

**S.I. No. 43 OF 2004**

**EMPLOYMENT REGULATION ORDER (HAIRDRESSING (CORK COUNTY BOROUGH) JOINT LABOUR COMMITTEE), 2004.**

**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 1st March, 1994 (S.I. No. 40 of 1994) (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 (Cork County Borough) 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 (Cork County Borough) Joint Labour Committee), 2004.
- (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 10th February, 2004 and as from that date the said Order shall be revoked.

## **SCHEDULE**

### **PART I**

#### **WORKERS TO WHOM THIS SCHEDULE APPLIES:**

1. Workers employed in the Cork County Borough in a hairdressing undertaking including hairdressers, apprentice or learner hairdressers 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 (Cork County Borough) 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 (Cork County Borough) 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 "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.

#### **From 10th February, 2004**

- |                                     |  |
|-------------------------------------|--|
| (a) <b>Ladies' Hairdressing</b>     | €15.00 per week plus 10% commission on personal takings* |
| (b) <b>Gentlemen's Hairdressing</b> | €15.00 per week plus 10% commission on personal takings* |
| (c) <b>Unisex Hairdressing</b>      | €15.00 per week plus 10% commission on personal takings* |

\* After the deduction of the basic rate of pay and relevant VAT

**NOTE: The hourly rate of pay (inclusive of commission), in the above categories, shall yield a rate of not less than €7.00 (in compliance with the National Minimum Wage Act, 2000 (National Minimum Hourly Rate of Pay) Order, 2003.**

**(d) Manicurists  
(employed in  
Hairdressing  
undertakings)**

**From 10th February, 2004**

**(i) Trainees**

Under 18 €50.14 + 10% commission on personal takings\* **to give  
a rate per hour of not less than €4.90. Ø**

Age 18 and Over

First 4 months €60.87+ 10% commission on personal takings\* **to give  
a rate per hour of not less than €5.25. Ø**

Second 4 months €71.59+ 10% commission on personal takings\* **to give  
a rate per hour of not less than €5.60. Ø**

Third 4 months €93.04 + 10% commission on personal takings\* **to give  
a rate per hour of not less than €6.30. Ø**

**(ii) On completion of 1 year's training** €14.49 + 10% commission on personal takings\* **to give  
a rate per hour of not less than €7.00. Ø**

\*After the deduction of the basic rate of pay and  
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) Order, 2003.**

**(e) Apprentices**

**From 10th February, 2004**

**Under Age 18** €191.10

**Age 18 and Over**

During 1st year of apprenticeship €204.75

During 2nd year of apprenticeship €218.40

During 3rd year of apprenticeship €245.70

During 4th year of apprenticeship €273.00

**In compliance with the National Minimum Wage Act, 2000 (National Minimum Hourly Rate of Pay) Order 2003.**

From 10th February, 2004

**(f) Receptionists (employed in  
Hairdressing undertakings)**

€273.00

**In compliance with the National Minimum Wage Act, 2000 (National Minimum Hourly Rate of Pay) Order 2003.**

**SECTION II, HOURS OF WORK**

- (a) The normal number of hours to be worked in any week shall be 39 hours.
- (b) The normal number of hours to be worked in any day shall be 8 hours.
- (c) Employees whose hours of work include the hours from 11.30 a.m. to 2.30p.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:-

**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.

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

**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**

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

### **PART III**

#### **CONDITIONS GOVERNING APPRENTICESHIP**

##### **SECTION I, PERIOD OF APPRENTICESHIP**

The period of employment by way of apprenticeship shall be four 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 three months without a certificate of Registration but in the event of such apprenticeship being continued thereafter in employment the probationary period shall be included in the period of apprenticeship.
- (b) Where an apprentice is, through illness, continuously absent from employment for a period in excess of one month, 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 (Cork County Borough) Joint Labour Committee.
- (c) An apprentice who transfers from a Salon covered by the Hairdressing (Dublin) Joint Labour Committee to a salon covered by the Hairdressing (Cork County Borough) Joint Labour Committee shall be entitled to recognition for the period of apprenticeship already served.

##### **SECTION II, NUMBER OF APPRENTICES**

- (a) Ladies' and Unisex hairdressing undertaking.

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

- (b) Gentlemen's hairdressing undertaking.

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 (Cork County Borough) 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 4th day  
of February, 2004

L.S.

(Signed) KEVIN DUFFY  
Chairman

### **EXPLANATORY NOTE**

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

This Instrument fixes statutory minimum rates of pay and regulates statutory conditions of employment as from 10th February, 2004 for workers employed in the Hairdressing Trade in the County Borough of Cork. It is made by the Labour Court on the recommendation of the Hairdressing (Cork County Borough) Joint Labour Committee.

**NOTE:** Enquiries should be addressed 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).