

TARANAKI MALE HAIRDRESSERS' AND TOBACCONISTS' ASSISTANTS—AWARD

In the Court of Arbitration of New Zealand, Taranaki Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the New Zealand Federated Shop Assistants Industrial Association of Workers (hereinafter called “the union”) and the under-mentioned persons (hereinafter called “the employers”):

- Bamford, I., 324 Broadway, Stratford.
- Desforges, H. L., Tasman Street, Opunake.
- Florence, F., 45 Egmont Street, New Plymouth.
- Goldfinch, J., Bridge Street, Eltham.
- Knowles, P., 76 Devon Street East, New Plymouth.
- Lovell, S. R., 67 Devon Street West, New Plymouth.
- Nickson, J., McLean Street, Waitara.
- Norris and Frampton, High Street, Hawera.
- Revell, W. J., 284 Devon Street East, New Plymouth.
- Rowlands, Garth, Union Street, Hawera.
- Vincent, Perce, 277 Broadway, Stratford.

THE COURT of Arbitration of New Zealand (hereinafter called “the Court”), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, doth hereby order and award:

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the Schedule hereto and of this award shall be binding upon the union and upon every member

thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the Schedule hereto shall constitute a breach of this award, and that a penalty as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as hereinafter provided and shall continue in force until the 31st day of March 1962 and thereafter as provided by section 152 of the Industrial Conciliation and Arbitration Act 1954.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 10th day of August 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the male hairdressing, hairworking, and wigmaking industry and to the sale of tobacco and other tobacconists' requisites.

Hours of Work

2. (a) The ordinary hours of work shall not exceed 40 in any one week to be worked as follows: Not more than eight hours shall be worked on four days of the week, Monday to Thursday, both days inclusive, between 8 a.m. and 5.30 p.m., and on Friday not more than 10 hours between 8 a.m. and 8.30 p.m.

No worker shall be employed on a Saturday.

(b) The daily working-hours under this award shall be worked continuously, and not more than one hour shall be allowed for dinner nor more than one hour for tea on the day of the late night. Meal-hours shall be taken between 12 noon and 2 p.m., and on the day of the late night between 5 p.m. and 7 p.m. Time off shall be allowed both morning and afternoon for refreshments and facilities for heating water shall be provided.

(c) No assistant shall be permitted to work in any hairdressing establishment during his or her allotted meal hour.

(d) For the purpose of calculating the hours of work, each of the holidays hereinafter mentioned shall be deemed to be a day worked for the number of hours usually worked on that day of the week, although no work shall have been actually done on such holiday.

(e) Each employer shall notify the union within seven days of the coming into operation of this award, and immediately after the employment of any new worker, of the names of all such workers, together with his daily starting and finishing time each day; his hours when so fixed shall continue in force for a period of not less than six months, and thereafter until an alteration is notified to the union. Such notices shall be in writing and transmitted not less than seven days before the alteration becomes effective. The operation of all notices under this clause shall be for six-monthly periods, unless otherwise agreed to between the union and the employer.

Classification

3. (a) A "journeyman" or "journeywoman" shall mean any worker who has served an apprenticeship of four and a half years at the trade.

(b) A manager is a worker employed in the general management of a saloon. There shall be only one manager allowed in any saloon, and no worker shall be classed as a manager in any saloon where the employer works at the trade.

(c) A "shop assistant" shall mean any assistant who is employed in the shop of those employers parties to this award.

(d) A "casual assistant" shall mean any assistant who is employed for less than five days in any one working-week.

Wages

4. (a) A journeyman or journeywoman employed on men's work shall be paid not less than £13 10s. per week.

(b) Managers or workers in charge shall be paid not less than £1 17s. 6d. per week additional to the rate payable to journeymen.

(c) Assistants employed as shop assistants shall be paid not less than the following rates of wages:

	Males			Females		
	Per Week			Per Week		
	£	s.	d.	£	s.	d.
Under 16 years of age	4	2	6	3	12	6
16 to 16½ years of age	4	12	6	3	17	6
16½ to 17 years of age	5	5	0	4	5	0
17 to 17½ years of age	6	0	0	4	15	0
17½ to 18 years of age	6	17	6	5	5	0
18 to 19 years of age	8	7	6	5	17	6
19 to 20 years of age	9	17	6	6	15	0
20 to 21 years of age	11	7	6	7	12	6
21 years of age and over	12	17	4	8	13	3

Casual Workers

5. Casual assistants shall be paid as follows: Males 20 per cent, females 33½ per cent in addition to the rates prescribed in clause 4 computed on an hourly basis. Such assistants shall be paid for not less than four hours on any ordinary working-day.

Weekly Employment

6. (a) The employment shall be deemed to be a weekly employment and no deduction from wages shall be made except for the worker's sickness or default.

(b) Not less than seven days' notice shall be given by either party of the termination of the employment, except in the case of casual hands; but nothing in this clause shall prevent an employer from summarily dismissing any worker for serious misconduct. The period of notice in either case shall be exclusive of the whole or any part of the annual holiday required to be given in pursuance of this award.

Clothing

7. (a) When special uniforms are required to be worn they shall be provided by the employer, and shall be laundered at the expense of the employer.

(b) The ordinary uniforms shall consist of black or white coats. Should an employer require assistants to wear more than one clean coat each week, such coats shall be laundered at the expense of the employer.

Tools of Trade

8. The employer shall provide all tools of trade, including electric haircutting machines where they are in use.

Overtime and Meal Money

9. (a) All time worked outside or in excess of the hours of work prescribed in clause 2 of this award shall be paid for at the rate of time and a half for the first three hours and double time thereafter, with a minimum payment of 4s. per hour: Provided that all time worked on any day after 9 p.m. shall be paid for at double time rates.

(b) Overtime shall be calculated on a daily basis.

(c) Notice of overtime shall be given prior to noon on the same day and all called upon to work overtime after 6 p.m. shall be paid 5s. meal money.

Under exceptional circumstances, shorter notice may be given, in which case 5s. 6d. meal money shall be paid.

(d) For the purposes of calculating overtime all time worked under half an hour shall count as half an hour worked, and if over half an hour but under one hour it shall count as one hour worked.

(e) Any work done on a Saturday, Sunday, or any of the holidays specified in clause 12 of this award or days lawfully observed in lieu thereof shall be paid for at double time rates. The said payments shall be in addition to the ordinary weekly wage.

Payment of Wages

10. (a) All wages and overtime shall be paid weekly during working hours and in cash not later than Wednesday in each week. Should a holiday fall on a regular pay-day wages shall be paid for that week on the working day preceding the holiday.

(b) Assistants shall be supplied, on request, with a statement setting out the computation of the wages being paid, together with any deductions made therefrom.

(c) Any worker who, at the date of the coming into force of this award, is in receipt of wages in excess of those prescribed by this award shall not have such wages reduced by reason of the coming into operation of this award.

Work in Hand

11. No assistant shall be allowed to take a customer into a chair after five minutes before his or her time for ceasing work as prescribed in clause 2 hereof, or be detained more than five minutes after his or her time for ceasing work.

Holidays

12. (a) The following days shall be observed and allowed as full holidays to assistants without deduction from wages: New Year's Day, 2 January, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and Anniversary Day or one other day may be substituted therefor by agreement between the employers' organisation and the workers' union.

(b) Should any of the above holidays, other than Anzac Day or Easter Saturday, fall upon a Saturday or Sunday, then for the purpose of this award such holiday shall be observed on the following Monday. Should the said Monday be a holiday under this award then such holiday shall be observed on the following Tuesday.

Where any assistant has been employed under this award at any time during the fortnight ending on the day on which any of the holidays specified in subclause (a) of this clause occurs, each employer who employs such assistant in his shop during that fortnight shall pay the assistant for the holiday, on or before the next regular pay-day after the holiday, an amount equal to one-tenth of his wages for an ordinary working day multiplied by the number of ordinary working days on which the assistant is employed during that fortnight.

Annual Holidays

13. (a) An annual holiday of two weeks on full pay shall be granted to each worker under this award on completion of each year of service, such annual holiday to be exclusive of holidays (except Easter Saturday) provided for in subclause (a) of clause 12. A worker not completing a year of service with an employer shall be granted payment in accordance with the provisions of the Annual Holidays Act 1944.

(b) Upon completion of 10 or more years of continuous service with the same employer, a worker shall be granted three weeks' annual holiday instead of two weeks as aforesaid; provided that a worker not completing a year of service under this subclause shall be granted a proportionate payment in accordance with his length of service during that year.

(c) Workers shall be paid for the annual holiday on or before its commencement.

References

14. (a) Each worker, on leaving or being discharged from his or her employment, shall, on request, be given within 24 hours thereafter, a reference in writing stating the position held and the length of service.

(b) Original references shall be the property of the applicant and shall be returned within 48 hours after engagement or rejection of the application.

Time and Wages Book

15. (a) The occupier of a shop in which one or more assistants are employed shall at all times keep in the prescribed form, or in such other form as may be approved by the Inspector of Awards, a record in English (called the "Time and Wages Book") showing in the case of each assistant:

- (i) The name of the assistant, together with his age if under 21 years of age.
- (ii) The kind of work on which he is usually employed.
- (iii) The hours during which he has actually been employed on each day, showing the starting and finishing times each day.
- (iv) Wages paid on each pay-day, and the date thereof; and
- (v) Such other particulars as are prescribed by regulations.

(b) The entry of the particulars hereinbefore referred to, or a memorandum in writing containing those particulars, shall be signed by the assistant at the time of payment of his wages, and that signature shall operate as a receipt for the payment.

(c) The wages and time book in use for the time being and any such book used within the preceding five years, shall at all times be open to inspection by an Inspector of Awards.

(d) Every assistant who fails to sign the record, or who wilfully signs an incorrect record, shall be liable on summary conviction to a fine not exceeding £5.

(e) An Inspector of Awards may at any time require the occupier to verify the entries in the time and wages book, in such forms as may be prescribed.

Right of Entry

16. The secretary or other authorised representative of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter during working hours upon the premises or works and there interview any workers, and collect union dues, but not so as to interfere unreasonably with the employer's business.

General

17. (a) Each employer shall upon written request, supply to the secretary of the union, but not more often than once every three months, a list of names of the assistants employed by him under this award, and in the case of assistants under the age of 18 years, the age of each such assistant shall also be supplied.

(b) Suitable accommodation shall be provided for the hanging up and protection of clothing not worn by assistants during working hours.

Workers to be Members of Union

18. (a) Subject to the provisions of sections 174 (5) and 175 of the Industrial Conciliation and Arbitration Act 1954, it shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award.

(b) For the purposes of subclause (a) of this clause a person of the age of 18 years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of 21 years and upwards, shall be deemed to be an adult.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union, commits a breach of this award, and shall be liable accordingly.

(NOTE—Attention is drawn to section 174 (3) of the Industrial Conciliation and Arbitration Act 1954 which gives to workers the right to join the union.)

Under-rate Workers

19. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b) Such permit shall be for such period, not exceeding six months, as such inspector or other person shall determine, and after the expiration of such period shall continue in force until 14 days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such inspector or other person shall think fit.

(c) Notwithstanding the foregoing, it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d) It shall be the duty of the union to give notice to the Inspector of Awards of every agreement made with a worker pursuant hereto.

(e) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Disputes

20. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties

bound by this award, or any of them, as to any matter whatsoever arising out of or connected therewith and not specifically dealt with in this award, every such dispute or difference as the same shall arise shall be referred to a committee to be composed of two representatives of each side, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district. Either side shall have the right to appeal to the Court against a decision of any such committee upon giving to the other side written notice of such appeal within 14 days after such decision has been made known to the party desirous of appealing.

Opening and Closing of Shops

21. (a) In exercise of the powers vested in the Court by the Shops and Offices Act 1955 and subject to section 5 of that Act, it is ordered that any shop in which is substantially carried on (within the meaning of section 2 (5) of the same Act) any class of business to which this award relates in the industrial district throughout which the award operates shall:

- (i) Open not earlier than 7.30 a.m. on Monday to Friday inclusive.
- (ii) Be closed from the hour of 5.30 p.m. Monday, Tuesday, Wednesday, and Thursday and 9 p.m. on Friday: Provided that on Christmas Eve and New Year's Eve such shop shall close not later than 10 p.m.
- (iii) Be closed for the whole of any Saturday.

(b) All the shops mentioned in subclause (a) of this clause shall be closed for the whole of the days prescribed in this award as holidays (including days lawfully observed as holidays in lieu of any prescribed.)

Application of Award

22. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every industrial union, industrial association, or employer who, not being an original party hereto, is, when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within the industrial district to which this award relates.

Scope of Award

23. This award shall operate throughout the Taranaki Industrial District.

Term of Award

24. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 27th day of September 1960, and so far as all other provisions of the award are concerned, it shall come into force on the day of the date hereof; and this award shall continue in force until the 31st day of March 1962.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 10th day of August 1961.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The only matter settled by the Court related to annual holidays (clause 13 (b)). In other respects the award embodies the terms of the memorandum of partial settlement arrived at in Conciliation Council and the subsequent agreement of the representatives of the parties upon the matters, other than annual holidays, which were referred to the Court by the Conciliation Council.

A. TYNDALL, Judge.