixed above, be paid a loading at the rate of 10s. per week. Provided that for shift work done on a Saturday he shall be paid at the rate of time and one half of the appropriate rate fixed above.

(c) (i) Where an employee on maintenance work is required to do work of an unusually offensive nature in grass filtration or pasture areas, entering or cleaning out sewage distribution or effluent channels or digestion tanks or septic tanks, he shall be paid a disability rate of 13s. per week or 2s. 7d. per day in lieu of the disability rate for his classification as prescribed in clause 16 with a minimum of two hours on any one day. The decision as to what constitutes work of an unusually offensive nature shall be made by the Resident Engineer, if necessary after consultation with an employee member of the Wages Board on the job.

(ii) Where an employee in any of the above classifications is required to enter and manually remove sludge from sedimentation tanks, or syphons, he shall be paid a disability rate of 35s. per week or 7s. per day in lieu of the disability rate for his classification as prescribed in clause 16.

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the *Factories and Shops Act 1934*, that the trade is so unskilled that no person should be taken as an apprentice in the trade.

### ORDINARY WEEK'S WORK.

3. The ordinary hours for a week's work shall be as follows:—

(a) For persons other than shift workers—

40 hours per week to be worked.

Monday to Friday .. .. . 8 hours between 8 a.m. and 5 p.m.

The above times of beginning and ending may be varied on any job by mutual consent of the employer and a majority of the employees, but in no case shall the total number of hours be increased.

(b) By shift workers—

Morning shift	..	..	..	..	..	..	7 a.m. to 3 p.m.
Afternoon shift	..	..	..	..	..	..	3 p.m. to 11 p.m.
Night shift	..	..	..	..	..	..	11 p.m. to 7 a.m.

## OVERTIME.

## 4. (a) Persons other than shift workers—

For all time worked, excluding Sundays, outside the hours or in excess of the number of hours fixed in clause 3 (a):  
Time and a half for the first two hours on any day, and double time thereafter.

## (b) Shift workers—

For all time worked outside the hours fixed for shifts in clause 3 (b) .. .. . Time and a half.

The overtime rate for shift workers shall not apply to arrangements between employees themselves or in cases due to rotation of shifts or when the relief does not come on duty at the proper time. Provided that where not less than eight hours' notice has been given to the employer by the employee that he will be absent from work, and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

## FARE ALLOWANCE.

5. The following additional rate shall be paid to any person employed under this Determination:—Is. per day or portion of a day unless transport is provided by the employer.

Employees of Sewerage Authorities other than the Melbourne and Metropolitan Board of Works are exempted from the provisions of this clause unless they reside more than half a mile from Sewage Treatment Works.

## BICYCLE ALLOWANCE.

6. Where an employer directs an employee to use his bicycle in the performance of his duties, such employee shall be paid an allowance at the rate of Is. per day for each day the bicycle is used in the manner directed.

## FAILING TO NOTIFY EMPLOYEES.

7. If any employee on shift work, or any other daily, weekly, or nightly work, is not informed before he leaves the job at the end of his shift or day that he is not required to work on the next shift, or day, or night, and such employee attends on the next shift, or on the next day or night, and he is not put to any other work, he shall be paid for four hours for that shift, day or night not worked.

Provided that this clause shall not apply in the case of an employee for whom other suitable work is provided.

## EMPLOYEE PRESENTING HIMSELF FOR WORK.

8. Any employee who presents himself for work, and who is not permitted by the employer to commence work on that day on account of wet weather or any other reasons over which the employee has no control, shall be paid:—

(a) A full day's pay if such employee holds himself in readiness for the whole working day or if he leaves with the consent of the employer before the end of the working day.

(b) The actual time for which such employee holds himself in readiness if he leaves without the consent of the employer before the end of the working day.

## EMPLOYEE RECALLED TO WORK.

9. An employee recalled to work after the expiration of his customary working time for the day, and after he has left work for the day or called out to work on a Saturday shall be paid for a minimum of 3 hours' work at one and a half times the ordinary prescribed rate for each time he is so recalled.

Provided that the employee, if required to work for two hours or more, shall be paid for a minimum of 3 hours' work calculated at one and a half times the ordinary prescribed rate for two hours and at double the ordinary prescribed rate for one hour.

## WET PLACES.

10. (a) If an employee is required to walk in sewage effluent or to work in a wet place or to work in heavy rain, he shall be provided with gumboots or oilskins, or both, so as to protect him from getting wet.

(b) If he is not so provided so as to protect him from getting wet, he shall be paid therefor 2s. extra for the day, whatever amount of work may be done by him thereon.

(c) For the purposes of this clause, a place shall be deemed to be wet when water other than rain is continually dropping from overhead so as to saturate the clothing of the employee, if unprotected, and/or when the water in the place where the employee is standing is over two inches deep, and rain shall be deemed to be heavy when, if the employee works therein as required, his clothes shall become saturated.

## SICK LEAVE.

(a) *Employees of Melbourne and Metropolitan Board of Works.*

11. (i) An employee employed by the week who is absent from work on account of personal illness or on account of injury by accident for which he is not entitled to workers' compensation shall, on production within 24 hours of evidence of his illness or injury satisfactory to the employer be entitled to leave of absence on the prescribed rate of pay for a period of one week of working time in any one year.

(ii) Such sick leave shall accumulate from year to year so that any balance of the period specified in sub-clause (i) of this clause which has in any year not been allowed to an employee by the Board as paid sick leave may be claimed by the employee and subject to the conditions hereinbefore prescribed shall be allowed by the Board in any subsequent year without diminution of the sick leave prescribed in respect of that year.

(b) *Other Employees.*

(i) This clause shall apply only to continuing employees and shall apply from the first day of October, 1946, inclusive. For the purposes of this clause, an employee shall be deemed to be a continuing employee when he is engaged by the week and his engagement shall have continued for a continuous period exceeding one month. And a person shall be deemed to be continuing in the employer's employ (though not actively) during any period that he is absent from work on leave granted in consequence of personal injury or illness if he submits a certificate or certificates from a medical practitioner covering the period of absence, or other proof satisfactory to the employer, and during any period that he is absent on other leave granted by an authorized officer.

(ii) (a) Each continuing employee shall be entitled to be credited with the number of sick leave days set out in sub-clause (iii) (a) hereof, and shall be debited with such payments as he receives under sub-clause (iv) (a) hereof; provided however that at no time he shall be entitled to have, or have, a balance of more than 30 days to his credit, and provided further that on an employee ceasing to be in the employer's employ whether voluntarily or involuntarily the number of days (if any) standing to his credit and which have therefore not been required, shall be cancelled without any payment being made in respect of any such days, but if his employment is terminated by the employer other than for misconduct or absence from work without reasonable excuse, and he is subsequently within a period of twelve months re-employed and deemed to be a continuing employee, the number of days which were to his credit before cancellation on the termination of his former period of employment, shall after his re-engagement has continued for one month again be placed to his credit.

(b) "Day" for the purpose of sick leave credits shall where 40 hours are fixed herein as the number of hours for a week's work, be deemed to be eight hours; and shall where a number less than 40 hours is regularly worked by an employee, be deemed to be 3/10 of such number.

(iii) (a) Each continuing employee in the employer's employ on the 1st day of October, 1946, shall be entitled on such date to be credited with six days' sick leave in respect of the year which commenced on that date.

(b) Each continuing employee in the employer's employ on each subsequent 1st day of October, shall be entitled on such date to be credited with six days in respect of the year commencing on such date; provided however, that any employee absent on such 1st day of October or from a date prior to such 1st day of October and still absent on such 1st day of October, shall not be entitled to be credited with such six days unless, and until the day he returns to work whereupon he shall be so credited.

Each employee who may become a continuing employee on or after the 1st day of October, 1946, shall as from the date that he is deemed a continuing employee be entitled to be credited with six days' sick leave in respect of the year ending twelve months after the date of his being deemed a continuing employee, unless having been previously employed in that year he has already been credited with six days for that year.

(iv) (a) Subject to the provisos contained in paragraphs (b), (c), (d), (e), (f), and (g) of this sub-clause, a continuing employee absent from his work through personal accident or sickness not attributable in either case to the employee's misconduct shall in respect of each such period of absence be entitled to and be paid sick leave pay as hereinafter set out for the time absent on each day, but not exceeding the number of hours which, apart from overtime i.e., excess work, it would have been usual for him to work on each day that he is so absent: that is to say:—

In respect of time absent not exceeding the number of days to his credit under sub-clauses (ii) and (iii) hereof, which time would have been worked by him for his absence (day meaning the 24 hours ending at midnight); sick leave pay at a rate equal to the sum of the ordinary rate of wage and any usual additional rate of whatever nature which would have been payable to him had he been at work, but excluding any hourly rate, until the number of hours to his credit under sub-clauses (ii) and (iii) hereof shall have become reduced to none. The ordinary rate means the rate defined herein as ordinary rate. Where Sunday, payable at double rate is included as a sick leave day, every hour thereof paid for as sick leave shall be counted as a debit of two hours. Sick leave pay shall be in respect of that occupation which, in a fixed roster of work, would have been the employee's occupation had he not been so absent. And where there is no fixed roster of work, sick leave pay shall be in respect of the occupation which the employee was performing immediately prior to the commencement of the absence, unless in the opinion of the Engineer such occupation would not have continued to be the employee's occupation had the employee not become so absent, and in such case sick leave pay shall be in respect of such occupation as such Engineer shall name.

Any public holiday or holidays as defined herein occurring during the first month of any absence shall not, if the employee is entitled to such holiday with pay, be included as days of absence for the purpose of sick leave pay.

And if the number of hours to his credit shall have become reduced to none on or before the 30th day of September next following the commencement of such absence, and such absence shall continue beyond such date, he shall on the day he returns to work be credited with six days as provided by paragraph (b) of sub-clause (iii) hereof, but such credit shall not be available as sick pay in respect of the absence then just ended.

(b) That on the first day of the absence the Engineer or foreman or overseer is notified of the cause of the absence.

(c) That the employee within three days produces a certificate from a medical practitioner or some other medical practitioner nominated by the employer if the employer shall so require within such further period as the employer shall allow (whose certificate shall be final and conclusive) describing the nature of the illness or disability and certifying the period of absence necessary, or produces other proof satisfactory to the Engineer or other authorizing officer that his absence and continued absence was reasonably necessary through personal accident or sickness. And when the absence continues beyond the end of any period so proved, that he furnishes evidence that a continuation of the absence is necessary for a further specified period.

(d) That no sick leave pay shall be payable in respect of any absence for which an employee will be entitled to receive or receives compensation under the Workers' Compensation Act.

(e) That no sick leave pay shall be payable to an employee beyond a date on which his contract of employment shall terminate by reason of his death, or his having reached the compulsory retiring age, or notice—express or implied—operating to terminate his contract of employment or by or from other causes.

(f) No "standing-by" allowance, or travelling allowance, or camping allowance, or vehicle allowance if the vehicle is not being used for the employee's purposes, or any disability allowance, shall be payable in respect of any period of absence on sick leave.

(g) Except as provided, no employee shall be entitled to payment for the time absent from work in consequence of personal accident or ill health.

(h) An employee leaving the employer's employ to take employment with some other employer immediately following one or more days' absence through illness shall not be entitled to any sick leave pay which may not have been paid to him in respect of such absence.

#### HOLIDAYS AND SUNDAYS.

12. All employees shall be entitled to the nine holidays hereinafter mentioned without deduction of pay:—New Year's Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, King's Birthday, Christmas Day, and Boxing Day. Should any of such holidays fall on a rest day of an employee engaged on shift work he shall in such cases receive within twelve months thereafter a holiday on full pay in lieu of each of such days except in a case where any such holiday falls on a Saturday or a Sunday. Should the 25th December in any year occur on a Saturday or a Sunday the following Monday and Tuesday shall, for the purposes of this Determination, be deemed to be Christmas Day and Boxing Day respectively. Likewise should the 1st January in any year occur on a Saturday or a Sunday the following Monday shall be deemed to be New Year's Day.

Work done by employees (other than shiftworkers) on Sundays and holidays shall be paid for at the rate of double time with a minimum of three hours' pay at the penalty rate.

For shift workers double time shall be the rate for all work done on Sundays, Good Friday and Christmas Day, and time and a half shall be the rate for all work done on New Year's Day, Labour Day, Easter Saturday, Easter Monday, Anzac Day, King's Birthday, and Boxing Day.

The days following the day observed as Boxing Day up to and inclusive of the 31st December in each year shall be granted as holidays on full pay to all employees with not less than twelve months' service. The days occurring within this period shall, except in the case of shiftworkers, be exclusive of Sundays. Should any employee work on any of the days referred to in this period or should a rest day of any employee engaged on shift work fall within such period he shall in either case receive within twelve months thereafter a holiday on full pay in lieu of each of such days.

#### 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 thereof from time to time provided that in respect of a continuous shift worker an additional day shall be added to the annual holiday as prescribed for each holiday referred to in clause 12 on which such an employee is required to work with a maximum of five such additional days.

#### PERIODICAL ADJUSTMENT OF WAGES.

14. The wages rates set out in clause 2 are based upon the following basic wage and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically increased or decreased by the same amount and at the same time as such Basic Wage as prescribed by clause 15.

#### Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	8 2 0	Melbourne

## 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, 1951, the amount of the basic wage shall be as prescribed in clause 14.

(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.

## MARGINAL RATES.

16. In addition to the basic wage provided in clause 14, the margins and disabilities rates set out in this clause shall be the minimum rates payable to employees therein named:—

	Margin for Skill.	Disability Rate.
	<i>s. d.</i>	<i>s. d.</i>
Leading waterman .. .. .	32 0	13 0
Waterman .. .. .	21 0	13 0
Groundsman .. .. .	21 0	13 0
<i>Maintenance Work.</i>		
Ganger (i.e., a man in charge of over six men) .. .. .	36 0	3 0
Leading hand (i.e., a man in charge of from three to six men) .. .. .	30 0	3 0
All others .. .. .	21 0	3 0

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

J. W. RYAN, Secretary.

Melbourne, 14th November, 1950.