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Factories and Shops Acts.

COMMERCIAL CLERKS BOARD.

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

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the Factories and Shops Acts,

and

In the matter of an Application for a revision of the Determination of the Court of Industrial Appeals (Commercial Clerks) dated the 11th June, 1937.

Monday, the 16th day of August, 1937.

(Before His Honour Mr. Justice Martin, Mr. Samuel John Arthur Fripp, and Mr. M. Nolan.)

The above-mentioned Application coming on for hearing by this Court on the 9th August, 1937, and this day. UPON READING an affidavit by Mr. T. J. Smith and UPON HEARING Mr. A. M. Fraser of Counsel, and Mr. M. B. Duffy for the employees, and Mr. L. Mann, Secretary of the Victorian Employers' Federation for the employers, and by consent: THIS COURT DOTH ORDER AND DETERMINE—

(1) That on the 1st September, 1937, the Determination of the Court of Industrial Appeals dated the 11th day of June, 1937, 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 (other than persons employed by any banking company, insurance company, trustee company, barrister or solicitor, but including persons employed in his practice by a barrister and solicitor as a typewriter or stenographer) employed in connexion with some trade or business as a clerk, collecting clerk, time-keeping clerk, despatch clerk, store clerk, weighing clerk, cashier, typwriter, stenographer, or bookkeeper.

NOTE.—(1) On the 16th day of August, 1937, the Court of Industrial Appeals granted leave to the above-mentioned Board to alter the Determination made by the said Court on the said day in respect of matters other than wages rates.

NOTE.—(2) On the 7th day of October, 1937, the said Board in pursuance of and in accordance with such leave altered the determination of the said Court as and from the 25th October, 1937.

(2) WAGES PER WEEK OF 46 HOURS IN RETAIL SHOPS, AND 43 HOURS IN ALL OTHER PLACES.

APPRENTICES OR IMPROVERS.

MALES						FEMALES.			
Experience.	Commencing Age.					Experience.	Apprentices.	Improvers.	
	Under 16 Years.	16 Years.	17 Years.	18 Years.	19 Years or Over.			Typists or Stenographers.	All other Improvers.
	s. d.	s. d.	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.
1st year—									
1st six months ..	16 9	16 9	16 9	16 9	22 6	1st year ..	16 9	22 6	16 9
2nd six months ..	16 9	16 9	20 0	23 0	27 9	2nd year ..	21 0	26 9	21 0
2nd year	22 6	22 6	27 9	34 6	38 9	3rd year ..	26 9	32 6	26 9
3rd year	27 9	29 9	40 3	46 6	51 3	4th year ..	34 6	38 9	34 6
4th year—						5th year, and until 21 years of age	42 6	45 6	42 6
1st six months ..	36 9	42 6	46 6	59 3	71 3				
2nd six months ..	36 9	42 6	59 3	60 3	71 3				
5th year—									
1st six months ..	49 3	53 6	70 3	74 6	..				
2nd six months ..	50 3	68 0	70 3	74 6	..				
6th year	67 0	74 6	..	..	..				
And until 21 years of age	70 3	..	..	..	..				

PROPORTION (in any place).

APPRENTICES.	IMPROVERS.	
One apprentice to every two or fraction of two workers receiving not less than the minimum wage. An indenture of apprenticeship prescribed by the Board was approved on 13th February, 1924.	One improver to one or two Two improvers to three or four Three improvers to five or six And thereafter one improver to every three or fraction of three	Workers receiving not less than the minimum wage.

JUVENILE WORKERS OTHER THAN APPRENTICES AND IMPROVERS.

In cases where only one person coming within the scope of this Determination is employed, and such person is under 21 years of age, and in cases where a person is employed in connexion with copying work for a Directory, and such person is under 21 years of age, the lowest rate of wages per week to be paid to such person in either of such cases shall be the rate fixed for an improver, male or female (as the case may be), of the like experience.

OTHER EMPLOYEES.

WAGES PER WEEK OF 46 HOURS IN RETAIL SHOPS, AND 43 HOURS IN ALL OTHER PLACES.

—	Within the Metropolitan District as Defined in the Factories and Shops Acts and Order in Council thereunder.		Within the Cities of Ballarat, Bendigo, Geelong, Geelong West and Warrnambool, and such portion of the City of Sandringham as is not included in the Metropolitan District; the Town of Newtown and Chilwell; and the Boroughs of Eaglehawk and Sebastopol.		All other Parts of Victoria where this Determination Applies.	
	Males.	Females.	Males.	Females.	Males.	Females.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Stenographers, typistes, or operators of comptometers, or ledger-keeping machines	..	56 0	..	51 9	..	47 9
All other adults	88 0	53 6	85 0	50 3	82 6	47 9

(3) TIMES OF BEGINNING AND ENDING WORK.

	Time of Beginning Work.	Time of Ending Work.
On the usual weekly half holiday	8 a.m. ..	1 p.m.
On all other days of the week	8 a.m. ..	6.15 p.m.

Provided that for clerks employed in retail shops the time of beginning and ending work on the day on which the usual late trading night is observed or the day immediately preceding a public holiday shall be:—

Time of Beginning Work.	Time of Ending Work.
9 a.m. ..	9 p.m.

(4) OVERTIME.

(a) Within the hours fixed in clause 3 in excess of the hours fixed for an ordinary weeks work ..
(b) Outside the hours fixed in clause 3 .. .. } Time and a half.

(5) TERMS OF ENGAGEMENT.

All employees (other than casuals) shall be paid the full weekly wage fixed herein irrespective of the number of hours worked o t exceeding 46 in retail shops or 43 in any other place.

(6) CASUAL LABOUR.

Casual hands, i.e., persons who are employed during any week for not more than one-half of the maximum number of hours fixed in this Determination as a week's work, shall be paid at the rate of time and a half on the hourly rate calculating *pro rata* by dividing the weekly rate by the number of hours fixed for a week's work.

(7) SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.

The special rate to be paid to a clerk or cashier employed in hotel, guest house, boarding house, coffee palace, or restaurant shall be at the rate of time and a half, and the special rate to be paid to any other persons shall be the rate of double time for all work done on Sundays, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day (21st April) (within the Metropolitan District as defined in the Factories and Shops Acts and Order in Council thereunder, and the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool, and such portion of the city of Sandringham as is not included in the Metropolitan District; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol), Anzac Day, King's Birthday, Melbourne Cup Day (within the said Metropolitan District except in establishments where employees other than clerks are employed and such employees do not observe Cup Day as a holiday), Christmas Day, and Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the special rate shall only be payable for work done on the day so substituted.

Provided that this clause shall not apply to:—

Receiving clerks or punch or fare checking clerks, outfit clerks, roster clerks, or other clerks in lieu of or in substitution for any such clerks in connexion with the traffic operations of tramways or employed in tramway sheds or tramway officers; or

Counter clerks, entering clerks, cashiers, label or despatch clerks employed in daily newspapers offices.

(8) ANNUAL HOLIDAYS.

Any employee who has been in the service of the same employer for a period of not less than twelve months shall be granted one week's holiday on full pay in each year (exclusive of the holidays specified in clause 7), and such holidays shall be given within three months of completion of each twelve months' service. Should an employee's services be terminated before the expiration of twelve months' service he shall be entitled to *pro rata* holidays on full pay.

(9) HOLIDAYS AND SICK LEAVE.

No deduction shall be made from the wages of employees granted leave for the holidays specified in clause 7 or for unavoidable absence through illness for not more than six days in any year.

(10) TIME AND WAGES RECORDS.

Each employer shall keep time and wages records showing the name of each employee, the hours worked each day, and the wages and overtime paid each week. The time and wages record shall be open for inspection to a duly accredited official of the Federated Clerks Union of Australia during the usual office hours at the employer's office, or other convenient place, provided that only one demand for such inspection shall be made at the same establishment in any one fortnight, and such demand shall not be made unless the Secretary of the Union suspects that a breach of this Determination has been committed.

(11) PERIODICAL ADJUSTMENT OF WAGES.

The wages rates set out in clause (2) are based upon the following basic wage, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act* 1934, this Court hereby determines that the rates for male adults shall be automatically increased or decreased by the same amount, and at the same time as such basic wage, provided that the wages of female adults, apprentices, improvers, and juvenile worker shall be adjusted proportionately to adjustments of the basic wage—such adjustments to be to the nearest 3d.

The basic wage shown hereunder shall be adjusted as prescribed in clause (12.)

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies	3 10 0	Melbourne

(12) ADJUSTMENT OF BASIC WAGE.

(*a*) Until the beginning of the first pay period to commence in December, 1937, the amount of the basic wage shall be as prescribed in clause (11).

(*b*) During each future successive period beginning with the first pay period to commence in a December, a March, a June, or a September, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purpose of this Determination the expression "Commonwealth Statistician's 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:—

(1) The index number set to be applied is that assigned to Melbourne.

(2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.

(3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.

(4) The basic wage shall be of that assigned amount during such successive period.

Table.

Index Number Divisions.	Basic Wage.	Index Number Divisions.	Basic Wage.
	£ s. d.		£ s. d.
735–746	3 0 0	834–845	3 8 0
747–759	3 1 0	846–858	3 9 0
760–771	3 2 0	859–870	3 10 0
772–783	3 3 0	871–882	3 11 0
784–796	3 4 0	883–895	3 12 0
797–808	3 5 0	896–907	3 13 0
809–820	3 6 0	908–919	3 14 0
821–833	3 7 0	920–932	3 15 0

A. S. HAUSER, P.M., Chairman.

W. L. HARRINGTON, Secretary.

Melbourne, 7th October, 1937.

By Authority: H. J. GREEN, Government Printer, Melbourne.