VICTORIA
GOVERNMENT GAZETTE.

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Factories and Shops Acts.

DETERMINATION OF THE TAR AND BITUMEN 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 (other than persons subject to the jurisdiction of the Excavation or Roadwork Board) wheresoever employed in the process, trade, business, or occupation of—

(i) tar distilling;

(ii) manufacturing or preparing bituminous emulsions, tar distillates, asphaltic concrete, or other road-surfacing preparations;

(iii) manufacturing or preparing enamel made from tar pitch;

has made the following Determination, namely:—

1. That, on the 8th December, 1953, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. WAGE PER WEEK OF 40 HOURS.

Improvers.	Percentage of Basic Wage.	Adjustable Rate.	Plus Conditions and Clothing Allowance (Non-adjustable).	Total Wage.
		s. d.	s. d.	s. d.
Under 19 years of age	82	194 6	4 6	199 0
19 years and under 20 years ..	97	230 0	4 6	234 6
20 years and under 21 years ..	100 + 5s.	242 0	4 6	246 6

PROPORTION (IN ANY PLACE).

One improver to every five or fraction of five workers receiving not less than 266s. 6d.

Other Employees.	Adjustable Rate.	Plus Conditions and Clothing Allowance (Non-adjustable).	Total Wage.
	s. d.	s. d.	s. d.
Bitumen emulsion maker ..	264 6	4 6	269 0
Bitumen, tar, or pitch kettle attendant (where direct heat by fire is used)	264 6	4 6	269 0
Tar distillate and/or maker of pitch (T.I.C. type of plant) ..	263 6	4 6	268 0
Tar distiller and/or maker of pitch (other types of plants) ..	266 6	4 6	271 0
Tar acid still attendant ..	266 6	4 6	271 0
Weigher or measurer and/or mixer of asphaltic concrete or other pre-mixed materials	264 6	4 6	269 0
Pitch enamel maker (closed type of plant)	266 6	4 6	271 0
Pitch enamel maker (open type of plant)	For rate	see clause	8 (*d*)
All others	262 0	4 6	266 6

NOTE.—The Board determines that no person shall be employed as an apprentice.

HOURS OF EMPLOYMENT.

3. The ordinary hours of employment shall be 40 per week, to be worked in five days of 8 hours and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each continuously, except for meal-hour breaks, at the discretion of the employer, between 6.30 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 6.30 a.m. to noon on Saturday: Provided that, by mutual agreement between an employer and his employees, the spread of hours herein prescribed may be altered, and ordinary hours may be worked on the basis of 80 per fortnight with weeks of 36 hours and 44 hours alternatively.

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OVERTIME.

4. For all work done in excess of the ordinary hours (daily or fortnightly) the rate payable shall be time and a half for the first three hours' work and double time thereafter.

SHIFT WORK.

5. (*a*) Employees working on afternoon or night shift shall be paid 2s. per shift or part thereof in addition to the rates prescribed in clause 2.

(*b*) "Afternoon shift" means any shift finishing between 6 p.m. and midnight. "Night shift" means any shift finishing between midnight and 8 a.m.

TERMS OF EMPLOYMENT.

6. (*a*) 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 breakdown in machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(*b*) An employee not attending for duty shall, except as provided in clause 12 hereof, lose his pay for the actual time of such non-attendance.

CASUAL LABOUR.

7. Persons employed for less than two consecutive weeks shall be paid 10 per centum in addition to the rates prescribed in clause 2.

ALLOWANCES.

8. (*a*) Persons employed cleaning tar distiller boiler where the artificial temperature is 130° Fahr. or less shall be paid 6d. per hour in addition to their ordinary wage.

(*b*) Persons employed cleaning bitumen tanks and/or bitumen emulsion tanks shall be paid 6d. per hour in addition to their ordinary wage.

(*c*) Persons employed cleaning tar distiller boiler where the artificial temperature exceeds 130° Fahr. shall be paid 9d. per hour in addition to their ordinary wage. Where work continues for more than two hours in temperatures exceeding 130° Fahr. employees shall 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.

(*d*) Persons employed making pitch enamel (open type of plant) shall, whilst so employed, be paid the rate fixed for the work usually performed by them with the addition of 8d. per hour.

SPECIAL RATES.

9. Double time shall be the rate payable for all work done on Sunday, Christmas Day, Boxing Day, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, and Melbourne Cup Day 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.

HOLIDAYS.

10. Employees shall be entitled to the following public holidays without deduction of pay:—Christmas Day, Boxing Day, New Year's Day, Australia Day, Union Picnic Day, Labour Day, Anzac Day, Good Friday, Easter Monday, and Melbourne Cup Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above named holidays this provision shall apply only to the day so substituted.

10A. In connexion with the visit to Australia of Her Majesty Queen Elizabeth II., where a public holiday or public half-holiday is proclaimed by Order in Council throughout any municipality or part thereof, or within any defined area, such public holiday or public half-holiday shall, so far as such municipality or part thereof, or such defined area is concerned, be deemed to be included in the list of holidays prescribed in clauses 9 and 10 hereof.

Provided that an employee who fails to attend for work on the working day before and/or after such public holiday or public half-holiday without reasonable excuse shall not be entitled to be paid for such public holiday or public half-holiday.

ANNUAL HOLIDAY.

11. (*a*) 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.

(*b*) In addition to the above, seven-day shift workers, that is, shift workers who are rostered to work regularly on Sundays and holidays, shall be allowed for each twelve-monthly qualifying period, one week's leave, including non-working days.

(*c*) Where an employee with twelve months' continuous service is engaged for part of the twelve-monthly period as a seven-day shift worker, he shall be entitled to have the period of two week's annual leave prescribed by the said Act increased by one half day for each month he is continuously engaged as aforesaid.

(*d*) If, in any twelve-monthly qualifying period, a seven-day shift worker lawfully leaves his employment, or his employment is terminated by the employer through no fault of the employee, the employee shall be paid, in addition to all other amounts (including any payment in lieu of annual leave as prescribed by sub-clause (*a*) hereof) due to him, an amount equal to one-fiftieth of his ordinary pay for the period of employment as a seven-day shift worker.

(In his or her own interests, each employer of labour should obtain a copy of the above Act which may be purchased from the Government Printer, Melbourne.)

SICK LEAVE.

12. (*a*) When an employee is disabled by personal ill-health, proof of which sickness is given to the employer by medical certificate or other satisfactory evidence within 24 hours of the employee's consequencial absence, he shall, on account thereof, be entitled without deduction of pay to absent himself from work one day in each two months, or for a proportionate aggregate in a longer period, but not exceeding 40 hours of working time in any year of employment.

(*b*) Notwithstanding the provisions of sub-clause (*a*) hereof, if the full period of sick leave as prescribed 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 80 hours of working time which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.

For the purposes of this sub-clause, service prior to 29th November, 1945, shall be disregarded.

MEAL MONEY.

13. When an employee is required to work overtime in excess of one hour and a half, and has not been given notice accordingly on the previous working day, he shall be allowed an amount of 2s. 6d. for a meal.

GLOVES.

14. Persons employed handling hot materials, drums of pitch, or corrosive materials, shall be provided free of charge with suitable gloves by the employer.

CLEANSING MATERIAL.

15. A suitable solvent and cotton waste shall be provided by the employer.

WASHING TIME.

16. An employee shall be allowed five minutes washing time immediately prior to the meal break and on ceasing work for the day. Such washing time to be counted as time worked.

RIGHT OF ENTRY OF UNION OFFICIALS.

17. The Secretary or any other official of the Australian Workers' Union, duly authorized in writing by the said union, shall not be prevented on production of such authority by any employer from visiting and conversing with employees at meal time or at any other time mutually agreed upon by the employer or his works manager and the said union secretary or other authorized official.

PERIODICAL ADJUSTMENT OF WAGES.

18. The wages rates for adult males 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 19.

BASIC WAGE.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	11 17 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

19. (*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, 1954, the amount of the Basic Wage shall be as prescribed in clause 18.

(*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.

(*d*) The wages of improvers shall be the appropriate percentages as set out in clause 2, such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

P. A. RANDLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 8th December, 1953.

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