



DRAFT DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards

(AM2017/50)

HAIR AND BEAUTY INDUSTRY AWARD 2010

[\[MA000005\]](#)

Hair and beauty

VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER LEE

SYDNEY, **XX** JUNE 2019

4 yearly review of modern awards – Hair and Beauty Industry Award 2010 – award stage - substantive issues – rostering provisions.

A. Further to the Full Bench decisions [\[2018\] FWCFB 7874](#) issued on 28 December 2018 and [\[2019\] FWCFB 3529](#) issued on 14 June 2019, the above award is varied as follows:

1. By inserting a new clause 28.4 as follows:

28.4 38 hour week rosters for full-time employees

A full-time employee will be rostered for an average of 38 ordinary hours per week, worked in any of the following forms:

- (a) 38 ordinary hours in one week;
- (b) 76 ordinary hours in two consecutive weeks;
- (c) 114 ordinary hours in three consecutive weeks;
- (d) 152 ordinary hours in four consecutive weeks.

2. By deleting clause 29 and inserting the following:

29. Notification of rosters

29.1 The employer will provide permanent employees with a written roster (which may be accessible by electronic means).

- (a) the roster must show for each employee:

- (i) the number of ordinary hours to be worked each week;
- (ii) the days of the week on which work is to be performed; and
- (iii) the times at which they start and finish work.

29.2 Rosters for permanent employees must be notified to employees at least 14 days in advance.

29.3 A full time employee's roster may be changed at any time by:

- (a) mutual agreement between the employer and employee; and
- (b) the employer giving 48 hours' notice to the employee in the case of an emergency.

(Note: rostering provisions specific to part time employees can be found in clause 12.8)

29.4 An employee's roster may not be changed with the intent of avoiding payment of penalties, loadings or other benefits applicable. Should such circumstances arise the employee will be entitled to such penalty, loading or benefit as if the roster had not been changed.

B. This determination comes into operation from **XX Month** 2019. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after **XX Month** 2019.

VICE PRESIDENT

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