



VICTORIA GOVERNMENT GAZETTE

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[1957

Labour and Industry Acts.

DETERMINATION OF THE SHOPS BOARD No. 21 (BOOKSELLERS AND NEWSAGENTS).

NOTE.—This Determination applies to the following parts of Victoria, viz.:—The Metropolitan District as defined in the Labour and Industry Acts; 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 *Labour and Industry Act 1953*, the Wages Board which now has power "to determine the lowest prices or rates which may be paid to any persons employed—

- (a) in booksellers' or newsagents' shops,
- (b) in the trade of a wholesale bookseller or newsagent,
- (c) in a lending library conducted for profit",

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 20th March, 1957, the last previous Determination of this Board shall be revoked and replaced by this Determination.

WAGES PER WEEK.

2. (Based on a Basic Wage of £13 3s. 0d. for Males and £9 17s. 0d. for Females).

Apprentices or Improvers.					Other Employees.		
Wages.	Per Week of 40 Hours.				Wages.	Per Week of 40 Hours.	
	Per-centage of Basic Wage.	Males.	Per-centage of Female Basic Wage.	Females.		Males.	Females.
		<i>s. d.</i>		<i>s. d.</i>		<i>s. d.</i>	<i>s. d.</i>
15 years of age or under..	35	92 0	44	88 6	DEPARTMENTAL MANAGER, i.e., a person in control of two or more persons (not including bookstall employees) receiving not less than the minimum wage—		
16 years of age ..	42	110 6	50	98 6			
17 years of age ..	55	144 6	59	116 0			
18 years of age ..	72	189 6	68	134 0			
19 years of age ..	89	234 0	78	153 6			
20 years of age ..	100 + 6s. 3d.	269 3	90	177 6	Where two such persons are under his or her control ..	331 0	251 0
					Where three or more such persons are under his or her control ..	345 6	268 0
PROPORTIONS (by any employer).					<i>All Others.</i>		
<i>Apprentices.</i>					(a) Employed in connexion with the sale or distribution of newspapers	300 0	204 6
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.					(b) Employed at any other work ..	310 6	211 0
An indenture of apprenticeship has been prescribed by the Board.							
<i>Improvers.</i>							
Two improvers to each adult worker receiving not less than 300s. per week of 40 hours in the case of a male adult and 204s. 6d. per week of 40 hours in the case of a female adult.							

OVERTIME.

3. (a) 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.

(b) Any employee who is required to work between noon and 4 p.m. on any Saturday shall be paid for such work at the rate of double time.

TERMS OF EMPLOYMENT.

(a) *Weekly Employment.*

4. 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 8 (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.

Provided further that 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 on a Friday or a Saturday, shall be deemed to be employed under the conditions of sub-clause (c) Casual Employment hereof.

(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 33½ 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.

(d) *Railway Bookstalls.*

Notwithstanding the provisions of sub-clauses (a), (b), and (c) hereof an employee at a Railway Bookstall sub-let to a newsagent who works less than 40 hours in any week shall only be entitled to be paid *pro rata* according to the number of hours worked.

HOLIDAYS.

5. (Nothing in this clause shall apply to any employee who is required to work on any day mentioned therein in connexion with the sale or distribution of newspapers.) Employees shall be entitled to the following holidays without deduction of pay: New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, Queen's Birthday, Melbourne Cup Day (Metropolitan District only), Christmas Day, and Boxing Day, and after 12.30 p.m. 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; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, this condition shall only apply for the day so substituted.

Any employee who is required to work on any day mentioned in this clause shall receive double time for such work.

MEAL MONEY.

6. Any employee who is required to work overtime in excess of one hour on any day shall receive an allowance of 6s. as meal money in addition to the rates provided in clause 3.

ANNUAL HOLIDAY.

7. The annual holiday shall be as prescribed by the provisions of the Labour and Industry Acts.

SICK LEAVE.

8. (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.

MEAL INTERVALS.

9. Employees shall be entitled to meal intervals as follows:—

(a) Between the 7th December and the 24th December in each year—three-quarters of an hour	} Between the hours of 11.45 a.m. and 2.45 p.m., and on a late trading night between the hours of 5 p.m. and 7 p.m.
(b) At any other period of the year—one hour	

TERMINATION OF EMPLOYMENT.

10. Except where the conduct of an employee justifies instant dismissal seven days' 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.

PAY DAY.

11. Employees shall be paid weekly on a regular pay day other than a Friday or a Saturday.

REST PERIOD.

12. A rest interval of ten minutes shall be given to all employees during each morning and afternoon, and shall be counted as time worked.

BICYCLE ALLOWANCE.

13. If an employee is required to use his own bicycle in the business of his or her employer, an allowance of 1s. per day or part thereof shall be made for such use.

TIME AND WAGES RECORD.

14. Employers shall keep a Time and Wages Record, showing the name, age, and sex of each employee, the number of hours worked each day and each week, and the wages and overtime payments (if any) to each such employee. Such record shall be open for inspection by a duly accredited representative of the Shop Assistants and Warehouse Employees Federation of Australia (Victorian-Tasmanian Branch).

REFERENCE.

15. On an employee being dismissed or leaving his or her employment he or she shall be entitled to and shall receive from the employer a reference stating length of service and qualifications. This reference must be given to the worker immediately on the termination of his or her employment.

CLOTHING.

16. 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.

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.

BOARD OF REFERENCE.

18. The Wages Board has determined that, in accordance with Section 31 (1) of the *Labour and Industry Act 1953*, a Board of Reference shall be appointed to determine disputes of facts concerning any provision of its Determination.

The Board of Reference shall consist of—

- (i) the Chairman of the Wages Board;
- (ii) two representatives of employers, of whom one shall be a member of the Wages Board, and such representatives shall be appointed by a majority of the employers' representatives on the Wages Board; and
- (iii) two representatives of employees, of whom one shall be a member of the Wages Board, and such representatives shall be appointed by a majority of the employees' representatives on the Wages Board.

LIMITATION ON SALE OF OBSCENE OR OFFENSIVE MATTER.

19. (a) No employee under the age of 21 years shall be employed in selling or offering for sale any newspaper or other publication which, in the opinion of the Board of Reference appointed pursuant to the provisions of clause 18 hereof, is obscene, offensive, or likely to corrupt the morals of any such employee.

(b) If any such employee is requested or required expressly or implied as a condition of his employment or continued employment to sell or offer for sale any such newspaper or publication as mentioned in sub-clause (a) hereof and refuses to do so such refusal shall not be a lawful ground for the termination of his employment.

(c) If the employment of any such employee is terminated for such a refusal as mentioned in sub-clause (b) hereof, the Wages Board may upon being advised of a finding of the Board of Reference to that effect direct that such employee be, re-employed by his former employer and that such former employer shall re-employ such employee upon terms not less favorable than those upon which he was formerly employed forthwith upon being notified of such direction.

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

J. W. RYAN, Secretary.

Melbourne, 5th March, 1957.

