



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 319]

TUESDAY, NOVEMBER 14.

[1939

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 1 (BOOT DEALERS).

NOTE.—This Determination on the 13th November, 1939, applied to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portion of the City of Sandringham as is not included within the said District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the Factories and Shops Acts,

and

In the matter of an Appeal by the representatives of the employers on the Shops Board No. 1 (Boot Dealers) against the Determination of the said Board, dated the 31st October, 1938.

Wednesday, the 25th day of October, 1939.

(Before His Honour Mr. Justice Macfarlan, Mr. Henry Pritchard Higginson, and Mr. Henry Francis King).

The above mentioned Appeal coming on for hearing by this Court on this 25th day of October, 1939. UPON READING the Appeal, and UPON HEARING Mr. L. Mann, Secretary of the Victorian Employers' Federation, and witnesses for the employers, and Mr. P. J. Sheehan for the employees: THIS COURT BOTH ORDER AND DETERMINE:—

(1) That on the 13th November, 1939, the Determination of the Shops Board No. 1 (Boot Dealers) dated the 31st October, 1938, 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 whosoever employed in the business of a seller of boots, shoes, or slippers, being a business usually or frequently carried on in a shop.

(2)

Apprentices or Improvers.				Other Employees.		
Wages per Week of 46 Hours.				Wages per Week of 46 Hours.		
	Males.	Females.			Within the Metropolitan District and such portion of the City of Sandringham as is not included within the said District; the Cities of Geelong and Geelong West, and the Town of Newtown and Chilwell.	All other parts of Victoria where this Determination applies.
Under 16 years	s. d. 14 0	s. d. 13 0				
16 years	17 6	16 6				
17 "	26 0	22 6				
18 "	33 0	28 0				
19 "	41 6	32 0				
20 "	50 0	36 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 or her first year's service 12½ per cent. and for his or her second year's service 10 per cent. less than the rates fixed above.				MALES.	s. d.	s. d.
PROPORTION (IN ANY SHOP OR PLACE).				Manager of a shop or head salesman, i.e., the principal employee in any shop, branch shop, or department, notwithstanding he may be under the orders of another person who does not devote his whole time to the supervision of such shop, branch shop, or department—		
APPRENTICES.				(a) Working singly	103 0	98 0
Males.				(b) In charge of 1, 2, 3, or 4 persons	107 6	101 0
One male apprentice to every three or fraction of three male persons receiving not less than 64s. 6d. per week of 46 hours.				(c) In charge of 5 or more persons	117 6	110 6
Females.				Salesmen—		
One female apprentice to every three or fraction of three female persons receiving not less than 40s. per week of 46 hours.				21 years of age	67 6	64 6
An indenture of apprenticeship prescribed by the Board was approved on 28th March, 1923.				22 years of age	80 0	76 0
IMPROVERS.				23 years of age or over	100 0	94 0
Males.				Persons employed in the parcels or country order office, or as packers, porters, or storemen—		
Two male improvers to one				21 years of age	67 6	64 6
Four " " " two				22 years of age	80 0	76 0
Five " " " three				23 years of age or over	100 0	94 0
Six " " " four						
Seven " " " five						
Eight " " " six						
Nine " " " seven						
Ten " " " eight						
and thereafter one additional male improver to every two or fraction of two additional						

Apprentices or Improvers.		Other Employees.		
		Wages per Week of 46 Hours.		
PROPORTION (IN ANY SHOP OR PLACE).			Within the Metropolitan District and such portion of the City of Sandringham as is not included within the said District; the Cities of Geelong and Geelong West; and the Town of Newtown and Chilwell.	All other parts or Victoria where this Determination applies.
IMPROVERS.		FEMALES.	s. d.	s. d.
Females.				
Two female improvers to one	female persons receiving not less than 40s. per week of 46 hours,	Manageress of a shop or head saleswoman, i.e., the principal employee in any shop, branch shop, or department, notwithstanding she may be under the orders of another person who does not devote his whole time to the supervision of such shop, branch shop, or department—		
Four " " " two		(a) Working singly	103 0	98 0
Five " " " three		(b) In charge of 1, 2, 3, or 4 persons	107 6	101 0
Six " " " four		(c) In charge of 5 or more persons	117 6	110 6
Seven " " " five		Saleswomen—		
Eight " " " six		21 years of age	40 0	40 0
Nine " " " seven		22 years of age	44 0	44 0
Ten " " " eight		23 years of age or over	52 0	48 6

- (3) OVERTIME.—All time worked—
 (a) in excess of 46 hours in any week,
 (b) after 12.45 p.m. on Saturday,
 shall be paid for at the rate of time and a half for the first three hours and double time thereafter.
- (4) TIME WAGES.—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 23 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 for each hour worked beyond the 23 hours aforesaid shall be paid at the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.
- Provided that no such person shall be paid for less than two hours on any one Saturday and not less than three hours on any one day other than a Saturday.
- (5) SPECIAL RATES.—Double time shall be the rate for all work done on Sunday and time and a half shall be the rate for all work done on New Year's Day, Australia Day (26th January), Good Friday, Easter Saturday (except in the area enclosed by and including Flinders-street, Spencer-street, Lonsdale-street, and Spring-street, in the City of Melbourne, where the rate of double time shall be paid), Easter Monday, Eight Hours Day (21st April), King's Birthday, Christmas Day, and Boxing Day or after 1 p.m. on Show Day (in such localities mentioned in the Twelfth Schedule to the *Public Service Act 1928* 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 abovenamed holidays, the special rate shall only be payable for work done on the day so substituted.
- (6) NOTICE OF INTENTION TO WORK OVERTIME.—At least four hours' notice of intention to work overtime shall be given to an employee before such employee is required to work beyond the usual time of ceasing duty.
- (7) MEAL ALLOWANCE.—An employee required to work any overtime in excess of one hour beyond the usual time of ceasing duty shall be paid a meal allowance of 1s. 6d. Such allowance shall be paid on the day upon which the overtime is worked and shall be in addition to any payment due for such overtime.
- (8) GARMENT ALLOWANCE.—Any employee who is required to wear, when at work, a washable outer-garment, dust-coat, or overall, shall be paid 2s. per week in addition to the ordinary wage, unless the garment is both provided and laundered by the employer.
- (9) BICYCLE ALLOWANCE.—Where a bicycle is provided by an employee and is required to be used in connexion with his employer's business, an allowance of 2s. per week in addition to the ordinary wage shall be paid to such employee.
- (10) PAYMENT OF FARES.—Where an employee is required by his or her employer to move temporarily from one branch or shop to another all additional fares so incurred shall be paid by the employer.
- (11) REFERENCE.—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.
- (12) SICK PAY.—Any employee who is absent from duty as a result of personal ill health or accident shall be entitled to sick pay at the ordinary rate, for four days in any one year commencing from the 21st November, 1938, provided that evidence satisfactory to the employer is produced to prove that such absence was due to personal ill health or accident.
- (13) ANNUAL LEAVE.—Any employee who has been in the service of an employer for a period of not less than twelve months shall be granted, in each year, annual leave on full pay (exclusive of the holidays mentioned in clause (5)), as shown hereunder, viz. :—
- | | |
|--|------------|
| On completing 1st year's service | One week. |
| " " 2nd " " | One week. |
| " " 3rd " " | Two weeks. |
| " " each additional year's service | Two weeks. |
- Such leave shall be given within three months of the completion of each year's service, provided that, for the purposes of this clause, any service prior to the 27th September, 1937, shall not be taken into account.
- (14) REST PERIOD.—Where any spell of duty is for more than four hours, a rest period of not less than ten minutes shall be allowed after two and a half hours' work.
- (15) TIME AND WAGES RECORDS.—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.
- (16) TERMINATION OF EMPLOYMENT.—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, as the case may be, in lieu thereof. This provision shall only apply in the case of the employee who has been employed continuously for three months or more.

By the Court.

H. N. JONES,
Registrar.