

**S.I. NO 532 OF 2002**

**EMPLOYMENT REGULATION ORDER (HAIRDRESSING JOINT LABOUR  
COMMITTEE), 2002**

**WHEREAS** the Labour Court (hereinafter called "the Court"), pursuant to the provisions of Section 48 of the Industrial Relations Act, 1990 (hereinafter called "the Act"), made an Employment Regulation Order dated 26<sup>th</sup> March, 2001 (S.I. No. 96 of 2001) (hereinafter called "the said Order"), fixing the statutory minimum remuneration and regulating the statutory conditions of employment of workers in relation to whom the Hairdressing Joint Labour Committee (hereinafter called "the Committee") operates;

**AND WHEREAS** the Committee has submitted to the Court a proposal for revoking the said Order;

**AND WHEREAS** the Committee has also submitted to the Court the proposals set out in the Schedule hereto for fixing the statutory minimum rates of remuneration and regulating the statutory conditions of employment of workers in relation to whom the Committee operates;

**AND WHEREAS** the provisions of Section 48 of the Act have been complied with;

**NOW, THEREFORE**, the Court, in exercise of the powers conferred on it by Section 43(4) of the Industrial Relations Act, 1946 and by Section 48(4) of the Industrial Relations Act, 1990 hereby Orders as follows:-

- (1) This Order may be cited as the Employment Regulation Order (Hairdressing Joint Labour Committee), 2002.
- (2) Effect is hereby given to the proposals set out in the Schedule hereto.
- (3) The provisions set out in the Schedule hereto shall have effect as from 29<sup>th</sup> November, 2002 and, as from that date, the said Order shall be revoked.

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NOTE: Enquiries should be directed to the **Secretary, Joint Labour Committees, The Labour Court, Tom Johnson House, Haddington Road, Dublin 4.** (Telephone 01-6136666, Extension Nos. 6639, 6640, 6641 and 6642. "Lo-Call" number (if calling from outside (01) area) 1890 220 228).

**SCHEDULE****PART I****WORKERS TO WHOM THIS SCHEDULE APPLIES:**

1. Workers employed in the areas known, until 1st January, 1994, as the County and County Borough of Dublin, the Borough of Dun Laoghaire and the Urban District of Bray, in a hairdressing undertaking, including hairdressers, apprentice hairdressers, beauticians and manicurists.
2. In this Schedule, "hairdressing undertaking" means an undertaking, or any part of an undertaking, which is wholly or mainly engaged in hairdressing, including operations incidental or ancillary thereto.
3. In this Schedule, "hairdressing" includes the following operations performed on hair growing on the head, face or neck of a male or female person, that is to say, lathering, shaving, cutting, singeing, shampooing, waving, setting, dressing, tinting, dyeing, bleaching or similar operations.
4. In this Schedule, "hairdresser" means a person who is employed on any of the operations of hairdressing set out herein and (a) who has completed the period of apprenticeship prescribed in Part III, Section I hereof or (b) who, in the opinion of the Hairdressing Joint Labour Committee, has otherwise qualified as a hairdresser.
5. In this Schedule, "Apprentice" means a male or female worker who is employed on any of the operations of hairdressing set out herein and (a) who (i) has not completed the period of apprenticeship prescribed in Part III, Section I hereof and (ii) has received a certificate of registration as an apprentice from the Hairdressing Joint Labour Committee or in respect of whom an application for such certificate has been made and has been duly acknowledged and is still under consideration, or (b) who, in the opinion of the Committee, has not otherwise qualified as a hairdresser.
6. In this Schedule, "Beautician" means a worker who is wholly or mainly engaged in the process of beauty culture.
7. In this Schedule, "Manicurist" means a worker who is wholly or mainly engaged in manicuring.

**PART II****STATUTORY MINIMUM REMUNERATION AND CONDITIONS OF  
EMPLOYMENT****SECTION I: RATES OF REMUNERATION**

Payment of hairdressers other than apprentices shall consist of a basic wage plus commission on takings. Where a basic rate plus commission is paid, a record of each worker's takings shall be kept by the employer and shall be made available to the worker for the purpose of verifying the amount of commission due to him or her each week.

<b>FROM 29<sup>TH</sup> NOVEMBER, 2002</b>		
(a)	<b>Ladies' Hairdressing</b>	€15.27 plus 10% commission on personal takings*
(b)	<b>Gentlemen's Hairdressing</b>	€15.22 plus 12½% commission on personal takings*
(c)	<b>Unisex Hairdressing</b>	€15.22 plus 12½% commission on personal takings*
* After the deduction of the relevant VAT		

**NOTE:**

The hourly rate of pay (inclusive of commission), in the above categories, shall yield a rate of not less than €6.35 (in compliance with the National Minimum Wage Act, 2000 (National Minimum Hourly Rate of Pay) (No. 2) Order, 2000).

<b>FROM 29<sup>TH</sup> NOVEMBER, 2002</b>		
<b>(d)</b>	<b>Beauticians &amp; Manicurists</b>	
	<b>(i) Trainees</b>	
	<b>Under Age 18</b>	<b>€138.88 + 10% commission on personal takings*, to give a rate per hour of not less than €4.45 Ø</b>
	<b>Age 18 and Over</b>	
	<b>First 4 months</b>	<b>€148.79 + 10% commission on personal takings*, to give a rate per hour of not less than €4.76 Ø</b>
	<b>Second 4 months</b>	<b>€158.71 + 10% commission on personal takings*, to give a rate per hour of not less than €5.08 Ø</b>
	<b>Third 4 months</b>	<b>€178.56 + 10% commission on personal takings*, to give a rate per hour of not less than €5.72 Ø</b>
	<b>(ii) On Completion of 1 year's Training</b>	<b>€198.40 + 10% commission on personal takings*, to give a rate per hour of not less than €6.35 Ø</b>
* After the deduction of the relevant VAT		

For the purpose of the above, the term “takings” shall mean all takings other than those on sales of proprietary goods.

**Ø In compliance with the National Minimum Wage Act, 2000 (National Minimum Hourly Rate of Pay) (No. 2) Order, 2000.**

<b>FROM 29<sup>TH</sup> NOVEMBER, 2002</b>	
(e)	<b><u>Apprentices</u></b>
	<b><u>Under Age 18</u></b>
	€176.89
	<b><u>Age 18 and Over</u></b>
	<b>During 1st year of Apprenticeship</b>
	€89.53
	<b>During 2nd year of Apprenticeship</b>
	€202.16
	<b>During 3rd year of Apprenticeship</b>
	€227.43
	<b>During 4th year of Apprenticeship</b>
	€52.70

Ø In compliance with the National Minimum Wage Act, 2000 (National Minimum Hourly Rate of Pay) (No. 2) Order, 2000.

## **SECTION II: HOURS OF WORK**

- (a) The weekly working hours shall be 39.
- (b) The normal number of hours to be worked on any day shall be 8 hours.
- (c) Employees whose hours of work include the hours from 11.30 a.m. to 2.30 p.m. are entitled to a break of at least one hour after 6 hours of work in accordance with the provisions of S.I. 57/1998.
- (d) Overtime to be paid as follows:-

Weekly overtime to be paid at the rate of **time-and-a-half** to workers whose normal working week is 39 hours, for time worked in excess of 39 hours in any week.

Daily overtime to be paid at the rate of **time-and-a-half** to workers whose normal working week is less than 39 hours for time worked in excess of 8 hours in any day.

Sunday overtime to be paid at twice the minimum rate otherwise applicable i.e. **double time.**

### **SECTION III: ANNUAL HOLIDAYS**

- (a) All employees are entitled to paid annual leave in accordance with the provisions of the Organisation of Working Time Act, 1997.
- (b) Payment in respect of annual leave shall be calculated in accordance with the provisions of the Organisation of Working Time Act, 1997.
- (c) Entitlements in respect of Public Holidays shall be in accordance with the provisions of the Organisation of Working Time Act, 1997.

### **SECTION IV: SERVICE PAY**

Service Pay to apply as follows:-

- 5 years' continuous service - €0.63 per week
- 10 years' continuous service - €0.95 per week
- 15 years' continuous service - €1.90 per week
- 20 years' continuous service - €2.54 per week

### **SECTION V: COMPASSIONATE LEAVE**

Compassionate Leave shall apply as follows:-

- (a) Three days for the death of a close relative, i.e. mother, father, sister, brother, wife, husband, son or daughter.
- (b) One day for the death of an aunt, uncle, parent-in-law, grandparent; where the deceased is a more distant relative, by agreement between employer and employee.

### **SECTION VI: SICK PAY SCHEME**

- (a) Employee to notify employer of illness before 12 noon on first day of illness.
- (b) Medical certificate to be submitted by third day of illness and on a weekly basis thereafter.
- (c) An employee must have completed six months' employment in a hairdressing salon before qualifying for benefit.

- (d) No benefit to be paid for the first three days of illness.
- (e) All qualified personnel to receive €0.16 per week for fifteen weeks where the employee's income from other sources (i.e. Social Welfare, PRSI etc.) does not exceed normal basic pay rate. Pro-rata benefits to apply to apprentices as follows:-

<b><u>Apprentices</u></b>	1st year - €3.81 per week
	2nd year - €4.76 per week
	3rd year - €5.71 per week
	4th year - €7.62 per week

- (f) Contribution to scheme to be €0.13 per week for apprentices and €0.15 per week for qualified stylists.

### **PART III**

#### **CONDITIONS GOVERNING APPRENTICESHIP**

##### **SECTION I: PERIOD OF APPRENTICESHIP**

The period of employment by way of apprenticeship shall be 4 years, commencing on the date on which the worker is first employed:

##### **Provided that -**

- (a) An employer may employ an apprentice on his or her first employment for a probationary period not exceeding one month without a certificate of Registration but, in the event of such apprentice being continued, thereafter, in employment, the probationary period shall be included in the period of apprenticeship.
- (b) An apprentice who transfers from a Salon covered by the Hairdressing (Cork Co. Borough) Joint Labour Committee to a salon covered by the Hairdressing (Dublin) Joint Labour Committee shall be entitled to recognition for the period of apprenticeship already served.
- (c) Where an apprentice is, through illness, continuously absent from employment for a period in excess of two months, the appropriate year of his or her employment by way of apprenticeship may be extended by a period equal to such excess period, at the discretion of the Hairdressing Joint Labour Committee.

## **SECTION II: NUMBER OF APPRENTICES**

(a) Ladies' Hairdressing

The number of apprentices employed shall not exceed one apprentice to every one hairdresser employed.

(b) Gentlemen's Hairdressing

The number of apprentices employed shall not exceed one apprentice to the first one or two hairdressers employed and, thereafter, one additional apprentice to every two hairdressers employed in excess of the first two.

## **SECTION III: REGISTRATION**

(a) An employer who wishes to employ a worker as an apprentice must apply to the Hairdressing Joint Labour Committee for registration of the worker. Application must be made even though the worker was previously registered as an apprentice in the trade. The Committee shall, in due course, issue a certificate of Registration to the said employer.

(b) The employer shall safely keep the Certificate of Registration and shall produce it, on request, to an Inspector duly appointed by the Minister for Enterprise, Trade and Employment under Part IV of the Industrial Relations Act, 1946, or to the Committee. He shall also surrender it to the apprentice when leaving his employment and shall enter on it the date of termination of employment.

## **PART IV**

### **GENERAL**

**Nothing in this Employment Regulation Order shall be taken to exclude, limit or be in any way inconsistent with the rights of any employee under any statutory enactment.**

**Given under the Official Seal  
of the Labour Court this 25<sup>th</sup>  
day of November, 2002.**

**L.S.**

**(Signed)**

**KEVIN DUFFY  
DEPUTY CHAIRMAN**

**EXPLANATORY NOTE**

This note is not part of the Instrument and does not purport to be a legal interpretation.

This Instrument fixes, with effect from 29<sup>th</sup> November, 2002, statutory minimum rates of remuneration and regulates statutory conditions of employment for workers employed in the Hairdressing Trade in the areas known, until 1st January, 1994, as the County and County Borough of Dublin, the Borough of Dun Laoghaire and the Urban District of Bray. It is made by the Labour Court on the recommendation of the Hairdressing Joint Labour Committee.