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Labour and Industry Act, 1953.

DETERMINATION OF THE BRICK TRADE BOARD.

NOTE.—(a) This Determination applies to the whole of the State of Victoria.

(b) On 21st February, 1911, the powers of the Brick Trade Board were extended so that it might fix "the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, or business of sand, lime, or cement brickmaking".

(c) On the 14th July, 1953, the Board was deprived of its powers to cover persons employed in the making of cement bricks and such powers were conferred on the Cement Articles Board.

IN accordance with the provisions of the *Labour and Industry Act, 1953*, 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 in the process, trade, or business of brickmaking (including clay-digging)" has made the following Determination, namely:—

1. That, as from the beginning of the first pay period to commence on or after the 15th March, 1955, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. (a)

Improvers.			Other Employees.		Per Hour.	Wages per Week of 40 Hours.
WAGES.			FIREBRICKS AND TEXTURE BRICKS.		s. d.	s. d.
FIREBRICKS AND TEXTURE BRICKS.			Burners	7 1½	286 0	
	Percentage of Basic Wage.	Per Week of 40 Hours.	Crusher attendants who also haul	6 9½	272 6	
14 years of age ..	42	98 6	Crusher attendants who do not haul	6 9	270 0	
15 years of age ..	43	101 0	Wet or dry pan attendants who do not haul	6 9½/10	273 0	
16 years of age ..	46	108 0	Machine drivers*	6 11½	277 6	
17 years of age ..	52	122 0	Wire cut attendant, column man, or off-bearers from wire-cut machine	6 9½	272 6	
18 years of age ..	63	148 0	Hand moulders, dressers, and cutters with not less than twelve months' experience at the work	7 5½/40	296 9	
19 years of age ..	83	195 0	Other hand moulders, dressers, and cutters	7 0½/10	283 0	
20 years of age ..	86	202 0	Drawers*	6 11½	278 0	
OTHER BRICKS.			Setters*	7 5½	298 0	
14 years of age ..	43	101 0	Facemen working in a clayhole 25 feet or less in depth*	7 4½/30	295 6	
15 years of age ..	45	105 6	All other facemen*	7 5½	297 6	
16 years of age ..	48	113 0	Wheelers of green or burnt bricks	6 11½	277 6	
17 years of age ..	54	127 0	Clayhole men (employer to provide tools)*	7 0½	282 6	
18 years of age ..	65	152 6	Pressers	6 9½	272 6	
19 years of age ..	86	202 0	Loftmen	6 9½/30	271 6	
20 years of age ..	90	211 6	Dampmen or kiln cleaners*	6 11½/30	278 6	
			Yardmen and wastemen	6 9	270 0	

The Board has determined that no person shall be taken as an apprentice.

* The rates prescribed for these classifications include an allowance of 2s. 6d. per week for wear and tear on clothing.

Improvers.	Other Employees.	Per Hour.	Wages per Week of 40 Hours.
	OTHER BRICKS.	<i>s. d.</i>	<i>s. d.</i>
Provided that any improver employed as a loft-worker, or at taking off from a single brick machine, be paid not less than 89 per cent. of the basic wage, i.e., 209s. per week of 40 hours plus an allowance at the rate of 3s. 6d. per week as compensation for time lost through wet weather.	Burners	7 1½	286 0
	Machine drivers or machine riggers*	7 0½	282 6
	Wet or dry pan attendants who do not haul	6 11½	278 0
	Crusher attendants who do not haul	6 10 ¹⁹ / ₂₀	276 6
	Crusher and wet or dry pan attendants who also haul	7 0½	282 6
	Drawers and setters (employed in Hoffman kilns)*	7 5½	298 0
	Drawers and setters of fancy bricks (other than those employed in Hoffman kilns)*	7 11 ¹² / ₂₀	285 6
	Other drawers*	7 2½	288 0
	Other setters*	7 5½	298 0
Provided also that improvers trucking from a single brick machine or taking off or trucking from a double brick machine shall be paid not less than the rate fixed for truckers.	Facemen working in a clayhole 25 feet or less in depth*	7 6 ³ / ₂₀	300 6
	All other facemen*	7 7 ¹⁹ / ₂₀	306 6
	Clayhole men (employer to provide tools)*	7 2½	287 6
	Lime grinders, lime crushers, pressers, sand and lime mixers, or silomen*	7 2½	288 0
	Hand moulders	7 0 ⁷ / ₂₀	280 6
	Off-bearers from wire cut machine	6 11½	277 6
	Truckers*	7 0	280 0
	Adults taking off-bricks machines	6 11½	277 6
	Dampers or kiln cleaners*	7 1 ¹ / ₂₀	283 6
	Loftmen	6 10 ¹ / ₂₀	276 0
	Yardmen and wastemen	6 10½	275 0
PROPORTION (in any factory or place).			
One improver to every eight or fraction of eight employees receiving not less than 270s. per week of 40 hours.			

The Board has determined that no person shall be taken as an apprentice.

* The rates prescribed for these classifications include an allowance of 2s. 6d. per week for wear and tear on clothing.

(b) The wages rates prescribed in the Other Bricks Section in sub-clause (a) hereof, include the following allowances, as compensation for time lost through wet weather:—

(i) All adults (other than burners) at the rate of 5s. per week of 40 hours.

(ii) Improvers—

14 years of age—at the rate of	1s. 8d.	per week of 40 hours.
15	1s. 8d.	40
16	1s. 10d.	40
17	2s. 0d.	40
18	2s. 6d.	40
19	3s. 3d.	40
20	3s. 5d.	40

TIME OF BEGINNING AND ENDING WORK.

3. For any persons except burners, machine drivers, machine riggers, and pan or crusher attendants:—

Time of Beginning.

Time of Ending.

- (i) 7.30 a.m. 12 noon on Saturdays or the day on which the half-holiday is locally observed.
- (ii) 7.30 a.m. 5 p.m. on each of the other five working days of the week.

A meal break of not less than 45 minutes shall be allowed Monday to Friday, inclusive.

SPECIAL RATE.

4. Burners on night shift shall be paid 10 per cent. extra for work performed between 6 p.m. and 6 a.m..

OVERTIME.

5. (a) Any employee who works for any time in excess of the ordinary hours of work per day or in excess of the rostered hours of his shift shall be paid for such extra time at the rate of time and a half.

Provided that an employee working on maintenance work in excess of four hours overtime on any one day shall be paid at the rate of double time for such excess.

Provided further that, where an employee ordinarily works a five-day week, work done on Saturday shall be deemed to be overtime, and shall be paid for as such, except in the case where an employee is required to work on such Saturday to make up for time lost during the preceding five days (except because of public holidays) through any circumstances over which the employer had no control. In such an excepted case the employee shall only be entitled to be paid at ordinary rates for the first four hours worked on such Saturday.

(b) Any employee (other than a burner, machine driver, machine rigger, or pan or crusher attendant) who works outside the spread of hours fixed in clause 3 shall be paid for such time at the rate of time and a half.

(c) All work done by machine drivers, machine riggers, and pan or crusher attendants, either before the ordinary starting time or after the ordinary finishing time of the factory, shall be paid for at the rate of time and a half irrespective of the number of hours worked.

(d) A burner who works in excess of 40 hours in any one week shall be paid for such excess at the rate of time and a half.

MEAL ALLOWANCE.

6. An employee required to work overtime for more than two hours without being notified the day before that he will be so required to work, shall be paid a meal allowance of 2s. 6d.

SUNDAYS AND HOLIDAYS.

7. Double time shall be the special rate for all work done on Sundays, and the following holidays:—

New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, 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.

PAYMENT FOR HOLIDAYS.

8. (a) All employees shall, as far as practicable, be granted the holidays mentioned in clause 7 without deduction of pay.

(b) Provided that an employee shall not be entitled to pay for any of the holidays mentioned in Clause 7 if absent from employment without leave on the working day immediately preceding and/or following a holiday or group of holidays unless he produces to the employer a certificate of a legally qualified Medical Practitioner, or failing the production of such certificate, such other evidence as shall be satisfactory to the employer.

PAYMENT OF WAGES.

9. All wages due shall be paid not later than Friday in each week, except where otherwise mutually agreed between employer and employee.

ANNUAL HOLIDAY.

10. (a) The annual holiday shall be as prescribed by the provisions of the *Labour and Industry Act, 1953*, 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 3½ hours 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.

(e) For the purposes of administering sub-clauses (b) and (d) hereof, service prior to the 1st January, 1952, shall be disregarded.

SICK LEAVE.

11. (a) Any employee who has been in the industry continuously for a period of at least three months and 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 non-attendance was due to personal ill-health or accident necessitating such absence.

For the purposes of this Determination, the second or subsequent year of service for an employee who commenced in the industry prior to the 1st December, 1951, shall be deemed to commence on the 1st March, 1952, and further subsequent years of service shall be deemed to commence on the corresponding date in each following year.

(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 1st March, 1947, shall be disregarded. Any accumulated sick leave, not exceeding 160 hours, standing to the credit of any employee on the 1st March, 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.

TERMINATION OF EMPLOYMENT.

12. In any case where it is intended to close down a kiln or kilns or portion or the whole of the works, one week's notice of such intention shall be given to employees whose services are to be terminated; such week's notice shall not apply when the closing of the works is brought about because of any strike or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

MORNING TEA INTERVAL.

13. A morning tea interval of seven minutes shall be allowed employees each morning during ordinary working hours without deduction of pay, such interval shall be arranged by the employer so as to avoid the necessity for a stoppage of operations in the establishment.

ASSISTANCE FOR TRUCKERS.

14. Persons trucking 75 yards or over shall be supplied with assistance, and any person so assisting shall be paid at a trucker's rate.

INJURED EMPLOYEES.

15. In all cases of accidents where it is deemed necessary to send the injured person to a hospital or a doctor he shall be accompanied by an attendant.

MIXED FUNCTIONS.

16. On any day or shift any employee (other than a burner) required to perform work of a higher grade, shall be paid whilst so employed, the wages attaching to such higher grade but, in the case of any such employee being required to perform the work of a lower grade to that to which he is classed, he shall not suffer any reduction of pay by reason only of his working temporarily out of his grade. Such work shall not be considered temporary if it continues for more than one week.

CLOTHING ALLOWANCE (FIREBRICK AND TEXTURE BRICK SECTION).

17. An allowance of 2s. 6d. per week shall be paid for wear and tear on boots to burners or burners' assistants engaged at a periodic kiln fired with coal, coke, briquettes, or other solid fuel.

FIRST-AID OUTFIT.

18. An adequate first-aid kit and a stretcher shall be provided in the clayhole.

Regulations require that a first-aid ambulance chest shall be kept in some accessible place upon the premises, and that such chest shall be equipped and supplied with the following articles:—

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 teaspoonsful 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	

PIECEWORK PRICES FOR BRICKS OTHER THAN FIREBRICKS.

19. The lowest piecework prices to be paid for bricks, other than firebricks, shall be—

	In Yards where Railway Trucks are Used.		In Yards where Railway Trucks are not Used.	
	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks, per 1,000.	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks, per 1,000.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Drawing, wheeling, and stacking where the distance wheeled, commencing from the outside wall of kiln at the wicket from which the bricks are drawn, is—				
Not more than 26 yards	7 3	7 6½	7 1½	7 5½
26 to 36 yards	7 7½	8 0½	7 6½	7 10
36 to 46 yards	7 10½	8 1½	7 8½	8 0½
Over 46 yards	8 5½	8 8½	8 4	8 7½

Drawing, wheeling, and loading on railway trucks:—

	On Level Surface.		On Up-grade Planks.	
	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks, per 1,000.	Ordinary Bricks, per 1,000.	Radial or Culvert or Bull-nosed Bricks, per 1,000.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Not more than 26 yards	8 6½	8 9½	8 10½	9 1½
26 to 36 yards	8 11½	9 2½	9 3	9 6
36 to 46 yards	9 1½	9 4½	9 5½	9 8½
Over 46 yards	9 9	10 0	10 0½	10 3½

	Per Thousand	
	<i>s. d.</i>	<i>s. d.</i>
Hand-moulding square bricks where material is prepared on the ground within 15 feet of table and off-bearing to grass hacks	61	0
" " " in sheds	52	7
" " " from bowling stool and placing on grass hacks (where material is placed on the table)	42	7
" " " from bowling stool in sheds (where material is placed on the table)	40	0
" " " fancy bricks and off-bearing to hacks or in sheds	61	9
" " " from bowling stool	55	11
Setting	10	9
Picking blues	20	0

An amount at the rate of 5s. per week of 40 hours has been added to the earnings of pieceworkers as compensation for time lost through wet weather.

PIECEWORK PRICES WHICH MAY BE FIXED BY AN EMPLOYER.

20. The Board determines that any employer may fix and pay piecework prices to any person employed in fire-brick making, or as a clayholeman, machine driver, machine rigger, wheeler of green bricks, or trucker, provided that any such employer shall base such piecework prices on the earnings of an average worker working under like conditions, and such piecework prices shall be fixed so that an average worker can earn not less than the wages rates that are fixed by the Board for such work.

PERIODICAL ADJUSTMENT OF WAGES.

21. The wages rates set out in clause 2 are based upon the basic wage set out in Table "A" hereof and, pursuant to the provisions of section 33 of the *Labour and Industry Act, 1953*, the Board hereby determines that such rates shall be automatically adjusted as prescribed in clause 22. Provided that proportionate adjustments to the piecework prices shall be made at the same time as follows:—

- (a) In the case of hand moulding and setting by piecework to the nearest penny, half or less than half of one penny to be disregarded;
- (b) In the case of drawers, wheelers, stackers, and loaders by piecework, an increase or decrease, as the case may be, by an amount of ¼d. for the first shilling in the amount of each adjustment of the basic wage from time to time, and ½d. for each additional shilling in the amount of each such adjustment.

TABLE "A."

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	<i>£ s. d.</i>	
Throughout the State	11 15 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

22. (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 May, 1955, the amount of the basic wage shall be as prescribed in clause 21.

(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 $\cdot 103$ 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 $\cdot 5$ or more, the basic wage shall be taken to the next higher shilling.

ADJUSTMENT OF IMPROVERS RATES.

23. The adjustable wages of improvers shall be the appropriate percentages as set out in clause 2. Such wages shall be adjusted to the nearest 6d., half or less than half of 6d. to be disregarded.

A. V. BARNES, J. P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 28th February, 1955,

