VICTORIA

GOVERNMENT GAZETTE.

Published by Authority.

[*Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.*]

No. 80] TUESDAY, FEBRUARY 23. [1954

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 9 (DRAPERS AND MEN'S CLOTHING).

NOTE.—1. On the 9th March, 1921, this Board was appointed in lieu of the Drapers Board and the Men's Clothing Board.

2. This Determination applies to the following parts of Victoria, namely:—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 persons employed in the business of a seller of—

(a) any article of men's or boys' clothing (whether made to order or otherwise), mercery, or wearing apparel, including underclothing, hats, and caps;

(b) goods usually sold by drapers or haberdashers, including mantles, costumes, millinery, gloves, stockings, and underclothing," has made the following Determination, namely:—

1. That as from the 10th December, 1953, the last previous Determination of this Board, as amended by a Determination of the Industrial Appeals Court, 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.		
Age.	Females Employed in Dress, Manchester, Drapery Furnishings, Prints, Silks, or Men's Clothing Departments, and All Males.		Other Females.		—	Within the Metropolitan District.	Outside the Metropolitan District wherever this Determination applies.
	Percentage of Basic Wage.		Percentage of Female Basic Wage.		Males.	s. d.	s. d.
		s. d.		s. d.	Manager (other than department manager), i.e., a person entrusted with the control or superintendence of a shop, notwithstanding he may be under the orders of a superior who does not devote his whole time to the management of the said shop	294 6	291 6
Under 15 years of age	33	78 0	37	65 6	Department manager, i.e., a person in control of three or more salesmen or saleswomen 21 years of age or over, notwithstanding he may be under the orders of a superior who does not devote his whole time to the management of such department	284 6	281 6
At 15 years of age ..	33	78 0	37	65 6	Person in charge of an order tailoring establishment	288 6	285 6
At 16 years of age ..	40	95 0	44	78 0			
At 17 years of age ..	51	121 0	54	96 0			
At 18 years of age ..	64	151 6	66	117 0			
At 19 years of age ..	80	189 6	77	136 6			
At 20 years of age ..	99	234 6	90	159 6			

No. 80.—12492/53.—PRICE 6D.

Apprentices or Improvers.	Other Employees. *Wages per Week of 40 Hours. —	Within the Metropolitan District.	Outside the Metropolitan District wherever this Determination applies.
PROPORTION (in any Shop or Place).	*Males.*	s. d.	s. d.
APPRENTICES.	Pattern-men, assemblers, or salesmen	274 0	271 0
Males.	Canvassers, who are in any way connected with the sale of goods	277 0	274 0
One male apprentice to every three or fraction of three male workers receiving not less than 271s. per week of 40 hours.	Collectors who, in addition to their duties of collecting, are in any way connected with the sale of goods	277 0	274 0
	Foreman packer or storeman, i.e., a person in control of four or more packers or storemen, notwithstanding he may be under the orders of a superior who does not devote his whole time to the management of such department	273 6	270 6
	Packers or storemen	269 0	266 0
Females.	Porters	261 0	258 0
One female apprentice to every three or fraction of three female workers receiving not less than 190s. per week of 40 hours.	All others	274 0	271 0
	Females.		
An indenture of apprenticeship prescribed by the Board was approved on 25th January, 1924.	Manageress (other than department manageress)— (*a*) A person (other than a person provided for under (*b*) hereof) entrusted with the control or superintendence of a shop stocking dress or Manchester goods, drapery furnishing, prints, silks, men's clothing, or female wearing apparel, notwithstanding she may be under the orders of a superior who does not devote his whole time to the management of the said shop	288 6	285 6
IMPROVERS.	(*b*) A person working singly or in control of not more than three salesmen or saleswomen entrusted with the control or superintendence of a shop stocking female wearing apparel, notwithstanding she may be under the orders of a superior who does not devote his or her whole time to the management of the said shop	225 6	222 6
One male improver to every male person receiving not less than 271s. per week of 40 hours.	Department or section manageress— (*a*) in control of three or more salesmen or saleswomen 21 years of age or over, in dress, Manchester, drapery furnishing, prints, silks, or men's clothing, departments, or section thereof, notwithstanding she may be under the orders of a superior who does not devote his whole time to the management of such department or section thereof ..	280 0	277 0
Two female improvers to one female person; Four female improvers to two female persons, and thereafter— One female improver to each additional female person — receiving not less than 190s. per week of 40 hours.	(*b*) In control of three or more saleswomen 21 years of age or over in any other department, or section thereof notwithstanding she may be under the orders of a superior who does not devote his whole time to the management of such department or section thereof	213 0	210 0
Provided that two improvers may be permitted where a shop is operated by a male proprietor or manager as the only senior.	Saleswomen selling goods usually sold in dress, Manchester, drapery furnishing, prints, silk, or men's clothing departments	274 0	271 0
	Other saleswomen or pattern women, or assemblers	193 0	190 0
Provided further that one female improver in lieu of one male improver or one male improver in lieu of one female improver may be employed.	Packers	236 0	233 0
	Canvassers who are in any way connected with the sale of goods	193 0	190 0
	Porters	236 0	233 0
	All others	193 0	190 0

FLOOR SUPERVISORS, FLOOR WALKERS AND/OR SUPERINTENDENTS.

3. Floor supervisors, floor walkers and/or superintendents shall be paid 5 per centum over and above the rate fixed for persons 21 years or over, provided that any person acting as floor supervisor, floor walker and/or superintendent for less than 20 hours in any one week shall be entitled to the additional 5 per centum.

4. TIMES OF BEGINNING AND ENDING WORK.

	Time of Beginning.	Time of Ending.
On the usual half-holiday	9.5 a.m.	noon.
On the other working days of the week	9.5 a.m.	5.30 p.m.

OVERTIME.

5. The following rates shall be paid for all work done :—

(*a*) By persons (including apprentices and improvers) employed as salesmen or saleswomen—

(1) Before 9 a.m. .. .. Five time the ordinary rate.
(2) Outside the times of ending work .. .. Double time.
(3) Within the times of beginning and ending work in excess of 40 hours Double time.

(*b*) By all other persons (1) Outside the times of beginning and ending work. Double time.
(2) Within the time of beginning and ending work in excess of 40 hours Double time.

CLOTHING.

6. Where any employee is required by his employer to wear any special uniform, dress, or clothing, it shall be supplied, paid for, and if necessary, laundered by the employer. Any such garment shall remain the property of the employer.

MEAL MONEY.

7. Any employee required to work after the usual finishing hour of work or before the usual commencing hour of work beyond one hour shall be paid not less than 5s. meal money in addition to the overtime rates as prescribed for in this Determination.

TERMS OF EMPLOYMENT.

8. (*a*) *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 14 (sick leave) hereof shall lose his or her pay for the actual time of such non-attendance.

Provided further 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 sick leave under this Determination.

(*b*) *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 proportion of part time employees in any shop shall not exceed one for each three or fraction of three engaged as weekly employees.

(*c*) *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:—

(i) For time worked up to the first 20 hours—

In any week in which two or more Public Holidays occur—at the ordinary wages rates plus 50 per cent.
In any other week—at the ordinary wages rate plus 33⅓ per cent.

(ii) 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.

(iii) An employee shall be entitled to a minimum payment as for 2 hours 55 minutes' work on a Saturday or for four hours' work on any other day.

(iv) Any employee who is required to work—

less than 20 hours in any week, or
less than 25 hours in any week, if any period of such work occurs during a Friday or a Saturday,

shall be deemed a casual employee and paid accordingly.

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.

TERMINATION OF EMPLOYMENT.

11. 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.

NOTICE OF INTENTION TO RATION.

12. Where an employer owing to slackness of trade desires to ration his employees, he shall give seven 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 1s., plus postage.)

SICK LEAVE.

14. (*a*) Any employee who, having had a 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—3⅓ 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.

No employer shall terminate the services of an employee during the currency of any period of sick leave with the object of avoiding his obligations under this sub-clause.

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, Queen's Birthday Melbourne Cup Day (Metropolitan District only), Christmas Day, Boxing Day, and after 12 noon on Show Day in such localities mentioned in the Sixth Schedule to the *Public Service Act* 1946 as are within the area to which this Determination applies	Double time.
Easter Saturday—	
(*a*) In the area enclosed by and including Flinders-street, Spencer-street, Lonsdale-street, and Spring-street in the City of Melbourne	Five times the ordinary rate.
(*b*) In all other places where this Determination applies	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 only be payable for work done on the day so substituted.

15A. In connexion with the visit to Australia of Her Majesty Queen Elizabeth II., where a public holiday or public half-holiday is proclaimed by Order in Council throughout any municipality or part thereof, or within any defined area, such public holiday or public half-holiday shall, so far as such municipality or part thereof, or such defined area is concerned, be deemed to be included in the list of holidays prescribed in clause 15 hereof.

Provided that an employee who fails to attend for work on the working day before and/or after such public holiday or public half-holiday without reasonable excuse shall not be entitled to be paid for such public holiday or public half-holiday.

HOLIDAYS.

16. A weekly employee shall be entitled to the Public Holidays mentioned in clause 15 without deduction of pay.

FIRST-AID OUTFIT.

17. In each shop where employees are regularly employed, the employer shall provide and continuously maintain, at a place or places reasonably accessible to all employees an adequate first-aid outfit.

BICYCLE ALLOWANCE.

18. Where a bicycle is provided by an employee and is required to be used in connexion with his employer's business, an allowance of 1s. for each day, or part thereof on which he is required to use such bicycle in addition to the ordinary wage shall be paid to such employee.

REFERENCE.

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

TIME AND WAGES RECORDS.

20. An employer shall keep time and wages records showing the name of each employee, the hours worked each week by, and the wages and overtime paid to each employee. Such record shall be open for inspection by a duly accredited representative of the Shop Assistants and Warehouse Employees' Federation of Australia. Provided that an inspection shall not be demanded unless the Secretary or other paid official of the union suspects that a breach of the Determination has been committed.

PAYMENT OF WAGES.

21. All wages due shall be paid not later than Thursday in each week, and must be paid during working hours.

PERIODICAL ADJUSTMENT OF WAGES.

22. The wages rates for adult males 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 23.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies	11 17 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

23. (*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, 1954, the amount of the basic wage shall be as prescribed in clause 22.

(*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.

(*d*) The wages rates for adult females are based on a basic wage being 75 per cent. of the basic wage for adult makes 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, provided that adult females selling goods usually sold in dress, Manchester, drapery furnishing, prints, silk, or men's clothing departments and a manageress, or department or section manageress associated with a shop or department selling the same class or classes of goods shall from time to time have their rates adjusted to accord with the rates prescribed for adult males selling goods usually sold in the said departments.

(*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. BARNS, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 10th December, 1953.

NOTE (i).—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.

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

NOTE (ii).—Section 174 of the Factories and Shops Acts provide that where any person is employed to perform two or more classes of work to which a rate fixed by a Wages Board is applicable then such person shall be paid in respect of the time occupied in each class of work at the rate fixed by the Board for such work.

NOTE (iii).—Section 176 of the Factories and Shops Act provides that an employer shall cause to be kept in a conspicuous place a copy of this Determination, on each floor of a building where work covered by this Determination is being performed. Such copy of the Determination shall readily be available for inspection at any time.

By Authority: W. M. HOUSTON, Government Printer, Melbourne.