

**OTAGO AND SOUTHLAND HAIRDRESSERS' AND TOBACCONISTS' ASSISTANTS
—AWARD**

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Otago and Southland Amalgamated Society of Shop Assistants (Other than Butchers' and Chemists' Assistants) Industrial Union of Workers (hereinafter called "the union") and the under-mentioned persons, firms and companies (hereinafter called "the employers"):

Adrienne Beauty Salon, Ballarat Street, Queenstown.
 Berry, W., 159 Thames Street, Oamaru
 Campbell, W. H., 306 George Street, Dunedin.
 Cecile Beauty Salon, 129 Thames Street, Oamaru.
 Chic Hairdressing Salon, 19 Princes Street, Dunedin.
 Cosgrave, J., 41 Dee Street, Invercargill.
 Elliot's Tobacconists, 221 George Street, Dunedin.
 Gray, James and Sons Ltd., Union Street, Milton.
 Helen Ritchie Beauty Salon, Dee Street, Invercargill.
 Hendys Hair Specialists, 208 Princes Street, Dunedin.
 Jeanette Salon, 72 Main Street, Gore.
 Juliet Beauty Salon, Tarbert Street, Alexandra.
 Lewis' Beauty Salon, 15 Cambridge Place, Invercargill.
 Lucas, E. A., Ltd., 238 Princes Street, Dunedin.
 Mayfair Beauty Salon, 158 King Edward Road, Dunedin.
 Maeder Beauty Salon, 106A George Street, Dunedin.
 Potter, John T., 59 Esk Street, Invercargill.
 Restieaux, F., 150 Rattray Street, Dunedin.
 Russell Collins Salon, 169 Princes Street, Dunedin.
 Val Toilet Salon, John Street, Balclutha.
 Withers, George, Ltd., 126 Princes Street, Dunedin.

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 2nd day of November 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 2nd day of May 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the hairdressing, hair-working, and wig-making industry, and to the industry of retail tobacconists.

PART I—APPLICABLE TO MALE HAIRDRESSERS' ASSISTANTS

2. This part of the award shall apply to assistants employed at one or more of the following classes of work—namely, haircutting, shaving, shampooing, singeing, razor-setting, and/or attending to the needs of a customer.

Hours of Work

3. The hours of work shall be 40 per week, exclusive of meal-hours. The recognised hours of work shall be between the hours of 9 a.m. and 5.30 p.m. on Monday, Tuesday, Wednesday, and Thursday, and between the hours of 9 a.m. and 9 p.m. on Friday of each week. On Christmas Eve, New Year's Eve, and the night preceding Good Friday, 9 p.m. shall be the hour for ceasing work.

Work in Hand

4. No assistant shall be allowed to take a customer into a chair after five minutes before the usual time for ceasing work as prescribed in clause 3 hereof, nor shall he be detained more than five minutes after the usual time for ceasing work.

Definitions

5. (a) A "journeyman" (and in this part a "journeywoman") shall mean an assistant who has been at the trade for a period of not less than four and a half years.

(b) The word "trade" shall be deemed to mean the work performed in a hairdresser's saloon.

(c) It is no part of the duty of a journeyman or journeywoman to do charing or laundry work in connection with the business.

Wages

6. The minimum wage to be paid to journeymen or journeywomen hairdressers shall be £13 10s. per week.

Uniforms

7. Where an assistant wears white or coloured uniforms and/or jackets the same shall be laundered by the employer. An employer who requires an assistant 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.

Tools of Trade

8. The employer shall provide all necessary tools of trade, including electric hair-cutting machines, which shall be kept in reasonable order by the assistant.

PART II—APPLICABLE TO ESTABLISHMENTS EXCLUSIVELY CONFINED TO LADIES' AND CHILDRENS' WORK

9. This part of the award shall apply to assistants whose duties include all or any of the following classes of work—namely, hair-washing, cutting, shampooing, permanent waving, setting, and/or attending to the needs of a customer.

Hours of Work

10. The hours of work shall be 40 per week, exclusive of meal-hours. The recognised hours of work shall be between the hours of 9 a.m. and 5.30 p.m. on Monday, Tuesday, Wednesday, and Thursday, and between the hours of 9 a.m. and 9 p.m. on Friday of each week. On Christmas Eve, New Year's Eve, and the night preceding Good Friday, 9 p.m. shall be the hour for ceasing work.

Work in Hand

11. No assistant shall be allowed to take a customer into her chair for an operation that will detain her for more than five minutes after the hour for ceasing work.

Definitions

12. (a) A "journeywoman" (in this Part) shall mean an assistant who has had not less than four and a half years experience in the industry or who is in receipt of not less than the rate of wages prescribed for journeywomen under this Part.

(b) A "junior" shall mean a female assistant who has served less than four and a half years in the industry or who is in receipt of less than the rate of wages payable to journeywomen as defined in subclause (a) hereof.

(c) It is no part of the duty of any female assistant covered by this award to do charing or laundry work in connection with the business.

Wages

13. The minimum rates of wages payable to female assistants employed under this part of the award shall be:

	Per Week		
	£	s.	d.
First six months	3	0	0
Second six months	3	7	6
Third six months	3	18	6
Fourth six months	4	9	0
Fifth six months	5	6	0
Sixth six months	6	0	0
Seventh six months	7	10	0
Eighth six months	8	0	0
Ninth six months	8	10	0
Thereafter for journeywomen	9	10	0
Branch manageress or assistant in charge	10	5	0
Manageress	11	0	0

Uniforms

14. Where an assistant wears white or coloured uniforms and/or jackets the same shall be laundered by the employer. An employer who requires an assistant 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 uniforms.

Tools of Trade

15. The employer shall provide all necessary tools of trade, which shall be kept in reasonable order by the assistant.

Proportion

16. (a) The proportion of juniors shall be not more than one junior to one journeywomen. A proprietor who works substantially at the trade shall count as a journeywoman.

(b) Where any employer carries on the business of more than one shop, each shop shall for the purpose of this clause be deemed to be a separate business.

Journeyman Employed on Ladies' Work

17. Journeymen employed under this part shall be paid not less than the rate prescribed for journeymen in clause 6 hereof.

PART III—APPLICABLE TO TOBACCONISTS' ASSISTANTS

18. This part of the award shall apply to assistants employed as shop assistants in tobacconists' shops.

Definition

19. For the purposes of this award a tobacconist shall be deemed to be any person, firm, or company who stocks tobacco and/or cigarettes for the purpose of sale by retail.

Hours of Work

20. The hours of work for tobacconists' assistants shall be 40 per week, exclusive of meal periods. The recognised hours of work shall be between the hours of 9 a.m. and 5.30 p.m. on Monday, Tuesday, Wednesday, and Thursday, and between the hours of 9 a.m. and 9 p.m. on Friday of each week: Provided that on Christmas Eve and New Year's Eve the hours of work shall be between the hours of 9 a.m. and 10 p.m.

Wages

21. The minimum rates of wages payable to assistants employed under this part of the award shall be:

	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

PART IV—APPLICABLE TO ALL ASSISTANTS

Overtime and Meal-money

22. (a) All time worked outside or in excess of the hours prescribed in 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: Provided that all time worked after 9 p.m. shall be paid for at double rates except that on Christmas Eve and New Year's Eve the time worked between 9 p.m. and 10 p.m. shall be at time and a half rates.

All overtime shall be calculated on a daily basis.

(b) Subject to the provisions of the Shops and Offices Act 1955 and clause 36 hereof, female hairdressers (exclusively confined to ladies' work) may work overtime on Tuesday nights only, provided the hour for ceasing work is no later than 9 p.m.

(c) Where overtime is worked after 6 p.m., 5s. tea-money shall be paid to all assistants covered by this award.

(d) For the purpose of calculating overtime all time worked under 15 minutes shall count as one quarter of an hour worked; over 15 minutes and less than 30 minutes shall count as half an hour worked and over 30 minutes and under 60 minutes shall count as one hour worked.

Meal-hours

23. (a) The employer shall so arrange the hours to permit assistants to take one hour for a meal between the hours of 12 noon and 2.15 p.m. on five days of the week and one hour for tea between the hours of 5 p.m. and 7 p.m. on the day of the late night, and no assistant shall be permitted to work in any hairdressing establishment during the allotted meal-hour. Where the business is carried on by one assistant, such establishment shall remain closed during the allotted meal hour except where the owner is in attendance during the meal hour.

(b) Every assistant employed in connection with the business of a shop shall be employed continuously on each day except for meal times.

(c) Assistants shall be allowed to partake of refreshment at convenient times during each morning and afternoon.

Holidays

24. (a) The following shall be observed as full holidays: New Year's Day, 2 January, Christmas Day, Boxing Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, and Anniversary Day or another day in lieu thereof to be agreed upon between the employers' organisation and the workers' union, or in districts where Anniversary Day is not usually observed as a holiday another day in lieu thereof.

(b) Should any of the above holidays, other than Anzac Day, fall on 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) Any work done on Sunday or on any of the above-mentioned holidays or holidays observed in lieu thereof shall be paid for at double rates. Any work done on Saturday shall be paid for at overtime rates. The said payments shall be in addition to the ordinary weekly wage.

Annual Holidays

25. (a) An annual holiday of two weeks on full pay shall be granted to each assistant 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 24. An assistant 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, an assistant shall be granted three weeks' annual holiday instead of two weeks as aforesaid; provided that an assistant 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) Assistants shall be paid for the annual holiday on or before its commencement.

(d) A record of annual holidays shall be kept in compliance with the Annual Holidays Act 1944.

Part-time or Casual Assistants

26. (a) Part-time of casual assistants shall be paid as follows—males, 20 per cent; females, $33\frac{1}{3}$ per cent—in addition to the rates prescribed in the wages clauses, computed on an hourly basis. No part-time or casual assistant shall be paid for less than four hours on any ordinary day.

(b) An assistant shall be deemed to be a part-time assistant if employed for less than the daily hours laid down in this award. An assistant shall be deemed to be a casual assistant if employed for less than two consecutive weeks at any one engagement.

Weekly Employment

27. (a) The employment shall be deemed to be a weekly employment, and no deduction from wages shall be made except for the assistant's sickness or default or through accident.

(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 assistants; but nothing in this clause shall prevent an employer from summarily dismissing any assistant 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. Except in the case of casual assistants, where the employment is terminated by either party without notice and without good cause, one week's wages shall be paid or forfeited in lieu of notice.

References

28. (a) Each assistant, 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.

Payment of Wages

29. (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) Each assistant shall be supplied on request with a statement setting out the computation of the wages paid together with details of any deductions made therefrom.

No Reduction in Present Rates

30. Any assistant 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 the operation of this award.

Right of Entry

31. The secretary or other authorised officer of the union shall be entitled to enter at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Notification

32. (a) 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 workers, of the names of all such workers.

(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 workers employed by him under this award, and in the case of workers under the age of 18 years, the age of each such worker shall also be supplied.

Workers to be Members of Union

33. (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

34. (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

35. Any dispute in connection with this award or any matter not provided for 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 Conciliation 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.

Closing of Shops

36. (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 Otago and Southland Industrial District shall:

(i) Close not later than 5.45 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) Close for the whole of any Saturday.

(b) All the shops mentioned in subclause (a) of this clause shall be closed from the hour of 8 a.m., and in the case of tobacconists 7 a.m., on the days prescribed in this award as holidays (including days lawfully observed as holidays in lieu of any prescribed), except that tobacconists may remain open on Boxing Day, provided no assistants are employed.

Application of Award

37. 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

38. This award shall operate throughout the Otago and Southland Industrial District.

Term of Award

39. 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 6th 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 2nd day of November 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 2nd day of May 1961.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters referred to and settled by the Court related to wages (clauses 6, 13, and 21), uniforms (clauses 7 and 14), proportion (clause 16 (a)), minimum payment for overtime (clause 22 (a)), overtime (clause 22 (b) and (d)), continuity of working hours (clause 23 (b)), holidays (clause 24), annual holidays (clause 25), part-time or casual assistants (clause 26 (a)), payment of wages (clause 29), closing of shops (clause 36), and term of award, including the operative date of wage provisions.

A. TYNDALL, Judge.
