



# VICTORIA GOVERNMENT GAZETTE.

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[1951

Factories and Shops Acts.

## DETERMINATION OF THE SHOPS BOARD No. 17 (TOBACCONISTS).

NOTE.—This Determination applies to the following parts of Victoria, viz.:—The Metropolitan District as defined in the Factories and Shops Acts and the Orders in Council thereunder; the Cities of Ballarat, Bendigo, Geelong, Geelong West, Warrnambool and 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 employed in a Tobacconist's shop" has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 14th August, 1951, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Apprentices or Improvers.					Other Employees.				
WAGES.	Per Week of 40 Hours.				WAGES.	Per Week of 40 Hours.			
	Males.		Females.			s. d.			
	Percentage of Basic Wage.	s. d.	Percentage of Female Basic Wage.	s. d.					
15 years of age or under	33	62 6	41	58 0	Departmental Manager or Manageress, i.e., the principal employee in charge of a tobacco Department in any store, notwithstanding he or she may be under the orders of another person who does not devote his or her whole time to the management of such Department ..	241 0			
16 years of age ..	42	79 6	51	72 0					
17 years of age ..	60	113 6	99	97 6					
18 years of age ..	74	140 0	81	114 6					
19 years of age ..	90	170 0	100 plus 1/6	143 0					
20 years of age ..	100 plus 6/6	195 6	100 plus 25/6	167 0	First assistant, male or female, 25 years of age, where two or more persons over the age of 19 years are employed ..	236 0			
Provided that any apprentice or improver without previous experience entering the trade at 17, 18, 19, or 20 years of age may be paid for his first and second year's service 20 per cent. less than the rates fixed above.					*All others { Male	226 0			
					Female	169 0			
PROPORTION (IN ANY PLACE).					* Provided that any employee in charge of a kiosk, or stall, notwithstanding he or she may be under the orders of another person who does not devote his or her whole time to the management of such kiosk, or stall, shall be paid the rates herein provided with an addition of 10 per cent.				
Apprentices.									
One apprentice to three or fraction of three workers receiving not less than the minimum wage.									
Improvers									
One improver to every two or fraction of two workers receiving not less than the minimum wage.									

Provided that any apprentice or improver without previous experience entering the trade at 17, 18, 19, or 20 years of age may be paid for his first and second year's service 20 per cent. less than the rates fixed above.

### PROPORTION (IN ANY PLACE).

#### Apprentices.

One apprentice to three or fraction of three workers receiving not less than the minimum wage.

#### Improvers

One improver to every two or fraction of two workers receiving not less than the minimum wage.

3.		TIME OF BEGINNING AND ENDING WORK.	
Time of Beginning.		Time of Ending.	
8.30 a.m. .. ..	.. ..	5.30 p.m. on Monday to Friday inclusive.	
8.30 a.m. .. ..	.. ..	noon on Saturday	

## OVERTIME.

4. Within the hours fixed in clause 3 in excess of 40 hours in any week .. .. } Time and a half.  
Outside the hours fixed in clause 3 .. .. }

## TIME WAGES.

5. Any person employed on time wages for less than the number of hours fixed for an ordinary week's work, shall for each hour worked up to 20 hours be paid—

- (a) in any week in which two or more public holidays occur .. At the ordinary wages rate, with an addition of fifty per centum.  
(b) in any other week .. .. At the ordinary wages rate, with an addition of thirty-three and one-third per centum.

and thereafter the ordinary wage rate up to but not exceeding ordinary wages rates for an ordinary week's work.

Provided that 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 further that any such time lost shall be counted as time worked in computing annual holidays and sick leave under this Determination.

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 in any shop or at any work in connexion with a shop any such person is so employed shall not exceed twenty-five.

## TERMINATION OF EMPLOYMENT.

6. 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 a week's wages paid or forfeited, as the case may be, in lieu thereof.

## SUNDAYS AND HOLIDAYS.

7. Double time shall be the rate for all work done on Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, 9th May, 1951, 13th November, 1951, 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, this rate shall be payable for work done only on the day so substituted.

## MEAL INTERVAL.

8. All employees shall be allowed the following meal interval, with permission to leave the shop for the whole of such interval, viz.:—From Monday to Friday, one hour for lunch, between the hours of 11.45 a.m. and 2.15 p.m.

## MEAL MONEY.

9. Any employee who is required to work overtime in excess of one hour on any day shall receive an allowance of 2s. 6d. as meal money in addition to the rate provided in clause 4.

## ANNUAL LEAVE.

10. 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 1s. plus postage.)

## SICK LEAVE.

11. (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, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year. For the purposes of this sub-clause service prior to the 1st August, 1948, shall be disregarded.

## PAYMENT OF WAGES, ETC.

12. Payment of all wages, overtime special rates, and allowances due shall be made during working hours not later than Thursday each week.

## REST PERIODS.

13. All employees 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 luncheon interval; (b) the second of ten minutes to be allowed between the usual luncheon interval and the time of ceasing work for the day. Such intervals are to be counted as part of time worked.

## REFERENCE.

14. 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 or qualifications. This provision shall only apply in the case of an employee who has been employed continuously for three months or more.

## POSTING DETERMINATION.

15. A copy of this Determination shall be posted in a conspicuous place at or near the entrance to the shop, kiosk, stall, or department.

## TIME AND WAGES RECORD.

16. The employer shall keep a wages record showing the name of each employee, the number of hours worked each week, and the wages and overtime paid for such week. Such record shall be open for inspection by a paid accredited representative of the Shop Assistants and Warehouse Employees' Federation of Australia or of the Retail Tobacco Sellers' Association of Victoria.

## PERIODICAL ADJUSTMENT OF WAGES.

17. The wages rates for adult males, Departmental Manageress, and First assistant (Female), set out in clause 2 are based upon the following basic wage, 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 18.

## Basic Wage.

Place.	Basic Wage. (Adjustable)	Index Number Set Assigned.
	Per week. £ s. d.	
Within the area to which this Determination applies .. .. .	9 9 0	Melbourne

## ADJUSTMENT OF BASIC WAGE.

18. (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 November, 1951, the amounts of the Basic Wage shall be as prescribed in clause 17.

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

(d) The wages rates for adult females classified as All Others are based on a basic wage being 75 per cent. of the basic wage for adult males calculated to the nearest 6d., half or less than half of 6d. to be disregarded. The wages rates for adult females shall be adjusted by increasing or decreasing such rates by the amount of the difference from time to time in the said basic wage for females.

(e) The wages of apprentices or improvers shall be the appropriate percentages as set out in Clause 2, such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 14th August, 1951.

