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GOVERNMENT GAZETTE.

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[1953

Factories and Shops Acts.

DETERMINATION OF THE FROZEN GOODS 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 which now has the power 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, business or occupation of freezing or refrigerating goods of any kind for the purpose of trade or sale, including the packing or grading of such goods but not including—

- (a) persons engaged in packing or grading eggs;
- (b) persons engaged in packing ice-cream;
- (c) persons engaged in the slaughtering and boning departments of meat works or abattoirs in the preparation and packing of meats, offals, and by-products in a fresh condition;
- (d) persons subject to the jurisdiction of the Fruit Packing Board and of the Ice Board;

has made the following Determination, namely:—

1. That on the 28th May, 1953, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. WAGES.

Improvers and Juvenile Workers.				Other Employees.			
		Per Week.	Per Hour.			Per Week.	Per Hour.
		£ s. d.	s. d.			£ s. d.	s. d.
16 years of age and under 17	.. ..	6 11 10	3 3 <sup>11</sup> / <sub>20</sub>	Chamber hands	.. ..	16 5 6	8 1 <sup>13</sup> / <sub>20</sub>
17 " " " 18	.. ..	7 6 10	3 8 <sup>1</sup> / <sub>20</sub>				
18 " " " 19	.. ..	8 14 7	4 4 <sup>3</sup> / <sub>4</sub>	All others	.. ..	15 12 10	7 9 <sup>17</sup> / <sub>20</sub>
19 " " " 20	.. ..	10 4 4	5 1 <sup>3</sup> / <sub>10</sub>				
20 " " " 21	.. ..	12 7 4	6 2 <sup>1</sup> / <sub>2</sub>				

For definition of juvenile workers, see clause 11.

PROPORTION OF IMPROVERS.

One improver to every 25 or fraction of 25 workers receiving not less than the hourly rate herein prescribed for "all others".

Temporary workers shall be paid time and a half on the ordinary rates for work done during ordinary working hours. For work done outside those hours they shall receive ordinary overtime rates.

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

## ORDINARY WEEK'S WORK.

3. The number of hours which shall constitute a week's work shall be 40.

## TIMES OF BEGINNING AND ENDING WORK.

4. The times of beginning and ending work each day shall be as follows :—

	Time of Beginning.	Time of Ending.
(a) <i>Meat Export Works.</i>		
Hanging ground and grading room hands—		
Monday to Friday .. .. .	7.45 a.m.	5.15 p.m.
Saturday .. .. .	7.45 a.m.	12 noon
Chamber hands—		
Monday to Friday .. .. .	8 a.m.	5 p.m.
Saturday .. .. .	8 a.m.	12 noon
(b) <i>Cool Stores Works.</i>		
All employees—		
Monday to Friday .. .. .	8 a.m.	5 p.m.
Saturday .. .. .	8 a.m.	12 noon

## OVERTIME.

5. The following rates, subject to the conditions stated in clause 7, shall be paid for all work done :—

(a) Outside the times of beginning and ending work as provided in clause 4.

(i) On Saturdays.—Time and a half fixed on the ordinary rates before starting time and double time on ordinary rates after 12 noon.

(ii) On other week days.—Time and a half.

(b) Within the hours fixed as the time of beginning and ending work :—

(i) In excess of four hours on Saturday and eight hours on other week days.—Time and a half.

(ii) In excess of the number of hours fixed for a week's work in clause 3.—Time and a half.

(c) In excess of 8 hours on Saturdays—treble ordinary rates.

The overtime rates payable for work done on Sundays and holidays are provided for in clause 8.

## LIMITATION OF HOURS OF WORK.

6. (i) No employee shall be required to work more than 16 hours in any one day.

(ii) No employee shall be required to work more than 12 hours' overtime in any one week provided that this limitation of overtime shall not apply to loading out for shipment.

## MINIMUM OF OVERTIME.

7. If an employee is required to work more than one hour and a half on any day after the time of ending work as provided in clause 4 or if having ceased work for the day for not less than one hour, and is required to work, he shall receive a minimum of two hours' pay at overtime rates.

## SPECIAL RATES FOR SUNDAYS AND HOLIDAYS.

8. (a) Double time fixed on the ordinary rates shall be paid for all work done on Sundays, New Year's Day, Australia Day, Labour Day, Anzac Day, Good Friday, Easter Monday, Melbourne Cup Day, Christmas Day, Boxing Day, and Coronation Day (2nd June, 1953), but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

An employee required to work on a Sunday or a holiday shall receive a minimum of four (4) hours' work or shall be paid for such four hours at double rates, and if required to work beyond such four hours the employer shall continue to employ such employee up to eight hours at any task, provided that such excess time shall not be taken into account for the purposes of sub-clause (ii) of Clause 6. If an employee is required to work in excess of eight hours on a Sunday or a holiday, he shall be paid treble ordinary rates for such excess work.

(b) Any person (other than a temporary worker) if not required to work on any day mentioned in clause 8 (a) as a holiday shall receive a day's pay (based on his ordinary rates) for such day provided that he is required to work for any portion of the working week in which such holiday occurs, provided that the provisions of this sub-clause shall not apply to Anzac Day when such day occurs on a non-working day. Any person who is required to work on a holiday for a period of less than eight hours shall receive double ordinary rate for the time so worked in addition to the ordinary rate for the balance of eight hours.

## ANNUAL HOLIDAY.

9. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946*, No. 5,111, and any amendments which may be made thereto from time to time.

## SICK LEAVE.

10. (a) Any employee who 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—4 hours' ordinary pay for each complete month of service;

(ii) During any subsequent year of service—48 hours' ordinary pay.

Provided that in either case such employee produces or forwards within 48 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.

For the purposes of this sub-clause service prior to the 1st June, 1949, shall be disregarded, provided that any accumulated sick leave, not exceeding 144 hours of working time, standing to the credit of the employee on the 1st June, 1952, shall not be reduced by virtue of the provisions of this sub-clause.

No employer shall terminate the services of an employee during the currency of any period of sick leave with the object of avoiding his obligations under this sub-clause.

## DEFINITIONS.

11. (a) A juvenile worker shall mean a person under 21 years of age (other than an improver) engaged in stamp marking carcasses, stamping, stringing and putting on tickets, handling or packing offals or by-products, scraping, nailing up, re-wiring, and branding packages, but not stacking cases of butter or eggs, sweeping up and acting as an assistant to a Government Inspector.

(b) No improver or juvenile worker shall lift any article of a weight in excess of 50 pounds.

(c) A temporary worker shall mean any person (including a juvenile worker) other than a hanging ground or grading room employee who is employed for less than three full consecutive working days. Saturdays, Sundays, and holidays are not to be counted as working days, i.e., Friday, Monday, and Tuesday would be three consecutive working days whether Saturday or Sunday is worked or not.

## GENERAL CONDITIONS.

## MEAL HOURS.

12. (a) All work done during a meal hour shall be paid for at the rate of double time, fixed on the wage for the day on which such meal hour is worked.

(b) *Meat Export Works.*—Breakfast. A period of one hour between the hours of 6 a.m. and 9 a.m. shall be allowed for breakfast. Dinner—One hour between 12 noon and 1.30 p.m. shall be observed as a dinner hour. Tea—when work is to be continued for more than one and a quarter hours after the time fixed for ending work in clause 4 (a) one hour between 5 p.m. and 6.30 p.m. shall be observed as a tea hour, and if such overtime is to finish not later than midnight, work shall then proceed uninterrupted (except for a smoke-oh as provided in clause 13). If however, work is to continue after midnight, one hour (before midnight) shall be observed as a meal hour, and thereafter, one meal hour after each four hours' work.

(c) *Cool Store Works.*—Not more than five hours shall be worked by employees in cool stores working between 7 a.m. and 6 p.m. without an interval of one hour for a meal. If work is to continue after 7 p.m., the hour from 5 p.m. to 6 p.m. shall be observed as a meal hour. If, however, work is to continue after midnight one hour (before midnight) shall be observed as a meal hour, and thereafter, one meal hour after each four hours' work.

## SMOKE-OH.

13. Fifteen minutes interval without loss of pay shall be allowed for smoke-oh between ordinary starting time in the morning and 12 noon, and fifteen minutes between 1 p.m. and 6 p.m., provided that no employee shall be required to work for more than 2½ hours without a smoke-oh.

Provided also that employees who commence work before 7 a.m. and have no breakfast hour shall be allowed an interval of fifteen minutes without loss of pay at the end of each two hours' work until dinner hour. If men are required to work after 6 p.m. an interval of fifteen minutes without loss of pay after every two hours' work shall be allowed.

Notwithstanding anything provided elsewhere in this clause when five hours are worked between meal times, the smoke-oh shall consist of twenty minutes.

## CHANGING TIME.

14. Chamber hands shall be allowed five minutes, changing time at the end of the day's work, such time to be counted as time worked.

## WAITING TIME.

15. When an employee has been instructed to report at a certain hour and is kept waiting before he commences work such waiting time shall be paid for at ordinary rates provided for the class of work to be done.

## MINIMUM HOURS OF WORK.

16 (a). An employee required to work on any day within the hours set out in clause 4 (a) or (b) shall be given a minimum of 3½ hours' work on Saturdays, and 8 hours on other days (except Sundays or holidays) or shall be paid for same, but they may be worked for any period beyond the hours fixed in clause 4 until such amount has been absorbed in payment at the rate applicable to the time worked.

(b) Except as provided in clause 15 herein an employer shall not be required to pay for any time the employee cannot usefully be employed because of any strike or other stoppages of work by any cause for which the employer cannot reasonably be held responsible.

(c) Notwithstanding the provisions of sub-clause (b) hereof any employee called to work exclusively outside the hours set out in clause 4 (a) or 4 (b), as the case may be, shall be given a minimum of 4 hours' work or shall be paid for same.

## LEAKAGE OF AMMONIA.

17. No employee shall be required to work in a chamber where a leakage of ammonia is occurring.

## CONTINUATION OF WORK BETWEEN MIDNIGHT AND TIME OF COMMENCING WORK AS SET OUT IN CLAUSE 4.

18. When an employee works for more than 2 hours between midnight and the ordinary time of commencing work, and continues to work during the day, the special rate provided in clause 5 (a) for work done outside the hours fixed for a day's work, shall continue to be paid for all work done until the employee has had a clear break from work of 12 hours.

## CONTINUITY OF WORK.

19. The work of each employee on each day shall be continuous with the customary break for a meal.

## COLD TEMPERATURES.

20. Employees called upon to work in a temperature less than four degrees above zero shall be paid 3d. per hour extra. No employee shall be compelled to work in a temperature below zero, and an employee who becomes overheated working outside a cool chamber shall be allowed time to cool down before entering the chamber. This provision shall be reasonably construed. In the event of any question as to the temperature of any chamber, reasonable access to the temperature readings shall be given to a representative of employees.

## EMPLOYEES WORKING IN A FREEZING CHAMBER.

21. (a) No employee shall work in a freezing chamber, the temperature of which does not exceed 40 degrees Fahr. unless he is paid according to the rates provided for chamber hands in clause 2 hereof.

(b) Any employee who is required to work in a freezing chamber for a period exceeding in the aggregate one hour in any one day shall be paid for the whole of such day at the rate set out for chamber hands in clause 2 hereof.

## MEAL ALLOWANCE.

22. (a) An employee required to work overtime for more than one and a quarter hours in Meat Export Works after the time of ending work in clause 4, shall be paid 4s. tea money provided that if intimation of overtime is not given 24 hours prior to being worked the tea money shall be paid prior to the tea interval. If having been notified of intention to work he shall receive, in the event of the work not being done or ceasing before respective meal times, 4s. for each meal.

(b) An employee required to work in Cool Stores for more than nine hours from the time of commencing work shall be paid 4s. tea money provided that if intimation of overtime is not given 24 hours prior to being worked the tea money shall be paid prior to the tea interval. If having been notified of intention to work he shall receive, in the event of the work not being done or ceasing before respective meal times, 4s. for each meal.

PROTECTIVE CLOTHING.

23. The employer shall supply daily free of charge to each employee engaged in the handling of naked meat and offal, a clean pair of overalls which shall remain the property of the employer and of which the employee shall take all reasonable care. Such overalls shall be collected by the employee from a person or place specified by the employer in the employee's own time prior to commencing work and shall be returned to the employer in the employee's own time on cessation of work each day and also on demand at any time to such person or place as is specified by the employer. If the employee wilfully damages or fails to return them the employer may recover from the employee concerned the cost of replacing such overalls so damaged or not so returned, or may deduct such cost from any monies payable to such employee.

TERMINATION OF EMPLOYMENT.

24. Employees may be paid off at any time without notice.

PROVISION OF OUTFIT.

25. The following articles shall be provided at each place where work under this Determination is done:—

- (a) An ammonia outfit which shall be kept adjacent to the chambers.
- (b) An alarm outfit in each chamber, such outfit to be connected with the engine-room.
- (c) Waterproof capes and caps for use of employees engaged in de-frosting.
- (d) Bagging for moccasins and suitable hand covering for use of chamber hands.
- (e) Smocks or coats for persons pushing, carrying, or lifting hot meat or de-frosted meat, fresh or de-frosted rabbits, poultry, fish or cheese.

PERIODICAL ADJUSTMENT OF WAGES.

26. 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 adjusted as prescribed by clause 27. Provided that the wages of improvers and juvenile workers shall be adjusted proportionately to adjustments of the basic wage.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
Within the area to which this Determination applies .. .. .	£ s. d. 11 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

27. (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 August, 1953, the amount of the basic wage shall be as prescribed in clause 26.

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

Melbourne, 28th May, 1953.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.