



**JOINT SUBMISSION TO THE AUSTRALIAN
INDUSTRIAL RELATIONS COMMISSION ON
AWARD MODERNISATION**

JULY 2008

HAIR AND BEAUTY AUSTRALIA is made up of the following state and territory employer organisations:

Professional Hairdressers Association (NSW)

Hair and Beauty Tasmania

Hair and Beauty Employers Association (ACT)

Hairdressing Federation of Queensland Union of Employers

Queensland Master Hairdressers Union of Employers

Hair & Beauty Industry Employers Association of South Australia Inc

Australian Retailers Association (Hair and Beauty Division)

Master Ladies Hairdressers Association (Western Australia)

Advanced Association of Beauty Therapists (National)

Introduction

1. This Joint Submission has been prepared in consultation with all the relevant peak hair and beauty employer organisations across Australia, namely:
 - Professional Hairdressers Association – NSW
 - Hair and Beauty Tasmania
 - Hair and Beauty Employers Association (ACT)
 - Hairdressing Federation of Queensland Union of Employers
 - Queensland Master Hairdressers Union of Employers
 - Hair & Beauty Industry Employers Association of South Australia Inc
 - Australian Retailers Association (Hair and Beauty Division – representing employers in Victoria)
 - Master Ladies Hairdressers Association (Western Australia)
 - Advanced Association of Beauty Therapists
2. The above organisations collectively represent approximately 16,000 employers operating in the hair and beauty industry, and employing in excess of 60,000 trade qualified workers across Australia.
3. The above organisations are the foundation members of a soon to be registered national organisation known as 'Hair and Beauty Australia'.

Scope of this Submission

4. The scope of this submission is restricted to the following:
 - A. that "hairdressing services" be excluded from the scope of the proposed retail industry modern award; and
 - B. that whatever award covers employees performing hairdressing services also operates to cover employees performing *beauty therapy and related services*.

Exclusion of 'hairdressing services' from a retail industry modern award

5. In the AIRC's most recent decision relating to the award modernisation process¹, the Full Bench indicated that, "*at least at this stage*",

¹ [2008] AIRCFB 550.

'hairdressing services were to be included in the scope of a retail industry modern award².

6. The writers submit that the hairdressing industry is clearly discrete from the retail industry in general, and our justification for such a submission is emphasised below.
7. The entire hairdressing industry in Australia is made up of employees who are:
 - (a) qualified hairdressers;
 - (b) apprentice hairdressers; and
 - (c) reception / salon assistantsand 99% of such employees work in a hairdressing 'salon' (as opposed to a retail 'shop').
8. The lack or absence of recognised apprenticeships and trade qualified employees in the retail industry clearly distinguishes hairdressing services from the duties performed by a person in the 'traditional' retail industry.
9. The writers note that, at least at the initial stage, retail butcher shops have also been included in the scope of the proposed retail industry modern award³, and recognise that persons employed in such enterprises may also be undergoing recognised apprenticeships or are trade qualified. However, in their submission dated June 2008, the Shop, Distributive and Allied Employees' Association identified circumstances whereby persons employed in the 'meat industry' could in fact be employed in a supermarket, a butcher shop, or even a meat processor factory which also sells meat to the public on-site, being similar positions that could be covered by separate awards⁴ (a result which should be avoided).
10. The confusion or 'overlapping' that is likely to be created in the circumstances described in point 9 above will be non-existent in the hairdressing industry. We submit that the entire hairdressing industry operates in its own 'bubble', being a *sector* of its own with 100% of the industry's workers fitting comfortably into one of the three categories of employees identified in point 7 above, and 99% of these employees work in a hairdressing 'salon'.

² Ibid at para [83].

³ Ibid.

⁴ Submission by the Shop, Distributive and Allied Employee's Association, June 2008 – page 1.

11. The following 'award-related' issues further distinguish the hairdressing industry from the 'traditional' retail industry:
- (a) occupational health and safety (OHS) – the use of sharp tools, the performance of repetitive duties (i.e. blowdrying) and the existence of toxic chemicals such as bleach and hair colour emphasise that OHS risks in the hairdressing industry are far more acute than the retail industry in general;
 - (b) training – it is common for employers in the hairdressing industry to arrange for their employees to undergo extensive technical training in addition to their normal duties throughout their careers, a trend which is rare in the retail industry;
 - (c) tools and equipment - it is common for employers in the hairdressing industry to require their employees to provide their own tools and equipment in order to perform their duties, a trend which is not relevant in the retail industry.
12. The vast majority of entities operating in the 'traditional' retail industry are in the business of supplying *goods* to the public, and this can be compared to the hairdressing industry, where approximately 90% of a hairdressing salon's income is generated through the provision of *services* to the public (hence such a business being referred to as a hairdressing 'salon', and not a hairdressing 'shop').

Inclusion of 'beauty therapy and related services'

13. This Joint Submission notes that the above decision⁵ failed to identify *beauty therapy and related services* as being included in or excluded from the scope of a retail industry award.
14. The beauty industry consists predominantly of employees who are:
- (a) qualified beauty therapists;
 - (b) apprentice beauty therapists; and
 - (c) reception / salon assistants.
15. It is very common for hairdressing salons to introduce 'beauty services' to their business, and in effect, they become a 'hair and beauty salon'. Furthermore, many hairdressing salons who have reached their full potential in terms of offering hairdressing services, but still wish to grow, introduce beauty services to achieve such growth.

⁵ Ibid.

16. If employees performing *beauty therapy and related services* are not covered under the same award as employees performing *hairdressing services*, it is likely that a large number of salons will have their employees covered under two separate awards. Such an outcome is likely to be inconsistent with clause 9 of the request from the Minister⁶.
17. Even if employees performing hairdressing services or beauty therapy and related services are grouped together and covered under the same award, it is maintained that the hair and beauty industry *sector* as referred to above will continue to exist independently.
18. Given the above, the writers submit that whatever award covers employees performing hairdressing services also operates to cover employees performing *beauty therapy and related services*.

General

19. Every state and territory currently has in place a *separate* state / territory award (or a relevant NAPSA) that covers both employees performing hairdressing services and beauty therapy and related services, and we submit that a single and separate modern award for the hair and beauty industry is desirable and supported among all state and territory peak hair and beauty associations.
20. Furthermore:
 - (a) it is highly likely for hairdressers or beauty therapists to change employment and move from one workplace to another wholly within the hair and beauty industry *sector*; and
 - (b) it is extremely rare for hairdressers or beauty therapists to change employment by moving from a 'salon' workplace to another workplace which is outside the hair and beauty industry *sector*.

This trend further emphasises that hair and / or beauty salons should be recognised as *one* industry, and that such an industry is clearly discrete from the retail industry in general.

Recommendations

21. Given the evidence and trends identified above, we submit that all employees working in the hair and beauty industry be wholly covered by a separate and isolated modern award.

⁶ Request from the Minister of Employment and Workplace Relations, dated 28 March 2008.

Contact Details

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