



VICTORIA GOVERNMENT GAZETTE.

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[1954

Factories and Shops Acts.

DETERMINATION OF THE ICE CREAM 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 employed in the trade of making edible ices, ice cream, or any frozen articles of which ice cream is the principal ingredient," has made the following Determination, namely:—

1. That on the 9th April, 1954, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. ORDINARY WORKERS.

*APPRENTICES OR IMPROVERS.			JUVENILE WORKERS.		
Wages per Week of 40 Hours.			Wages per Week of 40 Hours.		
<i>Males.</i>			<i>Males.</i>		
Improvers.			Percentage of Basic Wage.		
	Percentage of Basic Wage.	Per Week.		Percentage of Basic Wage.	Per Week.
		<i>s. d.</i>			<i>s. d.</i>
Under 16 years of age ..	51	121 6	Under 16 years of age ..	51	121 6
16-17 years of age ..	59	140 6	16-17 years of age ..	59	140 6
17-18 years of age ..	64	152 6	17-18 years of age ..	64	152 6
18-19 years of age ..	78	185 6			
19-20 year of age ..	100 + 1s.	239 0	<i>Females.</i>		
20-21 years of age ..	100 + 23s. 6d.	261 6	Percentage of Female Basic Wage.		
			Under 16 years of age ..	65	116 0
			16-17 years of age ..	75	134 0
			17-18 years of age ..	79	141 0
			18-19 years of age ..	89	159 0
			19-20 years of age ..	94	168 0
			20-21 years of age ..	100 + 8s.	186 6
PROPORTION.			PROPORTION.		
One male apprentice and one male improver to every three or fraction of three male workers receiving not less than 277s. per week of 40 hours.			Three female juvenile workers to every two female workers receiving 207s. per week of 40 hours.		

* NOTE.—The Board has determined that as from the 1st November, 1949, no apprentice shall be taken to the trade.

ADULT EMPLOYEES.

Wages per Week of 40 Hours.

		Per Week.
		s. d.
Pasteurizer	} Machine operator	287 0
Mixer		
Cooling, or		
Freezer		
Assistant to any of the above-mentioned operators		280 0
Cup filling machine	} Operator	281 6
Cut wrap machine		
Chocolate bar machine		
Brick filling machine		
Mould filling for above machines		281 6
Persons cutting and wrapping dry ice		287 0
Mould cutter, by machine		281 6
Mould cutter, by hand		285 0
Can washer, floor hand, or person handling crushed ice		280 0
All other adult males		277 0
All other adult females		207 0

SHIFT WORKERS.

3. Shift workers shall receive the wages prescribed in clause 2 for ordinary workers according to the class of work done plus an additional 5s. per shift.

EMPLOYEES IN FREEZING CHAMBER.

4. (a) Notwithstanding the rates provided in clauses 2 and 3 any employee who is required to work in a freezing chamber, the temperature of which does not exceed 40° F., for an aggregate of time exceeding one hour on any day, shall be paid for all work (whether inside or outside the chamber) done on such day at the rate prescribed for Chamber hands by the Determination of the Frozen Goods Board. If employed under such conditions for less than an aggregate of one hour on any day he shall receive the rate prescribed by the Determination of the Frozen Goods Board whilst so employed.

(b) An employee required to work in a temperature less than 4° F., shall receive 3d. per hour or part of an hour in addition to the rate provided in sub-clause (a) hereof.

(c) The total time worked by any employee in a chamber mentioned in sub-clause (a) hereof shall not exceed an aggregate of four hours in any shift, and an employee shall not be employed in such a chamber for a continuous period of not more than two hours without being allowed a rest period of fifteen minutes outside such chamber.

(d) An employer shall provide free of charge for the use of each employee required to work in temperatures below 4° F., a blanket suit, helmet and protective gloves with woollen inner gloves.

DEFINITIONS.

5. (a) A juvenile worker is any person under 21 years of age (other than an apprentice or improver) employed stirring melted chocolate; picking out defective goods; stacking or counting articles not over 4 oz. in weight; moving goods for packing; counting, wrapping or sealing up to six dozen containers; filling by hand ice cream [cups or similar vessels; chocolate dipping; or wrapping any article intended for consumption.

(b) An ordinary worker is an employee who usually commences and completes his day's work between the hours of 7 a.m. and 5 p.m. on Monday to Friday inclusive.

(c) A shift worker is any employee other than an ordinary worker.

HOURS OF EMPLOYMENT.

6. The ordinary hours for a week's work shall be 40 per week, to be worked in five days of eight hours each Monday to Friday inclusive.

OVERTIME.

7. Time and a half, based on the total wage shown for each class of employee in clause 2, shall be paid for all work done—

(i) By shift workers—On Saturdays and in excess of eight hours on the days Monday to Friday inclusive: Provided that all work done on Saturday before 7 a.m. and after 12 noon shall be paid for at double time.

(ii) By ordinary workers—

(a) Outside the times fixed for beginning and ending work.

(b) Within the times fixed for commencing and ending work in excess of eight hours on Monday to Friday.

(c) On Saturday: Provided that all work done on Saturday before 7 a.m. and after 12 noon shall be paid for at double time.

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

SPECIAL RATES.

8. (a) Double time (with a minimum of four hours' work or payment for same) shall be the rate for all work done on Sundays, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, Queen's Birthday, Christmas Day, and Boxing 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 only be payable for work done on the day so substituted.

(b) Any employee who works part of a holiday or a Sunday shall be paid the ordinary rate for the remainder of the day.

TIME WAGES.

9. Any person ready, available, and willing to work, employed on time wages for less than the number of hours of an ordinary week's work shall for each hour worked up to one-half the number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of thirty-three per centum, and for each hour worked beyond the one-half aforesaid shall be paid the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

MEAL BREAK.

10. (a) Shift Workers:—Shift workers shall be allowed 45 minutes for each meal, such meal time to be not less than 3½ hours or more than 5 hours from the time of beginning work.
- (b) Ordinary Workers:—A lunch period of at least 45 minutes shall be fixed in each factory for each employee, other than shift workers, between the hours of noon and 1.30 p.m.
- (c) No employee shall be permitted to work more than five hours without a break for a meal.

MEAL ALLOWANCE.

11. (a) Any employee required to work overtime for one and a quarter hours or more on any day shall be paid 5s. meal money unless a meal is provided by the employer.
- (b) An employee informed and instructed to work overtime and such overtime is cancelled, shall be paid the meal allowance as prescribed in sub-clause (a) hereof.

PROVISION OF CLOTHING.

12. Overalls shall be provided and maintained by the employer, and employees when engaged in de-frosting shall be provided with rubber capes and rubber boots.

CONTINUITY OF WORK.

13. The work of each day shall be continuous with the customary break of not more than one hour for a meal.

TIME BOOK AND WAGE RECORD.

14. Every employee shall indelibly record daily his or her correct times of beginning and ending work in a book, or on time cards, or by a mechanical contrivance, which shall be furnished by the employer. In addition to such time record every employee shall be required by the employer to sign each week a wage book or other record showing the total amount received as wages for such week.

UNION INSPECTION.

15. An accredited representative of the Federated Cold Storage and Meat Preserving Employees' Union of Australia shall have access to the records of times recorded by employees and wages paid, provided that such inspection is made between the hours of 8 a.m. and 4.30 p.m. on a working day.

SPECIAL CONDITIONS.

16. (i) Regarding work in the chambers—
- (a) No person under the age of nineteen years shall be required to work in a chamber.
- (b) Chamber hands shall be supplied with suitable gloves by the employer.
- (ii) Protective footwear and clothing shall be provided by the employer for can washers, mould washers and mould pullers or employees working under similar wet conditions.

PROHIBITION OF NIGHT WORK FOR FEMALES.

17. No female employee shall be employed between the hours of 9 p.m. on one day and 6 a.m. on the following day.

PROHIBITION OF CAN LIFTING FOR FEMALES.

18. No female shall be permitted to lift or carry a full five gallon can.

ANNUAL HOLIDAYS.

19. The annual holidays for employees covered by this Determination shall be in accordance with the provisions, as may be amended from time to time, of the *Factories and Shops (Annual Holidays) Act 1946* (No. 5111).

SICK LEAVE.

20. (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 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, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

For the purposes of this sub-clause service prior to the 6th June, 1950, shall be disregarded provided that any accumulated sick leave, not exceeding 80 hours of working time, standing to the credit of the employee on the 6th 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.

MINIMUM HOURS OF WORK.

21. An employee who has commenced work on any day and is available ready and willing to continue working on that day, shall be entitled to payment for at least four hours at ordinary rates.

TERMINATION OF EMPLOYMENT.

22. (a) Notice equivalent to 40 working hours shall be given on either side to terminate employment. Such notice may be given at any time. This shall not affect the right of an employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct (in which case wages shall be paid up to the time of dismissal only), or to deduct payment for any day the employee cannot usefully be employed because of any strike, or through any breakdown of machinery, or any stoppage of work, or any cause for which the employer cannot reasonably be held responsible.

- (b) In lieu of such 40 working hours' notice, except in circumstances referred to in sub-clause (a) hereof the employer may pay 40 hours' wages and vice versa, the employee leaving his or her employment without giving prior notice as prescribed shall forfeit 40 hours' wages which may be deducted from any wages due.

REST PERIOD.

23. An interval of ten minutes each morning and afternoon at a time mutually arranged shall be given as a rest period to all employees and shall be counted as time worked.

PERIODICAL ADJUSTMENT OF WAGES.

24. The wages rates for 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 25.

Place.	Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination applies	<p style="text-align: center;">£ s. d.</p> <p style="text-align: center;">11 18 0</p>	Melbourne

ADJUSTMENT OF BASIC WAGE.

25. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all item' 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 May, 1954, the amount of the basic wage shall be as prescribed in clause 24.

(c) During each future successive period beginning with the first pay period to commence in a May, an August, a November, or a February, 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 rates for adult females are based on a basic wage being 75 per cent. of the basic wage for adult males: calculated to the nearest 6d., half or less than half of 6d. to be disregarded. The wages rates for adult females shall be adjusted by increasing or decreasing such rates by the amount of the difference from time to time in the said basic wage for females.

(e) The wages of apprentices, improvers and juvenile workers 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. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 25th March, 1954.