STATUTORY INSTRUMENTS

1975 No. 934

WAGES COUNCILS

The Wages Regulation (Hairdressing) Order 1975

Made - - - -	*2nd June* 1975
Coming into Operation	*23rd June* 1975

Whereas the Secretary of State has received from the Hairdressing Undertakings Wages Council (Great Britain) (hereafter in this Order referred to as the "Wages Council") the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959**(a)**, and now vested in him**(b)**, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Hairdressing) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 23rd June 1975, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889**(c)** shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Hairdressing) Order 1974**(d)** shall cease to have effect.

Signed by order of the Secretary of State.

2nd June 1975.

R. J. Dawe,
Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) 1889 c. 63.
(d) S.I. 1974/478 (1974 I, p. 1669).

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Article 3

SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Hairdressing) Order 1974 (Order H.U. (48)).

PART I: STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of paragraphs 2, 8 and 10, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 3, 4 and 6.

Any increase in remuneration payable under the provisions of paragraph 3 or 6 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

HOURS ON WHICH REMUNERATION IS BASED

2.—(1) The minimum remuneration specified in this Part of this Schedule relates to a week of *40* hours exclusive of overtime and, except as provided in paragraph 10 (which relates to guaranteed weekly remuneration), is subject to a proportionate reduction according as the number of hours worked is less than *40*.

(2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 9, be excluded.

APPRENTICE, OPERATIVE HAIRDRESSER

3. Subject to the provisions of paragraph 1, the minimum remuneration payable to an apprentice (whose employment complies with the conditions specified in paragraph 7) or operative hairdresser employed in the London Area *or in any other area*, as the case may be, during the period of employment specified in Column 1 of the next following table shall be the appropriate amount set out in Column 2.

Column 1	*Column 2*	
	London Area (as defined in paragraph 20)	*Any other Area*
	Per week	*Per week*
	£	£
(1) *Apprentice (employed in a saloon)—*		
First year of employment as an apprentice	*11·50*	*10·50*
Second year of employment as an apprentice	*13·50*	*12·50*
Third year of employment as an apprentice	*15·50*	*14·50*
(2) *Operative hairdresser—*		
First year of employment as an operative hairdresser	*18·00*	*17·00*
Second year of employment as an operative hairdresser	*21·00*	*20·00*
After two years of employment as an operative hairdresser	*24·00*	*23·00*

MANAGER, MANAGERESS, CHARGEHAND

4. Subject to the provisions of paragraph 1, the minimum remuneration payable to a worker specified in Column 1 of the next following table employed in the London Area *or in any other area*, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	*Column 2*	
	London Area (as defined in paragraph 20)	*Any Other Area*
	Per week	*Per week*
	£	£
Chargehand	*26·00*	*25·00*
Manager or Manageress	*30·00*	*28·00*

EXPERIENCE UNDER VOCATIONAL TRAINING COURSES

5. Where any worker has completed a vocational training course in hairdressing provided under arrangements made pursuant to section 2 of the Employment and Training Act 1973, such a worker shall, for the purposes of this Schedule, be deemed to have served a period of three years' apprenticeship during which the conditions specified in sub-paragraph (1) of paragraph 7 were satisfied.

WORKERS OTHER THAN THOSE TO WHOM PARAGRAPH 3 OR PARAGRAPH 4 APPLIES

6. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers (other than workers to whom paragraph 3 or 4 applies) of the classes specified in Column 1 of the next following table employed in the London Area *or in any other area*, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	*Column 2*	
	London Area (as defined in paragraph 20)	*Any Other Area*
	Per week	*Per week*
	£	£
(1) Clerk, receptionist, manicurist, sales assistant, cashier, clerical assistant:—		
Aged 22 years or over	*20·30*	*19·95*
„ 21 and under 22 years	*19·30*	*18·80*
„ 20 „ „ 21 „	*16·65*	*16·25*
„ 19 „ „ 20 „	*16·10*	*15·75*
„ 18 „ „ 19 „	*15·50*	*15·15*
„ 17 „ „ 18 „	*14·00*	*13·65*
„ under 17 years	*13·60*	*13·25*
(2) All other workers:—		
Aged 22 years or over	*19·65*	*19·35*
„ 21 and under 22 years	*19·05*	*18·60*
„ 20 „ „ 21 „	*16·60*	*16·20*
„ 19 „ „ 20 „	*16·10*	*15·65*
„ 18 „ „ 19 „	*15·40*	*15·10*
„ 17 „ „ 18 „	*13·95*	*13·55*
„ under 17 years	*13·55*	*13·15*

APPRENTICES

CONDITIONS AS TO RATES FOR APPRENTICES

7.—(1) For the purposes of this Schedule "APPRENTICE" means any worker during the first three years of his apprenticeship during which the following conditions are satisfied, in respect of that worker, that is to say:—

(*a*) the worker shall be employed during the whole of his time under a written contract of apprenticeship which has been duly executed and which contains the following provisions or provisions substantially to the same effect and no provisions contrary thereto:—

(i) the worker of his own free will, and if he is under the age of 18 years with the consent of his guardian, binds himself to serve the employer as his apprentice in his trade of hairdressing for the term of not less than three years;

(ii) the employer will employ the worker as his apprentice during the said term and to the best of his power, skill and knowledge instruct the worker or cause him to be instructed in either ladies' or gentlemen's hairdressing or both;

(iii) the employer will keep the worker under his own supervision or place him under the supervision of one or more operative hairdressers;

(*b*) the total number of workers employed at any time at the establishment at which the worker works in respect of whom the conditions contained in (*a*) of this sub-paragraph are fulfilled or who are prospective apprentices to whom sub-paragraph (4) of this paragraph relates, shall not exceed one for each qualified operative hairdresser.

(2) For the purposes of this paragraph a person shall not be a qualified operative hairdresser unless:—

(i) he is wholly or mainly engaged in hairdressing and has completed not less than three years' service under a contract of apprenticeship which satisfies the conditions in sub-paragraph (1)(*a*) of this paragraph, or

(ii) he is wholly or mainly engaged in hairdressing and has completed a course of not less than two years' full-time training in hair dressing at a technical college or other similar institution approved by the Wages Council, or

(iii) he is wholly or mainly engaged in hairdressing and has been so engagen for not less than two years under a contract of employment other than a contract of apprenticeship in an undertaking to which this Schedule applies, or

(iv) if an employer or a manager he has had not less than three years' experience as a hairdresser.

(3) For the purposes of this paragraph:—

(i) no account shall be taken of a qualified operative hairdresser who is not employed in the branch or branches of hairdressing in which the worker is bound to serve;

(ii) no account shall be taken of a qualified operative hairdresser who does not normally work for the employer for at least 24 hours a week as a worker to whom this Schedule applies;

(iii) no account shall be taken of a temporary absence of a qualified operative hairdresser or a casual vacancy for a short period in the number of qualified operative hairdressers employed.

(4) Notwithstanding the foregoing provisions of this paragraph, where an employer employs a worker as a prospective apprentice for a probationary period not exceeding three months (or such extended period as is hereinafter mentioned) and the condition specified at (*b*) of sub-paragraph (1) of this paragraph is satisfied in the case of that worker, the minimum remuneration applicable to that worker during the probationary period shall be that applicable to an apprentice employed in accordance with the conditions specified in the provisions of sub-paragraph (1) of this paragraph, and, in the event of the worker being continued thereafter at his employment as an apprentice, the said probationary period shall, for the purposes of this Schedule, be treated as part of the period of apprenticeship, whether or not it is included therein. Where, before the expiration of three months from the commencement of employment as a prospective apprentice as aforesaid, the Wages Council has received and acknowledged in writing written notification of such employment, the said probationary period may be extended as the Wages Council may consider necessary or desirable:

Provided that such written notification shall be signed by both employer and worker and shall include a statement to the effect that—

(i) the signatories intend to enter into a written contract of apprenticeship, and that an extension of the probationary period is required for the drawing up and execution of such written contract, or

(ii) the worker has been absent from work for a stated reason on a stated number of days during the probationary period, or

(iii) the employer or worker is doubtful, on stated medical grounds supported by medical evidence. whether to enter into such written contract.

(5) A worker who, after attaining the age of 15 years, undergoes a full-time course of instruction in hairdressing of not less than two years' duration at any school or institution approved by the Wages Council, shall, at the end of the course of instruction, be deemed for the purposes of this paragraph to have served a period of three years' apprenticeship during which the conditions specified in sub-paragraph (1) of this paragraph were satisfied.

MINIMUM OVERTIME RATES

8. Overtime shall be payable to any worker at the following minimum rates:—

(1) On a Sunday or customary holiday—
for all time worked ... ... double time

Provided that where it is, or becomes, the established practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the foregoing provisions of this paragraph shall apply in like manner as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

(2) (a) On the weekly short day (not being the weekly short day to which (*b*) applies)—
for all time worked after 1.30 p.m. ... ... time-and-a-half

(*b*) On the weekly short day in any week during which, under section 40 of the Shops Act 1950**(a)** (suspension of weekly half-holiday in holiday resorts), the employer is relieved of his obligation to allow the worker a weekly half-holiday—
for all time worked after 1.30 p.m. ... ... double time

(3) In any week, exclusive of any time in respect of which an overtime rate is payable under the provisions of (1) and (2) of this paragraph:

(*a*) for the first four hours worked in excess of *40* ... time-and-a-quarter

(*b*) thereafter ... ... time-and-a-half

Provided that in any week which includes one customary holiday "35 hours" shall be substituted for "*40* hours" and in any week which includes two customary holidays "28 hours" shall be substituted for the said "*40* hours".

WAITING TIME

9. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—

(1) without the employer's consent, express or implied;

(2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;

(3) by reason only of the fact that he is resident thereon; or

(4) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

10.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in sub-paragraph (2) of this paragraph) payable under those other

(a) 1950 c. 28.

provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.

(2) The amount to be excluded from the total remuneration referred to in the foregoing sub-paragraph is the whole of the remuneration payable in respect of overtime for work on a Sunday or on the weekly short day and one half of the remuneration payable in respect of overtime for work on a customary holiday.

(3) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 3, 4 or 6 for *40* hours' work in his normal occupation:

Provided that

(*a*) where the worker normally works for the employer on work to which this Schedule applies for less than *40* hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated in accordance with paragraph 2) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;

(*b*) where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.

(4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (*b*) to sub-paragraph (3) of this paragraph) is

(*a*) capable of and available for work; and

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(5) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.

(6) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

PART II: HOLIDAYS AND HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

11.—(1) An employer shall allow to every worker in his employment to whom this Schedule applies a holiday (in this Schedule referred to as a "customary holiday") in each year on the days specified in the next following sub-paragraph, provided that the worker has been in his employment for a period of not less than four weeks immediately preceding the customary holiday, and has worked for the employer during the whole or part of that period, and (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) has worked for the employer throughout the last working day on which work was available to him immediately prior to the customary holiday.

(2) The said customary holidays are:—

(*a*) (i) In England and Wales—

Christmas Day;

26th December if it be not a Sunday, 27th December in a year when 25th or 26th December is a Sunday;

New Year's Day, if it be not a Sunday, or if it be a Sunday, 2nd January;

Good Friday;

Easter Monday;

the last Monday in May; and
the last Monday in August;

or where a day is substituted for any of the above days by national proclamation, that day;

(ii) In Scotland—
New Year's Day, if it be not a Sunday, or if it be a Sunday, 2nd January;

the local Spring holiday;

the local Autumn holiday;

Christmas Day, if it be not a Sunday, or if it be a Sunday, 26th December; or where a day is substituted for any of the above days by national proclamation, that day; and

three other days observed by local custom as holidays to be fixed by the employer and notified to the worker;

or (*b*) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon, and, in lieu of any such customary holiday on which he so works, the worker shall be allowed a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a week-day on which he would normally work within the period of 21 days next ensuing.

(4) A worker who is required to work on a customary holiday shall be paid:—

(*a*) for all time worked thereon, in accordance with paragraph 8; and

(*b*) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 15.

ANNUAL HOLIDAY

12.—(1) In addition to the holidays specified in paragraph 11 and subject to the provisions of this paragraph and of paragraph 13, an employer shall, between the date on which the provisions of this Schedule become effective and 31st October 1975,

and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 19) set out in the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday where the worker's normal working week is			
	Six days	Five days	Four days	Three days or less
12 months	18 days	15 days	12 days	9 days
Not less than 11 months but less than 12 months	11 „	9 „	7 „	5 „
„ „ „ 10 „ „ „ „ 11 „	10 „	8 „	7 „	5 „
„ „ „ 9 „ „ „ „ 10 „	9 „	7 „	6 „	4 „
„ „ „ 8 „ „ „ „ 9 „	8 „	7 „	5 „	4 „
„ „ „ 7 „ „ „ „ 8 „	7 „	6 „	5 „	3 „
„ „ „ 6 „ „ „ „ 7 „	6 „	5 „	4 „	3 „
„ „ „ 5 „ „ „ „ 6 „	5 „	4 „	3 „	2 „
„ „ „ 4 „ „ „ „ 5 „	4 „	3 „	3 „	2 „
„ „ „ 3 „ „ „ „ 4 „	3 „	2 „	2 „	1 day
„ „ „ 2 „ „ „ „ 3 „	2 „	2 „	1 day	1 „
„ „ „ 1 month „ „ „ 2 „	1 day	1 day	1 „	nil

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(*a*) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate three times the number of days constituting the worker's normal working week;

(*b*) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season.

(*c*) the duration of the worker's annual holiday during the holiday season ending 31st October 1975 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order H.U. (48) between 1st April 1975 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1975 the period commencing on 1st April 1975 and ending on 31st October 1975 and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.

13.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week but does not exceed twice that number, the holiday may be allowed in two periods of consecutive working days; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

(3) Where the number of days of annual holiday for which a worker has qualified exceeds twice the number of days constituting his normal working week the holiday may be allowed as follows:—

(*a*) as to the number of days comprising twice the number of days constituting the worker's normal working week, in one or two periods of consecutive working days during the holiday season;

(*b*) as to any additional days, on consecutive working days to be fixed by the employer, either during the holiday season or before the beginning of the next following holiday season.

(4) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a holiday allowed to a worker under paragraph 11 or a day on which he does not normally work for the employer intervenes.

(5) Where a holiday allowed to a worker under paragraph 11 immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holidays required to be allowed in the period under the foregoing provisions of this paragraph, together with any such holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2)(*b*) of paragraph 12.

(6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959: Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.

14. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR CUSTOMARY HOLIDAYS

15.—(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under paragraph 11 he shall be paid by the employer holiday remuneration equal to the statutory minimum remuneration to which he would have been entitled if the day had not been a day of holiday and he had been employed on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week:

Provided, however, that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) presents himself for employment at the usual starting hour on the first working day following the holiday.

(2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the day on which the wages for the first working day following the holiday are paid.

(3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the day on which the wages are paid for the first working day following the holiday in lieu: Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, and in that case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

REMUNERATION FOR ANNUAL HOLIDAY

16.—(1) Subject to the provisions of paragraph 17, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay-day preceding such holiday, one day's holiday pay in respect of each day thereof.

(2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.

17. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 18 of this Schedule or with Order H.U.(48)) in respect of employment during either or both of the periods referred to in paragraph 18, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period or periods, shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order H.U. (48).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

18. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the 12 months up to 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and

(2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

(*a*) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;

(*b*) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker, without the consent of his employer, terminates his employment without having given not less than one week's notice or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him.

CALCULATION OF EMPLOYMENT

19. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III: GENERAL
DEFINITIONS

20. In this Schedule "APPRENTICE" has the meaning assigned to it in paragraph 7 and the following expressions have the meanings hereby assigned to them—

"CHARGEHAND" means an operative hairdresser responsible to a manager or manageress, or to an employer performing the duties of a manager or a manageress, for the control and supervision of staff.

"CLERK" or "RECEPTIONIST" means a worker who is wholly or mainly engaged in one or more of the following activities:—clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of a hairdressing undertaking or of a branch or department thereof; receiving customers or arranging customers' appointments.

"FULL-TIME WORKER" means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

"HAIRDRESSING" and "HAIRDRESSING UNDERTAKING" have the meanings respectively assigned to them in paragraph 21.

"LONDON AREA" means the Metropolitan Police District, as defined in the London Government Act 1963(a), *the City of London, the Inner Temple and the Middle Temple.*

"MANAGER" or "MANAGERESS" means a worker responsible to the employer for the conduct of a hairdressing undertaking, including supervison and training of staff, control of cash and records and care of equipment and premises.

"MANICURIST" means a worker who is wholly or mainly engaged in manicuring.

"MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or, if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

"NORMAL WORKING WEEK" means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 18 on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

(1) part of a day shall count as a day;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

"ONE DAY'S HOLIDAY PAY" means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or, where the annual holiday is taken in more than one period, at the date of the first period) or at the termination date, as the case may be, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, that is to say:—

where the worker's normal working week is six days	one-sixth
" " " " " " " five "	one-fifth
" " " " " " " four "	one-quarter
" " " " " " " three "	one-third
" " " " " " " two "	one-half
" " " " " " " one day	the whole.

(a) 1963 c. 33.

"OPERATIVE HAIRDRESSER" means a worker, other than an apprentice, a manager or manageress, who is wholly or mainly engaged in hairdressing.

"SALES ASSISTANT", "CASHIER" or "CLERICAL ASSISTANT" means a worker (other than a clerk or receptionist) who is wholly or mainly engaged in one or more of the following activities:—the serving of customers making retail purchases of goods, receiving cash or giving change, clerical work.

"TIME-AND-A-QUARTER", "TIME-AND-A-HALF" and "DOUBLE TIME" mean, respectively, one and a quarter times, one and a half times and twice the hourly rate obtained by dividing by *40* the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 3, 4 or 6.

"WEEK" means pay week.

"WEEKLY SHORT DAY" means that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half-past one o'clock in the afternoon, or—

(1) where the day falls on a customary holiday, a working day not being a customary holiday within the period of 21 days next ensuing, to be fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the said period of 21 days not being a customary holiday;

(2) where there is no such day, a working day in the week, not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the week not being a customary holiday.

WORKERS TO WHOM THIS SCHEDULE APPLIES

21.—(1) Subject to the provisions of this paragraph and of paragraph 22, this Schedule applies to the workers in relation to whom the Hairdressing Undertakings Wages Council (Great Britain) operates, that is to say, workers specified in the Schedule to the Wages Council (Hairdressing Undertakings, Great Britain) Order 1947**(a)**, namely:—

all workers employed in Great Britain in a hairdressing undertaking in repect of their employment in such undertaking.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say

(*a*) workers who are employed exclusively as chiropodists;

(*b*) workers employed in a department of a hairdressing undertaking being a department which is wholly or mainly engaged in the retail sale of goods (other than hairdressers' sundries);

(*c*) workers employed in hairdressing undertakings in hotels who are so employed by British Transport Hotels Limited;

(*d*) workers employed by an employer engaged in the production of cinematograph films on work in connection with such production;

(*e*) registered members of the Institute of Trichologists (Incorporated) employed exclusively in their professional capacity as trichologists;

(*f*) workers employed by a Regional Health Authority, Area Health Authority or special health authority established under the National Health Service Reorganisation Act 1973**(b)** by a Board of Governors of a teaching hospital, constituted under the National Health Service Act 1946**(c)** and preserved as a Board by order made under the said Act of 1973, or by a Health Board, constituted under the National Health Service (Scotland) Act 1972**(d)**, while so employed.

(a) S.R. & O. 1947/1879 (Rev. XXIII, p. 437: 1947 I, p. 2474).
(b) 1973 c. 32. **(c)** 1946 c. 81. **(d)** 1972 c. 58.

(3) In this Schedule the following expressions have the meanings hereby assigned to them:—

"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;

"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 and similar operations.

TRAINING UNDER VOCATIONAL TRAINING COURSES

22. Notwithstanding anything hereinbefore contained, this Schedule does not apply to trainees during any period in respect of which they are in receipt of allowances as provided under arrangements made pursuant to section 2 of the Employment and Training Act 1973 if they are trainees who have been placed by the Manpower Services Commission, the Training Services Agency, or the Employment Service Agency with the employer for a period of approved training, and if the requirements of the appropriate training course are duly complied with.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which has effect from 23rd June 1975, sets out the increased statutory minimum remuneration payable and the holidays to be allowed to workers in relation to whom the Hairdressing Undertakings Wages Council (Great Britain) operates, in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Hairdressing) Order 1974 (Order H.U. (48)).

The Order also provides for uniform rates for all areas other than the London Area and equal pay for female workers.

Order H.U. (48) is revoked.

New provisions are printed in italics.

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