

**WELLINGTON INDUSTRIAL DISTRICT MALE HAIRDRESSERS' AND
TOBACCONISTS' ASSISTANTS—AWARD**

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Wellington Tobacconists and Hairdressers Industrial Union of Employers (hereinafter called “the employers”) and the New Zealand Federated Shop Assistants Industrial Association of Workers (hereinafter called “the union”).

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 May 1961 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 22nd day of March 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 hours of work shall not exceed 40 per week exclusive of meal hours, and shall be worked between the hours of 8 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 a.m. and 8.30 p.m.; except that shop assistants may be employed until 9 p.m. on Fridays: Provided that in the case of shops which have been exempted from closing on Saturday by orders of Magistrates' Courts 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 7.30 a.m. and 5.30 p.m. on four days and between the hours of 7.30 a.m. and 9 p.m. on one day.

(b) The daily hours under this award shall be worked continuously from the time of starting each day and without any breaks other than those provided herein for meals and refreshments.

(c) One hour shall be allowed each day for the midday meal between 12 noon and 2 p.m., and on Fridays one hour shall be allowed for between 5 p.m. and 7 p.m.

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

(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, although no work shall have been actually done on such holiday.

(e) When overtime is worked other than on the late night, the outer door of the saloon shall be closed from the hour of 5.30 p.m., after which time no casual client shall be admitted.

(f) 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 assistants, together with the daily starting and finishing time each day; the 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 employer.

Overtime and Meal Money

3. (a) All time worked outside or in excess of the hours of work prescribed by 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 3s. 9d. per hour.

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

(c) Notice of overtime to be worked 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 under half an hour shall count as half an hour worked, and if over half an hour but under one hour shall count as one hour worked.

Wages

4. (a) The minimum wage for journeymen or journeywomen employed on men's work shall be £13 6s. 8d. per week.

(b) A journeyman directed to take charge of a saloon shall receive, in addition to the rate set out in subclause (a) of this clause, an allowance of 6s. per day for every day on which he is effectively in charge.

(c) Casual workers shall be paid 7s. per hour with a minimum of three hours' continuous employment.

Classification

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

(b) A casual worker is a worker employed for less than one week.

Payment of Wages

6. (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 any 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 together with any reductions 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.

Weekly Employment

7. (a) The employment shall be deemed to be a weekly employment and no deduction from wages shall be made except for the workers' 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.

Work in Hand

8. No assistants shall be allowed to take a customer into a chair after five minutes before the usual time for ceasing work as prescribed in clause 2 of this award, or be detained more than five minutes after the usual time for ceasing work.

Shop Assistants

9. (a) Assistants employed in the shop as shop assistants shall be paid as follows:

			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

(b) Subject to the consent of the union part-time workers may be employed. Such workers shall be paid *pro rata* the appropriate wage rate plus 10 per cent.

Any dispute arising out of this clause shall be dealt with under clause 20.

Tools

10. (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 or journeywoman for supplying their own tools of trade.

Uniforms

11. Where an assistant wears white or coloured uniforms and/or jackets the same shall be laundered by the employer or a laundry allowance of 2s. 6d. per week shall be paid by the employer. An employer who requires a worker to wear any distinctive or special uniform (other than an ordinary white uniform or black alpaca or grey coat) shall pay the cost of such uniform.

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 and such substituted day shall be notified to the local Inspector of Awards.

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

(d) Any work done on Saturday as part of the ordinary week's work pursuant to the proviso of clause 2 (a) 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

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

General

14. (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.

References

15. (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

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 time 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 the 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 wages and time book, in such form as may be prescribed.

Workers to be Members of Union

17. (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

18. (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.

Right of Entry

19. 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.

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 Hours of Shops and Hairdressing Saloons

21. (a) In exercise of the powers vested in the Court by the Shops and Offices Act 1955 and subject to subsection (5) of that Act, it is ordered that any shop or hairdressing saloon 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 Wellington Industrial District shall—

- (i) Be closed from the hour of 5.30 p.m. on 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., and
- (ii) Be closed for the whole of any Saturday except where shops or hairdressing saloons are exempted from Saturday closing pursuant to section 10 of the Shops and Offices Act 1955.

(b) All the shops or hairdressing saloons 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.)

(c) No shop or hairdressing saloon shall open earlier than 7.30 a.m. on any working day of the week.

Scope of Award

22. This award shall operate throughout the Wellington Industrial District.

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 district to which this award relates.

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 1st day of December 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 May 1961.

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 22nd day of March 1961.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

In this dispute a complete settlement was reached in Conciliation Council and the terms of settlement were forwarded to the Court pursuant to section 130 of the Industrial Conciliation and Arbitration Act 1954. The terms of settlement were accompanied by a recommendation from the assessors as to a clause which should be incorporated in the award fixing the opening and closing hours of shops pursuant to section 3 of the Shops and Offices Act 1955. Having regard to the provisions of subsection (4) of that section, the Judge of the Court declined to direct that the award should be made without a hearing.

The hearing took place on 20 March 1961. There was no appearance of any objectors to the making of the award, but a number of written objections to the proposed clause fixing opening and closing hours were placed before the Court through the legal advisers to the New Zealand Council of Registered Hairdressers (Incorporated).

The particular provision to which objection was taken corresponds to subclause (c) of clause 13 of the Wellington Male Hairdressers' and Tobacconists' Assistants Award (50 Book of Awards 2252) which has been in operation since 1950 and is now being superseded.

The representatives of the applicant union of employers and the respondent association of workers were given the opportunity to consider the objections. As a result the Court was informed that in order to meet some of the objections the union of employers would not oppose a provision that no shop or hairdressing saloon should open earlier than 7.30 a.m. on any working day of the week. It should be mentioned that subclause (c) of clause 13 of the 1950 award provided that no shop should open earlier than 7.30 a.m. and no hairdressing saloon earlier than 8 a.m.

The advocate for the association of workers objected to the proposed change.

The Court after consideration of all matters before it has decided to fix 7.30 a.m. as the opening hour for both shops and hairdressing saloons. Attention is drawn to the fact that employers whose objections have not been fully met by this decision have the right to apply to a Magistrate's Court for total or partial exemption pursuant to section 10 of the Shops and Offices Act 1955.

A. TYNDALL, Judge.
