

MARLBOROUGH, NELSON, WESTLAND, AND CANTERBURY MALE HAIRDRESSERS' AND TOBACCONISTS' ASSISTANTS—AWARD

[Filed in the Office of the Clerk of Awards, Christchurch]

In the Court of Arbitration of New Zealand, Marlborough, Nelson, Westland, and Canterbury Industrial Districts—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 union, persons, firms, and companies (hereinafter called “the employers”):

Alfea, F., 152 Trafalgar Street, Nelson.
 Ball, T. C. N., Market Place, Blenheim.
 Brenton, K. E., 199 Stafford Street, Timaru.
 Bryan, W., 92 Burnett Street, Ashburton.
 Colligan, J., 601 Colombo Street, Christchurch.
 Christchurch Hairdressers and Tobacconists Industrial Union of Employers, 213 Manchester Street, Christchurch.
 Dale, A. H., Ltd., 35 Cathedral Square, Christchurch.
 Davidson, J. F., 138 Burnett Street, Ashburton.
 Douglas, C. T., 11 North Road, Christchurch.
 Edmonds, C., 211 Manchester Street, Christchurch.
 Finneys Ltd., 5 Cathedral Square, Christchurch.
 Gibbons, R., 179 Hardy Street, Nelson.
 Gibson, E. S., and Son, 8 Church Street, Timaru.
 Henry, R., Mawhera Quay, Greymouth.
 Hume, C. V., 387 Worcester Street, Christchurch.
 Lang, C. A., 15A Manchester Street, Christchurch.
 Lawson, G. A., 185 Main South Road, Sockburn, Christchurch.
 Manner, W. D. C., Market Street, Blenheim.
 Nottle, N., Palmerston Street, Westport.
 Palmer, M., 59 Seaview Road, Christchurch.
 Thomas, D., 256 Trafalgar Street, Nelson.
 Turnbull's (D. McAuley), 122 Worcester Street, Christchurch.
 Woodham, G. C., 368A Riccarton Road, Christchurch.

THE Court of Arbitration of New Zealand (hereinafter called “the Court”), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of section 130 of the Industrial Conciliation and Arbitration Act 1954, 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 30th day of June 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 industry of hairdressing and hairworking and the retailing of tobacco and shall relate to those persons, firms, and companies who are engaged in the business of men's hairdressing and the retailing of hairdressing and tobacconists' supplies and the usual commodities purveyed by tobacconists.

Interpretation

2. This award shall also relate to the assistants employed by those employers parties to this award.

Classification

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

(b) A "manager" or "assistant in charge" shall mean an assistant specifically appointed by the employer and employed in the general management of a shop, not being an assistant temporarily in charge during the temporary absence of the employer or manager of a shop.

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

(d) A "casual" is a worker engaged to be employed for less than the normal working-hours in any weekly period.

Hours of Work

4. (a) The hours of work shall not exceed 40 per week exclusive of meal intervals, and shall be worked between the hours of 8.30 a.m. and 5.30 p.m. on four days of the week, Monday to Thursday, both days inclusive, and on Friday between the hours of 8.30 a.m. and 8.30 p.m. or 9 a.m. and 9 p.m.: Provided that in the case of saloons which have been exempted from closing on Saturday by orders pursuant to section 10 of the Shops and Offices Act 1955, the ordinary week's work shall not exceed 40 hours to be worked on any five of the six days of the week, Monday to Saturday, both days inclusive, between the hours of 8.30 a.m. and 5.30 p.m. on four days and between the hours of 8.30 a.m. and 9 p.m. on one day. The hours at which work shall cease are subject to the provisions of clause 6 hereof.

(b) The day's work shall be continuous from the hour of starting, save only for intervals for meals.

(c) Except in that portion of the industrial district lying south of the Rangitata River, the working-hours during Carnival Week shall end as follows: Monday, Tuesday, Wednesday, 5.30 p.m.; and Thursday, 9 p.m.

(d) The working-hours on Christmas Eve and New Year's Eve shall end not later than 9 p.m.

(e) In the event of a full holiday falling on the Friday the working hours of the previous Thursday shall end not later than 9 p.m.

(f) A statement setting out the hours of work, including starting, finishing, and meal hours of each worker, shall be posted in each saloon.

(g) One hour shall be allowed for a meal between 11.30 a.m. and 2 p.m. on each day of the week, Monday to Friday inclusive, and one hour shall be allowed between 4.30 p.m. and 7 p.m. on the day on which the late night is observed.

(h) Workers shall be allowed to partake of refreshments at convenient times during each morning and afternoon.

Overtime and Meal Money

5. (a) All time worked outside or in excess of the hours of work prescribed in clause 4 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.

(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 assistants 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.

Work in Hand

6. (a) Work in hand shall be finished before the workers leave their work.

(b) "Work in hand" shall be deemed to mean work in the chair at 10 minutes before the hour for ceasing work as fixed in clause 4 hereof and shall be limited to one operation.

Wages

7. (a) The minimum rate of wages for journeymen and journeywomen shall be £13 10s. per week.

(b) 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

(c) A manager or assistant in charge in accordance with the provisions of subclause

(b) of clause 3 shall receive the following minimum rate of remuneration:

Male, £14 5s. per week.

Female, £10 per week.

Casuals

8. Casuals may be employed and shall be paid 7s. 9d. per hour with a minimum payment of £1 3s. 3d.

Weekly Employment

9. Except in the case of casuals, the employment shall be deemed to be a weekly one, and no deduction shall be made from the weekly wages except for time lost through the worker's own sickness, default, or accident, or for any cause outside the control of the employer.

Holidays

10. (a) The following days shall be allowed as holidays 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 in lieu thereof.

(b) Should any of the above holidays, other than Anzac Day or Easter Saturday, fall upon a Saturday or a 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.

(c) (i) Except where otherwise provided, any work done on Saturday or Sunday or on any of the abovementioned holidays observed in lieu thereof shall be paid for at double rates. The said payments shall be in addition to the ordinary weekly wage.

(ii) Any work done on Saturday as part of the ordinary week's work pursuant to the proviso of subclause (a) of clause 4 of this award shall be paid for at one half the ordinary time rate in addition to the ordinary weekly wage, provided that any work done on Saturday which is in excess of the weekly limit of 40 hours shall be paid for at double rates.

Annual Holidays

11. (a) An annual holiday shall be allowed in accordance with the Annual Holidays Act 1944 and its amendments.

(b) The annual holiday to be allowed to assistants upon completion of the tenth and subsequent years of continuous service with the same employer shall be three weeks instead of two weeks as provided by subclause (a) of this clause.

Uniforms

12. (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 uniform shall consist of black or white coats.

(c) Where white coats are worn the employer shall launder free of charge one coat per worker each week.

Tool Allowance

13. (a) The employer shall provide all tools of trade including electric hair cutting machines in saloons where they are in use.

(b) The employer may, in lieu of the foregoing requirement in subclause (a) of this clause, supply electric hair cutting machines only and make a payment of 2s. per week to each journeyman for supplying his own tools of trade.

General Conditions

14. (a) On each employer's premises a space shall be set apart for the workers to hang their clothing, such places, as far as practicable, to ensure a reasonable degree of safety.

(b) 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.

Payment of Wages

15. (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 whenever there is an alteration in their normal weekly earnings.

(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.

Time and Wages Book

16. (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.
- (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.

References

17. (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.

Right of Entry

18. 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, or collect union dues, but not so as to interfere unreasonably with the employer's business.

Disputes

19. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Conciliation Commissioner, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Workers to be Members of Union

20. (a) 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, in the industrial district in which he is employed.

(b) For the purpose 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 and remain a member of that union when requested to do so 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 subsection (3) of section 174 of the Industrial Conciliation and Arbitration Act 1954 which gives to workers the right to join the union.)

Under-rate Workers

21. (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.

Opening and Closing of Hairdressing Saloons

22. (a) In exercise of the powers vested in the Court by the Shops and Offices Act 1955, it is ordered that all hairdressing saloons in which is carried on any class of business to which this award relates shall be opened on five working-days of the week at an hour being not earlier than 7 a.m. and shall be closed on four working-days of the week at 5.45 p.m. and on one working-day of the week at 9 p.m., provided that on Christmas Eve and New Year's Eve the closing hour shall be 10 p.m. The said hairdressing saloons shall not be open for business on Saturdays.

(b) All the said hairdressing saloons shall be closed for the whole of each of the days prescribed by this award as whole holidays (including days lawfully observed as holidays in lieu of any prescribed).

(c) This clause shall not apply to tobacconists' shops.

Application of Award

23. 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 districts to which this award relates.

Scope of Award

24. This award shall operate throughout the Marlborough, Nelson, Westland, and Canterbury Industrial Districts.

Term of Award

25. 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 16th day of May 1961, 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 30th day of June 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 award, including the operative date of provisions relating to wages, embodies the terms of settlement arrived at by the assessors in Conciliation Council.

A. TYNDALL, Judge.
