

DETERMINATION OF THE CEMENT ARTICLES BOARD.

NOTE.

Notices of appeal to the Industrial Appeals Court have been lodged against certain parts of the Determination.

Section 45 (b), Act 5771, provides that, when an appeal is made in accordance with that Act, the parts of the Determination appealed against shall not come into operation until the Appeal has been dealt with by the Court.

12524/55.

| 2. | | (b) OTHER EMPLOYEES. | | | |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------|-------------|
| (a) APPRENTICES AND IMPROVERS. | | Wages per Week of 40 Hours. | | | |
| Wages per Week of 40 Hours. | | Wages per Week of 40 Hours. | | | |
| | | | Adjustable Rate. | Plus War Loading (Non-adjustable). | Total Wage. |
| Improvers. | | | s. d. | s. d. | s. d. |
| Cement Tilemakers' Section. | | Group No. 3. | | | |
| Three improvers to four workers | Receiving not less than 266s. per week of 40 hours. | Tile or ridge maker and the taker off of same | 268 0 | 3 0 | 271 0 |
| Four improvers to five or six workers | | Other mixer of cement or concrete .. | 268 0 | 3 0 | 271 0 |
| Five improvers to seven workers | | Mould assembler | 268 0 | 3 0 | 271 0 |
| Six improvers to eight workers, and thereafter one improver to every two workers | | Operator of cement sprayer | 268 0 | 3 0 | 271 0 |
| | | Other crusher feeder or attendant or mill feeder or attendant or crusher screen attendant, other than persons engaged in crushing spalls .. | 268 0 | 3 0 | 271 0 |
| | | Stripper | 268 0 | 3 0 | 271 0 |
| | | Pipe tester (i.e., person operating a pump or pressure apparatus) .. | 268 0 | 3 0 | 271 0 |
| | | Employee carrying away from any concrete or cinder-concrete block or brick-making machine | 268 0 | 3 0 | 271 0 |
| | | Where the load carried per man is of a greater average weight than 70 lb.:— | | | |
| | | (a) Lumper of cement or concrete articles (in and out of tanks) .. | 268 0 | 3 0 | 271 0 |
| | | (b) Loader, unloader, or stacker (by hand) of cement or concrete articles | 268 0 | 3 0 | 271 0 |
| | | Trucker or stacker of concrete or cinder-concrete blocks or bricks .. | 268 0 | 3 0 | 271 0 |
| | | Person fabricating or preparing reinforcements for portable concrete products | 268 0 | 3 0 | 271 0 |
| | | Group No. 4. | | | |
| | | All others | 263 0 | 3 0 | 266 0 |
| All Other Sections. | | | | | |
| One improver to every three or fraction of three workers receiving not less than 266s. per week of 40 hours. | | | | | |
| Apprentices and improvers operating a cement sprayer shall be paid 2s. 6d. per week extra in addition to the prescribed rate. | | | | | |

NOTE.—“Renderer” means a skilled employee facing concrete articles with float and trowel.

ALLOWANCES.

3. The following allowances in addition to the rates provided in clause 2 (b) shall be paid:—

(a) Lumpers of cement or concrete articles (in and out of tanks) 6d. per hour in respect of such time actually spent in tanks containing water.

(b) For work done away from the employer's place of business—

(i) The fares, exceeding 3d. per day, necessarily expended in going from and to the employee's residence to and from his work.

(ii) For work done at a distance from the employer's place of business if the employee is unable to return to his home the same night and the employer does not provide board and lodging, 20s. per day extra for the first seven days, and thereafter 65s. per week extra.

(c) A “Leading hand” is one who is directed to control, supervise, and take responsibility for the work performed by two or more employees.

He shall, for the time so engaged, be paid the rate prescribed for the highest class of work so supervised with the following additions:—

(i) where the number of such employees does not exceed five, 9d. a day;

(ii) where the number of such employees exceeds five, 1s. 6d. a day.

(d) Boot allowance—

Persons operating mixers and/or pipe spinning machines, strippers, assemblers, oilers, and/or moulders of concrete products, 2s. 6d. per week.

TIME OF BEGINNING AND ENDING WORK.

(except in the case of shift work)

4. Time of Beginning. 7 a.m. Time of Ending. 5 p.m. on five days of the week, Monday to Friday inclusive, with a minimum of 45 minutes for lunch.

OVERTIME.

5. The following rates shall be paid for all work done, except where shifts are worked:—

(a) In excess of 8 hours on any day Monday to Friday

(b) On Saturday

Time and a half for the first two hours' work in any one day and thereafter double time in that day.

Time and a half for the first two hours' work and thereafter double time in that day.

SHIFTS.

6. (a) For work done at any time during a shift (other than a day shift) the ordinary rate of pay shall be increased by ten per centum per shift.

(b) A shift worker (other than on day shift) shall be allowed 20 minutes crib time in each shift, which shall be counted as time worked, and paid for as such.

(c) A shift worker called upon to work overtime in excess of ordinary shift hours shall receive overtime at the rate set out in clause 5.

MIXED FUNCTIONS.

7. An employee engaged for not less than half of one day or shift on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day or shift. If for less than half of one day or shift he shall be paid the higher rate for the time so worked.

SPECIAL RATES.

8. Double time shall be the rate payable for all work done on Sundays, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour 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-mentioned holidays, the special rate shall be payable only for work done on the day so substituted.

CONTRACT OF EMPLOYMENT.

Weekly Employment.

9. (a) Except as hereinafter provided employment shall be by the week.

(b) Employment shall be terminated by two clear days' notice on either side given at any time during the week to be the payment or forfeiture of two days' wages as the case may be. This shall not affect the right of the employer or dismiss an 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, 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.

(c) An employee not attending for duty shall except as provided by clause 10 of this Determination lose his pay for the actual time of such non-attendance.

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

(d) To obtain the benefit of weekly employment an employee must be ready, available, and willing to work on the days, and during the hours prescribed for an ordinary day's work less only prescribed or agreed upon remissions. *Pro rata* reductions of pay may be made for unauthorized omissions.

Casual Employment.

(e) Any person employed other than on terms of weekly employment shall be paid 10 per centum in addition to the appropriate rate prescribed in clause 2.

SICK LEAVE.

10. (a) An employee on weekly hiring who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—

(i) He shall not be entitled to paid leave of absence for any period in respect of which he is entitled to worker's compensation.

(ii) He shall, within 24 hours of the commencement of such absence, inform the employer of his inability to attend for duty and, as far as practicable, state the nature of the injury or illness, and the estimated duration of the absence.

(iii) He shall prove to the satisfaction of his employer that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(iv) He shall not be entitled in his first year of service with any employer to sick leave in excess of 3½ hours of working time for each completed month of service.

(v) He shall not be entitled in any subsequent year to leave in excess of 40 hours of working time.

(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.

(c) Any accumulated sick leave not exceeding 120 hours standing to the credit of an employee on the 8th November, 1955, shall not be increased or reduced by virtue of the operation of sub-clause (b) hereof.

HOLIDAYS.

11. All employees (other than casuals) shall be entitled to the holidays or day or days substituted by Act of Parliament or Proclamation in lieu of such holidays hereinafter mentioned without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Christmas Day, and Boxing Day.

Should the 25th December, in any year occur on a Saturday or a Sunday the following Monday and Tuesday shall, for the purposes of this Determination, be deemed to be Christmas Day and Boxing Day respectively. Likewise should the 1st January, in any year occur on a Saturday or a Sunday the following Monday shall be deemed to be New Year's Day.

Provided that an employee shall not be entitled to pay for any of the above holidays if absent from employment without leave on the working day immediately preceding and/or following a holiday or group of holidays unless he or she 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.

ANNUAL HOLIDAY.

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.

TEA MONEY.

13. An allowance of 5s. for tea money shall be made where work extends for more than two hours beyond the usual time of ending work provided the employer has not given notice the day before of intention to work overtime.

TOOLS, SPECIAL BOOTS, OVERALLS, ETC.

14. The employer shall supply the employee with all requisite tools and gloves for the performance of his duties, and when the employee is called upon to work in water he shall be provided with suitable boots or waders.

Where a man's place of work is outside the factory buildings and he is required to carry on such work in the rain, his employer shall furnish him with a waterproof overcoat whilst so employed.

An employee required to wear overalls or protective clothing in connexion with his work shall be paid the sum of 2s. 6d. per week whilst he is required to do so.

PAYMENT OF WAGES.

15. Wages shall be paid during working hours not later than Thursday in each week.

HEALTH PROVISIONS.

16. The employer shall provide and maintain in a satisfactory state—
- (a) proper latrine services;
 - (b) suitable change house accommodation with provision for drying clothes;
 - (c) suitable accommodation for employees to have their meals and, where the number of employees exceeds twenty, such accommodation shall be partitioned off or otherwise separated from the change house.

REST PERIOD.

17. All employees shall be allowed two rest intervals on each day as follows:—The first of five minutes to be allowed between the hours of 9.30 a.m. and 10 a.m., and the second of five minutes to be allowed between the hours of 2.30 p.m. and 3 p.m., or at such other times as may be agreed upon between the employer and the majority of the employees concerned. Such intervals are to be counted as time worked.

RIGHT OF ENTRY OF UNION OFFICIALS.

18. For the purpose of interviewing employees on legitimate union business, a duly accredited representative of the Australian Workers' Union shall have the right to enter, during the midday meal hour, the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed.

If any representative is unduly interfering with, or is creating disaffection amongst his employees, or is offensive in his methods, such employer may refuse the right of entry.

LOCKERS.

19. Each employee shall be provided with a suitable locker for the purpose of protecting his clothing.

PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates for adults 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 by the same amount and at the same time as such basic wage as prescribed by clause 21.

Basic Wage.

| Place. | Basic Wage (Adjustable). | Index Number Set Assigned. |
|------------------|-----------------------------|-------------------------------|
| | £ s. d. | |
| Victoria | 12 6 0 | Melbourne |

ADJUSTMENT OF BASIC WAGE.

21. (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, 1956, the amount of the basic wage shall be as prescribed in clause 20.

(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 adjustable wages of Apprentices and 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.

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

J. W. RYAN, Secretary.

Melbourne, 28th October, 1955.