
DETERMINATION OF THE SHOPS BOARD No. 18 (MISCELLANEOUS SHOPS).

NOTE.

A notice of appeal to the Industrial Appeals Court has been lodged against a certain part of the Determination.

Section 22 (2), Act 4874, provides that, when an appeal is made in accordance with that Act, the Determination or part thereof appealed against shall not come into operation until the appeal has been dealt with by the Court.

11021/49.

(b)

OTHER EMPLOYEES.

	Wages per week of 40 hours.	
	Malce.	Females.
	s. d.	s. d.
<i>Employed in the business of a curio dealer, a feather dealer, a furrier, a jeweller, a paumbroker, a seller of clocks, watches, perfumery and toilet requisites, optical goods, photographic materials, sports materials, typewriters, business systems, surgical instruments, pianos, organs, piano-players, push cycles, motor cycles and motor cars, and accessories for push cycles, a bird or dog dealer, a stamp dealer, a herbalist, a saddler, a ship chandler, a seller of cork goods, crockery, fancy goods, toys, grindery, leather goods, music, musical instruments (other than pianos, organs, or piano-players), pictures, picture frames, perambulators, paper patterns, rubber goods which are not motor cycle or motor car accessories, florists' goods, seeds, seedlings, tents, flags, umbrellas, or wicker goods, paints, colours, wall-papers, or employed in any business, other than those specially mentioned, to which this Determination applies :—</i>		
Branch manager (i.e., a person entrusted with the control or superintendence of a branch shop, notwithstanding he or she may be under the orders of a superior who does not devote his or her whole time to the management of the said branch shop)	182 0	182 0
Departmental manager or managers (i.e., a person in control of three or more persons 21 years of age or over, notwithstanding he or she may be under the orders of a superior who does not devote his or her whole time to the management of such department)—		
Male	173 0	..
Female—		
Where one or more adult males are under her control	173 0
In other cases	122 0
Other employees	187 0	111 0

(c) Any person required to act as "Father Christmas" (i.e. a person required to wear the traditional clothes and act as such a person) shall receive the rate prescribed for his or her ordinary classification in sub-clause (a) or (b) hereof, plus an additional 5s. for each day or part thereof on which he or she is so required to act.

TIMES OF BEGINNING AND ENDING WORK.

3. (a) Employees in paint, colour, or wall-paper shops—

	Time of Beginning. (not earlier than)	Time of Ending. (not later than)
On the usual half-holiday	8 a.m.	noon
On all the other working days of the week	8 a.m.	5.30 p.m.

(b) Employees in any other place—

On the usual half holiday	9.5 a.m.	noon
On all the other working days of the week	9.5 a.m.	5.30 p.m.

OVERTIME.

*4. The rate of time and a half shall be paid for all time worked by persons employed in—

- (a) Shops and departments of shops where paints, colour, or wall-paper is sold—
 - (i) Within the times fixed for beginning and ending work—
 - In excess of 3 hours 55 minutes on the usual half-holiday.
 - In excess of 8 hours 10 minutes on all other working days of the week.
 - Or in excess of 40 hours in any week.
 - (ii) Outside the times of beginning and ending work.
- (b) Other shops and departments of shops—
 - (i) Within the times fixed for beginning and ending work in excess of 40 hours.
 - (ii) Outside the times of beginning and ending work.

* Note.—Section 117 (2) Act 3677 provides that :—Any person may, if notice in writing has previously been sent to the chief inspector, be employed in any shop or at any work in connexion with a shop for any time not exceeding three hours in any one day beyond the ordinary working hours, provided that the total number of days in any one year on which he is so employed shall not exceed twenty-five.

Section 105, however, makes it an offence for any employer to detain an employee later than half an hour on a half holiday.

DAY'S WORK TO BE CONTINUOUS.

5. No employee, except in a case where he has been guilty of misconduct, having commenced work, shall be required to take any time off (exclusive of intervals for meals) until he has completed the full number of hours for that day's work.

TERMS OF EMPLOYMENT.

6. (a) *Contract.*—A contract of employment as prescribed herein containing the nature of the relevant engagement and specifically stating whether such engagement is for weekly, part time, or casual employment, shall be signed by the employer (or his representative) and the employee.

(b) *Weekly Employment.*—Except as hereinafter provided employment shall be by the week and a weekly employee who is ready, willing, and available to work the number of hours prescribed herein as a week's work shall be paid the full weekly wage fixed herein irrespective of the number of hours worked not exceeding 40; provided however, that such an employee not attending for duty except as provided by clause 7 (Sick Leave) hereof shall lose his or her pay for the actual time of such non-attendance.

An employer may deduct payment for any day an employee cannot be usefully employed because of any strike or through any breakdown of machinery or any stoppage of work by any other cause arising out of such strike and for which the employer cannot be held responsible. Provided that any such time lost shall be counted as time worked in computing annual holidays and sick leave under this Determination.

(c) *Part Time.*—A weekly employee not ready, willing, and available to work the full number of hours normally worked by employees of similar classification with the same employer, but who is ready, willing, and available to work a specified lesser number of hours at his or her own request shall be paid *pro rata* the wages prescribed herein for 40 hours' work according to the number of hours worked: provided that the number of part time employees in any shop shall not exceed one for each three or fraction of three engaged as weekly employees.

(d) *Casual Employment.*—Where a person is ready, willing, and available to work the number of hours required by an employer, such being less than the number of hours prescribed herein as a week's work, he or she shall be paid as follows :—

For time worked up to the first 20 hours—

- (i) In any week in which two or more Public Holidays occur—at the ordinary wages rate with an addition of 50 per centum;
 - (ii) In any other week—at the ordinary wages rate with an addition of 33½ per centum;
- with a minimum payment as for four hours' work on any day, and for time worked beyond the 20 hours aforesaid—the ordinary wages rate; provided that the total amount payable, excluding any overtime, shall not exceed the wage prescribed for a week's work.

(e) Contract of Employment.—

I of
 (Employee's full name.) (Address)
 hereby agree to accept the position of
 (Nature of Employment)
 as a at a commencing
 (Weekly, part time, or casual employee)
 wage of (per week, per hour, &c.) and I
 hereby agree to the said employment on the above-mentioned terms.
 (Employer or Employer's representative.)
 Dated 19.....
 Signed by the said (employee).....
 Signed by the said (employer).....

SICK LEAVE.

7 (a) Any employee who, having had at least three months' service with the same employer, is absent from duty as a result of personal ill health or accident shall be entitled to sick pay as follows:—

- (i) during the first year—3½ hours' ordinary pay for each complete month of service;
 (ii) during any subsequent year of service—40 hours' ordinary pay. Provided that in either case such employee produces or forwards within 48 hours of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to personal ill health or accident necessitating such absence.
 (b) If the full period of sick leave as prescribed above is not taken in any year such portion as is not taken shall be cumulative from year to year up to a period not exceeding the equivalent of 120 hours' ordinary pay, which shall be the maximum amount of leave to which an employee may be entitled in any year of service without deduction of pay.

MEAL ALLOWANCE.

8. For each day upon which more than one hour's overtime is worked, each person who works such overtime shall be paid 2s. 6d. meal money in addition to the prescribed overtime rate.

MEAL INTERVALS.

9. All employees shall be allowed the following meal intervals with permission to leave the shop for the whole of such intervals, viz.:—From Monday to Friday, one hour for lunch between noon and 3 p.m.

REST PERIOD.

†10. All employees shall be allowed two rest intervals on each day (Monday to Friday inclusive) 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.

† NOTE.—Section 117 (3) of the *Factories and Shops Act 1928* (No. 3677) provides that no person shall be employed in any shop more than five hours without an interval for a meal.

CLOTHING ALLOWANCE.

11. Where any employee is required by his employer to wear any special uniform, dress or clothing, of some colour other than black or black and white it shall be supplied, paid for, and, if necessary, laundered by the employer. Provided that, subject to the approval in writing of an official representative of the Shop Assistants and Warehouse Employees' Federation of Australia, an employer may substitute some other colour for black, or black and white, for any employee or section of employees, and under such circumstances the employer shall not be required to supply, launder or pay for such special uniform, dress or clothing.

NOTICE OF INTENTION TO RATION.

12. Where an employer owing to slackness of trade desires to ration his employees, he shall give at least two clear working days' notice to each employee of his intention to ration such employee.

ANNUAL HOLIDAY.

13. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946* (No. 5111), and any amendments which may be made thereto from time to time.

(In his or her own interests each employer of labour should obtain a copy of the above Act which may be purchased from the Government Printer, Melbourne, at a cost of 9d., plus postage.)

TERMINATION OF EMPLOYMENT.

14. Except in a case where an employee or an employer has been guilty of misconduct, or where an employee has been engaged temporarily for a period not exceeding six weeks in duration, seven days' notice of termination of employment shall be given by either party or one week's wages paid or forfeited, as the case may be, in lieu thereof.

SPECIAL RATES FOR SUNDAYS AND HOLIDAYS.

15. The special rates for all work done on Sundays or the undermentioned Public Holidays shall be—

Sunday	} Double time.
New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, King's Birthday,	
Melbourne Cup Day (Metropolitan District only) Christmas Day, Boxing Day, and after	
12.30 p.m. on Show Day in such localities mentioned in the Sixth Schedule to the <i>Public Service Act 1946</i> , as are within the area to which this Determination applies	
Easter Saturday	Five times the ordinary rate.

If, by Act of Parliament or Proclamation, any other day be substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

PAYMENT OF WAGES.

16. Payment of all moneys due shall be made not later than Thursday of each week, and during working hours.

REFERENCE.

17. An employee, on severing his or her connexion with an employer, shall be entitled to and shall receive from such employer a reference in writing, stating his or her period of service and duties performed. This provision shall apply only in the case of an employee who has been employed continuously for three months or more.

DETERMINATION TO BE AVAILABLE.

18. A copy of this Determination shall be kept in a conspicuous place on each floor of a building in which work covered by this Determination is done. Such Determination shall readily be available for inspection at any time. Nothing in this clause shall however, operate where a copy of the Determination is kept posted on the notice board in a staff room in the establishment.

PERIODICAL ADJUSTMENT OF WAGES.

19. The wages rates set out in clause 2 are based upon the following basic wage rates, and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted by the same amount and at the same time as such basic wage as prescribed by clause 20. Provided that the wages of apprentices, improvers, and females shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 6d., half or less than half of 6d. to be disregarded, provided that no amount shall be increased by a greater amount than that of the basic wage increase.

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage.	Index Number. Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Within the area to which this Determination applies ..	6 4 0	6 0	6 10 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

20. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(b) Until the beginning of the first pay period to commence in February, 1950, the amounts of the Basic Wage shall be as proscribed in clause 19.

(c) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the needs 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 .087 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.

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

J. W. RYAN, Secretary.

Melbourne, 24th October, 1949.