VICTORIA

GOVERNMENT GAZETTE.

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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 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 in December, 1950, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. WEEKLY WAGES.

—	Town Travellers.	Country Travellers and Territory Travellers.
	£ s. d.	£ s. d.
Probationary Travellers	10 1 0	11 12 0
Special Travellers	11 1 0	12 12 0
Other Travellers	11 1 0	12 12 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 11 for Definitions.)

TERMS OF ENGAGEMENT.

3. (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.

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Expenses and Accommodation.

4. 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.

Locomotion.

5. 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, in addition to the weekly wage prescribed in clause 2 hereof, the following minimum allowances:—

(a) Town traveller, as defined;

(i) For motor cars under 14 h.p. an overhead cost allowance of £3 10s. per week, plus a weekly amount calculated at the rate of 1¼d. per mile for the actual mileage travelled by his car each week in connexion with his employment including that travelled to and from his place of residence for the purposes thereof. Provided that a Town Traveller within the Metropolitan District as defined in the Factories and Shops Acts who is required to use his own car for a part of a week only shall be paid not less than £1 2s. 6d. for any one day or portion thereof with a maximum of £4 10s. for any one week.

(ii) For motor cars 14 h.p. or over an overhead cost allowance of £4 5s. per week, plus a weekly amount calculated at the rate of 2d. per mile for the actual mileage travelled by his car each week in connexion with his employment including that travelled to and from his place of residence for the purposes thereof. Provided that a Town Traveller within the Metropolitan District as defined in the Factories and Shops Acts who is required to use his own car for a part of a week only shall be paid not less than £1 7s. 6d. for any one day or portion thereof with a maximum of £5 10s. for any one week.

(b) Country Traveller, as defined;

An overhead cost allowance of £6 10s. per week, plus a weekly amount calculated at the rate of 2d. per mile for the actual mileage travelled by his car each week in connexion with his employment including that travelled to and from his place of residence for the purposes thereof.

(c) Territory Traveller, as defined;

An overhead cost allowance of £4 5s. per week, plus a weekly amount calculated at the rate of 2d. per mile for the actual mileage travelled by his car each week in connexion with his employment including that travelled to and from his place of residence for the purposes thereof.

Provided that the mileage rates specified in sub-clauses (a), (b), and (c) hereof, shall not apply when a traveller is absent from duty on account of annual leave, sickness or other causes. Provided further that the said mileage rates shall also not apply where an employer provides petrol, and oil, free of cost to a traveller.

(d) Notwithstanding anything contained in sub-clauses (a), (b), and (c) hereof the employer and employee may make any other arrangement as to car or car allowance not less favourable to the employee.

Engagement by More than One Employer.

6. 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 deduction for absence from duty and payment for periods of illness shall apply to travellers whose employment is subject to this clause.

Crediting Travellers' Returns.

7. (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.

Holidays.

8. 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 ⅙th of the minimum weekly wage in addition to the prescribed weekly rate.

Annual Holiday.

9. 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.

Termination of Employment.

10. 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.

DEFINITIONS.

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

"Town traveller" means a commercial traveller who ordinarily returns each day to his home or head-quarters.

"Territory traveller" means a commercial traveller who :—

(i) ordinarily resides within a territory that is outside the Metropolitan District as defined in the Factories and Shops Acts ;

(ii) operates within such a territory ;

(iii) does not exceed an average of 325 miles per week in connexion with his employment ;

This average shall be calculated on the number of weeks actually worked by a Territory traveller as such in each six months of service.

(iv) does not ordinarily return to his home or headquarters each day.

"Country traveller" means a commercial traveller other than a "town traveller", or a "Territory traveller".

"Probationary" as applied to a traveller refers to a commercial traveller of less than twelve months' experience.

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

PERIODICAL ADJUSTMENT OF WAGES.

12. 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 13.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Victoria	8 2 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

13. (*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, 1951, the amount of the basic wage shall be as prescribed in clause 12.

(*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 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.

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

J. W. RYAN, Secretary.

Melbourne, 7th December, 1950.

By Authority: J. J. GOURLEY, Government Printer, Melbourne.