

[1789]



VICTORIA GOVERNMENT GAZETTE.

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No. 153]

WEDNESDAY, MAY 8.

[1940

Factories and Shops Acts.

DETERMINATION OF THE FACTORY ENGINE-DRIVERS BOARD.

Adjusted pursuant to Section 21 of the *Factories and Shops Act 1934* (4275).

NOTE.—This Determination applies to the whole of the State of Victoria.

I, FRANCIS ANTHONY MARZORINI in pursuance of the powers contained in the *Factories and Shops Acts*, and in consequence of the provisions contained in a determination, made on the 7th February, 1940, by the *Factory Engine-drivers Board*, and published in the *Government Gazette* on the 22nd February, 1940, hereby issue an adjusted determination showing the adjusted wages rates to be paid to—

(A) Any person or persons or classes of persons whosoever employed in the occupation of a fireman, boiler attendant, or engine-driver, in connexion with the use of steam-boilers or steam-engines other than steam-boilers or steam-engines connected with mines.

(B) Any person employed in the occupation of—

(a) a boiler cleaner;

(b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines other than internal combustion engines or electrical engines connected with mines.

but not including any persons employed in the occupation of—

(a) a fireman, boiler attendant, boiler cleaner, or engine driver in connexion with steam engines or steam boilers in or about plants for crushing metalliferous ores;

(b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines in or about plants for crushing metalliferous ores—

(1) The adjusted rates shown herein shall be paid as from the beginning of the first pay period to commence in May, 1940.

(2)

APPRENTICES AND IMPROVERS.				JUNIOR LABOUR.			
			Wages per week.	The minimum rates of wages to be paid by employers to persons, other than apprentices or improvers, working as greasers or as cleaners, or as motor drivers, or attendants, where the motor does not exceed 50 horse-power in all, and when such persons have not reached 20 years of age, shall be as follows:—			
			£ s. d.				
Under 16 years of age	..	..	1 9 6	(a) Under 16 years of age	..	..	1 9 6
16 and under 18 years of age	..	..	2 1 6	16 and under 18 years of age	..	..	2 1 6
18 and under 19 years of age	..	..	2 19 6	18 and under 19 years of age	..	..	2 19 6
19 and under 20 years of age	..	..	3 11 0	19 and under 20 years of age	..	..	3 11 0
20 years of age	..	..	Minimum Wage.				
PROPORTION (by any employer).				(b) If greasers they sometimes, under the control of an engine driver, stop or start an engine, 6s. per week extra.			
<i>Apprentices.</i>				(c) If cleaners receiving less than £3 5s. per week they sometimes, under the control of an engine-driver, stop or start an engine, 6s. per week extra.			
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.							
<i>Improvers.</i>							
One improver to 50 or more workers receiving not less than the minimum wage.							

(3)

OTHER EMPLOYEES.

	Wages per Week.			
	Persons other than those Employed in Bush Saw-mills.			Persons Employed in— (a) Bush Saw- mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of the G.P.O., Melbourne, and in the Gippsland District, 10 miles of the Principal Post Offices at Geelong and Warrnambool.	Within 15 miles of the Mildura Post Office.	At Yallourn.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(1) Drivers of navvies, drag line excavators or dredge type excavators—				
(a) Where one driver only is employed or leading driver where two are employed	5 12 0	5 18 0	5 18 6	5 9 0
(b) Second driver where more than one driver is employed	5 0 0	5 6 0	5 6 6	4 17 0
(c) Fireman on steam navvy	4 11 0	4 17 0	4 17 6	4 8 0
(2) Locomotive engine-drivers—				
(a) If they sometimes or always carry human beings other than the train crew	5 7 0	5 13 0	5 13 6	5 4 0
(b) If they do not carry human beings	5 1 0	5 7 0	5 7 6	4 18 0
(c) If the gauge is less than 3 feet, 6d. per day less in each case.				
(3) Winch-drivers (as herein defined)—				
(a) If on bucket dredge	4 17 0	5 3 0	5 3 6	4 14 0
(b) If on log haulers on timber mills or on tramways on timber mills exceeding two 8-in. diameter cylinders	4 14 0	5 0 0	5 0 6	4 11 0
(c) Not otherwise provided	4 13 0	4 19 0	4 19 6	4 10 0
(4) Drivers of traction engines or road rollers (steam or oil)	4 18 6	5 4 6	5 5 0	4 15 6
(5) Drivers of grab cranes	4 19 6	5 5 6	5 6 0	4 16 6
(6) Drivers of pile-driving machines	4 19 0	5 5 0	5 5 6	4 16 0
(7) Steam crosscut sawyers	4 14 0	5 0 0	5 0 6	4 11 0
(8) Other steam engine-drivers—				
(a) If the engine or engines have a single cylinder with a bore of 12 inches in diameter or over, or have singly or together two or more cylinders the sum of the area of whose bores equals or exceeds the area of a circle 12 inches in diameter, or if turbine—				
(i) With condenser	4 18 6	5 4 6	5 5 0	4 15 6
(ii) Without condenser	4 15 6	5 1 6	5 2 0	4 12 6
(b) If the engine or engines have a single cylinder with a bore less than 12 inches in diameter, or have singly or together two or more cylinders the sum of the area of whose bores is less than the area of a circle 12 inches in diameter—				
(i) With condenser	4 15 6	5 1 6	5 2 0	4 12 6
(ii) Without condenser	4 12 6	4 18 6	4 19 0	4 9 6
(9) Drivers of suction gas or other internal combustion engines—				
(a) If 50 h.p. or over	4 15 6	5 1 6	5 2 0	4 12 6
(b) If under 50 h.p.	4 12 6	4 18 6	4 19 0	4 9 6
(10) If an engine-driver also attends to a refrigerating compressor he shall be paid an additional sum of 6d. per shift.				
(11) If an engine-driver also attends to an electric generator or dynamo exceeding ten kilowatt capacity he shall be paid an additional sum of 1s. per shift.				
(12) If an engine-driver is in charge of a plant (as herein defined) he shall be paid an additional sum of 1s. per shift.				
(13) Crane-drivers—				
(a) Drivers of lofty cranes on buildings in course of erection or demolition where the driving platform is from 25 to 100 feet above the ground ..	5 6 0	5 12 0	5 12 6	5 3 0
(b) If above 100 feet	5 12 0	5 18 0	5 18 6	5 9 0
(c) Drivers of cantilever cranes with driving platforms more than 25 feet from the ground	5 6 0	5 12 0	5 12 6	5 3 0
(d) Drivers of other lofty cranes outside buildings not in course of erection where the driving platform is situated more than 25 feet from the level of the ground	5 4 6	5 10 6	5 11 0	5 1 6
(e) Drivers of cranes in converter sheds	5 4 6	5 10 6	5 11 0	5 1 6
(f) Drivers of locomotive cranes, that is, cranes mounted upon the super-structure of a locomotive engine running on railway lines used for general locomotive traffic	5 2 0	5 8 0	5 8 6	4 19 0
(g) Drivers of steam travelling cranes with a lifting capacity of over 30 tons ..	5 2 0	5 8 0	5 8 6	4 19 0
(h) Drivers of steam cranes not elsewhere included	4 18 0	5 4 0	5 4 6	4 15 0
(i) Drivers of electric cranes not elsewhere included—				
(i) Electric cranes with four motions and over	4 18 0	5 4 0	5 4 6	4 15 0
Overhead traverser cranes with auxiliary hoist				
Traverser cranes with jib hoist				
(ii) Electric cranes with two or three motions	4 12 0	4 18 0	4 18 6	4 9 0
Overhead traverser cranes				
Stationary jib cranes				
Stationary jib hoist cranes				
Traverser jib cranes				
(j) Drivers of hydraulic stationary jib cranes	4 12 0	4 18 0	4 18 6	4 9 0
(k) Drivers of cranes and hoists (except pneumatic and small hoists and two motion electric man-power cranes) not elsewhere included	4 12 0	4 18 0	4 18 6	4 9 0
(l) Drivers of cranes not exceeding 5 tons lifting capacity manipulated by strings from the ground	4 8 0	4 14 0	4 14 6	4 5 0
(14) Sub-station attendants in charge of sub-stations (as herein defined) ..	4 14 0	5 0 0	5 0 6	4 11 0
(15) Electric locomotive or traction motor-driver	4 10 0	4 16 0	4 16 6	4 7 0
(16) Motor-drivers or attendants (as herein defined)	4 8 0	4 14 0	4 14 6	4 5 0

OTHER EMPLOYEES—continued.

	Wages per Week.			
	Persons, other than those Employed in Bush Saw-mills.			Persons Employed in— (a) Bush Saw-mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of the G.P.O., Melbourne, and in the Gippsland District, 10 miles of the Principal Post Offices at Geelong and Warrnambool.	Within 15 miles of the Mildura Post Office.	At Yallourn.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(17) Firemen—				
(a) If a fireman attends to one boiler or one suction gas generator ..	4 8 0	4 14 0	4 14 6	4 5 0
(b) If a fireman attends to two boilers or two suction gas generators ..	4 9 6	4 15 6	4 16 0	4 6 6
(c) If a fireman attends to three or more boilers or three or more suction gas generators or boilers and/or generators developing 1,000 i.h.p. in the aggregate	4 12 6	4 18 6	4 19 0	4 9 6
(d) Locomotive firemen	4 9 0	4 15 0	4 15 6	4 6 0
(e) Firemen on refuse destructors	4 9 0	4 15 0	4 15 6	4 6 0
(18) Leading firemen—				
(a) An additional payment of 6d. per day shall be paid to the leading fireman when—				
(i) Two firemen are employed at the plant at the same time, and he is the fireman vested with the responsibility and superintendence, or				
(ii) Two firemen are employed at the plant at the same time, and one of his duties is to attend to the water of boilers that are fired by means of other firemen.				
(b) An additional payment of 1s. per day shall be paid to the leading fireman when—				
(i) Three or more firemen are employed at the plant at the same time, and he is the fireman vested with the responsibility and superintendence, or				
(ii) Three or more firemen are employed at the plant at the same time, and one of his duties is to attend to the water of boilers that are fired by two or more of the other firemen.				
(19) Greasers	4 6 0	4 12 0	4 12 6	4 3 0
(a) If under the supervision of an engine driver they stop or start engines, they shall be paid 6s. per week extra, except when they do so only in cases of necessity or emergency.				
(b) If and when called upon in the ordinary course of their duties to do engine drivers' work other than simply stopping or starting an engine under supervision of an engine driver, they shall be paid engine drivers' rates				
(20) Trimmers, fuelmen, and engine cleaners	4 6 0	4 12 0	4 12 6	4 3 0
(21) Boiler cleaners	4 6 0	4 12 0	4 12 6	4 3 0
Provided that any person engaged inside the gas or water space of any boiler, flue, or economizer, in cleaning or scraping work shall, whilst so employed, be paid 9d. per hour in addition to his ordinary or overtime rate of pay.				
(22) All others	4 2 0	4 8 0	4 8 6	3 10 0

Male adult employees in bush saw mills shall in addition to the wages shown above be paid 2s. per week in lieu of payment under clause (5) (c) for absences arising from sickness or accident.

CASUAL LABOUR.

(4) Casual employees (as hereinafter defined) shall be paid per hour an amount equal to one and one-tenth of the weekly rate prescribed by this Determination for the work performed by them, divided by the number of hours worked or to be worked in the establishment as ordinary hours.

WEEKLY ENGAGEMENT.

(5) (a) Except as provided by clause (4), all employment shall be by the week. Employees to become entitled to payment on a weekly basis shall (except as provided by clause (12) (b)) perform such work as the management shall from time to time require on the days and during the hours usually worked by the class of employees affected.

(b) Employment for the first two weeks of service shall be from day to day at the weekly rate fixed. Provided that any employee who has once served a probationary period of two weeks with any employer shall not be subject to be employed for a second probationary period with the same employer, except when his re-engagement takes place at least one month after the termination of his employment.

(c) Any employee not attending for duty shall lose his pay for the actual time of such non-attendance unless he produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the management that his non-attendance was due to personal accident arising out of and in the course of his employment or to personal ill-health necessitating such absence. Provided that an employee shall not be entitled to payment for non-attendance on the ground of personal accident or personal ill-health or both for more than four days in each year.

(d) Employment shall be terminated only by a week's notice on either side, such notice to be given at any time during the week. This shall not affect the right of the management to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown of machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible. Provided that where an employer orders employees not to work on rainy days because of the state of the weather, such order shall not deprive such employees of their claim for payment under the weekly engagement, but if such employees cease work on rainy days without being ordered to do so they shall not be entitled to payment for time so lost.

HOURS.

(6) (a) For an employee not working on shift the ordinary working hours per week and per day respectively shall be of the same number as those worked in the particular workshop, factory or working place, at which such employee works, by the majority of the employees not working on shift who are engaged therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee. Provided that if the number of hours worked by such majority exceeds 48 per week the ordinary working hours for such employee shall not exceed 48 per week nor 8½ in any one day if a six-day week be worked nor 9½ hours in any one day if a five-day week be worked.

(b) For employees not working on shift a regular starting and finishing time shall be fixed which shall not be changed except after notice of at least a week to the employee concerned.

(c) For employees working on shift the ordinary working hours shall be as provided in clause (11).

(d) Time occupied in raising steam or in starting up, closing down engines or banking fires shall be regarded as time worked, but where the number of ordinary working hours as provided in sub-clause (a) is less than 48 per week, and the time so occupied causes the employee to work an excess over such number of working hours, he shall to the extent of the difference between such number and 48 hours per week receive additional payment at the ordinary rate only per hour for working such excess, notwithstanding clause (8) hereof.

(e) In country and bush saw mills, each engine-driver or fireman, when so engaged, shall be allowed the following time at ordinary rates for preparing or closing down engines or for raising steam or banking fires on boilers:—

(i) If such engine-driver or fireman be resident at the mill site, one hour per day.

(ii) Where such engine-driver or fireman resides away from the mill site, one hour and a half per day.

MEAL INTERVAL.

(7) Except on shift work, provision shall as far as practicable be made by the employer to enable an employee to have a midday meal interval of not less than 45 minutes nor more than one hour on all working days except Saturday. Such meal interval shall not be deemed to be time worked and the time of ceasing work shall be extended by time equal to the duration of the meal interval.

OVERTIME.

(8) (a) For all time worked on week-days outside the hours prescribed in clause (6) hereof, or during the meal interval prescribed in clause (7) hereof, overtime shall be paid at the rate of time and a half for the first four hours and double time thereafter.

(b) An employee required to work overtime for more than two hours without being notified the day before that he will be so required to work shall either be supplied with a meal by the employer or paid 1s. 6d.; or if work extends into a second meal hour 2s. 6d. for the two meals, but such payment need not be made to employees living in the same locality as their workshop who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime, he shall be paid for each meal as provided.

HOLIDAYS.

(9) All employees shall be entitled to the same holidays as are observed by the general body of employees of the industry in which they are employed.

SUNDAY AND HOLIDAY RATES.

(10) (a) In the case of continuous or recurring work necessarily done in the ordinary course directly for the establishment's usual production or service upon Sundays or holidays, as well as upon other days of the week, ordinary time or shift worked on a Sunday or holiday shall be paid for at the rate of time and a half, but in all other cases all time on duty on Sundays or holidays as herein prescribed shall be paid for at the rate of double time. Provided that time worked on Sundays or holidays as herein prescribed shall be paid for at the rate of time and a half whenever repairs to, maintenance or renewals of engines, boilers, or other machinery in any undertaking has necessarily to be done on Sundays or holidays to allow work to proceed properly next day.

(b) To complete a shift an employee may be required to work up to 6 a.m. on a holiday at ordinary rates provided that such employee is not required to work his usual shift commencing on the holiday.

SHIFT WORK.

(11) (a) Except as otherwise provided elsewhere herein, employees on shifts may be required to work up to an average of six shifts per week spread over a period of one, two, three or four weeks, no such shift to exceed eight hours, including such time as by mutual agreement may be taken for meals.

(b) (i) There shall be a roster of shifts which shall provide for rotation unless all the employees concerned desire otherwise, and for not more than eight shifts to be worked in any nine consecutive days, and which shall not be changed until after four weeks' notice.

(ii) So far as employees present themselves for work in accordance therewith shifts shall be worked according to the roster.

(c) Notwithstanding the preceding sub-clauses (a) and (b) where in any particular workshop, factory or working place at which an employee working on shift is engaged, the majority of the employees working on shift therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee work shifts not in accordance with such sub-clauses (a) and (b), such employee shall for his ordinary hours of work, work shifts similar in length, roster conditions and crib-times to those of such majority, but this sub-clause shall not apply when such shifts exceed in the aggregate 192 hours in any period of four consecutive weeks, in which case the preceding sub-clauses (a) and (b) shall apply.

(d) Notwithstanding the preceding sub-clauses (a) and (b) where in any particular workshop, factory or working place at which an employee working on shift is engaged, the majority of the employees working therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee work ordinary hours averaging less in number than 48 per week, the shifts of such employee shall be of such a number, duration and arrangement as to limit his ordinary hours on duty to an average number per week of the employment not exceeding the average number of hours per week worked by such majority of other employees. Provided that if the average worked by such majority is less than 44 hours per week, the average number of ordinary hours on duty for such employee shall be 44 per week.

(e) For work done by a shift worker outside the ordinary hours of his shift, double time shall be paid. But, this shall not apply to arrangements between employees themselves or in cases due to rotation of shift or when the relief does not come on duty at the proper time. Provided that where not less than eight hours' notice has been given to the employer by the employee that he will be absent from work and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

(f) Employees working afternoon or night shifts which continue for more than one month shall be paid 5 per cent. more than ordinary rates for such shifts. If such shifts continue for less than one month but for more than five nights 10 per cent. extra shall be paid. If such shifts only continue for five afternoons and nights or less, overtime rates shall be paid. Any shift starting before 6 a.m. or after 10 a.m. shall be deemed to be an afternoon or night-shift.

(g) Where in any particular workshop, factory or working place at which an employee working on shift is engaged, the majority of the employees working on shift therein in connexion with the operations for which is used the power or steam supplied with the aid of such employee receive compensation by way of annual leave or otherwise for working Saturday afternoon, holiday and/or Sunday shifts, such employee shall be given similar compensation for working such shifts.

MIXED FUNCTIONS.

(12) (a) Where the employment or work involves functions of a mixed character, the minimum wages to be paid to the employee for the day or part of a day he is so employed shall be calculated as if he performed such only of the said functions as involve the highest rate of wages under this Determination. If so employed for any part of a day he shall be paid at the highest rate for the whole of such day.

(b) Engine-drivers whilst in charge of their engines shall only be required to perform such work as may be within the scope of or incidental to the generation, use and application of engine power and engine driving. Provided that engine-drivers in charge of engines supplying power to any intermittent process involving regular stoppages may during such stoppages be required to perform any work necessary or incidental to such intermittent process.

TIME AND WAGES BOOK.

(13) (a) Each employer shall keep a time and wages book at his depot or yard or at an office convenient thereto showing the name of each employee, the time of starting and finishing work each day, and the amount of overtime worked and the wages paid to each employee.

(b) Such time and wages book shall on demand be produced at reasonable times by the employer for inspection to an official of the Federated Engine-drivers and Firemen's Association of Australasia duly authorized in writing by the president and secretary of the local branch or sub-branch of the said Association at the place where the time and wages book is kept.

(c) Provided that an employer may at his option, in lieu of the time and wages book, provide a mechanical clock for the purpose of recording the time of each employee in which case each employee shall, at the end of the week, enter the wages and overtime received on some card or check used in connexion with such clock and such card or check shall be deemed to be the time and wages book.

RIGHT OF ENTRY OF UNION OFFICIALS.

(14) A duly accredited representative of the Federated Engine-drivers and Firemen's Association of Australasia not more than once a fortnight shall have the right to enter the portion of any employer's establishment in which any of the classes of labour covered by this Determination are employed during the midday meal hour for the purpose of interviewing employees on legitimate union business.

If any representative is unduly interfering or is creating disaffection amongst his employees or is offensive in his methods, such employer may refuse the right of entry.

LIMITATION OF EMPLOYER'S LIABILITY.

(15) Where an employer has made payment to an employee which payment purports to be a payment of the wages payable to the employee for any period, such employer shall not be liable to pay to the employee any further sums prescribed by this Determination in respect of any service rendered to such employer during such period unless within a period of six calendar months after the last day of such period a demand in writing of such further sum claimed has been given to the employer by the employee or some person on his behalf.

EXTRA RATES NOT CUMULATIVE.

(16) Extra rates in this Determination prescribed are not cumulative so as to exceed the maximum of double the ordinary rates.

DEFINITIONS.

(17) (a) "Engine-driver" shall mean and include any person who operates or drives any engine or engines, the motive power of which is either steam, gas, oil, water, compressed air or electricity.

(b) "Winch-driver" shall mean and include an engine-driver in charge of and working a geared winding engine (other than a Holman or similar hoist) with cylinders not more than eight inches in diameter.

(c) An engine-driver shall be deemed to be "in charge of plant"—

(i) When two or more drivers are employed at the plant at one time, and he is the driver invested with the superintendence and responsibility; or

(ii) When a driver, being the only person of his class employed on the plant, does the general repair work of the plant in addition to the work of engine-driving, but not when he merely assists the fitter or engineer to do such work.

(d) "Sub-station attendants in charge of sub-stations" shall mean and include a person in charge of and attending to machinery (other than a static transformer) receiving electric power from a central source and converting such power into a form suitable and used for general distribution.

(e) "Motor-driver or attendant" shall mean and include a person who attends to an electric motor or motors of ten horse-power or more in the aggregate, and performs any duties of oiling, or cleaning, or attending to commutators, brushes, fuses or switches.

(f) "Casual employee" shall mean and include an employee competent to do the work he is engaged to do who is dismissed or refused work without any fault of his own before the expiration of six days from the date he starts work, but shall not include an employee usually engaged in another capacity by the employer concerned and who is called upon to do work coming under the terms of this Determination.

APPLICATION OF DETERMINATION.

(18) (a) This Determination shall not apply to the driving of any internal combustion engine of 30 or less b.h.p. or any engine or electric motor or any pump air compressor, pneumatic or small hoist on which no engine-driver or fireman or greaser is employed as such, but the starting and stopping of and attention to which is done by an employee the greater part of whose time is taken up with other work.

(b) So long as the conditions as to annual leave, rates of pay for Sunday work and the granting of three holidays between Christmas and New Year continue the Melbourne and Metropolitan Board of Works is exempted from clause (11), sub-clause (f), of this Determination.

(c) Until further order the Melbourne Harbor Trust Commissioners are exempted from clauses (6) to (17) inclusive of this Determination so long as present conditions of labour are observed with the following additions:—

Employees of the Melbourne Harbor Trust employed driving electrically-driven three-ton travelling jib cranes in connexion with the loading or unloading of cargo to or from vessels shall during the time they are so engaged be paid 10 per cent. more than the ordinary rate prescribed for the first eight hours forty-five minutes worked on Monday to Friday inclusive and four hours fifteen minutes on Saturday.

For all time worked in excess of the times prescribed in this sub-clause overtime shall be paid at the rate of time and a half for the first four hours and double time thereafter.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 24th April, 1940.

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VICTORIA GOVERNMENT GAZETTE.

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WEDNESDAY, MAY 8.

[1940

Factories and Shops Acts.

DETERMINATION OF THE COMMERCIAL TRAVELLERS BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which, since the 15th March, 1938, has had the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, business, or occupation of a commercial traveller by a merchant, warehouseman, manufacturer, manufacturer's agent, indent agent, broker, or other employer for the purpose of soliciting wholesale orders outside the employer's place of business" has made the following Determination, namely:—

(1) That as from the beginning of the first pay period to commence on or after the 6th May, 1940, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. WEEKLY WAGES.

	Town Travellers.	Country Travellers.
	£ s. d.	£ s. d.
Probationary Travellers	4 10 0	5 15 0
Special Travellers ..	5 10 0	6 15 0
Other Travellers ..	5 10 0	6 15 0

An additional amount of £1 shall be paid to a Traveller required by his employer to be away from his home or headquarters for any week-end.

(See Clause 12 for Definitions.)

3. TERMS OF ENGAGEMENT.

(a) Subject to the limitations mentioned hereinafter and to the provisions of clause 6, the minimum weekly wage prescribed in clause 2 shall be paid, whether by salary and/or commission or otherwise, to a person covered by this Determination in respect of a week or part of a week in which he has been employed and has carried out his duties.

(b) If an employee fails to attend to his duty for any portion of a week in which he has been employed, a sum proportionate to the time of such non-attendance may be deducted from his pay, i.e., one-sixth of the weekly wage for each day of absence. Provided that this sub-clause shall not apply in any case where failure to attend to duty has been due to a cause for which the employee cannot reasonably be held responsible.

(c) An employee who has been in the service of an employer for not less than twelve months shall be entitled to payment when absent from duty through illness for not more than eight days in any one calendar year. Where an employee has been in the service of an employer for a period of less than twelve months he shall be entitled to payment when absent from duty through illness for a total number of days calculated *pro rata* on the basis of eight days for one year's service.

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(d) An employee engaged for any portion of the week on work not subject to this Determination shall be paid, in respect of each day during which any work subject to this Determination is performed, a sum equal to one-sixth of the weekly amount fixed in this Determination as remuneration, plus 25 per cent. Provided that this sub-clause shall apply only when the employee is engaged by the same employer on all ordinary working days of the week.

4. EXPENSES AND ACCOMMODATION.

In addition to the remuneration payable under clause 2, all expenses actually and properly incurred by the traveller in the discharge of his duties shall be paid by the employer. First class hotel accommodation (as approved by the United Commercial Travellers Association of Australia) shall be allowed for or provided by the employer. Where rail travelling is necessarily involved first class rail ticket shall be allowed for or provided by the employer. Such expenses as can be reasonably anticipated shall be payable in advance.

5. LOCOMOTION.

All means of locomotion required shall be provided and maintained by the employer, but where a traveller by arrangement with his employer provides his own car, he shall be paid the following minimum allowances:—

(a) Town traveller employed solely in the Metropolitan District as defined in the Factories and Shops Acts:—

- (1) For motor cars of 14 h.p. or under:—
£2 15s. per week. But where he is required to use his own car for a part of a week only, he shall be paid not less than 3½d. per mile provided that such payment shall not exceed 13s. 9d. for any one day or a total of £2 15s. for any one week.
- (2) For motor cars exceeding 14 h.p.:—
£3 10s. per week. But where he is required to use his own car for a part of a week only, he shall be paid not less than 4½d. per mile, provided that such payment shall not exceed 17s. 8d. for any one day or a total of £3 10s. for any one week.

(b) Town traveller outside the Metropolitan District as so defined:—

- (1) For motor cars of 14 h.p. or under:—
£2 15s. per week, or at the rate of 2½d. per mile, whichever is the greater.
- (2) For motor cars exceeding 14 h.p.:—
£3 10s. per week, or at the rate of 3½d. per mile, whichever is the greater.

(c) Country traveller, £4 10s. per week, or at the rate of 3½d. per mile, whichever is the greater.

Provided that notwithstanding anything contained above the employer and the employee may make any other arrangement as to car or car allowance not less favorable to the employee.

6. ENGAGEMENT BY MORE THAN ONE EMPLOYER.

Any employer who employs a commercial traveller, which traveller is at the same time also in the employ of one or more than one other employer, shall be deemed to comply with

clauses 2, 4 and 5 of this Determination if and so long as the following provisions are observed:—

- (1) that the said employer pays to the traveller a sum of not less than one-third part of the weekly amount fixed in this Determination as remuneration and expenses in respect of the work performed by such traveller.
- (2) that the said employer has been notified in writing by the traveller that the total amount of remuneration and expenses to be received by him in respect of his employment by all his employers is not less than the weekly amount fixed in this Determination as remuneration and expenses in respect of the work performed by such traveller. Provided that where notice in writing as required in this paragraph has been furnished to an employer, such notice shall be considered to apply to the employment of the said traveller until countermanded in writing by him.

A written contract setting out the conditions of employment must in all cases be completed by the parties concerned and a signed copy of same retained by each for inspection.

For the purposes of this clause, the term "expenses" shall include all payments and allowances to which the employee is entitled under clauses 4 and 5 of this Determination.

The provisions contained in clause 3 as to deductions for absence from duty and payment for periods of illness shall apply to travellers whose employment is subject to this clause.

7. CREDITING TRAVELLERS' RETURNS.

(i) All business canvassed for by a traveller and received by the employer as a result of such canvass from a territory worked by the traveller shall be credited to such traveller.

(ii) Where a special traveller is sent out to sell on the territory of a regular traveller, any sales by the special traveller shall be credited to the regular traveller.

8. HOLIDAYS.

All work done by any person covered by this Determination in soliciting orders at the request of the employer on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, King's Birthday, Anzac Day, Christmas Day, or Boxing Day shall be paid for at the rate of 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 be payable only on the day so substituted. For the purpose of this provision "double time" shall mean one day's wages, being 1/6th of the minimum weekly wage in addition to the prescribed weekly rate.

9. ANNUAL LEAVE.

Two weeks' continuous annual leave on full pay shall be allowed to each traveller covered by this Determination after each twelve months' service with an employer or employers. The date of such annual leave shall be mutually arranged between the traveller and the employer or employers. For any subsequent period less than twelve months, should the service terminate, a pro rata payment in lieu of holidays shall be made. The "service" referred to in this clause need not necessarily be continuous.

10. SUBSTITUTE TRAVELLERS.

In the case of accident, sickness, annual leave or holidays of a traveller a substitute traveller may be employed, and such substitute traveller whilst on such temporary work shall be exempt from the provisions of this Determination except clauses 4 and 5 thereof.

11. TERMINATION OF EMPLOYMENT.

One week's 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.

Provided that notwithstanding anything in this clause an employer may at any time forthwith dismiss an employee for refusal or neglect to obey orders, misconduct, or carelessness in the performance of his duties.

If an employee be justifiably dismissed for any reason set out herein he shall be entitled to payment proportionate to the days worked but to that only.

12. DEFINITIONS.

For the purpose of this Determination the following definitions shall apply:—

"Town traveller" shall mean a commercial traveller who ordinarily returns each day to his home or headquarters.

"Country traveller" shall mean a commercial traveller other than a "town traveller".

"Probationary" as applied to a traveller shall refer to a commercial traveller of less than twelve months experience.

"Special traveller" shall mean a salesman sent out as a commercial traveller and not in the company of a regular commercial traveller.

C. McLEAN, P.M., Chairman.

L. M. BRADY, Secretary.

Melbourne, 10th April, 1940.