

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

BEAUTY SHOP INDUSTRY

AS SUBMITTED ON AUGUST 26, 1933

REGISTRY No. 1708—2—69

The Code for the Beauty Shop Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry



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INDUSTRIAL RECOVERY CODE AND CODE OF FAIR COMPETITION FOR THE BEAUTY SHOP INDUSTRY

SUBMITTED BY THE NATIONAL HAIRDRESSERS AND COSMETOLOGISTS' ASSOCIATION

ARTICLE I—PURPOSE

To effectuate the policy of Title 1 of the National Industrial Recovery Act, during the period of emergency, by reducing and relieving unemployment, improving the standards of labor, eliminating competitive practices destructive to the interest of the public, employees and employers, relieving the disastrous effects of overcapacity, and otherwise rehabilitating the beauty shop industry, and by increasing the consumption of industrial and agricultural products by increased purchasing power, and in other respects, the following provisions are established as a Code of Fair Competition for the Beauty Shop Industry.

ARTICLE II—DEFINITIONS

(a) The term "beauty culture industry" as used herein includes, but is not limited to, the vocation of the persons, firms, or corporations owning, conducting, operating, or managing beauty shops (also known as hairdressing, cosmetologist, and cosmetician shops), and of persons employed therein practicing beauty culture and other related branches as may be included in the provisions of this Code from time to time; and the term "beauty culture" shall include any and all work done for compensation either directly or indirectly, by any person, which work is usually performed by so-called hairdressers, cosmetologists, cosmeticians, or beauty culturists in so-called hairdressing and beauty shops (or however denominated) ordinarily patronized by women, which is for the embellishment, cleanliness, and beautification of the woman's hair, such as arranging, bleaching, cleansing, coloring, curling, cutting, dressing, singeing, waving (including permanent waving), or similar work thereon or thereabout; and the cleansing, exercising, massaging, manipulating, stimulating, or similar work upon the scalp, face, arms, or hands by the use of manual, or mechanical, or electrically operated apparatus or appliances, or antiseptics, cosmetics, creams, lotions, preparations, tonics, or by any other means; and the manicuring of the nails, which enumerated practices shall be inclusive of the practice of beauty culture but not in limitation thereof; or as otherwise defined by State Laws wherever laws governing the vocation are in force.

(b) The term "Employer", as used herein, means any of those by whom persons are employed to do such work.

(c) The term "Employee" as used herein means any person employed in the conduct of any phase of the vocation.

(d) The term "Effective Date" as used herein means the eleventh day after this code shall have been approved by the President of the United States.

(e) Population for the purpose of this code shall be determined by reference to the 1930 Federal Census.

ARTICLE III—LABOR PROVISIONS

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint or coercion of employers of labor, or their agents, in the designation of such representatives, or in self-organization, or in any other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no other seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his or her own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

ARTICLE IV—CHILD LABOR

On and after the effective date of this Code, no person under sixteen (16) years of age shall be employed; provided, that where a State law specifies a higher minimum age, no person below the age specified by such State law shall be employed within that State.

ARTICLE V—PENAL LABOR

No penal labor shall be used in the industry governed by this Code.

ARTICLE VI—HOURS

On and after the effective date of this Code, no employee may be employed in any beauty shop for more than forty-eight (48) hours in any one week, and not more than eight (8) hours in any one day; provided, in the case of the day before a legal holiday, or for the purpose of taking care of the demands created by an extraordinary or special social event, when sanctioned by the District Control Committee (hereinafter provided) then those hours may be extended upon the payment of one and one third overtime; but in no event shall such overtime exceed three (3) hours in any one week.

Executives earning a salary of at least \$35.00 per week are exempt as to the provisions governing hours; provided, however, that when the owner, partner, and/or executive is actually engaged in the practice of beauty culture, then such owner, partner, and/or executive is subject to the hourly limitations insofar as beauty-culture service is concerned.

(b) The hours of beauty-shop operation shall not be reduced to below fifty-two (52) in any one week, unless such hours were less than fifty-two (52) per week before July 1, 1933, and in the latter case the hours shall not be reduced at all.

(c) *Provided, however,* That in bona-fide resorts having a well-defined social season, the hours of any beauty shops may be reduced to below fifty-two (52) in any one week when sanctioned by the District Control Committee (hereinafter provided) having jurisdiction.

(d) Where the State law specifies a lower maximum number of hours that may be worked, no employee may be worked above the maximum so specified by such State law within that State.

ARTICLE VII—WAGES

(a) Employees shall be paid not less than fifteen dollars (\$15.00) per week in any city of over five hundred thousand (500,000) population or in the immediate trade area of said city; and not less than fourteen dollars (\$14.00) per week in any city of five hundred thousand (500,000) population or less, or in the immediate trade area of such city; and in towns of less than two thousand five hundred (2,500) population, no employee shall be paid less than twelve dollars (\$12.00) per week.

(b) Whenever commissions are paid as wages, the minimum wage per week set forth in this article shall be guaranteed, and tips and other gratuities received by employees shall not be construed as part of the wages earned by such employees.

(c) Where a state law specifies a higher minimum wage, no employee may be paid less than the minimum wage specified by such state law within that state.

ARTICLE VIII.—ADMINISTRATION

(a) *District Control Committee.*—There shall be a District Control Committee of the National Hairdressers' and Cosmetologists' Association in each of the Federal Reserve Bank Districts of the United States. The chairmen of such committees shall be designated by the National Hairdressers' and Cosmetologists' Association. One half of these respective chairmen so designated shall hold office for a period terminating the end of the second year from the effective date of this Code. The remaining half of these respective chairmen so designated shall hold office for a period terminating the end of the first year from the effective date of this Code: *Provided, however,* That in each case said chairman shall continue to hold office until his successor shall have been duly designated by the National Hairdressers' and Cosmetologists' Association and shall have qualified.

Each such District may be divided into geographical divisions having well-defined trade areas, and the District Chairman thereof may appoint one or more persons who shall have been approved by the National Hairdressers' and Cosmetologists' Association, who, together with said Chairman, shall function as the District Control Committee in said District.

(b) Proposals in respect to matters affecting more than one division within any one district may be initiated by any such division, but shall be submitted for consideration and approval to the District Control Committee thereof, and its determination shall be binding upon said division and upon all other divisions of said District affected thereby.

Whenever a State law shall have jurisdiction over the subject matter of any action taken or within the purview of the administration of such District Control Committee, such State law shall govern within the territory of such State thereby affected.

(c) Such District Control Committee is also set up to cooperate with the National Recovery Administration to secure adherence to this

Code; to hear and adjust complaints within its district; to determine the minimum prices as herein provided; to sanction extension of working hours or reduction of operating hours as provided in Article VI of this Code; to consider proposals for amendments hereto, and otherwise carry out the purpose of the National Industrial Recovery Act as set forth in this Code.

(d) *National Control Committee*.—There shall be a National Control Committee of the National Hairdressers' and Cosmetologists' Association, which shall consist of the chairmen of each of the District Control Committees; provided, however, that each said District Chairman shall have the right to designate a vice chairman from among the members of his respective district control committee, who shall act in his stead during his pleasure or periods of absence or inability to serve. The Chairman of the National Control Committee shall be designated by the National Hairdressers' and Cosmetologists' Association; provided, however, that in the event such Association shall fail to designate such National Control Committee Chairman within reasonable time, then the membership of the National Control Committee shall elect its own chairman. The Chairman of the National Control Committee shall not be a District Control Committee chairman during the period of his tenure of National Control Committee office.

(e) The National Control Committee shall be the general planning and coordinating agency of the industry. It shall have such powers and duties as may be necessary and proper to administer fully and effectuate the purpose of this Code with respect to the Beauty Culture Industry; and in addition thereto it shall:

(1) Require, as in its judgment may be necessary to adequately advise it from time to time for the administration and enforcement of the provisions of this Code, relevant reports from each District Control Committee;

(2) Upon complaint of interested persons or upon its own initiative, make such investigation or inquiry into the operation or enforcement of this Code as may be necessary;

(3) Adopt such reasonable rules and regulations as may be necessary for the administration and enforcement of this Code;

(4) Elect its officers (except that it shall not elect its chairman unless the National Hairdressers' and Cosmetologists' Association shall have failed to have designated such chairman as provided in paragraph "d" in the foregoing);

(5) Designate the duties of such officers;

(6) Provide for the financing of the operation of this Code payable in assessments of equitable proportion by all persons, firms, or corporations participating in it: *Provided, however,* That if the said National Control Committee shall at any time determine that there is a surplus on hand from assessments so collected in excess of the moneys needed for such administration and enforcement, then, in that event, the National Control Committee may, at any meeting, set aside in a special account all or any portion of said surplus which sum shall be held therein. The next Convention of the National Hairdressers' and Cosmetologists' Association may order the expenditure of any or all of the amount so set aside and so held: *Provided, however,* That same is expended only for the benefit of the entire beauty shop industry: *And provided further,* That the said National Hairdressers' and Cosme-

tologists' Association shall have caused to be published in its own official journal, or in at least two trade journals devoted to the interests of the beauty shop industry and of general circulation therein, notice of this contemplated action, and such notice appear at least ——— days previous to such Convention during which such contemplated action is desired to be taken.

(f) The National Control Committee may designate agent or agents as it may determine necessary from time to time, to which agent or agents it may delegate any or all of its specific authority necessary for the proper execution of the duty or duties assigned to such agent or agents.

(g) The National Control Committee may authorize any or all of its District Control Committees to similarly designate agent or agents to whom such District Control Committee may delegate any or all of said District Control Committee's specific authority necessary for the proper execution of any or all of said District Control Committee's duties.

(h) The National Control Committee shall serve as an executive agency for the participants of this Code. It shall be charged with the administration and enforcement of the provisions of this Code; of hearing and adjusting complaints or causing them to be referred to the National Recovery Administration for action.

(i) The National Control Committee shall consider proposals for amendments to this Code and shall report on same with recommendations, to the National Hairdressers and Cosmetologists' Association for action.

(j) The National Control Committee shall be the general planning and coordinating agency for the Beauty Shop industry, and shall cooperate with organizations of other industries to the end of affecting a balance of national economy.

ARTICLE IX—PARTICIPATION

(a) Participation in this Code and any subsequent revisions, amendments of, or additions to this Code shall be extended to any person engaged in the Beauty Culture industry who accepts his share of the cost and responsibility, as well as the benefit, of such participation by becoming a party to said Code.

(b) Failure to pay assessments levied by authority and order of the National Control Committee as herein provided, within thirty (30) days after same shall have become payable, shall constitute a violation of this Code.

ARTICLE X—TRADE PRACTICE RULES

Any provisions included in this Code, and such other provisions as may be provided to be included herein under the National Recovery Act, may, with the approval of the President, be modified or eliminated as changes in circumstances and experience may indicate. It is contemplated that supplementary provisions to this Code or additional codes will be submitted to the President from time to time to prevent unfair competition in prices and other destructive and unfair competitive practices, and to effectuate the other policies of Title 1 of the National Industrial Recovery Act; and it is further contemplated to proceed to formulate rules of fair trade practice forthwith, which shall be grouped together with other similar provisions if and when formu-



lated and made part of this Code, whereby such provisions may have complete separation in every way so that the scope of the various codes of the manufacturers of beauty culture articles, equipment and/or supplies; of the wholesale distributors thereof; of the schools for the teaching of beauty culture; of other retailers or practitioners in the same general or related industries, do not unreasonably invade each other.

We now declare the following to be unfair trade practices:

(a) To render service or sell merchandise below the average reasonable cost of production of such service, or of such merchandise, plus a profit of fifteen percentum (15%) according to a standard method of costing which shall be provided by the National Control Committee and adapted by each District Control Committee to conditions which may be peculiar to that particular District.

(b) For a school to make a charge for beauty culture work done therein, except that such school make such charge for work done only in a special department which is entirely separate from that devoted to the teaching of beauty culture to students, and further excepted that said department wherein work is done for the public for pay, shall be considered a beauty shop and shall automatically be placed under the government of this Code.

(c) For a school, by advertising device or design, or by oral representation, to conceal its identity as an institute of learning; or to neglect to make its status as a school apparent either by advertising device or design, or oral representation, and the posting of conspicuous signs on or about the premises, whereby a prudent member of the public would have inadequate means of knowing that the work performed or the service given therein is of a clinical nature only: *Provided, however,* That a beauty culture school may maintain a department for expert graduate service as provided in paragraph "b" immediately above and placing itself under the government of this Code.

ARTICLE XI. GENERAL

No provision of this Code shall be interpreted to apply in any manner as to:

- (1) Promote monopolies;
- (2) Permit or encourage any unfair competition;
- (3) Eliminate or oppress small enterprises;
- (4) Discriminate against small enterprises.

