



# VICTORIA GOVERNMENT GAZETTE.

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[1951

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 16 (HARDWARE).

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Orders in Council thereunder; 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 persons employed in the business of a seller of hardware—wholesale or retail”—but not including:—

(a) persons employed in assembling ordered goods kept in a bulk store or iron yard;

(b) persons employed as storemen, packers, or sorters—

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence in May, 1951, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

| Apprentices or Improvers.<br>(The Masculine to include the Feminine.) |                                 |                                   | Other Employees.<br>(The Masculine to include the Feminine.)   |  | Metropolitan<br>District. | Outside<br>Metropolitan<br>District where<br>Determination<br>Applies. |
|---|---------------------------------|-----------------------------------|--|--|---------------------------|--|
| WAGES.  |                                 |                                   | WAGES.   |  | Per week of<br>40 hours.  | Per week of<br>40 hours.   |
|   | Percentage<br>of<br>Basic Wage. | Per week of<br>40 hours.<br>s. d. |  |  | £ s. d.                   | £ s. d.  |
| Under 16 years of age .. .. .   | 25                              | 44 0                              | Departmental managers, or branch managers<br>having under their control—<br>3 or more salesmen, 21 years of age or<br>over |  | 12 12 0                   | 12 9 0   |
| 16 years of age .. .. .   | 33                              | 58 6                              | Other Branch Managers .. .. .  |  | 11 14 0                   | 11 11 0  |
| 17 .. .. .  | 42                              | 74 6                              | Outside salesmen .. .. .   |  | 10 17 6                   | 10 14 6  |
| 18 .. .. .  | 50                              | 99 0                              | Salesmen or Buyers .. .. .   |  | 10 14 0                   | 10 11 0  |
| 19 .. .. .  | 72                              | 127 6                             | Assemblers of Ordered Goods .. .. .  |  | 10 7 0                    | 10 7 0   |
| 20 .. .. .  | 94                              | 166 6                             |  |  |                           |  |
|   |                                 |                                   | NOTE.—See Clause 20 <i>re</i> Definitions.   |  |                           |  |

PROPORTION (in any shop or place).

One apprentice to every three workers or fraction of three workers employed, and receiving not less than the minimum wage.

|   |   |
|---|---|
| One improver to one worker .. .. .  | } Receiving not less than<br>the rates fixed for<br>assemblers of ordered<br>goods. |
| Two improvers to two, three or four<br>workers .. .. .  |   |
| Three improvers to five, six or seven<br>workers .. .. .  |   |
| Four improvers to eight workers .. .. .   |   |
| Five improvers to nine or ten workers<br>and thereafter one improver to<br>every two or fraction of two<br>workers. .. .. . |   |

3. TIMES OF BEGINNING AND ENDING WORK.

|   |                    |                 |
|---|--------------------|-----------------|
| On the usual Half Holiday .. .. .                 | Time of Beginning. | Time of Ending. |
| On all the other working days of the week .. .. . | 8 a.m.             | noon.           |
|   | 8 a.m.             | 5.30 p.m.       |

4. \* OVERTIME.

Within the times fixed for beginning and ending work in excess of 40 hours .. .. . } Time and a half, with a minimum  
Outside the times of beginning and ending work .. .. . } payment of 1s. per hour.

\* NOTE.—Section 117 (2) Act 3677 provides that:—Any person may, if notice in writing has previously been sent to the chief inspector, be employed in any shop or at any work in connexion with a shop for any time not exceeding three hours in any one day beyond the ordinary working hours, provided that the total number of days in any one year on which in any shop or at any work in connexion with a shop any such person is so employed shall not exceed twenty-five.

**MEAL MONEY.**

5. Where overtime, as in the preceding clause, is performed on any day in the week, an allowance of 3s. 6d. shall be made for meal money, and shall be paid on the day when such work is performed.

**SUNDAYS AND HOLIDAYS.**

6. Double time shall be the rate for all work done on Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, 9th May, 1951, 13th November, 1951, Christmas Day and Boxing Day, and within the Metropolitan District Melbourne Cup Day and after 12 noon on Melbourne Show Day. If any other day be by Act of Parliament or Proclamation substituted for any of the abovenamed holidays the rate shall be payable for work done only on the day so substituted. All employees shall be entitled to the abovenamed holidays without deduction of pay.

**TIME RATE.**

7. 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 20 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 20 hours aforesaid shall be paid the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

Provided 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.

**TERMINATION OF EMPLOYMENT.**

8. 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.**

9. All wages, overtime, &c., shall be paid not later than Thursday of each week.

**NOTICE TO WORK OVERTIME.**

10. No employee shall be obliged to work overtime unless he has received at least 24 hours' notice of same.

**NOTICE OF INTENTION TO RATION.**

11. Where an employer owing to slackness of trade desires to ration his employees, he shall give seven days' notice to each employee of his intention to ration such employee.

**ANNUAL LEAVE.**

12. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1948* (No. 5111), and any amendments which may be made thereto from time to time.

(In his or her own interests each employer of labour should obtain a copy of the above Act, which may be purchased from the Government Printer, Melbourne, at a cost of ls., plus postage.)

**SICK LEAVE.**

13. (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 October, 1947, shall be disregarded.

**MEAL INTERVALS.**

14. One hour shall be given for a meal, between the hours of noon and 3 p.m.

**NOTE**—Section 117 (3) of the *Factories and Shops Act 1928* (No. 3677) provides that no person shall be employed in any shop more than five hours without an interval for a meal

**BICYCLE ALLOWANCE.**

15. Where a bicycle is provided by an employee and is required to be used in connexion with his employer's business, an allowance of 6d. per day or part thereof for each day on which he is so required to use such bicycle, shall be paid by the employer.

**GARMENT ALLOWANCE.**

16. Any employee who is required to wear, when at work, a washable outer garment, dust coat, or overall, shall be paid 2s. 6d. per week in addition to the ordinary wage, unless the garment is both provided and laundered by the employer.

**REFERENCE.**

17. On an employee being dismissed or leaving his employment he shall be entitled to a reference showing his period of service and qualifications.

**TIME AND WAGES RECORDS.**

18. 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, shall be kept by his employer and completed weekly. Such records shall be open for inspection by a duly accredited representative of the Shop Assistants and Warehouse Employees' Federation of Australia.

Provided that an inspection shall not be demanded unless the Secretary or other paid official of the Union suspects a breach of the Determination has been committed.

**REST PERIOD.**

19. A rest period of ten minutes each morning and afternoon shall be granted each employee, such periods are to be counted as time worked.

**DEFINITIONS.**

20. "Departmental manager" shall mean a person having the control of one or more salesmen, 21 years of age or over, notwithstanding he may be under the orders of a general manager.

"Branch manager" shall mean and include a person for the time being entrusted with the control or superintendence of a shop or of a branch shop (the proprietor of which is trading under his own or a different name), notwithstanding such manager may be under the orders of a superior who does not devote the whole of his time to the management of the said shop or branch shop.

"Outside salesman" shall mean an employee who for at least half the working hours in any week solicits or receives orders for goods while absent from the shop where he is employed, whether such goods are kept in stock or have to be procured in order to fulfil such orders.

"Assembler" shall mean an employee 21 years of age or over who is engaged in assembling goods for order and despatch from salesmen's and/or travellers' lists or invoices.

## PERIODICAL ADJUSTMENT OF WAGES.

21. The wages rates for adults set out in clause 2 are based upon the following basic wage, and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted by the same amount and at the same time as such basic wage as prescribed by clause 22.

*Basic Wage.*

| Place.  | Basic Wage.<br>(Adjustable) | Index Number<br>Set Assigned. |
|---|-----------------------------|-------------------------------|
|   | £ s. d.                     |                               |
| Within the area to which this Determination applies .. .. . | 8 17 0                      | Melbourne                     |

## ADJUSTMENT OF BASIC WAGE.

22. (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, 1951, the amount of the Basic Wage shall be as prescribed in clause 21.

(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 of apprentices or improvers shall be the appropriate percentages as set out in Clause 2, such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

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

J. W. RYAN, Secretary.

Melbourne, 4th May, 1951.

1. Introduction

2. Methodology

3. Results

4. Discussion

5. Conclusion

6. References

7. Appendix

8. Acknowledgements