



VICTORIA GOVERNMENT GAZETTE.

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[1956

Labour and Industry Act 1953.

DETERMINATION OF THE COMMERCIAL CLERKS BOARD.

NOTES.—(a) This Determination applies to the whole of the State of Victoria.

(b) By Order in Council of the 25th September, 1951, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any person or persons, or classes of persons, employed as clerks, in meat works where killing is done, at work connected directly with the slaughtering of animals for export as meat or with the processing or the carcasses of such animals or the products therefrom, and conferred such power exclusively on the Clerks (Meat Works) Board.

(c) By Order in Council of the 27th November, 1951, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any person, or persons, or classes of persons, employed in or in connexion with the operation of a totalizator on a racecourse in connexion with a race-meeting, and conferred such power exclusively on the Totalizator Employees Board.

IN THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of the Determination of Commercial Clerks Board dated the 24th day of February, 1955, and in force as from the 11th March, 1955.

And

IN THE MATTER of Appeals by the Victorian Employers' Federation, The Victorian Chamber of Manufactures, The Melbourne Chamber of Commerce and the Federated Clerks' Union of Australia.

(Before His Honour Judge Gamble, K. H. Boykett, Esq., and M.C. Jordan, Esq.)

Monday the 4th day of July, 1955.

These Appeals coming on for hearing by this Court on the 5th and 6th days of April, the 2nd day of May, the 20th day of June, 1955, and on this day:

This Court DOETH ORDER AND DETERMINE

1. That, as from the beginning of the first pay period to commence in May, 1955, the above-mentioned Determination of the Commercial Clerks' Board shall be revoked and replaced by this Determination as to the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons employed by any banking company, insurance company, trustee company, barrister or solicitor, but including persons employed in his practice by a barrister or solicitor as a typewriter or stenographer) employed in connexion with some trade or business as a clerk, collecting clerk, time-keeping clerk, despatch clerk, store clerk, weighing clerk, cashier, typewriter, stenographer, bookkeeper, or telephone switchboard attendant."

2.

* IMPROVEES.

Males.

Wages Per Week.

Experience.	Commencing Age.			
	Under 16 Years.	16 Years.	17 Years.	18 Years and Over.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1st year	78 0	78 0	92 6	106 6
2nd year	99 6	99 6	111 6	149 6
3rd year	123 0	128 0	149 6	182 6
4th year	156 6	170 6	187 0	242 6
5th year	192 0	227 6	250 0	..
6th year and until 21 years of age ..	247 0	250 0	..	..

Females.

Wages per Week.

Typistes, Stenographers or Operators of calculating or ledger-keeping machines.

Experience.	Commencing Age.			
	Under 16 Years.	16 Years.	17 Years.	18 Years and Over.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1st year	101 0	113 6	133 0	154 6
2nd year	113 6	133 0	154 6	170 6
3rd year	133 0	154 6	170 6	183 0
4th year	154 6	170 6	183 0	..
5th year	170 6	183 0	..	..
6th year and until 21 years of age ..	183 0	..	..	..

All Others.

Experience.	Commencing Age.			
	Under 16 Years.	16 Years.	17 Years.	18 Years and Over.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1st year	81 6	92 6	110 0	135 0
2nd year	92 6	110 0	135 0	152 6
3rd year	110 0	135 0	152 6	170 6
4th year	135 0	152 6	170 6	..
5th year	152 6	170 6	..	..
6th year and until 21 years of age ..	170 6	..	..	..

* NOTE.—The Board has determined that no apprentices shall be taken to the trade.

PROPORTION (IN ANY PLACE)—IMPROVERS.

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

OTHER EMPLOYEES.

Wages per Week.

	Within a Radius of 25 Miles of the General Post Office, Melbourne, and within a Radius of 10 Miles of the Post Office, Geelong.		All Other Parts of Victoria.	
	Males.	Females.	Males.	Females.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Stenographers, typistes, or operators of calculating or ledger-keeping machines	301 0	211 3	298 0	208 9
Telephone switchboard attendants	301 0	209 3	298 0	206 9
All other adults	301 0	205 6	298 0	203 0

WEEKLY HOURS (OTHER THAN SHIFT WORKERS).

3. The number of hours to constitute an ordinary week's work shall be 40.

4 TIMES OF BEGINNING AND ENDING WORK (OTHER THAN SHIFT WORKERS).

	Time of Beginning Work.	Time of Ending Work.
On the usual weekly half holiday	8 a.m.	12 noon
On all other days of the week	8 a.m.	6 p.m.

Provided that where an employee is employed in association with other classes of employees who work a five day week, the times of beginning and ending work shall be :—

	Time of Beginning.	Time of Ending.
Monday to Friday (inclusive)	7.30 a.m.	5.30 p.m.

The provisions of this clause shall not apply to employees working in hotels, guest houses, boarding houses, restaurants, or coffee palaces, but the spread of hours for such employees shall not exceed nine (9) in any one day.

OVERTIME (OTHER THAN SHIFT WORKERS.)

5. (a) Employees working in hotels, guest houses, boarding houses, restaurants, or coffee palaces shall be paid time and a half for all work done in excess of the number of hours fixed for an ordinary week's work.

(b) Employees working in any other place :—

- (i) Within the hours fixed in clause 4 in excess of hours fixed for an ordinary week's work
 - (ii) Outside the hours fixed in clause 4
- Time and a half for the first four hours and double time thereafter calculated on a daily basis.

For the purpose of administering the provisions contained in sub-clauses (a) and (b) hereof the minimum period for which an employee shall be paid overtime shall be one-half hour per week.

(c) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

SHIFT WORK.

6. In this clause—

“Afternoon Shift” means any shift after 6 p.m. and at or before midnight.

“Night Shift” means any shift finishing subsequent to midnight, and at or before 8 a.m.

(a) (i) Notwithstanding any other provisions of this Determination an employee may be employed upon shifts, in case the ordinary hours for a week's work shall be 40, and shall be performed in shifts not exceeding 9 hours each in the case of five-day week and not exceeding 8 hours each in the case of six-day week. A Sunday may be included in either case.

(ii) A shift worker employed on an afternoon shift or on a night shift shall, for work done during the ordinary hours of any such shift, be paid ordinary rates plus an additional 10 per cent. for an afternoon shift, or an additional 12½ per cent. for a night shift.

(iii) The times of beginning and ending the shift of any employee shall not be altered without at least one week's notice to the employee concerned.

(iv) Twenty minutes shall be allowed to a shift worker for a meal during each shift between the fourth and fifth hour of such shift. Such meal break shall be counted as time worked.

Overtime for Shift Workers.

(b) A shift worker for all time worked—

(i) in excess of the ordinary hours prescribed; or

(ii) or more than six shifts on any seven consecutive days; or

(iii) on a rostered shift off;

shall be paid at the rate of time and a half, provided that time worked on any day in excess in the aggregate of ten hours of ordinary time and/or overtime, shall be paid for at the rate of double time.

(c) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

Saturday, Sunday and Holiday Rates for Shift Workers.

(d) (i) A shift worker whose ordinary working period includes a Sunday or a holiday (as prescribed in clause 9) as an ordinary working day, shall be paid at the rate of time and a half for such ordinary time as occurs on such Sunday or holiday.

(ii) A shift worker whose ordinary working period does not include a Sunday or a holiday (as prescribed in clause (a) as an ordinary working day, shall, if required to work on any such Sunday or holiday, be paid double time for work done on either of such days.

(iii) A shift worker whose ordinary working period includes a Saturday shall in lieu of the shift rate prescribed in clause 6 (a) (ii) hereof, be paid time and a quarter for all work done between midnight Friday and midnight Saturday.

TERMS OF EMPLOYMENT.

7. All employees (other than casuals) willing, ready and available for work shall be paid the full weekly wage fixed herein, irrespective of the number of hours worked not exceeding 40. To terminate employment one week's notice shall be given by either employer or employee or in lieu thereof one week's wages shall be paid or forfeited, as the case may be. The provisions of this clause shall not apply in any instance where an employee is dismissed for misconduct.

Notwithstanding any provisions elsewhere contained herein, an employee may deduct payment for any day an employee cannot usefully be employed because of any strike, breakdown of machinery, or any stoppage of work by any such cause for which the employer cannot reasonably be held responsible. Provided that such standing down shall not be deemed a break in the continuity of the employment of the employee for the purpose of any rights under this Determination or any variation or modification thereto.

CASUAL LABOUR.

8. Casual hands, i.e., persons who employed during any week for less than one-half of the maximum number of hours fixed in the Determination as a week's work, shall be paid at the rate of time and a quarter on the hourly rate calculated *pro rata* by dividing the weekly rate by the number of hours fixed for a week's work.

SPECIAL RATE FOR SUNDAYS AND PUBLIC HOLIDAYS (OTHER THAN SHIFT WORKERS).

9. (i) All work done on—

Sundays;
New Year's Day;
Australia Day;
Good Friday;
Easter Saturday;
Easter Monday;
Labour Day;
Anzac Day;
Queen's Birthday;
Melbourne Cup Day (within a radius of 25 miles of the G.P.O., Melbourne);
Christmas Day; and
Boxing Day

or any other day substituted by Act of Parliament or Proclamation for any of the above-mentioned holidays, shall be paid for as follows:—

Clerks or cashiers employed in hotels, guest houses, boarding houses, coffee palaces, or restaurants Time and a half.
All others Double time.

Provided that employees covered by this Determination shall observe the same public holidays as are observed by the majority of other persons in the establishment in which they are employed; and

Provided also that this clause shall not apply to:—

Receiving clerks or punch or fare-checking clerks, outfits clerks, roster clerks, or other clerks in lieu of or in substitution for any such clerks in connexion with the traffic operations of tramways or employed in tramway sheds or tramway offices; or

Counter clerks, entering clerks, cashiers, label or dispatch clerks employed in daily newspaper offices.

HOLIDAYS.

10. No deduction shall be made from the wages of employees granted leave for the holidays specified in clause 9: that any employee who fails to attend for work on the working day before and/or after a public holiday without reasonable excuse shall not be entitled to be paid for such holiday.

ANNUAL HOLIDAY.

11. (a) 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.

(b) In addition to the above, shift workers shall be allowed for each twelve monthly qualifying period one week's leave including non-working days.

(c) Where an employee with twelve months' continuous service is engaged for part of the twelve-monthly period as a shift worker, he shall be entitled to have the period of two weeks' annual leave prescribed by the said Act increased by one half day for each month he is continuously engaged as aforesaid.

(d) If in any twelve-monthly qualifying period a shift worker lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid, in addition to all other amounts (including any payment in lieu of annual leave as prescribed by sub-clause (a) hereof) due to him, an amount equal to one-fiftieth of his ordinary pay for the period of employment as a seven-day shift worker.

SICK LEAVE.

12. (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.

For the purposes of this sub-clause service prior to the 1st December, 1947, shall be disregarded, provided that any accumulated sick leave, not exceeding 160 hours of working time, standing to the credit of the employee on the 1st December, 1951, shall not be reduced by virtue of the provisions of this sub-clause.

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.

TIME AND WAGES RECORDS.

13. Each employer shall keep time and wages records showing the name of each employee, the hours worked each day, and the wages and overtime paid each week. The time and wages record shall be open for inspection to a duly-accredited official of the Federated Clerks' Union of Australia during the usual office hours at the employer's office, or other convenient place, provided that only one demand for such inspection shall be made at the same establishment in any one fortnight, and such demand shall not be made unless the Secretary of the Union suspects that a breach of this Determination has been committed.

RIGHT OF ENTRY.

14. An official of the Federated Clerks Union, Victorian Branch, duly authorized in writing shall be permitted to enter the employers premises for the purpose of interviewing employees on legitimate Union business under the following conditions:—

(a) Visits may be made only at meal times or morning or afternoon tea breaks or such other time as may be agreed upon between the employer and the Union.

(b) Not more than one visit per fortnight shall be made.

(c) The Official produces his authority to the employer or his authorized representative.

(d) That there is no interference with work in the employers establishment.

MEAL PERIOD.

15. A meal period of not less than 30 minutes shall be allowed each employee: Such meal period be taken not later than five hours after commencing work.

MEAL ALLOWANCE.

16. (a) An employee required to work beyond two hours after the usual finishing hour of work, shall be paid a meal allowance of 5s. or be provided with an adequate meal where the employer has his own cooking and dining facilities. This provision shall only apply within a radius of 25 miles of the G.P.O., Melbourne, and 10 miles of the Post Offices at Ballarat, Bendigo, and Geelong.

(b) When overtime is worked in excess of two hours after the usual time of ceasing work a meal break of not less than 30 minutes shall be allowed. Such meal break shall be taken not more than five hours after the resumption of work from the previous meal period.

BOILING WATER.

17. The employer shall provide facilities to enable the employee to obtain boiling water at meal times and rest periods.

VEHICLE ALLOWANCES.

18. (a) Where an employer requires an employee to use his own bicycle in the performance of his duties, such employee shall be paid an allowance at the rate of 7s. 6d. per week for such period as the bicycle is used.

(b) Where an employer requires an employee to use his own motor vehicle in the performance of his duties such employee shall be paid an allowance of not less than 4½d. per mile with a maximum amount of £3 per week for a motor cycle and 9d. per mile with a maximum amount of £5 12s. 6d. per week for a motor car.

(c) Where an employer provides a motor vehicle which is used by an employee in the performance of his duties, all expenses, including registration, running, and maintenance of such motor vehicle, shall be paid by the employer.

LIVING AWAY FROM HOME ALLOWANCE.

19. An employee, required by his employer to work temporarily for his employer away from his usual place of employment, and who is required thereby to sleep away from his usual place of residence, shall be entitled to the following:—

(a) Fares to and from the place at which his employer requires the employee to work.

(b) All reasonable expenses incurred for board and lodging.

(c) Payment at ordinary rates of pay for all time spent in travelling between the employee's usual place of employment and the temporary location, such paid time not to exceed 8 hours in 24 hours,

UNIFORM ALLOWANCE.

20. Where an employer requires any employee to wear any special uniform, dress, or clothing, such employee shall be paid an allowance of 3s. 6d. per week unless such uniform, dress, or clothing is supplied and hundred by the employer.

PROTECTIVE CLOTHING AND FOOTWEAR.

21. (a) The employer shall provide uniforms and/or protective clothing for employees engaged in work damaging to clothing, for example the use of duplicators, addressographs, or similar machines, or on the receiving and/or despatch of goods.

(b) The employer shall provide appropriate protective footwear to employees who are constantly required to work under conditions which are wet and damaging to footwear, i.e., on surfaces periodically hosed down or in wet or muddy conditions.

REST PERIOD.

22. All employees shall be allowed two rest intervals on each day as follows:—(a) The first 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.

FLOOR COVERING.

23. When an employee is required to work for a period exceeding half an hour on a floor of concrete, stone, or similar material, the employer shall provide suitable floor covering or other insulating material.

PAYMENT OF WAGES.

24. Wages, overtime, and allowances shall be paid during working hours not later than Thursday in each pay week.

PERIODICAL ADJUSTMENT OF WAGES.

25. The wages set out for adult males in clause 2 are based upon the following basic wage rates, 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 as prescribed by clause 26.

BASIC WAGE.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	11 17 0	Melbourne

ADJUSTMENT OF THE BASIC WAGE.

26. (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 25.

(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 improvers shall be the appropriate percentages as set out hereunder. Such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

IMPROVERS.

Males.

Experience.	Commencing Age.			
	Under 16 Years.	16 Years.	17 Years.	18 Years and Over.
	Percentage of Basic Wage.			
1st year	33	33	39	45
2nd year	42	42	47	63
3rd year	52	54	63	77
4th year	66	72	79	100 + 5s. 6d.
5th year	81	96	100 + 13s.	
6th year and until 21 years of age ..	100 + 10s.	110 + 13s.		

Females.

Typistes, Stenographers or Operators of Calculating or Ledger-keeping Machines.					All Others.				
Experience.	Commencing Age.				Experience.	Commencing Age.			
	Under 16 Years.	16 Years.	17 Years.	18 Years and Over		Under 16 Years.	16 Years.	17 Years.	18 Years and Over.
Percentage of Female Basic Wage.					Percentage of Female Basic Wage.				
1st year	57	64	75	87	1st year	46	52	62	76
2nd year	64	75	87	96	2nd year	52	62	76	86
3rd year	75	87	96	100 +	3rd year	62	76	86	96
4th year	87	96	100 +	5s. 6d.	4th year	76	86	96	..
5th year	96	100 +	5s. 6d.	..	5th year	86	96	..	..
6th year and until 21 years of age	100 +	5s. 6d.	..	..	6th year and until 21 years of age	96	..	..	..

By the Court,

E. W. LAITY

Registrar.