



VICTORIA GOVERNMENT GAZETTE.

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[1955

DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

IN THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of the Determination of the Poultry Farm Workers Board dated the 14th September, 1954.

AND

IN THE MATTER of an appeal by the Victorian Employers' Federation.

(Before His Honour Judge Dethridge, K. H. Boykett, Esq. and J. V. Stout, Esq.)

Thursday the 23rd day of December, 1954.

This appeal coming on for hearing before this Court on the 6th, 7th, 8th and 9th days of December, 1954, and subsequently on this day for judgment.

This Court DOETH ORDER AND DETERMINE—

1. That, as from the beginning of the first pay period commencing on or after the 23rd day of December, 1954, the above-mentioned Determination of the Poultry Farm Workers Board shall be revoked and replaced by this Determination as to "the lowest prices or rates which may be paid to any person or persons or classes of persons employed at farm work connected with—

(a) the production of eggs for trade or sale; or

(b) the raising or breeding of poultry for trade or sale."

2.

WAGES PER WEEK OF 44 HOURS.

Age.	Improvers.			Other Employees.	
	Percentage of Basic Wage.	Wages.		Males.	Wages.
		Male.	Female.		
		£ s. d.	£ s. d.		£ s. d.
Under 16 years of age ..	45	5 5 6	3 19 0		
16 years of age ..	55	6 8 6	4 16 6	Leading hand (i.e., an employee who is in charge and directs the work of three or more employees ..	14 4 0
17 years of age ..	70	8 4 0	6 3 0	General hand ..	13 9 0
18 years of age ..	80	9 7 0	7 0 6		
19 years of age ..	90	10 10 6	7 18 0		
20 years of age ..	100	11 14 0	8 15 6		

Females.

The wages of adult females shall be 75 per cent. of the appropriate rate prescribed above for a male calculated to the nearest 6d. half or less than half of 6d. to be disregarded.

HOURS OF WORK.

3. The ordinary hours for a week's work shall be 44 to be worked in 5½ days, Sunday to Saturday inclusive, between the hours of 7.30 a.m. and 5.30 p.m. on the five days, and 7.30 a.m. and 12.30 p.m. on the sixth day.

OVERTIME.

4. All work done in excess of 8 hours on any day, or 4 hours on a half day, of the working week, or outside the spread of hours, shall be paid for at the rate of time and a half.

CONTRACT OF EMPLOYMENT.

5. (a) Except as hereinafter provided, employment shall be by the week. An employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(b) 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 employee 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.

(c) An employee not attending for duty shall, except as provided by clause 13 hereof, lose his pay for the actual time of such non-attendance.

CASUAL LABOUR.

6. Any person employed other than on a weekly basis shall be paid 10 per cent. in addition to the appropriate rate prescribed in clause 2.

MEAL INTERVAL.

7. All employees shall be allowed a mid-day meal interval of not less than 45 minutes.

MEAL ALLOWANCE.

8. Any employee required to work more than 1½ hours after the usual finishing time shall be paid a meal allowance of 4s. 6d. unless supplied with a meal by the employer.

HOLIDAYS.

9. An employee shall be entitled to the following holidays without deduction of pay: New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Melbourne Show Day, Christmas Day and Boxing Day, or any day by Act of Parliament or Proclamation substituted for any of the above-named holidays.

Provided that by mutual agreement between the employer and the employee another day or days, as the case may be, may be substituted for Melbourne Show Day.

SPECIAL RATES FOR HOLIDAYS.

10. Any employee required to work on a holiday prescribed in clause 9 hereof shall be paid at the rate of time and a half with a minimum payment as for 4 hours work.

SPECIAL RATES FOR DAY OFF AND SUNDAY.

11. (a) An employee required to work on his day off shall be paid at the rate of double time with a minimum payment, as for 4 hours' work.

(b) Any employee required to work on a Sunday, such Sunday not being his day off, shall be paid at the rate of time and a quarter.

ANNUAL HOLIDAYS.

12. 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.

SICK LEAVE.

13. (a) When a weekly employee is disabled by personal ill health, proof of which sickness is given to the employer, medical certificate or other satisfactory evidence within 24 hours of the employees' consequential 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 44 hours of working time in any year of employment.

(b) Notwithstanding anything contained in sub-clause (a) hereof, 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 up to a period not exceeding 132 hours of working time, which shall be the maximum amount of leave to which an employee may be entitled in any year of service without deduction of pay.

For the purposes of this sub-clause service prior to the 23rd December, 1954, shall be disregarded.

PROVISION OF OVERALLS AND GLOVES.

14. When an employee is required to handle creosote, tar, or any similar substance the employee shall be provided with overalls and gloves.

CLEANSING MATERIAL.

15. A suitable solvent and cotton, waste shall be provided by the employer where required by the employee in the course of his duties.

DRYING CONVENIENCES.

16. The employer shall provide adequate conveniences for employees to dry their clothes.

PROVISION OF AND DEDUCTION FOR KEEP.

17. (a) Where the employer provides an employee with board and lodging the standard thereof shall be reasonably adequate and the standard of accommodation provided shall be in accordance with the following, that is to say, there shall be a sufficiency of necessary furniture, bedding, blankets and bedroom and washing utensils and sufficient provision made for lighting, heating, bathing, ventilation and sanitation. The sleeping quarters provided shall contain not less than 480 cubic feet of air space for each person accommodated therein and not more than two persons shall be accommodated in any one sleeping apartment. The food provided shall be sufficient and well prepared and cooked.

(b) Subject to compliance with the provisions of sub-clause (a) hereof the employer shall be entitled to deduct from the wages payable to an employee provided by him with board and lodging an amount to compensate himself for the cost thereof at the following rates:—

	£	s.	d.	
Adult males at the rate of	3	0	0	per week
Adult females and junior males at the rate of	2	0	0	per week
Junior females at the rate of	1	10	0	per week

provided that such rates are adjustable by adding or subtracting, as the case may be, to or from the rates prescribed an amount of 4d. in the case of adult males, and 3d. in all other cases for each variation of 1s. in the male basic wage.

PROVISION OF LIVING PREMISES FOR EMPLOYEE.

18. Where an employer provides an employee with living premises for the use of the employee and his family as a requisite of employment the employer shall be entitled to make a charge of the use of such premises and the employee shall pay each week the amount of such charge as agreed to in writing by both parties at the commencement of the employment. A copy of such agreement shall be lodged within seven days thereafter with the Secretary of the Australian Workers Union, Melbourne.

Within 24 hours of the termination of his employment an employee shall be required to vacate the said premises.

PAYMENT OF WAGES.

19. (a) The full amount of each employee's wage shall be paid each week in the employer's time.

(b) A casual employee whose employment is terminated by the employer shall be paid all monies due to him at the termination of his employment. Where the employment is terminated by the employee such payment shall be made within 48 hours of such termination.

(c) The employer shall pay at any time the written order of the employee any obligatory contributions or charitable donations out of the amount for the time being due to the employee; provided that the employer shall not be required to make payment in respect of any such order which may be presented to him less than twenty-four hours prior to the time fixed for payment.

20. The employer shall provide and continuously maintain at a place or places reasonably accessible to all employees an efficient first-aid outfit, which shall consist of the following articles and quantities :—

FIRST-AID OUTFIT.

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
Petroleum, carbolyzed	1 jar
Picric acid solution, made according to the following receipt or prescription :—	
1½ teaspoonfuls 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	

TIME BOOK.

21. An employer shall supply each employee with a time-sheet or book and the employee shall record thereon in ink the hours worked on each day during a week and deliver same to the employer at the end of each working week. Upon delivery of this time-sheet or book the employer shall record the classification, actual wages paid and the deduction for keep in respect of such employee.

It shall be the responsibility of the employer to ensure that the provisions of this clause are complied with.

RIGHT OF ENTRY OF UNION OFFICIALS.

22. The Secretary, or any other Official of the Australia Workers Union authorized in writing by the Secretary, shall not be prevented on production of such authority by any employer from visiting and conversing with any employee or employees at a time during working hours mutually agreed upon by the employer and the said Secretary or Official.

PERIODICAL ADJUSTMENT OF WAGES.

23. The wages rates of "other employees" set out in clause 2 are based upon the following basic wage, 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 by clause 24.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	11 14 0	Melbourne

The female basic wage shall be 75 per cent. of the above male basic wage calculated to the nearest 6d., half or less than half of 6d., to be disregarded.

ADJUSTMENT OF BASIC WAGE.

24. (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 November, 1954, the amount of the basic wage shall be as prescribed in clause 23.

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

MARGINS.

25. In addition to the male basic wage, the classifications for "Other Employees", Male, contains margins as follows :—

	£ s. d.
Leading hand	2 10 0
General hand	1 15 0

By the Court,
E. W. LAITY,
Registrar.

