

[1956]



VICTORIA  
GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 382]

TUESDAY, APRIL 17.

[1956

*Labour and Industry Acts.*

AMENDING DETERMINATION OF THE HOSPITAL AND BENEVOLENT ASYLUM  
ATTENDANTS BOARD.

*Note.*—This Determination applies to the whole of the State.

IN accordance with the provisions of the Labour and Industry Acts, the Wages Board which now has power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons (not including professional employees and not including nurses subject to the Hospital Nurses Board) employed—

- (a) in or about a hospital, benevolent asylum or convalescent home doing any kind of work connected with the carrying on of a hospital, benevolent asylum, or convalescent home;
- (b) in or about a sanatorium for the treatment of persons suffering from any form of tuberculosis;
- (c) in or about a hospital or home for the treatment of the mentally afflicted doing any kind of work connected with the carrying on of such hospital or home;
- (d) in or about any laboratory attached to a hospital;
- (e) in or about a babies' home or a medical, dental, or nursing clinic or service;
- (f) as a first-aid attendant in connexion with an industrial or commercial undertaking;
- (g) as an ambulance driver or attendant;
- (h) in an ambulance service as a deputy superintendent or a station officer;

has made the following Determination, namely:—

That on the 1st December, 1955, the Determination made on the 18th October, 1955, and in force as from the beginning of the first pay period to commence in November, 1955, shall be amended by deleting clause 15 from Part I, and inserting in lieu thereof the following:—

LONG SERVICE LEAVE.

15. (a) Subject to the provisions set out in sub-clause (b) hereof all male employees after the completion of twenty years' continuous service, and all female employees after the completion of fifteen years' continuous service;
- (i) in or about a hospital benevolent asylum or convalescent home doing any kind of work connected with the carrying on of a hospital, benevolent asylum, or convalescent home;
  - (ii) in or about a sanatorium for the treatment of persons suffering from any form of tuberculosis;
  - (iii) in or about a hospital or home for the treatment of the mentally afflicted doing any kind of work connected with the carrying on of such hospital or home;
  - (iv) in or about any laboratory attached to a hospital;
- shall be entitled to leave of absence as in the said sub-clause (b).

(b) (i) An employee who has been in the service of the same employer for the period specified in sub-clause (a) hereof shall be entitled to six months' leave of absence on full salary or wage, and such leave shall be granted by the employer as soon as practicable having regard to the needs of his establishment, but the taking of such leave may be postponed to such date as is mutually agreed, or in default of agreement as the Industrial Appeals Court, having regard to the problems involved, directs; but no such direction shall require such long service leave to commence before the expiry of six months from the date of such direction.

(ii) When an employee who has been in the service for at least the period prescribed in sub-clause (a) hereof resigns or is retired such employee shall be entitled to a retiring gratuity from the employer equivalent to the salary or wage for the period of leave to which the employee would have been entitled under sub-clause (b) (i) hereof, plus a *pro rata* amount for all service in excess of twenty years for males and fifteen years for females, provided that such resignation or retirement is not due to misconduct.

(iii) In the case of an employee who has completed at least ten years service but less than twenty years in the case of a male employee and at least ten but less than fifteen years in the case of a female employee with his or her employer and whose employment is terminated—

(a) by the employer for any cause other than serious and wilful misconduct

(b) by the employee on account of illness, incapacity or domestic or any other pressing necessity where such illness, incapacity or necessity is of such nature as to justify such termination—  
such amount of long service leave as equals one-eightieth of the period of continuous employment.

(iv) Upon the death from any cause of an employee who, at the date of his death was eligible for the grant of long service leave, the Board shall pay to the legal representative of the deceased employee the amount that the employee would have been entitled to receive had he retired immediately prior to the date of his death.

(c) For the purposes of this clause the following definitions shall apply:—

“Service” shall mean service calculated as from the date of entering employment with the hospital, benevolent home, convalescent home, sanatorium home or laboratory (hereinafter called the employer), whether or not such hospital, benevolent or convalescent home has been transmitted from one employer to another during the period of such employment, as an employee, and shall include all periods during which an employee was serving in His Majesty's Forces or was made available by the employer for national duty or for other periods of absence approved by the employer.

“Salary or Wage” shall mean:—

(i) the employee's salary or wage (exclusive of overtime or other allowance) at the time leave is taken and shall be subject to any variations occurring in the basic wage during the period from the commencement of the leave until the resumption of work; or

(ii) the employee's salary or wage immediately prior to the employee leaving the service or death of the employee (as the case may be).

“Board” shall mean the Board or Controlling Authority of the hospital, benevolent asylum, convalescent home, sanatorium, home or laboratory in which the employee is employed.

Words importing the masculine gender only shall include the feminine gender.

Words importing the singular number only shall include the plural number and vice versa.

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

J. V. WILLOX, Secretary.

Melbourne, 13th December, 1955.