VICTORIA

GOVERNMENT GAZETTE.

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No. 32] FRIDAY, FEBRUARY 12. [1943

Factories and Shops Acts.

DETERMINATION OF THE LIFT BOARD.

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District, as defined in the Factories and Shops Acts, and the Order in Council thereunder, and such portion of the city of Sandringham as is not within the said district; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

IN accordance with the provisions of the Factories and Shops Acts, 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 the process, trade, business, or occupation of a lift attendant" has made the following Determination, namely:—

(1) That as from the beginning of the first pay period to commence in February, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2) EMPLOYEES.

	Weekly Wage. s. d.	*Note.*
Lift attendants (male or female)	100 0	The Board has determined that no apprentices shall be taken to the trade.

(3) Employees (other than casuals) shall be paid the weekly wage fixed irrespective of the number of hours worked not exceeding 44 hours per week.

(4) WAGES TO BE PAID IN FULL.—An employer shall not make any deduction from wages for meals supplied to lift attendants in hotels, coffee palaces, clubs, restaurants, or hospitals.

(5) TIME OF BEGINNING AND ENDING WORK FOR LIFT ATTENDANTS, other than those who are employed in lifts in hotels, clubs, coffee palaces, restaurants, or hospitals—

	Time of Beginning.	Time of Ending.
(i) On the day on which the half holiday is observed locally	8 a.m. ..	1 p.m.
(ii) on the other working days of the week	8 a.m. ..	6.15 p.m.

(6) OVERTIME.—The following rates shall be paid:—

(1) Lift attendants who are employed in lifts in hotels, clubs, coffee palaces, restaurants, or hospitals—

(*a*) For all work done in excess of ten hours on any one day .. ..
(*b*) For all work done in excess of 44 hours in any week .. .. } Time and a half.

(2) All other lift attendants—

(*a*) Outside the hours fixed as the times of beginning and ending work .. .. ..
(*b*) Within the hours fixed as the times of beginning and ending work in excess of 44 hours in any week } Time and a half.

(7) CASUAL ATTENDANTS.—Casual attendants, i.e., persons who are employed during any week for not more than one-half the maximum number of hours fixed in this Determination as a week's work, shall be paid as follows—

	Per hour.
Persons employed in lifts in retail shops, hotels, clubs, coffee palaces, restaurants and hospitals ..	3s.
All other persons—	
(*a*) Within the times of beginning and ending work	3s.
(*b*) Outside the times of beginning and ending work	4s.

(8) SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.—Lift attendants (including casuals) employed in hotels, clubs, coffee palaces, restaurants, or hospitals shall be paid at the rate of time and a half for work done on New Year's Day, 26th January (Australia Day), Good Friday, Easter Monday, Labour Day, Christmas Day, and Boxing Day; and all other lift attendants (including casuals) shall be paid double time for work done on Sundays, New Year's Day, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), 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 be payable only for the day so substituted.

(9) TERMINATION OF EMPLOYMENT—One week's notice of termination of employment shall be given by either employer or employee, or one week's pay shall be paid or forfeited in lieu thereof.

Provided that an employer may dismiss an employee without notice for malingering, inefficiency, neglect of duty, or misconduct, and in such cases wages will be paid up to the time of dismissal only.

(10) RATIONING OF EMPLOYEES.—Where an employer desires to ration his employees he shall give at least three days' notice to each employee of his intention to ration such employee.

(11) SICK LEAVE.—Lift attendants necessarily absent on account of sickness shall be allowed six days' sick leave each year on full pay, providing satisfactory evidence is produced to the management or employer within 24 hours of the usual hour for commencing work.

(12) ANNUAL HOLIDAY.—Any employee who has been in the service of an employer for a period of not less than twelve months shall each year be granted holidays on full pay for twelve consecutive working days, which includes Saturdays, whether work is ordinarily performed or not. Also any employee, if his employment terminates after not less than six months but less than one year, shall be entitled to be paid *pro rata* at the rate of one day's pay for each month worked providing that he is not discharged for misconduct or breach of duty.

(13) UNIFORMS.—Where an employee is required by the employer to wear a uniform, such uniform shall be supplied by the employer.

(14) MEAL HOUR.—(*a*) Employees in hotels, clubs, coffee palaces, restaurants, or hospitals shall be allowed meal intervals as follows:—

(i) Day shift employees (i.e. persons employed up to 3 p.m.)	Not more nor less than one hour between 11 a.m. and 3 p.m.
(ii) Afternoon shift employees (i.e. persons employed after 3 p.m.)	Not more nor less than one hour between 5 p.m. and 9 p.m.
(*b*) Other employees	Not more nor less than one hour between 11.45 a.m. and 2.15 p.m. and not more nor less than three-quarters of an hour between 5 p.m. and 7.15 p.m.

(15) MEAL MONEY.—Any employee (other than one employed in a hotel, club, coffee palace, restaurant, or hospital) required to work beyond one hour after the usual finishing hour of work as prescribed in clause 5 (ii) or before the usual commencing hour of work as prescribed in clause 5 (ii) shall be paid not less than 1s. 6d. meal money in addition to the overtime rates as prescribed for in this Determination.

(16) REST PERIOD.—Each employee (other than one employed in a hotel, club, coffee palace, restaurant, or hospital) shall be allowed two rest intervals on each day as follows:—(*a*) The first of ten minutes to be allowed between the time of commencing work and the usual meal interval; (*b*) the second of ten minutes to be allowed between the usual meal interval and the time of ceasing work for the day. Such intervals are to be counted as part of time worked.

(17) CONTINUITY OF WORK.—The work of each day shall be continuous with the customary breaks for meals and rest periods as prescribed in clauses (14) and (16).

(18) PAYMENT FOR HOLIDAYS.—All employees (other than those employed in hotels, clubs, coffee palaces, restaurants, and hospitals) not being paid casual rates shall be entitled to the following holidays without deduction of pay:—New Year's Day, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), Christmas Day, and Boxing Day.

(19) PAYMENT OF WAGES.—All payments of wages shall be made not later than the hour of ceasing work on Thursday of each week.

(20) SEATING FOR ATTENDANT.—A suitable seat shall be provided in each passenger lift for the use of the attendant.

(21) RADIATORS.—Radiators shall be installed in all passenger lifts.

(22) RIGHT OF ENTRY OF UNION OFFICIAL.—A duly accredited representative of the Federated Lift Attendants' Union shall have the right to enter the establishment of any employer to which this Determination applies on one day per calendar month for a time not exceeding ten minutes, providing that such official is not interfering with the employee's work or offensive in his methods.

(23) TIME AND WAGES BOOK.—A time and wages book shall be kept by each employee showing times of attendance and amount of wages received. Such book shall be open for inspection by the Secretary of the Federated Lift Attendants' Union during the usual working hours.

P. A. RANDLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 10th February, 1943.

By Authority: H. E. DAW, Government Printer, Melbourne.

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No. 33] FRIDAY, FEBRUARY 12. [1943

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 19th October, 1942, 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 outside the employer's place of business in the process, trade, business, or occupation of—

(*a*) Soliciting orders for articles, goods, wares, merchandise, or materials—

(i) in quantity for re-sale,

(ii) to be used by the purchaser in the manufacture, production, preparation, or distribution of commodities for sale;

(*b*) Soliciting orders for articles, goods, wares, merchandise, or materials to be used by the purchaser or by the person from whom the order was solicited in his business, trade, or occupation, or (in the case of a public or semi-public body) for the purpose of its undertaking,

but not including persons subject to the Determination of the Shops Board No. 16 (Hardware)" has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 12th February, 1943, 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 12 0	6 15 0
Special Travellers ..	6 12 0	7 15 0
Other Travellers ..	6 12 0	7 15 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.

(*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 3¾d. 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 motors 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 2¾d. 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.

13. 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, the Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage.

The basic wage shown hereunder shall be adjusted as prescribed in clause (14).

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies	4 12 0	Melbourne

(14) Adjustment of Basic Wage.

(*a*) Until the beginning of the first pay period to commence in May, 1943, the amount of the basic wage shall be as prescribed in clause (13).

(*b*) During each future successive period beginning with the first pay period to commence in a May, an August, a November, or a February, 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 purposes 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.
994–1006	4 1 0	1118–1129	4 11 0
1007–1018	4 2 0	1130–1141	4 12 0
1019–1030	4 3 0	1142–1154	4 13 0
1031–1043	4 4 0	1155–1166	4 14 0
1044–1055	4 5 0	1167–1179	4 15 0
1056–1067	4 6 0	1180–1191	4 16 0
1068–1080	4 7 0	1192–1203	4 17 0
1081–1092	4 8 0	1204–1216	4 18 0
1093–1104	4 9 0	1217–1228	4 19 0
1105–1117	4 10 0	1229–1240	5 0 0

Any extension of this table must be of the same construction as the table.

A. V. BARNS, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 8th February, 1943.

By Authority: H. E. Daw, Government Printer, Melbourne.