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Factories and Shops Acts.

DETERMINATION OF THE COMMERCIAL TRAVELLERS BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which, since the 15th March, 1938, has had the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, business, or occupation of a commercial traveller by a merchant, warehouseman, manufacturer, manufacturer's agent, indent agent, broker, or other employer for the purpose of soliciting wholesale orders outside the employer's place of business" has made the following Determination, namely:—

(1) That as from the beginning of the first pay period to commence on or after the 7th March, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. WEEKLY WAGES.

	Town Travellers.	Country Travellers.
	£ s. d.	£ s. d.
Probationary Travellers	5 0 0	6 3 0
Special Travellers ..	6 0 0	7 3 0
Other Travellers ..	6 0 0	7 3 0

An additional amount of £1 shall be paid to a Traveller required by his employer to be away from his home or headquarters for any week-end.

(See Clause 12 for Definitions.)

3. TERMS OF ENGAGEMENT.

(a) Subject to the limitations mentioned hereinafter and to the provisions of clause 6, the minimum weekly wage prescribed in clause 2 shall be paid, whether by salary and/or commission or otherwise, to a person covered by this Determination in respect of a week or part of a week in which he has been employed and has carried out his duties.

(b) If an employee fails to attend to his duty for any portion of a week in which he has been employed, a sum proportionate to the time of such non-attendance may be deducted from his pay, i.e., one-sixth of the weekly wage for each day of absence. Provided that this sub-clause shall not apply in any case where failure to attend to duty has been due to a cause for which the employee cannot reasonably be held responsible.

(c) An employee who has been in the service of an employer for not less than twelve months shall be entitled to payment when absent from duty through illness for not more than eight days in any one calendar year. Where an employee has been in the service of an employer for a period of less than twelve months he shall be entitled to payment when absent from duty through illness for a total number of days calculated *pro rata* on the basis of eight days for one year's service.

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(d) An employee engaged for any portion of the week on work not subject to this Determination shall be paid, in respect of each day during which any work subject to this Determination is performed, a sum equal to one-sixth of the weekly amount fixed in this Determination as remuneration, plus 25 per cent. Provided that this sub-clause shall apply only when the employee is engaged by the same employer on all ordinary working days of the week.

4. EXPENSES AND ACCOMMODATION.

In addition to the remuneration payable under clause 2, all expenses actually and properly incurred by the traveller in the discharge of his duties shall be paid by the employer. First class hotel accommodation (as approved by the United Commercial Travellers Association of Australia) shall be allowed for or provided by the employer. Where rail travelling is necessarily involved first class rail ticket shall be allowed for or provided by the employer. Such expenses as can be reasonably anticipated shall be payable in advance.

5. LOCOMOTION.

All means of locomotion required shall be provided and maintained by the employer, but where a traveller by arrangement with his employer provides his own car, he shall be paid the following minimum allowances:—

(a) Town traveller employed solely in the Metropolitan District as defined in the Factories and Shops Acts:—

(1) For motor cars of 14 h.p. or under:—

£2 15s. per week. But where he is required to use his own car for a part of a week only, he shall be paid not less than 3½d. per mile provided that such payment shall not exceed 13s. 9d. for any one day or a total of £2 15s. for any one week.

(2) For motor cars exceeding 14 h.p.:—

£3 10s. per week. But where he is required to use his own car for a part of a week only, he shall be paid not less than 4½d. per mile, provided that such payment shall not exceed 17s. 6d. for any one day or a total of £3 10s. for any one week.

(b) Town traveller outside the Metropolitan District as so defined:—

(1) For motor cars of 14 h.p. or under:—

£2 15s. per week, or at the rate of 2½d. per mile, whichever is the greater.

(2) For motor cars exceeding 14 h.p.:—

£3 10s. per week, or at the rate of 3½d. per mile, whichever is the greater.

(c) Country traveller, £4 10s. per week, or at the rate of 3½d. per mile, whichever is the greater.

Provided that notwithstanding anything contained above the employer and the employee may make any other arrangement as to car or car allowance not less favorable to the employee.

6. ENGAGEMENT BY MORE THAN ONE EMPLOYER.

Any employer who employs a commercial traveller, which traveller is at the same time also in the employ of one or more than one other employer, shall be deemed to comply with

clauses 2, 4 and 5 of this Determination if and so long as the following provisions are observed:—

- (1) that the said employer pays to the traveller a sum of not less than one-third part of the weekly amount fixed in this Determination as remuneration and expenses in respect of the work performed by such traveller.
- (2) that the said employer has been notified in writing by the traveller that the total amount of remuneration and expenses to be received by him in respect of his employment by all his employers is not less than the weekly amount fixed in this Determination as remuneration and expenses in respect of the work performed by such traveller. Provided that where notice in writing as required in this paragraph has been furnished to an employer, such notice shall be considered to apply to the employment of the said traveller until countermanded in writing by him.

A written contract setting out the conditions of employment must in all cases be completed by the parties concerned and a signed copy of same retained by each for inspection.

For the purposes of this clause, the term "expenses" shall include all payments and allowances to which the employee is entitled under clauses 4 and 5 of this Determination.

The provisions contained in clause 3 as to deductions for absence from duty and payment for periods of illness shall apply to travellers whose employment is subject to this clause.

7. CREDITING TRAVELLERS' RETURNS.

(i) All business canvassed for by a traveller and received by the employer as a result of such canvass from a territory worked by the traveller shall be credited to such traveller.

(ii) Where a special traveller is sent out to sell on the territory of a regular traveller, any sales by the special traveller shall be credited to the regular traveller.

8. HOLIDAYS.

All work done by any person covered by this Determination in soliciting orders at the request of the employer on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, King's Birthday, Anzac Day, Christmas Day, or Boxing Day shall be paid for at the rate of double time, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the special rate shall be payable only on the day so substituted. For the purpose of this provision "double time" shall mean one day's wages, being 1/6th of the minimum weekly wage in addition to the prescribed weekly rate.

9. ANNUAL LEAVE.

Two weeks' continuous annual leave on full pay shall be allowed to each traveller covered by this Determination after each twelve months' service with an employer or employers. The date of such annual leave shall be mutually arranged between the traveller and the employer or employers. For any subsequent period less than twelve months, should the service terminate, a pro rata payment in lieu of holidays shall be made. The "service" referred to in this clause need not necessarily be continuous.

10. SUBSTITUTE TRAVELLERS.

In the case of accident, sickness, annual leave or holidays of a traveller a substitute traveller may be employed, and such substitute traveller whilst on such temporary work shall be exempt from the provisions of this Determination except clauses 4 and 5 thereof.

11. TERMINATION OF EMPLOYMENT.

One week's notice of termination of employment shall be given by either employer or employee, or one week's wages shall be paid or forfeited in lieu thereof.

Provided that notwithstanding anything in this clause an employer may at any time forthwith dismiss an employee for refusal or neglect to obey orders, misconduct, or carelessness in the performance of his duties.

If an employee be justifiably dismissed for any reason set out herein he shall be entitled to payment proportionate to the days worked but to that only.

12. DEFINITIONS.

For the purpose of this Determination the following definitions shall apply:—

"Town traveller" shall mean a commercial traveller who ordinarily returns each day to his home or headquarters.

"Country traveller" shall mean a commercial traveller other than a "town traveller".

"Probationary" as applied to a traveller shall refer to a commercial traveller of less than twelve months experience.

"Special traveller" shall mean a salesman sent out as a commercial traveller and not in the company of a regular commercial traveller.

C. McLEAN, P.M., Chairman.

J. MORGAN, Acting Secretary.

Melbourne, 21st February, 1941.