



# VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

**No. 69]**

**FRIDAY, JANUARY 13.**

**[1956**

*Labour and Industry Act 1953.*

## DETERMINATION OF THE GAS WORKS BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria in the following manner :—

- (a) Clauses 1 to 35 inclusive apply to the cities of Ballarat, Bendigo, and Warrnambool, the area within a radius of 20 miles of the G.P.O., Melbourne, 10 miles of the G.P.O., Geelong, and borough of Castlemaine.
- (b) Clause 1 and clauses 36 to 55 inclusive apply to the whole of the State outside, and excepting those places enumerated in the preceding paragraph.
- (c) Clauses 56 and 57 inclusive apply to the whole of the State.

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 or in connexion with making coal gas for trade or sale, but not including any person or persons or classes of persons subject to the Determination of any Wages Board heretofore appointed," has made the following Determination, namely :—

1. That as from the beginning of the first pay period to commence in August, 1955, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. (a) Within the Localities Set Out in Note (a).

Improvers.										Wages per Week. of 40 Hours.
										£ s. d.
Under 15 years of age	..	..	..	..	..	..	..	..	..	0 15 6
15 years and under 16 years of age	..	..	..	..	..	..	..	..	..	0 19 0
16 years and under 17 years of age	..	..	..	..	..	..	..	..	..	1 3 0
17 years and under 17 years of age	..	..	..	..	..	..	..	..	..	1 11 0
18 years and under 19 years of age	..	..	..	..	..	..	..	..	..	2 2 6
19 years and under 20 years of age	..	..	..	..	..	..	..	..	..	2 3 6
20 years and under 21 years of age	..	..	..	..	..	..	..	..	..	3 9 6

For shift work an extra rate of 3s. 6d. per week shall be paid, but no improver under eighteen years of age shall be employed upon night shift.

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(b)

Adults.	Wages per Week of 40 Hours.	
	Within a Radius of 20 Miles of the G.P.O., Melbourne, 10 Miles of the G.P.O., Geelong, and the City of Warrnambool.	Within the Cities of Ballarat and Bendigo and the Borough of Castlemaine.
	£ s. d.	£ s. d.
Patching and scouring retorts and cleaning flues—man continuously employed as such	14 12 6	14 9 6
Stoker in charge of gas or steam engine, or other works plants	14 12 6	14 9 6
Stoker, vertical retort	14 0 0	13 17 0
Stoking machine driver	14 0 0	13 17 0
Stoker, horizontal retort (machine)	14 0 0	13 17 0
Stoker, hand charging	14 0 0	13 17 0
Retort (vertical) operator	14 0 0	13 17 0
Operator vertical retort	14 0 0	13 17 0
Fireman retort house	14 0 0	13 17 0
Hydraulic and tar main attendant	13 17 6	13 14 6
Augerer and pipe jumper	13 15 0	13 12 0
Coke and coal conveyor attendant (day worker)	13 3 0	13 0 0
Greaser and oiler (in retort house)	13 9 0	13 6 0
Elevator and coal crusher attendant (day worker)	13 3 0	13 0 0
Elevator and coal crusher attendant (shift worker)	13 0 0	12 17 0
Coke and coal conveyor attendant (shift worker)	13 0 0	12 17 0
Oxide breaker—man attending and operating	13 2 0	12 19 0
Purifier—man opening up, or emptying	14 5 0	14 2 0
Purifier—man filling	12 18 0	12 15 0
All others	12 15 0	12 12 0

## GENERAL EXTRA RATE FOR SHIFT WORK.

3. For work done on shift at any time an employee shall be paid 2s. extra per shift.

## EXTRA RATE FOR LEADING HANDS.

4. "Leading hand" herein means one who has in any degree control, supervision, or direction of any other employee of the same grade.

Leading hands shall be paid, in addition to their prescribed weekly wage, the amount assigned to them in the following table :—

Table.

	Per Day or Shift.
	s. d.
Leading stoker	5 0
Leading vertical retort house operator	5 0
Any other leading hand	3 9

Provided that this clause shall not apply to a leading stoker and/or leading vertical retort house operator when in charge of gas or steam engines or other works plant, but any such employee as aforesaid shall be paid the margin prescribed for the class of stoking performed, plus the appropriate leading hand rate.

## RATE FOR OTHER THAN WEEKLY EMPLOYEES.

5. Any employee, other than one engaged on piecework, who is not employed for at least one full week, shall for each day upon which he is required to attend for work be paid for the time worked at the relevant rate per week, plus 10 per cent.

## PIECEWORK RATES.

6. In cases where piecework rates are now being paid for coal discharging the existing rates shall continue.

## WORKING HOURS.

7. (1) Except as otherwise hereinafter provided the ordinary working hours of daymen shall not exceed 40 per week, comprising (unless otherwise agreed by the employer and the union) not more than eight hours each for the first five week days, to be worked between 7.30 a.m. and 5 p.m., and not more than four hours on Saturday, to be worked between 7.30 a.m. and 12 noon. Provided that the employer shall have the option of arranging for the working of the said 40 hours during such first five week days and increasing the length of the day's work accordingly.

(2) Except as otherwise hereinafter provided the ordinary working hours of shiftmen shall not exceed an average of 40 per week, to be worked in shifts not exceeding eight hours each including "crib" time reckoned as part of working time, such shifts to be distributed as the employer concerned may choose, but so as to make an aggregate shift time on duty not exceeding 48 hours in any one week, nor 160 hours in any period of four weeks, unless the excess time of duty is caused by arrangement between the employer and the union or between the employees themselves.

(3) Unless otherwise agreed between the employer and the Union all shift work shall be so arranged as to allow each man, by rotation or otherwise, one clear day off in each week which week for this purpose shall be deemed to commence from the starting of the morning shift on Monday in each week unless otherwise agreed between the employer and the Union.

(4) For employees whose present ordinary working hours are less than 44 per week, the ordinary working hours and arrangement thereof shall continue as at present.

## OVERTIME RATES FOR DAYMEN.

8. (1) *Over Prescribed Number of Ordinary Hours.*—Unless otherwise provided elsewhere herein, for any time worked by daymen on any one day in excess of the number of ordinary working hours prescribed for that day, payment shall be made at time and a half for the first two hours and at double time thereafter.

(4) *Outside Prescribed Time Limits.*—Unless otherwise provided elsewhere herein, for time worked at any time other than between 7.30 a.m. and 5 p.m. on Monday to Friday (both inclusive), or 7.30 a.m. and noon on Saturday, or if other time limits be agreed upon between the employer and his employees, at any other time than between such agreed limits, payment shall be made at time and a half for the first two hours and at double time thereafter.

(3) *Work after Recall.*—A dayman who after his ordinary day's work has departed from the place where he works and has reached his home or other stopping place without having been given notice that he would be required to do further work on that day, if recalled to do such work, shall be paid at the rate of double time for such work, with a minimum payment as for three hours at ordinary rates, but this sub-clause shall not apply to shift work.

(4) *Overtime Rates not Cumulative.*—If more than one of the foregoing provisions applies to the time worked, payment shall be obligatory under only one of such provisions and if one of such provisions prescribes a higher rate, only under that provision.

(5) *Shift Work as Prescribed in Clause 9.*—Overtime rates for shift work and shiftmen shall be as prescribed in clause 9 and this clause shall not apply to them.

## SPECIAL EXTRA RATES FOR SHIFT WORK.

9. (1) *Shiftmen's Ordinary Hours.*—If an employee is required by the employer to do shift work exceeding in length eight hours in any period of 24 hours, or 48 hours in any period of seven days, or an aggregate of 160 hours in any period of four weeks, he shall be paid for the excess time of working at time and a half for the first two hours and double time thereafter, unless the excess is worked as a result of an arrangement made between the employer and his employees, in which case he shall be paid for the excess time at ordinary rate. Provided that a shift worker who works two shifts in immediate succession shall be paid at the rate of double time for the second shift or part thereof, unless such second shift is worked by arrangement between the employees themselves, in which case the excess time shall be paid for at ordinary rates.

(2) *Daymen Put on Shift Work after doing Day's Work.*—Except in the case of arrangement between the employees themselves any dayman who after completing his ordinary day's work is put on to shift work shall be paid for all time worked on shift at time and a half, the payment to be in addition to payment for his ordinary work, and shall be entitled to absent himself from his ordinary work on the following day without incurring any deduction from his week's wages therefor. Provided that this sub-clause shall not apply to a dayman employed on the afternoon shift.

(3) *Daymen put on to Shift Work before Finishing Ordinary Day's Work.*—Except in the case of arrangement between the employees themselves any dayman put on to shift work after doing portion only of his ordinary day's work, shall be paid the prescribed rate for the time actually worked on day work, and at the prescribed rate for the shift work from the time he commences the shift work until such time as he has worked in day work and shift work combined eight hours. Monday to Friday inclusive, or four hours, Saturday (where he works six days per week), or 8 hours 48 minutes, Monday to Friday inclusive (where he works five days per week), and for ensuing time and a half for the first two hours, and then at double time.

(4) *"Clash" Day Work.*—If an employee solely because of the "clashing" of shifts on the roster is on the day of the clash employed otherwise than on his ordinary shift he shall nevertheless be paid for his work on that day not less than at the prescribed rate for his ordinary shift.

(5) *Work on "Day off".*—For all work on his day off in the week a shift man shall be paid at double time if the day be a Sunday or a holiday not observed on a Sunday, and at time and a half if it be another day, but if at the request of another employee he works as a substitute on the day for the other employee, he shall be paid at the rate at which the latter would have been paid.

(6) *Work on Sunday.*—For all shift work on a Sunday, not being his day off, a shiftman shall be paid at double time but if his shift work during the weekly pay period which includes the Sunday does not exceed two shifts he shall be paid at double time for the work on the Sunday. Notwithstanding anything whatever elsewhere provided in this Determination no employer shall be required to pay more than double time in respect of any work performed between midnight on Saturday and midnight on Sunday.

(7) *Relieving on Sunday.*—If an employee is required to relieve a shiftman on a Sunday, the relieving employee shall be paid at the rate of time and a half, but if on a Sunday the usual number in any gang is increased, the extra man or men required shall be paid at double time.

(8) *Mixed Shift and Other Work on Sunday.*—If an employee is brought in on a Sunday for work, other than relieving a shiftman, and commences duty which entitles him to double time, and is thereafter, required to do shift work, he shall be paid at double time for the whole of the work done by him on that day.

(9) *Work on a Holiday.*—For all work on a holiday, other than one observed on a Sunday, a shiftman shall be paid at double time.

## COMPULSORY OVERTIME.

(9A) An employer may require any employee to work reasonable overtime at overtime rates, and such employee shall work overtime in accordance with such requirement.

## SUNDAYS.

10. (1) Any employee may be required to work on any Sunday.

(2) For any work done on a Sunday the employee—other than a shiftman—shall be paid at double time, with a minimum payment as for two hours at such rate.

(3) For work done by a shiftman on a Sunday payment shall be made as prescribed in clause 9.

(4) Any weekly employee who in the ordinary course of his work is required to work on Sundays, shall be entitled to one clear day off in each calendar week, and if required to work on his day off, shall for all such work be paid at double time, if the day be a Sunday or a holiday, and at time and a half if it be another day, but if at the request of another employee he works on the day as a substitute for the other employee he shall be paid at the rate at which the latter would have been paid.

## SATURDAYS.

10A. For all time worked during the ordinary working hours on Saturdays, payment shall be made at the rate of time and a half.

## MIXED FUNCTIONS.

11. (1) Except as otherwise provided herein or by mutual arrangement between the employees themselves, an employee required to do more than one class of work in the course of a day shall for the whole of that day be paid as if he had throughout his work on that day done that one of those classes of work for which the highest rate is prescribed.

(2) A dayman called upon for shift work after his ordinary work shall be paid as provided in clause 9 hereof, and is excepted from this clause.

(3) Subject to the foregoing an employer may require an employee to do any class of work not outside the scope of the employee's engagement.

## HOLIDAYS.

12. (1) The days on which the following days are observed as holidays in the district in which the employer's works are situated shall for the purposes of this Determination be holidays :—

New Year's Day; Australia Day; Good Friday; Easter Monday; Anzac Day; Queen's Birthday; Eight Hours Day; Christmas Day; Boxing Day—

and also within 20 miles of the General Post Office, Melbourne, Melbourne Cup Day, and also elsewhere than within such 20 miles, one day to be agreed upon by the employer and employees concerned.

Provided that in cases where days or parts of days are substituted for any of the holidays above prescribed, the arrangements at present in existence shall continue.

(2) Any employee may be required by the employer to work on any holiday.

(3) Notwithstanding that an employee engaged by the week is not required to work on a holiday no deduction shall be made from his wages therefor, except in the following cases for which the employer may make a deduction proportionate to the time that the employee in the ordinary course would have worked on the holiday if it had been an ordinary working day :—

(a) if without leave from the employer he absents himself on the working day next prior to or on that next after a holiday and does not work on the holiday; and

(b) where the employee is absent without leave on the working days next prior to and next after a holiday and does not work on the holidays; provided that if a holiday falls during accident leave, the employee shall have an additional day added to such leave for the holiday.

(4) If a holiday other than one observed on a Sunday falls on the weekly clear day off of an employee, as prescribed by clauses 7, 9, or 10 (4) of this Determination, the employee shall be paid his ordinary wages for the time worked during the week in which the holiday occurs, plus the ordinary rate for the time he would have worked if the holiday were not his day off, but shall not be so paid if the employee without leave from the employer absents himself from work on the working day next before or on that next after the holiday.

(5) When any dayman is required to work on a holiday he shall, besides his ordinary weekly or daily wage (as the case may be), be paid for all time worked on the holiday at ordinary rate with a minimum payment as for four hours.

(6) For work done by a shiftman on a holiday he shall be paid as provided in clause 9 hereof.

## PICNIC DAY.

13. There shall be granted to employees in the Metropolitan District as defined in the *Labour and Industry Act 1953*, and the Order in Council thereunder, an annual picnic day to be observed on such day as the parties mutually agree, but failing such agreement on a Saturday the date of which in each case shall in each year be decided by the Wages Board. Such picnic day shall be deemed to be a holiday for the purposes of this Determination.

## ANNUAL LEAVE.

14. Employees shall be granted annual leave as follows :—

Day workers after one year and with up to five years' service—14 days.

Day workers with more than five years' service—21 days.

Shift workers after one year of service—21 days.

Provided—

(1) that if any of the prescribed holidays so falls in the week as in the ordinary course to entitle an employee to be paid in respect of that holiday although he does not work thereon, and that holiday happens to fall within that employee's period of annual leave the number of days in that period shall be reckoned in addition to the holiday;

(2) that the number of days in that period of annual leave shall be reckoned in addition to any days off of the employee in excess of one for each consecutive seven days during that period; and

(3) that in calculating the amount to be paid to the employee in respect of each week of leave, in addition to any amount payable to him otherwise than because of the rate for shift work prescribed by clause 3 of this Determination, 1s. shall be allowed to him for every fifty shifts worked by him during the twelve months preceding the leave and not previously allowed to him in such a calculation.

(4) that the amount to be paid to any employee in respect of his annual leave shall be the amount which would have been paid to him if he had been normally engaged upon his usual employment at that time.

(5) if after one month's continuous service in any qualifying twelve-monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee he shall be paid in respect of each completed month of continuous service a proportionate amount of the annual leave prescribed herein.

## DIRT MONEY AND OTHER EXTRA PAYMENTS.

15. (1) "Dirty work" herein means work which the foreman and workman concerned agree is of an unusually dirty or offensive nature.

(2) The following employees shall be paid dirt money at the rate of one penny per hour for the time they are engaged upon the following work :—

(a) Yardman removing dust from the top of retort benches, hydraulic, and foul mains and bridge pipes.

(b) Men cleaning and removing the residue from the interior of water, liquor or oil storage tanks.

(3) Daymen working in fiery bunkers shall be paid at the rate of time and a half labourer's rate for the time when so engaged, where such payment is considered by the management to be warranted; Provided that existing conditions shall continue.

(4) Men employed between the lifts of gasholders shall be paid an additional rate of 1½d. per hour for the time when so engaged, but for such work shall not be entitled to payment of height money under Clause 16 of this Determination.

(5) Yardmen employed cleaning out washers, automatic C.V.G. plant shall be paid 1s. 6d. for each washer completely cleaned in addition to their ordinary rate of pay for the time occupied on such work.

## HEIGHT MONEY.

16. (1) Except as hereinafter provided any man employed at the heights set out in the following table measured vertically from the place where he is supported to the nearest surface situated directly below him, such as the ground, or a staging, platform or flooring at least 6 feet wide, shall be paid the additional rate corresponding to such height as shown in the table, irrespective of the time for which he is so employed during the day :—

Height.	Additional rate per Day. s. d.					
Not less than 20 feet and not more than 40 feet	..	..	..	..	..	0 6
40 feet and not more than 100 feet	..	..	..	..	..	1 0
100 feet and over	..	..	..	..	..	1 6

(2) Except as hereinafter provided, any man employed on the crown of a gasholder shall be paid the additional rate shown hereunder, irrespective of the time for which he is so employed during the day, when the rim of the crown is at the height specified, above the surface of the ground :—

Height.	Additional rate per Day. s. d.
Not less than 40 feet and not more than 100 feet .. .. .	0 6
100 feet and over .. .. .	0 9

This sub-clause shall also apply to men employed at the same height on any structure which has its edge as well guarded as the rim of a gasholder crown

(3) When a man is employed during any day at more than one of the heights specified in this clause he shall be entitled to payment of one additional rate only for the day, namely, the rate payable for the maximum distance at which he is employed during the day.

(4) In selecting men to work at a height the employer shall choose those who in the opinion of the management are best qualified to perform the work.

#### RATE FOR WET PLACES.

17. Any employee working in a place which the foreman or ganger concerned decides is a wet place shall be paid an additional 8d. for the day irrespective of the time during which he works in that place during the day.

Provided that this clause shall not apply if the employer supplies him with top boots or other covering reasonably sufficient to exclude the wet.

#### MEAL TIMES AND ALLOWANCES.

18. (1) Except as otherwise provided elsewhere herein a meal break of at least 45 minutes (if a six-day week be worked) or at least 42 minutes (if a five-day week be worked) shall be allowed to employees other than shiftmen.

(2) Such meal break shall begin at 12 noon or at such other regular time as may be agreed upon by the employer and employees concerned, but in special circumstances of emergency only, the employer may require it to begin at some definite time not earlier than 11.30 a.m. not later than 12.15 p.m.

(3) Any employee required to work throughout more than five hours without a suitable interval for a meal, shall, for all time worked in excess of the five hours before being allowed such interval, be allowed an extra payment at double time.

(4) If an employee is required to continue or resume work during the prescribed meal break he shall for the time of continuance or resumption until the full meal break is given be entitled to an extra payment at time and a half.

(5) If the prescribed meal break of an employee is curtailed he shall for the time of curtailment be entitled to an extra payment at time and a half.

(6) Subject to observance of sub-clause (3) hereof, an employee may notwithstanding sub-clauses (4) and (5) hereof, be required to work at ordinary rates during the prescribed meal break for the purpose of making good break downs of plant or upon routine maintenance of plant (including oiling and greasing) which can only be done whilst such plant is idle.

(7) A dayman required to work overtime beyond 12.30 p.m., on Saturday, or 5.30 p.m. on any other day, or to work on the afternoon shift without having been notified on the previous day that he would be so required, shall be paid 2s. 6d. meal allowance.

If after having been so notified he provides himself with a meal and is not required to work such overtime or afternoon shift, he shall be paid 2s. 6d. meal allowance.

#### SICK LEAVE.

19. An employee, after having completed three weeks' continuous service immediately preceding the day upon which he reasonably absents himself from work because of disability due to his own ill-health and who produces evidence satisfactory to the employer of such disability by medical certificate or otherwise, shall, without incurring any deductions of pay, be entitled to leave of absence during such disability for a period or periods not exceeding in the aggregate ten days in each year beginning with the first day of December, 1937, and fourteen days after six months' continuous service.

Provided—

(1) that 50 per cent. of the unused sick leave in each year may accumulate on to the next year up to a total accumulation of 14 days over and above the current year's sick leave, such accumulation to be available :—

- (a) For a period of three years, but for no longer from the end of the year in which it accrues; and
- (b) Only after the current sick leave has been exhausted.

(2) that an employee who absents himself from work as aforesaid, if unable to return to work at the end of 24 hours, shall give, or cause to be given, written notice to his employer of the nature of his disability and name of the medical practitioner (if any), attending him and that the employer may thereupon require the employee to submit to examination by a medical practitioner nominated by such employer, such examination to be at the expense in all things of the employer and that in the event of a refusal to submit to such examination, no sick leave pay shall be payable.

(3) that the rate of wage payable to the employee during such leave of absence without deduction of pay shall be the prescribed ordinary rate or averaged rates for the work done by him during his last six working days next before his absence began.

#### ACCIDENT LEAVE.

20. (1) An employee after having completed three weeks' continuous service immediately preceding the day upon which he reasonably absents himself from work because of disability due to bodily injury arising out of or in the course of his employment, and who within 48 hours after the commencement of the absence produces evidence satisfactory to the employer of such disability by medical certificate or otherwise shall without incurring any deduction of pay be entitled to leave of absence during such disability for a period or periods not exceeding in the aggregate two weeks in each year beginning with the 1st day of December, 1937.

The rate of wage payable to the employee during such leave of absence without deduction of pay shall be the prescribed ordinary rate or averaged rates for the work done by him during his last six working days next before his absence began.

(2) If weekly payments are payable by the employer to the employee under a Workers Compensation Act or other like Act in respect of the injury to the employee, payments made in pursuance of this clause may be treated by the employer as a discharge so far as their amount goes of his liability to pay weekly payments under such Act.

#### EMPLOYMENT CONDITIONS OF PIECEWORKERS.

21. Existing conditions relating to working hours, waiting time, holidays, and leave for pieceworkers employed on coal discharging shall continue.

#### CONDITIONS OF ENGAGEMENT.

22. (a) Except as otherwise hereinafter provided, all employees shall be engaged by the week, the employment to be terminable only by a week's notice on either side, which notice may be given at any time during any week.

(b) Provided that for misconduct or neglect of duty by an employee, his employment may be determined forthwith without notice in which case he shall be entitled only to an amount for wages proportionate to the amount of work done before such determinations such amount for wages to be paid forthwith.

(c) From the commencement of an employee's service during a time not exceeding two weeks, the employer may engage him by the day, subject to payment of the rate of wage prescribed for other than weekly employees.

(d) Subject to any express limitation in the terms of his engagement and to his right to determine his employment by a week's notice, an employee to become entitled to the benefits of this Determination must do such kinds of work at such times as the employer may require him to do for the time being, but the employer shall in respect of such work observe any applicable provisions of this Determination as to special or extra rates.

(e) If an employee absents himself from duty or does not attend for duty, the employer, subject to the provisions for sick leave and accident leave hereinafter contained, may deduct from the employee's wages an amount proportionate to the length of the employee's absence or non-attendance.

#### PAYMENT OF WAGES.

23. Subject to wages being paid weekly existing conditions relating to times and places of payment of wages shall continue.

#### TOOLS.

24. Existing conditions as to the supply of sufficient and efficient tools in working order shall continue.

#### STANDARD OF WORK.

25. (1) The employer shall not, while existing conditions exist, increase the standard of work beyond the present limit in existing retort houses.

(2) The standard of work for men working in saturators in sulphate houses, while existing conditions exist, shall not be increased.

(3) Stokers hand charging shall be allowed a minimum of half an hour's rest period between each stoking time.

#### PURIFIER LIDS.

26. After the purifier box lids are lifted two hours shall elapse before men are sent into the purifiers to work.

#### CONDITION OF WORKING PLACES.

27. (1) Retort houses shall, as far as is practicable, be made and kept rainproof by the employer.

(2) The employer shall keep cellars and other work places well lighted, and so far as is practicable, shall keep them properly drained and free from water.

(3) The employer shall, as far as is practicable, repair and keep in repair the floor of the retort house, coal store, and coke stage.

#### OILSKINS.

28. To any employee required to work in the rain adequate oilskins, if reasonable necessary in the circumstances, shall be supplied by the employer.

#### CLOGS AND APRONS.

29. The employer shall, when necessary, provide and replace clogs for the use of men working on the top of retort benches, pitch pan men, and scourers and patchers.

#### GAS MASKS.

30. The employer shall supply suitable gas masks to employees in cases where considered necessary by the management.

#### FIRST AID.

31. The employer shall provide all requisite first aid appliances at the works.

#### ACCOMMODATION.

32. (1) The employer shall at the works provide for employees adequate mess rooms and boiling water, washing and changing rooms, with hot and cold showers, and lock-up cupboards.

(2) The employer shall at the works provide for employees suitable sanitary conveniences, and cause them to be cleansed every day, except on Sundays and holidays, and to be left uncleansed in no case for more than one day.

#### EMPLOYMENT, PROMOTION, AND SENIORITY.

33. (1) In making promotion or in the shortening of hands efficiency shall be the first consideration, and in the case of men of equal efficiency, the employer shall give preference to the one with the higher seniority as shown by the seniority list. Provided that for the purposes of seniority each works or department shall be regarded separately.

"Efficiency" herein means special qualifications and aptitude, including suitability in age for the discharge of the duties of the position to be filled together with merit and good and diligent conduct.

(2) Seniority lists shall be compiled by the employer showing in respect of each department the name of every employee of the employer covered by this Determination, the date of entering the department, and the date of entering the service of the employer.

(3) The lists shall be compiled to show employees in the order of their entering the department, but in the case of an employee who returns to a department after leaving it at his own request, such date shall be the date of re-entering the department.

(4) The date of entering the service of the employer shall be the date of entry continuous with the present employment, but an employee discharged by the employer and re-employed within four weeks shall retain his seniority.

(5) At each works or department a copy of the list affecting such works or department shall be kept, and shall be open to the inspection of any official named by the union, at any reasonable time.

(6) The employer, if and when reasonably so required, shall supply copies of such lists of the employees of such employer to the secretary of the union.

#### THE UNION.

34. (1) When the consent of the officer in charge has been obtained or has been unreasonably refused, any official named by the union shall be allowed, at any time or times, to enter any of the employer's works to make any necessary enquiries in regard to complaints submitted by employees.



## DEFINITIONS.

38. "Leading hand" means one who is required by his employer to exercise control, supervision, or direction of any other employee of the same grade.

"Shift worker" means an employee who is engaged upon work which is continuous except that the employee is allowed to have his meal time included in his period of work.

"Skilled labourer" means an employee directly assisting a tradesman or who is engaged in the duties of concrete work, rigging tackle or scaffolding, wire and hemp rope splicing, or who regularly undertakes a variety of semi-skilled duties, or one who is classified by his employer as such.

"Retort house maintenance Man" means an employee who is constantly employed in the repair and maintenance of retorts and accessory equipment in the retort house.

"Yardman" shall mean a man engaged in the duties of the handling of coke, ashes or tar, sweeping and cleaning, pick and shovel work, syphon pumping, or any other unskilled duty on a gas works not covered by any other classification.

## CONTRACT OF EMPLOYMENT.

*Weekly Employment.*

39. (a) Employment shall be by the week, except that employment for the first two weeks of service shall be from day to day with payment at the rates prescribed by this Determination proportionate to the time worked.

(b) Employment may 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 all monies due shall be paid to the employee forthwith.

(c) An employee not attending for duty shall, except as provided in clauses 48, 51 and 52 hereof lose his pay for the actual time of such non-attendance.

(d) Notice to terminate the engagement which is given every week or otherwise in such manner that the employee is not able to know with certainty a week before a particular date whether his engagement will or will not be terminated by the employer upon that date shall not be deemed a valid notice unless given during a general or shipping or coal strike preventing the supply and delivery of gas coal to the employer concerned in sufficient quantities to enable gas to be produced.

## MIXED FUNCTIONS.

40. When an employee is called upon to do work for which a higher rate than his ordinary rate is fixed by this Determination, he shall be paid such higher rate for each hour or portion thereof whilst so engaged, provided that when an employee is called upon to do work for which a rate lower than his ordinary rate is fixed by this Determination, he shall not have his wages reduced below his ordinary rate.

When on any shift a stoker or retort house operator is not fully employed with his work of stoking, he shall perform any other duty which may be assigned to him by the management.

An employer may require an employee to do any class of work not outside the general scope of the employee's engagement.

## WET PLACES.

41. Any employee working in a place which the foreman or ganger concerned decides is a wet place shall be paid an additional 1s. per day irrespective of the time during which he works in that place during the day. Provided that this sub-clause shall not apply if the employer supplies him whilst working in such place with gum boots or other cover reasonably sufficient to protect him from the wet.

## HOURS OF DAY WORKER.

42. The ordinary working hours of day workers shall be 40 per week to be worked in five periods of eight hours per day excluding meal break commencing at such period between 7.30 a.m. and 8.30 a.m. as the management decides but so as to finish not later than 5 p.m. on Monday to Friday inclusive with a meal break of not less than 45 minutes commencing at 12 noon. Provided, however, that the starting and finishing time and meal break may be varied by agreement between the whole of the employees concerned and the management at the works of any employer.

## OVERTIME.

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

(2) Payment shall be made at the rate of time and a half for the first two hours and double time thereafter for all time worked—

(a) *By Day Workers*—in excess of eight hours Monday to Friday both days inclusive or in excess of 40 hours per week.

(b) *By Shift Workers*—

(i) for any time in excess of eight hours in any one day;

(ii) for any time (excluding that provided for under sub-clause (i))—in excess of 80 hours in any period of two weeks.

## EMPLOYEE NOT REQUIRED TO WORK.

44. (a) A shift worker not required to finish his shift or not required in the yard shall be paid for the full shift except where he is relieved from duty at his own request.

(b) An employee other than a shift worker coming to work and finding that his services are not required, except through adverse weather conditions, shall be paid half a day's pay unless he has been notified at least four hours previously that his services will not be required.

## EMPLOYEE REQUIRED TO WORK NIGHT SHIFT AFTER DAY'S WORK.

45. When an employee is required to work night shift after he has performed his usual day's work, he shall be paid at the rate of time and a half for the first two hours and double time thereafter for such shift and shall not be required to return to work until at least eight hours after he ceases work on such shift.

## MEAL ALLOWANCE.

46. (i) A day worker who works overtime extending beyond 6.30 p.m. on Monday to Friday inclusive and beyond 12.30 p.m. on Saturday, without having received notice thereof in sufficient time to provide himself with a meal, shall be paid a meal allowance of 3s. in addition to overtime. If he receive notice as prescribed herein and has provided himself with a meal and is then not required to work overtime, he shall be paid the meal allowance.

(ii) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each four hours of overtime work, if the employee continues work after such crib time.



(iii) An employee required to work overtime for more than one and a half hours immediately after working the ordinary hours shall, before starting such overtime, be allowed a meal break of twenty minutes, which shall be paid for at ordinary rate.

An employer and employee may agree to any variations of this provision to meet the circumstances of the work in hand. Provided that the employer shall not be required to make any payment in respect of any time in excess of twenty minutes.

#### SHIFT WORK.

47. (a) *Hours*.—The ordinary working hours of shift workers shall not exceed 160 hours in a roster cycle of 28 consecutive days.

(b) *Provision for Day Off*.—All shift work shall be so arranged as to allow each shift worker by rotation or otherwise one clear day off each week.

(c) *Work on a Saturday*.—

(i) A shift worker employed within the Shires of Mornington or Traralgon shall be paid at the rate of time and a quarter for all ordinary time worked on a Saturday.

(ii) A shift worker employed elsewhere than within the Shires of Mornington or Traralgon shall be paid at the rate of time and a half for all ordinary time worked on a Saturday.

(d) *Work on a Sunday*.—

(i) A shift worker employed within the Shires of Mornington or Traralgon shall be paid at the rate of time and a half for all ordinary time for which he is rostered and upon which he works on a Sunday.

(ii) A shift worker employed elsewhere than within the Shires of Mornington or Traralgon shall be paid at the rate of double time for all ordinary time worked on a Sunday.

(e) *Work on a Holiday*.—A shift worker shall be paid at the rate of double time for all time worked on a holiday.

(f) *Work on "Day Off"*.—For all work on his day off in the week a shift worker shall be paid at double time if the day be a Sunday or a holiday and at time and a half if it be another day, but, if at the request of another employee, he works as substitute on the day for the other employee, he shall be paid at the rate which the latter would have been paid.

(g) For work done on shift an employee shall be paid 2s. extra per shift. This extra rate shall not be subject to any penalty additions.

#### HOLIDAYS.

48. (a) The days on which New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, Labour Day, Christmas Day, Boxing Day or days substituted therefor and all other days proclaimed or gazetted as holidays in the district in which the employees work shall be holidays.

(b) Any employee may be required to work on any holiday.

(c) In the weeks during which any holiday falls no deduction for the holiday shall be made from the wages of an employee engaged by the work unless—

(i) the employee without leave from the employer absents himself either on the working day next prior to or on that next after a holiday and does not work on the holiday, or

(ii) the employee is absent with leave on the working day next prior to and on that next day after a holiday and does not work on the holiday. In such cases a deduction shall be made from the employee's pay proportionate to the time that the employee would, in the ordinary course, have worked on the holiday if it had been an ordinary working day.

(d) If a shift worker is entitled to a "day off" which falls on a holiday he shall, if not employed, be paid his ordinary wages for the time worked during the weekly pay period which includes the holiday, and at ordinary rate for the time he would have worked if the day was not his "day off" but not if he without leave from the employer absents himself either on the working day next prior to or on that next after the holiday, or if he is absent with leave on the working day next prior to and that next after the holiday.

#### SUNDAYS.

49. (a) Any employee may be required to work on any Sunday.

(b) Except as to shift workers, all time worked on Sundays shall be paid as follows:—

(i) Where the time worked does not exceed four hours—four hours at double time;

(ii) Where the time worked exceeds four hours, but does not exceed eight hours—eight hour pay at ordinary rate with the addition of ordinary rate for the time worked.

(iii) Where the time worked exceeds eight hours—double time.

#### PAYMENT OF WAGES.

50. (a) Wages shall be paid on a weekly basis, provided that, where an employee is employed by a City, Municipal or Shire Authority and the majority of other employees of such City, Municipal or Shire Authority are paid fortnightly, wages at the discretion of the management may be paid to such employees fortnightly.

(b) An employee, who is discharged from his employment before the recognized pay day, shall be paid all wages due to him forthwith.

#### ANNUAL LEAVE.

##### *Period of Leave.*

51. (a) A period of 14 consecutive days leave shall be allowed annually to an employee after twelve months' continuous service (less the period of annual leave) as an employee on weekly hiring in any one or more of the occupations to which this Determination applies.

##### *Seven Days Shift Workers.*

(b) In addition to the leave hereinbefore prescribed, seven day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays, shall be allowed seven consecutive days including non-working days.

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 leave period of fourteen consecutive days annual leave prescribed in sub-clause (a) hereof increased by half a day for each month he is continuously engaged as aforesaid.

##### *Annual Leave Exclusive of Public Holidays.*

(c) Subject to this sub-clause, the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 48 of this Determination and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to the period of annual leave time equivalent to the ordinary time which the employee would have worked if such day had not been a holiday.

Where a holiday falls as aforesaid and the employee fails without reasonable cause, proof whereof shall be upon him, to attend for work at his ordinary starting time on the working day immediately following the last day of the period of his annual leave he shall not be entitled to be paid for any such holiday.

*Broken Leave.*

(d) The annual leave shall be given and taken in a continuous period or if the employee and the employer so agree, in two separate periods and not otherwise.

*Calculation of Continuous Service.*

(e) For the purposes of this clause service shall be deemed to be continuous notwithstanding—

- (i) any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence.
- (ii) any absence from work on account of personal sickness or accident or on account of leave lawfully granted by the employer; or
- (iii) any absence with reasonable cause proof whereof shall be upon the employee.

In cases of personal sickness or accident or absence with reasonable cause, the employee to become entitled to the benefit of this sub-clause shall inform the employer, in writing if practicable, within 24 hours of the commencement of such absence of his inability to attend for duty and, as far as practicable, the nature of the illness, injury, or cause and estimated duration of his absence. A notification given by an employee pursuant to clause 52 of this Determination shall be accepted as a notification under this sub-clause.

Any absences from work by reason of any cause, not being a cause specified in this sub-clause, shall not be deemed to break the continuity of service for the purposes of this clause unless the employer, during the absence or within 14 days of the termination of the absence, notifies the employee in writing that such absence will be regarded as having broken the continuity of service.

In cases of individual absenteeism such notice shall be given in writing to the employee concerned but, in cases of concerned or collective absenteeism, notice may be given to employees by the posting up of a notification in the plant in the manner in which general notifications to employees are usually made in that plant and by posting to each union whose members have participated in such concerted or collective absenteeism, a copy of it not later than the day it is posted up in the plant.

A notice to an individual employee may be given by delivering it to him personally or by posting it to his last-recorded address in which case it shall be deemed to have reached him in due course of post.

In calculating the period of twelve months' continuous service any such absence as aforesaid shall not except to the extent of not more than 14 days in a twelve-monthly period in the case of sickness or accident, be taken into account in calculating the period of twelve months' continuous service.

*Calculation of Service.*

(f) Service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave but an employee shall not be entitled to leave or payment in lieu of leave for any period in respect of which leave or payment in lieu thereof has been allowed. The period of annual leave to be allowed under this sub-clause shall be calculated to the nearest day, any broken part of a day in the result not exceeding half a day to be disregarded.

Where the employer is a successor or assignee or transferee of a business, if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee, the employer, in respect of the period during which he was in the service of the predecessor, shall for the purpose of this clause be deemed to be in the service of the employer.

*Calculation of Month.*

(g) For the purposes of this clause a month shall be reckoned as commencing with the beginning of the first day of employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month and, if there be no such day in such subsequent month, shall be reckoned as ending at the end of such subsequent month.

*Leave to be Taken.*

(h) The annual leave provided for by this clause shall be allowed and shall be taken and, except as provided in sub-clause (l) hereof, payment shall not be made or accepted in lieu of annual leave.

*Time of Taking Leave.*

(i) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than two weeks' notice to the employee.

*Leave Allowed Before Due Date.*

(j) An employer may allow annual leave to an employee before the right thereto has accrued due but where leave is taken in such a case, a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

Where leave has been granted to an employee pursuant to this sub-clause before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which leave was granted, the employer may, for each complete month of the qualifying period of twelve months not served by the employee, deduct from whatever remuneration is payable upon the termination of employment one-twelfth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by clause 48 of this Determination.

*Payment for Period of Leave.*

(k) Each employee before going on leave shall be paid two weeks' wages except a shiftworker or an employee taking his leave pursuant to sub-clause (d) hereof, either of whom shall be paid the amount of wage he would have received in respect of the ordinary time which he would have worked had he not been on leave during the relevant periods. For the purposes of this sub-clause and sub-clause (l) hereof, wages shall be at the rate prescribed by clauses 36 and 37 of this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be.

Payment in the case of employees employed on piece or bonus work or any other system of payment by result shall be at time rates.

*Proportionate Leave on Dismissal.*

(l) If after one month's continuous service in any qualifying twelve-monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid at his ordinary rate of wage for  $6\frac{2}{3}$  hours at the same rate in respect of each completed month of continuous service, the service being service in respect of which leave has not been granted hereunder.

## SICK LEAVE.

52. (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 workers' competition.
- (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 any year (whether in the employ of one employer or of several) to leave in excess of 40 hours working time.

For the purpose of administering paragraph (iv) hereof an employer may, within one month of this Determination coming into operation or within two weeks of the employee entering his employment, require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year and upon such statement the employer shall be entitled to act.

## Single Day Absences.

(b) In the case of an employee who claims to be allowed sick leave in accordance with this clause for an absence of one day only, such employee, if in the year he has already been allowed sick leave on more than one occasion for one day only, shall not be entitled to payment for the day claimed unless he produces to the employer a certificate of a duly qualified medical practitioner that in his, the medical practitioner's opinion the employee was unable to attend for duty on account of personal illness or on account of injury by accident. Nothing in this sub-clause shall limit the employer's rights under paragraph (iii) of sub-clause (a) hereof.

## Cumulative Sick Leave.

(c) Sick leave shall accumulate from year to year so that any balance of the period specified in paragraph (iv) of sub-clause (a) hereof which has in any year not been allowed to an employee by an employer as paid sick leave may be claimed by the employee and, subject to the conditions hereinbefore prescribed, shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year. Provided that sick leave which accumulates pursuant to this sub-clause shall be available to the employee for a period of two years but no longer from the end of the year in which it accumulates.

## Attendance at Hospital &amp;c.

(d) Notwithstanding anything contained in sub-clause (a) hereof, an employee suffering injury through accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to workers' compensation) necessitating his attendance during working hours on a doctor, chemist or trained nurse or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident and shall be reimbursed by the employer all expense reasonably incurred in connexion with such attendance.

## SENIORITY AND PROMOTION.

53. (a) In making promotion and shortening hands, efficiency shall be the first consideration and, in the event of equal efficiency, the senior man shall receive preference.

(b) In considering promotion selections shall be made first from among employees in the department in which the vacancy exists, but in the interests of efficiency selection may be made from any other department.

(c) In the event of a new position being created applications shall be called for the position.

## TRANSFER OF EMPLOYEE.

54. An employee desiring to be relieved of shift work shall be entitled to transfer to a position in the yard, provided that satisfactory arrangements can be made by the employer for the performance of the shift work.

## THE UNION.

55. (a) When the consent of the officer in charge has been obtained or has been unreasonably refused, any union official named by the union shall be allowed at any time or times to enter any of the employer's gas works to make any necessary enquiries in regard to complaints submitted by employees.

(b) An employee named by the union shall be allowed at any time or times approved by the employer and at any of the employer's gas works to collect union dues.

(c) Any employee named by the union shall be allowed by the employer reasonable leave of absence from duty without pay to attend to union business, when the absence does not interfere with the employer's operations.

(d) Each employer shall permit a notice board to be erected on his premises in a convenient position.

Notices relating to the union and a copy of this Determination may be posted by any employee authorized by the union upon such notice board.

## PERIODICAL ADJUSTMENT OF WAGES.

56. The wages rates set out in clauses 2 (b) and 36 (b) are based upon the following basic wage, and, pursuant to the provisions of section 33 of the *Labour and Industry Act 1953*, shall be automatically adjusted as prescribed by clause 57.

## Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Victoria— Within 20 miles of G.P.O., Melbourne Within 10 miles of G.P.O., Geelong, or at Warrnambool—Same as contemporaneous basic wage for Melbourne. Elsewhere in Victoria—3s. less than the contemporaneous basic wage for Melbourne.	12 0 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

57. (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, 1955, the amount of the basic wage shall be as prescribed in clause 56.

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

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

J. V. WILLOX, Secretary.

Melbourne, 1st August, 1955.