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13 October 2016

The Hon. Justice Ross, President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: chambers.ross.j@fwc.gov.au

Dear Justice Ross,

Re: Hair and Beauty Industry Award 2010 – substantive claims

The Australian Industry Group represents the Hair and Beauty Australia Industry Association (HABA) in the context of proceedings associated with substantive claims to vary the Hair and Beauty Industry 2010 (the Award).

This correspondence is in response to the Statement and Directions of 26 August 2016. It outlines the substantive claims to vary the Award that HABA intends to advance and associated matters.

In essence, HABA seeks that various provisions in the Award be amended in order to enable more flexible rostering arrangements to be implemented within the industry. This includes enhancing the capacity for an employer to change a roster. It also seeks that, subject to mutual agreement, employers and employees be afforded a greater capacity to not apply the award provisions relating to consecutive days off (clause 30.3(a)).

A draft variation determination reflecting the claims is attached.

It is anticipated that an evidentiary case will be mounted in support of these claims. This will likely be limited to two to three witness statements.

HABA no longer intends to pursue, as part of this review, any claims to vary the Award's apprenticeships provisions or classification structure.

Yours sincerely,

Brent Ferguson
National Manager – Workplace Relations Advocacy and Policy



DRAFT DETERMINATION

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Hair and Beauty Industry Award 2010 (AM2014/271)

JUSTICE ROSS, PRESIDENT

SYDNEY, XX XXXX 2017

4 yearly review of modern awards – Hair and Beauty Industry Award 2010.

A. Further to the decision issued on [insert date]¹ it is ordered that, pursuant to s.156(2)(b)(i) of the *Fair Work Act 2009*, the *Hair and Beauty Industry Award 2010*² be varied by:

1. Deleting clause 12.8.
3. Deleting clause 29.2
4. Renumber clause 29.3 as 29.2
5. Insert a new clause 29.3 as follows;

A permanent employee's roster may be varied by the provision of 7 days' notice.

6. Insert a new clause 29.4 as follows;

A permanent employee's roster for a particular day may be varied by the provision of at least 48 hours' notice if this is due to an unexpected change in operational requirements or an emergency.

7. Renumber the existing clause 29.4 as clause 29.5.

8. Deleting clause 30.3(b) and inserting in lieu:

(b) If agreed between an employer and employee the requirement in clause 30.3(a) will not apply. Such agreement cannot be made a condition of employment.

9. Deleting clause 30.3(c) and inserting in lieu:

¹ [insert citation].

² MA000005.

(c) An employer or employee can terminate the agreement by giving four weeks' notice.

B. This determination comes into effect on [insert date].

PRESIDENT

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