



VICTORIA GOVERNMENT GAZETTE.

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[1956

Labour and Industry Act 1953.

DETERMINATION OF THE SHOPS BOARD No. 19 (CONFECTIONERY, PASTRY, FRUIT AND VEGETABLE).

NOTES.—(a) This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the *Labour and Industry Act 1953*, and the Orders in Council made thereunder; the cities of Ballarat, Bendigo, Geelong, Geelong West, Warrnambool, and Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

(b) On the 21st December, 1922, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any persons employed whole or part time selling confectionery or pastry in any place in which the business of a restaurant is carried on, and such power was conferred exclusively on the Restaurant Board.

(c) On the 4th December, 1929, the power to determine the lowest prices or rates which may be paid to any persons employed in any bread shop was taken from the Shops Board No. 18 (Miscellaneous Shops) and conferred exclusively on the Shops Board No. 19 (Confectionery, Pastry, Fruit and Vegetable).

IN accordance with the provisions of the *Labour and Industry Act 1953*, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any persons employed in confectionery and pastry shops or fruit and vegetable shops," has made the following Determination, namely:—

1. That as from the 12th July, 1955, 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 and Improvers.						Other Employees.					
Males.			Females.			Wages per Week of 40 Hours.					
—	Per-centage of Basic Wage.	Weekly Wage.	—	Per-centage of Female Basic Wage.	Weekly Wage.						
		s. d.			s. d.						
15 years of age or under ..	30	71 0	15 years of age or under ..	37	65 6	(a) Manager or Departmental Manager ..	..	289	0		
16 years of age ..	39	92 6	16 years of age ..	43	78 6	(b) Managers or Departmental Managers ..	..	211	0		
17 years of age ..	48	114 0	17 years of age ..	53	94 0	(c) Shop Assistants—					
18 years of age ..	60	142 0	18 years of age ..	63	112 0	(i) Males ..	..	275	3		
19 years of age ..	73	173 0	19 years of age ..	74	131 6	(ii) Females ..	..	193	6		
20 years of age ..	87	206 0	20 years of age ..	85	151 0						

PROPORTION (in any Shop or Place).

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

DEFINITIONS.

3. "Manager" or "Manageress" means the principal employee in any shop except a shop in which an owner or partner is working manager or working manageress.

"Departmental Manager" or "Departmental Manageress" means the principal employee in a department of a shop wherein employees' wages are not subject solely to this Determination, and where two or more persons are employed in such department.

OVERTIME.

4. Any employee who in any week works for any time in excess of 40 hours shall be paid for such extra time at the rate of time and a half.

SPREAD OF HOURS.

5. The period between the time of commencing work and the time of finishing work on any day shall not exceed ten hours, except on one day per week, when the period concerned shall not exceed twelve hours.

TERMS OF EMPLOYMENT.

6. (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 10 (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.

(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.

(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:—

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;
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.

REFERENCES.

7. Every employee, on the termination of his or her engagement, shall be given by the employer, if the employee so desires, a certificate setting out the employee's length of service and qualifications.

SUNDAYS AND HOLIDAYS.

8. (a) Double time shall be the rate for all work done on Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Christmas Day, Boxing Day, and within the Metropolitan District, Melbourne Show Day and Melbourne Cup Day. If any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the rate shall be payable for work done only on the day so substituted.

(b) All employees, provided their services are not required, shall be entitled to the above-named holidays without deduction of pay.

PICNIC DAY (Confectionery Shops).

9. No person shall be employed at the work of selling confectionery within the Metropolitan District as defined in the *Labour and Industry Act 1953*, on the day proclaimed as a trade holiday for the Manufacturing Confectionery trade. Any person absent from work on such day in accordance with this provision shall not suffer any loss of wages on account of such absence.

SICK LEAVE.

10. (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.

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.

ANNUAL LEAVE.

11. The annual holiday shall be as prescribed by the provisions of the *Labour and Industry Act 1953*, and any amendments which may be made thereto from time to time.

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.

BICYCLE ALLOWANCE.

13. Where any person uses his or her own bicycle in the delivery or collection of goods for the employer, or in connexion with the employer's business, such person shall receive the sum of 1s per day for each day or part thereof on which he or she is so required to use such bicycle in addition to any rate prescribed otherwise by this Determination.

CLOTHING.

14. 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.

TIME AND WAGES RECORD.

15. The employer shall keep a time and wages record in the English language showing the name, age, and sex of each worker, the number of hours worked each week, and the wages and overtime paid each week.

Such record shall be open for inspection by a duly accredited representative of any of the following bodies, viz.:—The Shop Assistants and Warehouse Employees' Federation of Australia, The Federated Retail Confectionery, Refreshment and Mixed Business Association of Australia (Victorian Branch), the Melbourne and Metropolitan Retail Fruiterers and Greengrocers' Association, and the Victorian Master Pastrycooks' Association.

REST PERIODS.

16. 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.

MEAL INTERVALS.

17. Every person shall be allowed and shall receive the following meal intervals, with permission to leave the shop during the whole of such intervals, viz.:—

On each day when work is done—1 hour for lunch, to be taken between noon and 3 p.m.

On each day when work is done after 7.30 p.m.—An additional interval of three-quarters of an hour, to be taken between 5 p.m. and 7.15 p.m.

MEAL MONEY.

18. Any employee who is required to work overtime in excess of one hour on any day shall receive an allowance of 5s. as meal money in addition to the rate provided in clause 4.

TERMINATION OF EMPLOYMENT.

19. Except in a case of misconduct by either an employer or an employee seven days' notice of termination of employment shall be given by either employer or employee, or a week's wages paid or forfeited, as the case may be, in lieu thereof. This clause shall not apply where the period of service is four weeks or less.

POSTING OF DETERMINATION.

20. A copy of this Determination shall be kept posted at or near the entrance to any shop or place to which it applies.

FIRST-AID OUTFIT.

21. 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.

PERIODICAL ADJUSTMENT OF WAGE.

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 33 of the *Labour and Industry Act 1953*, 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 August, 1955, 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 an August, a November, a February, or a May, 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 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 and 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, 12th July, 1955.

NOTE:—In his or her own interest each employer of labour should obtain a copy of the *Labour and Industry Act* which may be purchased from the Government Printer.

