

Fair Work Commission

s.156 – 4 yearly review of modern awards

Hair and Beauty Industry Award 2010

AM 2014/271

Reply submissions, Hair and Beauty Industry Award Exposure Draft



Shop Distributive and Allied Employees' Association

1 March 2017

1. The Shop Distributive and Allied Employees' Association (SDA) makes these submissions in response to the exposure draft released by the Fair Work Commission for the *Hair and Beauty Industry Award 2010*, the submissions filed in reply to the drafting and technical issues and in accordance with the Amended Directions issued by Justice Ross on 21 December 2016.

Part-time employees

2. The SDA notes AiG's submissions at PN196 to PN200 that the draft clause 10.9(c) is unnecessary in widening the application of the consultation clause to any changes to an employee's roster. It suggests either the withdrawal of the change or a clarification by the insertion of the word "regular" before the word "roster". The SDA is satisfied with the current wording of the exposure draft and opposes the insertion of "regular" before "roster".

Casual Employees

3. The exposure draft includes the additional words "and paid" to the definition of casual employee at clause 11.1. The SDA has no objection to the addition of these words.

Rostering

4. The SDA notes AiG's submissions at PN206 to PN210 that the draft clause 14.1(f) is unnecessary in widening the application of the consultation clause to any changes to an employee's roster. It suggests either the withdrawal of the change or a clarification by the insertion of the word "regular" before the word "roster". The SDA is satisfied with the current wording of the exposure draft and opposes the insertion of "regular" before "roster".

Technical and Drafting Issues

5. The SDA notes the point made in PN5 of the 20 January 2017 submissions of the Australian Workers' Union (AWU) that the words "(but not limited to)" should not be deleted from paragraph (b) of clause 3 of the Award. The SDA supports this submission.
6. The SDA notes the point made by the AWU at PN8 of the abovementioned submission regarding the insertion of "ordinary" into draft clause 9. The SDA does not oppose this submission, nor the similar point made at PN9 of the submission.
7. The SDA supports the clarification suggested by the AWU at PN11 of their submission regarding NES entitlements for part-time employees.
8. The SDA notes PN13 of the AWU's 20 January submission and highlights its own submissions in reference to the protections given under the current Award to casual employees. The SDA supports the submissions made by the AWU in this regard.
9. The SDA notes PN11.5(b) of the AWU's submissions regarding an incorrect reference to clause 14, which should correctly be confined to 14.1, as noted in the SDA's own submissions.
10. The SDA supports PN28 of the AWU's submission (and PN4.8 of Business SA's submission) noting the incorrect rate of 200% rather than 250% in the exposure draft, as reflected in the SDA's own submissions regarding clause 27.4.
11. The SDA notes the opposition of Business SA submission at PN4.3 to the definition of the terms "trainee" and "graduate" and clause 18.8. The SDA disagrees with this and reiterates its position that the definition of these terms is necessary. The SDA proposes the wording in our submission of 21 December 2016:

- A Hairdressing Trainee is a person undertaking an accredited training program by delivery means other than an apprenticeship with the aim of achieving a Certificate 111 in Hairdressing.
- A Hairdressing Graduate is a person who has undertaken an accredited training program by delivery means other than an apprenticeship and who has as a result of such undertaking achieved a Certificate 111 in Hairdressing.
- A Beauty Therapy Graduate is a person who has undertaken an accredited training program by delivery means other than as an apprenticeship and who has as a result of such undertaking achieved a Diploma in Beauty Therapy.

NOTE: these people are not covered by the training wage award.

12. The SDA disagrees with the position of Business SA as at PN4.6 of their submissions and reiterates its position in response to the note at 22.2 of the exposure draft in the affirmative. Overtime applies to all hours outside of the ordinary hours in 13.1, whilst the relevant penalties apply to all hours within the span as at 23 of the exposure draft.
13. The SDA notes AIG's point at PN242 of its submissions and agrees that the reference at Schedule A.3 to "21 years of age" should be amended to read "18 years of age" for consistency with clause 17.