



VICTORIA GOVERNMENT GAZETTE.

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No. 246]

TUESDAY, DECEMBER 28.

[1943

Factories and Shops Acts.

DETERMINATION OF THE LIFT BOARD.

NOTE.—This Determination applies 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 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 accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed 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 lift attendant" has made the following Determination, namely:—

1. That on and after the 17th December, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

EMPLOYEES.

	Weekly Wage. s. d.	Note.
Lift attendants (male or female)	109 0	The Board has determined that no apprentices shall be taken to the trade.

TERMS OF EMPLOYMENT.

3. Employees (other than casuals) ready, willing and available for work, shall be paid the weekly wage fixed irrespective of the number of hours worked not exceeding 44 hours per week.

WAGES TO BE PAID IN FULL.

4. An employer shall not make any deduction from wages for meals supplied to lift attendants in hotels, coffee palaces, clubs, restaurants, or hospitals.

TIMES OF BEGINNING AND ENDING WORK.

5. Time of beginning and ending work for lift attendants, other than those who are employed in lifts in hotels, clubs, coffee palaces, restaurants, or hospitals—

	Time of Beginning.	Time of Ending.
(i) On the day on which the half holiday is observed locally	8 a.m.	1 p.m.
(ii) On the other working days of the week	8 a.m.	6.15 p.m.

OVERTIME.

6. The following rates shall be paid:—

(1) Lift attendants who are employed in lifts in hotels, clubs, coffee palaces, restaurants, or hospitals—

(a) For all work done in excess of ten hours on any one day	} Time and a half.
(b) For all work done in excess of 44 hours in any week	

(2) All other lift attendants—

(a) Outside the hours fixed as the times of beginning and ending work	} Time and a half.
(b) Within the hours fixed as the times of beginning and ending work in excess of 44 hours in any week	

CASUAL ATTENDANTS.

7. Casual attendants, i.e., persons who are employed during any week for not more than one-half the maximum number of hours fixed in this Determination as a week's work, shall be paid as follows—

Persons employed in lifts in retail shops, hotels, clubs, coffee palaces, restaurants and hospitals	Per hour. 3s. 3d.
All other persons—	
(a) Within the times of beginning and ending work	3s. 3d.
(b) Outside the times of beginning and ending work	4s. 3d.

SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.

8. Lift attendants (including casuals) employed in hotels, clubs, coffee palaces, restaurants, or hospitals shall be paid at the rate of time and a half for work done on New Year's Day, 26th January (Australia Day), Good Friday, Easter Monday, Labour Day, Christmas Day, and Boxing Day; and all other lift attendants (including casuals) shall be paid double time for work done on Sundays, New Year's Day, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), Christmas Day, and Boxing Day; 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 for the day so substituted.

TERMINATION OF EMPLOYMENT.

9. One week's notice of termination of employment shall be given by either employer or employee, or one week's pay shall be paid or forfeited, as the case may be, in lieu thereof.

Provided that an employer may dismiss an employee without notice for malingering, inefficiency, neglect of duty, or misconduct, and in such cases wages will be paid up to the time of dismissal only.

RATIONING OF EMPLOYEES.

10. Where an employer desires to ration his employees he shall give at least three days' notice to each employee of his intention to ration such employee.

SICK LEAVE.

11. (a) Lift attendants continuously employed who are necessarily absent on account of sickness shall be allowed six days' sick leave each year on full pay, providing satisfactory evidence is produced to the management or employer within 24 hours of the usual hour for commencing work.

(b) If the full period of sick leave as prescribed in sub-clause (a) hereof is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding eighteen days, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.

For the purposes of this sub-clause service prior to the 17th December, 1943, shall be disregarded.

ANNUAL HOLIDAY.

12. Any employee who has been in the service of an employer continuously for a period of not less than twelve months shall each year be granted holidays on full pay for twelve consecutive working days, which includes Saturdays, whether work is ordinarily performed or not. Also any employee, if his employment terminates after not less than six months but less than one year, shall be entitled to be paid *pro rata* at the rate of one day's pay for each month worked providing that he is not discharged for misconduct or breach of duty.

UNIFORMS.

13. Where an employee is required by the employer to wear a uniform, such uniform shall be supplied by the employer.

MEAL HOUR.

14. (a) Employees in hotels, clubs, coffee palaces, restaurants, or hospitals shall be allowed meal intervals as follows:

(i) Day shift employees (i.e. persons employed up to 3 p.m.)	Not more nor less than one hour between 11 a.m. and 3 p.m.
(ii) Afternoon shift employees (i.e. persons employed after 3 p.m.)	Not more nor less than one hour between 5 p.m. and 9 p.m.
(b) Other employees	Not more nor less than one hour between 11.45 a.m. and 2.15 p.m. and not more nor less than three-quarters of an hour between 5 p.m. and 7.15 p.m.

MEAL MONEY.

15. Any employee (other than one employed in a hotel, club, coffee palace, restaurant, or hospital) required to work beyond one hour after the usual finishing hour of work as prescribed in clause 5 (ii) or before the usual commencing hour of work as prescribed in clause 5 (i) shall be paid not less than 1s. 6d. meal money in addition to the overtime rates as prescribed for in this Determination.

REST PERIOD.

16. Each employee (other than one employed in a hotel, club, coffee palace, restaurant, or hospital) 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 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.

CONTINUITY OF WORK.

17. The work of each day shall be continuous with the customary breaks for meals and rest periods as prescribed in clauses 14 and 16.

PAYMENT FOR HOLIDAYS.

18. All employees (other than those employed in hotels, clubs, coffee palaces, restaurants, and hospitals) not being paid casual rates shall be entitled to the following holidays without deduction of pay:—New Year's Day, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), Christmas Day, and Boxing Day.

PAYMENT OF WAGES.

19. All payments of wages shall be made not later than the hour of ceasing work on Thursday of each week.

SEATING FOR ATTENDANT.

20. A suitable seat shall be provided in each passenger lift for the use of the attendant.

RADIATORS.

21. Radiators shall be installed in all passenger lifts.

RIGHT OF ENTRY OF UNION OFFICIAL.

22. A duly accredited representative of the Federated Lift Attendants' Union shall have the right to enter the establishment of any employer to which this Determination applies on one day per calendar month for a time not exceeding ten minutes, providing that such official is not interfering with the employee's work or offensive in his methods.

TIME AND WAGES BOOK.

23. A time and wages book shall be kept by each employee showing times of attendance and amount of wages received. Such book shall be open for inspection by the Secretary of the Federated Lift Attendants' Union during the usual working hours.

P. A. RANDES, J.P., Chairman

J. V. WILLOX, Secretary

Melbourne, 20th December, 1943.



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No. 247]

THURSDAY, DECEMBER 23.

[1943

Factories and Shops Acts.

DETERMINATION OF THE LAW CLERKS 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 July, 1931, has had the power to "determine the lowest prices or rates which may be paid to any person employed in his practice, by a barrister and solicitor, but not including:—

- (a) an articled clerk;
- (b) a barrister or solicitor serving not more than one year for the purpose of gaining experience;
- (c) a law student, i.e., a person employed as a clerk (other than an articled clerk) engaged in the course of study prescribed for those intending to qualify for admission as barristers and solicitors;
- (d) a typist or stenographer."

has made the following Determination, namely:—

1. That on the 22nd November, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. *IMPROVERS.

MALES.					FEMALES.	
Wages per Week.					Wages per Week.	
Experience.	Commencing Age.				Experience.	
	Under 16 Years.	16 Years.	17 Years.	18 Years or Over.		
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	
1st year	26 0	26 0	28 6	30 6	1st year	26 0
2nd year	34 0	34 0	40 9	49 3	2nd year	30 6
3rd year	40 9	43 9	58 0	66 3	3rd year	39 6
4th year—					4th year	49 3
1st six months	53 9	60 3	68 3	84 0	5th year and until 21 years of age	60 3
2nd six months	53 9	60 3	84 0	85 6		
5th year—						
1st six months	72 6	76 0	99 9	105 6		
2nd six months	72 6	96 9	99 9	105 6		
6th year and until 21 years of age	99 9	105 6	..	..

PROPORTION (in any place). (i).

Where there is no person receiving the adult rate—three improvers. In all other places two improvers to each person receiving not less than the adult rate.

* The Board has determined that no person shall be employed as an apprentice.

OTHER EMPLOYEES.

	Wages per Week.	
	Within a radius of 25 miles of the G.P.O., Melbourne, and within a radius of 10 miles of the principal post offices at Geelong, Ballarat, Bendigo, and Warrnambool.	All other parts of Victoria where this Determination applies.
	<i>£ s. d.</i>	<i>£ s. d.</i>
<i>Males.</i>		
With less than three years' experience in a solicitor's office—		
1st year's experience	5 7 6	5 4 6
2nd year's experience	5 12 6	5 9 6
3rd year's experience	5 17 6	5 14 6
All others	6 0 0	5 17 0
<i>Females.</i>		
All adults	4 0 0	3 18 0

WEEKLY HOURS.

3. The number of hours to constitute an ordinary week's work shall be 40 (exclusive of meal times).

4. TIMES OF BEGINNING AND ENDING WORK.

	Time of Beginning Work.	Time of Ending Work.
On the usual weekly half-holiday	8.45 a.m.	12.30 p.m.
On all other days of the week	8.45 a.m.	6 p.m.

OVERTIME.

5. The following rates shall be paid for all work done:—

Outside the times of beginning and ending work	} Time and a half.
Within the times of beginning and ending work, in excess of 40 hours in any week	

TERMS OF EMPLOYMENT.

6. 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 of such notice 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.

CASUAL LABOUR.

7. Casual hands, i.e., persons who are employed during any week for not more 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 half 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 HOLIDAYS.

8. (a) Double time shall be paid for all work done on Sundays, New Year's Day, the day following New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Easter Tuesday, Labour Day, Anzac Day, King's Birthday, Show Day, Melbourne Cup Day, Christmas Day, and Boxing Day, but if any other day be substituted by local custom or by Act of Parliament or Proclamation for any of the holidays specified herein, the special rate shall be payable only for work done on the day so substituted.

(b) No deduction shall be made from the wages of employees granted leave for the holidays mentioned in sub-clause (a) hereof.

MINIMUM OF WORK.

9. Any employee required to work on any day mentioned in clause 8 shall be entitled to not less than four hours' pay at special rates provided that he is available for work during such four hours.

ANNUAL HOLIDAYS.

10. Any employee who has been in the employ of the same employer continuously for a period of not less than twelve months shall be granted holidays on full pay for a period of fourteen days (including two Saturdays and two Sundays but excluding the Holidays as prescribed in clause 8). Such fourteen days may be taken in not more than two periods in each year at times mutually agreed upon between the employer and the employee. Should an employee's services be terminated before the expiration of twelve months' continuous service he shall be entitled to *pro rata* holidays on full pay; but should an employee be dismissed at any time for misconduct before the expiration of any period of twelve months of such employment, he shall not be entitled to any annual holidays or any *pro rata* payment in lieu thereof.

SICK LEAVE.

11. (a) Any employee who has been in the employment of the same employer for a continuous period of not less than three months and who does not attend for duty shall lose his pay for the actual time lost unless such employee produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the ground of personal ill-health or accident for more than six days in each year of service or a proportionately less time during any shorter period of employment. For the purposes of this clause service prior to 22nd November, 1943, shall be disregarded.

(b) If the full period of sick leave as prescribed in sub-clause (a) hereof is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding eighteen days, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.

TIME AND WAGES RECORDS.

12. Each employer shall keep time and wages records showing the name of each employee, the number of 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.

MEAL ALLOWANCE.

13. Any employee who is required to work after the usual finishing hour of work, beyond one hour, shall be paid a meal allowance of 2s. 6d.

REST PERIOD.

14. 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 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.

PERIODICAL ADJUSTMENT OF WAGES.

15. The wages rates set out in clause 2 are based upon the following basic wage, and, pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that rates for male adults shall be automatically increased or decreased by the same amount, and at the same time as such basic wage, provided that the wages of female adults and improvers shall be adjusted proportionately to adjustments to the basic wage—such adjustments to be made to the nearest 3d., half or less than half of 3d. to be disregarded.

Provided further that no rate shall be increased or decreased by more than the increase or decrease in the basic wage.

The basic wage shown hereunder shall be adjusted as prescribed in clause 16.

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination applies	£ s. d. 4 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

16. (a) Until the beginning of the first pay period to commence in February, 1944, the amount of the basic wage shall be as prescribed in clause 15.

(b) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's 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:—

- (1) The index number set to be applied is that assigned to Melbourne.
- (2) The index number for the calendar quarter next preceeding the period of or near a quarter for which the adjustment is made is to be ascertained.
- (3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period.

TABLE.

Index Number Divisions.				Basic Wage.			Index Number Divisions.				Basic Wage.		
				£ s. d.							£ s. d.		
994-1006	..	..	..	4	1	0	1118-1129	..	..	..	4	11	0
1007-1018	..	..	..	4	2	0	1130-1141	..	..	..	4	12	0
1019-1030	..	..	..	4	3	0	1142-1154	..	..	..	4	13	0
1031-1043	..	..	..	4	4	0	1155-1166	..	..	..	4	14	0
1044-1055	..	..	..	4	5	0	1167-1179	..	..	..	4	15	0
1056-1067	..	..	..	4	6	0	1180-1191	..	..	..	4	16	0
1068-1080	..	..	..	4	7	0	1192-1203	..	..	..	4	17	0
1081-1092	..	..	..	4	8	0	1204-1216	..	..	..	4	18	0
1093-1104	..	..	..	4	9	0	1217-1228	..	..	..	4	19	0
1105-1117	..	..	..	4	10	0	1229-1240	..	..	..	5	0	0

Any extension of this table must be of the same construction as the table.

Melbourne, 23rd December, 1943.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.



PROF. DR. ...