

From: Stephen Crawford [mailto:stephen.crawford@nat.awu.net.au]
Sent: Wednesday, 20 June 2018 6:39 PM
To: AMOD
Subject: AM2017/40 Review of Hair and Beauty Industry Award - AWU evidence

Dear Award Modernisation Team,

Please find attached the following evidence filed by the AWU in reply to HABA's claim to reduce penalty rates in the *Hair and Beauty Industry Award 2010*:

- Witness statement of Kate Brandreth and attachments "KB 1", "KB 2", "KB 3" and "KB 4";
- Witness statement of Kelly Brooks;
- Witness statement of Carrie Gedney;
- Witness statement of Chantal Geritz;
- Witness statement of Donna Maguire; and
- Witness statement of Rachel Pierre-Humbert.

Joint reply submissions on behalf of the AWU and SDA are being filed separately by AJ Macken & Co.

Regards,

STEPHEN CRAWFORD

SENIOR NATIONAL LEGAL OFFICER

M +61 425 303 265 | stephen.crawford@nat.awu.net.au

P 02 8005 3316 LEVEL 1, 16-20 GOOD STREET

GRANVILLE NSW 2142 WWW.AWU.NET.AU



The information transmitted in this message and its attachments (if any) is intended only for the person or entity to which it is addressed. The message may contain intellectual property, copyright material, and confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information, by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete this e-mail and associated material from any computer and destroy any printed associated material. The intended recipient of this e-mail may only use, reproduce, disclose or distribute the information contained in this e-mail and any attached files, with the authority or permission of the sender. We do not accept liability in connection with computer virus, data corruption, delay, interruption, unauthorised access or unauthorised amendment.

FAIR WORK COMMISSION

MATTER NO. AM2017/40

Four Yearly Review of Modern Awards: Hair and Beauty Industry Award 2010

Statement of Kate Brandreth

I, Kate Brandreth, Union Official of [REDACTED] say:

My role with the AWU

1. Since July 2015 I have been employed by the Australian Workers' Union (AWU) as the National Campaigns and Growth Director at the National Office.

The Hairdresser campaign

2. As part of my responsibilities as the National Campaign Director I was tasked with starting a campaign so our union could better represent the interests of hairdressers.
3. The campaign which is called "Hair Stylists Australia" was launched online in March 2016 (the campaign). One of my responsibilities is overseeing and coordinating the campaign.

My knowledge of conditions in the hair and beauty industry

4. To enable me to oversee and coordinate the campaign I conducted research into the hair and beauty industry.
5. Through my research I am aware that the Australian Government (Department of Jobs and Small Business) has assessed that there is a skills shortage in relation to hairdresser. In September 2017 the department issued a report (ANZSCO 3911-11) that gave the occupation of hairdresser a labour market rating of "shortage." Attached to this statement and marked "KB-1" is a copy of the report.

6. Since commencing the campaign I have come into contact with hundreds of hairdressers from all over Australia who have experienced poor treatment by their employers who don't comply with the Hair and Beauty Award.
7. Hairdressers require a Certificate 3 to practice as a qualified hairdresser.
8. Hairdressing is one of the lowest paid trades in Australia. Hairdressing is a predominantly female trade (approximately 90% female) and they are paid far below all the other male dominated trades.

Penalty Rates

9. Any cut to hairdressers pay will have devastating impacts on this workforce, who are already struggling to get by.
10. Thousands of hairdressers who work on Sunday's rely on those penalty rates to help supplement their income, particularly as the base rate of pay for qualified hairdressers is so low.

Petition opposed to penalty rate cuts to the Hair & Beauty Award 2010

11. On the 23 February 2017 The Fair Work Commission flagged a review of Sunday and Public Holiday rates in the Hair and Beauty Award.
12. In response to this announcement, the AWU launched an online petition in March 2017 on a website called Megaphone, which is run by the Victorian Trades Hall Council.
13. Since March 2017 we have promoted the petition and asked hairdressers to visit the Megaphone website and add their name to the petition. We have promoted the petition by sending emails to our supporter base and have promoted the petition on a Facebook page that we have set up for Hair Stylists Australia.
14. Attached to this statement and marked "KB-2" is a copy of the web page which contains the text of the petition.
15. To date 6,649 people have added their names to the petition.

16. When someone is filling out the petition they are asked to identify whether they are employed in hair or beauty industry by ticking a box and also fill in their occupation. Out of those 6,649 people, 4,317 have identified themselves as being employed in the hair and beauty industry. Attached to this statement and marked "KB-3" is a document which, in relation to each person that has completed the survey, sets out the name, postcode, occupation and whether the person is in hair or beauty

17. Furthermore, when individuals were filling out the petition they were provided with an opportunity to leave comments or a statement. Attached to this statement and marked "KB-4", is a document which sets out each of the comments or statements which were made by people who completed the petition, and who identified themselves as hairdressers.



Kate Brandreth

Date: 20/06/18

Fair Work Act 2009
FAIR WORK COMMISSION

s. 156 - 4 yearly review of modern awards

AM2017/40

**4 YEARLY REVIEW OF MODERN AWARDS – HAIR AND BEAUTY
INDUSTRY AWARD 2010 – PENALTY RATES**

WITNESS STATEMENT OF KELLY BROOKS

I, Kelly Brooks, of [REDACTED] Western Australia, hairdresser,
STATE as follows:

Employment

1. I started working as an apprentice hairdresser in Western Australia in 1997. I completed my apprenticeship in 2002 and have a Certificate III in hairdressing.
2. I have worked at around ten different salons in Western Australia since 1997.
3. I have worked for so many different salons over the years because I tend to get frustrated about my working conditions and start looking for a better opportunity.
4. I have worked for a business called The Confessional Hair - Broome since December 2017. There are two senior hairdressers and an apprentice who work at this salon.
5. I am a full-time employee and am classified as a Hair and Beauty Employee Level 3 under the Hair and Beauty Industry Award 2010. I am paid according to the minimum conditions in the award.

Apprenticeship

6. I completed my hairdressing apprenticeship from 1997 to 2002. I had some time off during this period which is why it took more than the usual apprenticeship period of four years.

7. I relocated to undertake the apprenticeship because it wasn't achievable in the regional area that I grew up in. This meant I had to live independently from a young age and survive on very low wages. I remember earning around \$6 per hour during my apprenticeship.
8. I generally had to attend coursework one day per week. I initially did this at a TAFE but then transferred to a private college. I had no driving licence and would catch three buses and a train to get to the training.
9. These were difficult years for me and it doesn't feel fair that I've made the same sacrifices over the years as other people who have undertaken an apprenticeship, but they earn far in excess of what I receive – particularly in male dominated areas like the building trades.

Working hours

10. I currently work a fortnightly roster involving 42 hours of work in one week and 44 hours in the other week.
11. I work every Saturday, every second Sunday and regularly work on public holidays. I also worked on Easter Sunday this year but that isn't a public holiday in Western Australia.

Impact if current penalty rates are reduced

12. I will leave the industry if the current penalty rate of double time on Sundays is reduced. Given I work every second Sunday, a change in the penalty rate from 200% to 150% will significantly reduce my current earnings and will force me to find a better paying job.
13. The impact of a reduction in public holiday penalty rates will not be as dramatic because they are infrequent but any reduction to my current annual earnings will increase financial pressure for me – there is not much margin in my current budget.
14. I don't think my current earnings are fair given I have undertaken an apprenticeship and perform a responsible job that involves regular physical contact with people while using sharp instruments and working with powerful chemicals.

15. Whenever I work on Tuesdays I am the only employee in the salon. Last Tuesday I counted 37 times that I had to attend to customers at the front desk and 23 phone calls that I took. This is obviously in addition to my regular hairdressing duties.
16. If my current earnings go backwards I will not consider it viable to continue working as a hairdresser and will seek other employment. I previously did administrative work in the mines for four years and the attraction with that was obviously the better pay rates.

Improvements for the industry

17. The hairdressing industry should be looking to move forwards and improve current practices rather than reducing conditions for already low paid employees.
18. I have observed a steady decline in the regulation of the industry over the last 20 years.
19. For example, a Hairdressers Regulation Board used to exist in Western Australia and I think this was removed in 2003. The Board used to regularly send representative to salons to make sure everything was being done correctly. This type of monitoring does not occur anymore. I think standards and working conditions are dropping as a result.
20. I think there is currently a gender discrimination issue in the hairdressing industry because employee earnings are far below male-dominated trade occupations. Given this, I can't see how a reduction in the current conditions which would broaden the gap with these male-dominated industries can be justified.

SIGNED:



KELLY BROOKS

DATE: 28/05/2018

< Gedney, Carrie - witness statemen...:

Fair Work Act 2009
FAIR WORK COMMISSION

s. 156 - 4 yearly review of modern awards

AM2017/40

4 YEARLY REVIEW OF MODERN AWARDS – HAIR AND BEAUTY INDUSTRY AWARD 2010 – PENALTY RATES

WITNESS STATEMENT OF CARRIE GEDNEY

I, Carrie Gedney, of [REDACTED] in New South Wales, hairdresser,
STATE as follows:

Qualifications

1. I completed a hairdressing apprenticeship in the 1980s. I think I started in around 1985 and finished in 1989 and have a Certificate 111 in hairdressing.
2. The apprenticeship involved four years working in a salon and two years of coursework at TAFE.

Employment

3. I've basically worked continuously as a hairdresser on either a full-time or part-time basis since around 1985.
4. I am currently employed at a Just Cuts franchise in Newcastle as a part-time employee. I work at three different Just Cuts salons in the Newcastle area.
5. My regular hours of work are from 17 to 25 per week and my regular days of work are Monday (9am to 5:30pm), Thursday night (5pm to 9pm) and Sunday (10am to 4pm).
6. I often work on public holidays because many occur on a Monday.
7. My normal rate of pay is around \$21 per hour and I earn on average around \$450 NET per week or around \$500 gross or thereabouts.

< Gedney, Carrie - witness statement...:

Penalty rates

8. I am disgusted by the proposed reductions to penalty rates for hairdressers. I can't understand out of all the industries in Australia why we would be targeted given we already have such low wage rates. We already lost our Thursday night penalty rates back in 2010.
9. I have calculated that I will lose around \$80 per week if the Sunday penalty rate is reduced from double time to time and a half. I would also lose additional amounts for any public holiday I worked.
10. A loss of \$80 per week is massive for me and my family. I am a single mother with two children.
11. This reduction in my wages would mean cut-backs to family holidays and activities for my children. I would have to work more hours to offset the loss which would mean more childcare. I think we would be on the brink of the poverty line.
12. I give up valuable family time to work on Sundays and public holidays and this sacrifice should continue being recognised by the current penalty rates.
13. I don't think I would agree to work Sundays if the rate was only time and a half. I would seek to change the days that I work because I'd be better off having Sundays with my family and working on other days of the week.

Conditions in the industry

14. I think it is grossly unfair that hairdressers currently earn substantially less than other trades that are dominated by males. Plumbers and electricians earn far more than hairdressers, but we have the same level of trade qualification.
15. I have a friend who is a cleaner and she earns \$30 per hour. People working in the deli at Woolies get \$25 per hour. I earn less than these people despite having a trade qualification earned over four long years which they generally wouldn't have.
16. Now despite the current situation being completely shitty, unfair and unjust, they want to reduce our rates even further. I can't believe people would think that is an appropriate outcome.

SIGNED:



CARRIE GEDNEY

DATE: 22/5/2018.

Fair Work Act 2009
FAIR WORK COMMISSION

s. 156 - 4 yearly review of modern awards

AM2017/40

**4 YEARLY REVIEW OF MODERN AWARDS – HAIR AND BEAUTY
INDUSTRY AWARD 2010 – PENALTY RATES**

WITNESS STATEMENT OF CHANTAL GERITZ

I, Chantal Geritz, of [REDACTED] in Queensland, hairdresser,
STATE as follows:

Qualifications

1. I completed a hairdressing apprenticeship in 2005 and have a Certificate 111 in hairdressing. This was a four-year course, but I was fast tracked and finished in a bit over three years.
2. I started the apprenticeship with Jodi's Salon in Emerald but then moved to the Gold Coast. I attended the Gold Coast School of Hairdressing for one day per week for coursework throughout the apprenticeship. I worked at one salon on the Gold Coast for the whole duration of my apprenticeship, the salon changed owners in the last 6 months of my apprenticeship.
3. My years as an apprentice were difficult and stressful. In addition to undertaking the practical training and coursework for the apprenticeship, I was working at an Italian Restaurant and working on Sundays in a different salon to supplement my earnings as an apprentice. I had no car and was catching an array of public transport and walking from the far end of Labrador to Southport when I had no money left from my pay. I was working at the same salon for \$50 cash for 6 hours work on a Sunday.

Employment

4. I have worked as a casual employee for Jodi's Salon in Emerald on and off since 2006. I started my latest stint of casual employment in around 2014.

5. I am well looked after in my employment. I work Monday to Thursday during school hours and don't work on weekends or public holidays.

Penalty rates

6. While I will not be personally affected by any reduction to penalty rates on Sundays or public holidays, I am very strongly opposed to any reduction to current award conditions for hairdressers.
7. Many of the hairdressers I work with are struggling to meet their cost of living expenses on their current wages. Any reduction to the current conditions would be disastrous for them and particularly those with families to support.
8. If the current penalty rates are reduced I think more young hair stylists will leave the industry and look for better paying jobs. This is already happening because the current rates are so low. Earlier this week an employee resigned from Jodi's Salon to pursue better paid work as a coal tester.
9. I think many hair stylists will refuse to work on Sundays if the penalty rate is reduced from 200% to 150%. People would rather be spending time with their families on a Sunday, but they will agree to work if the financial compensation makes it worthwhile. I think people who think it is worthwhile to work on Sunday for double time will reconsider if the penalty rate is only time and a half.
10. Also, if penalty rates are dropped it will cause a wave of stylists to work from home off the books. I've seen it happen more and more over the years. A stylist currently gets around \$45 an hour on a Sunday, they work 4 hours on a Sunday and get \$180. If you cut that you will see stylists take their trade home. They can do one client at home on a Sunday (foils, cut and blow-dry) and charge that person \$250 and only do a couple of hours work. I can't stress enough that I KNOW this will happen, it already does.
11. My own daughter has recently expressed an interest in hairdressing, but I have encouraged her to look at other options. I can't honestly recommend hairdressing at the moment because the pay is so low – especially during the apprenticeship period, and the working conditions are tough.
12. As a mother I feel obliged to encourage my daughter to pursue other work which will pay better and result in a less stressful working environment. Dealing with the customers is physically and mentally draining as a hairdresser. Everyone wants to talk about their problems and it is hard not to get affected by so much negativity.

13. I am passionate about trying to improve the current conditions for hairdressers. I want to be able to encourage people like my daughter to join the industry. Obviously, the last thing I want to see is any reduction to the current conditions.

14. For some reason, there seems to be a common view that hairdressers are the same as retail and hospitality workers and should receive comparable conditions. I don't understand this given we are trade qualified and the responsibility and expectation on hairdressers is much higher than it is for retail and hospitality workers.

SIGNED:



CHANTAL GERITZ

DATE: 07 / 06 / 2018

Fair Work Act 2009
FAIR WORK COMMISSION

s. 156 - 4 yearly review of modern awards

AM2017/40

**4 YEARLY REVIEW OF MODERN AWARDS – HAIR AND BEAUTY
INDUSTRY AWARD 2010 – PENALTY RATES**

WITNESS STATEMENT OF DONNA MAGUIRE

I, Donna Maguire, of [REDACTED] in Queensland,
hairdresser, STATE as follows:

Qualification

1. I commenced a hairdressing apprenticeship at the Gold Coast in 1980. This was a four-year apprenticeship which involved one day of coursework per week and the rest of the time working at a salon.
2. I moved from Emerald to the Gold Coast to undertake the apprenticeship and boarded with a family paying \$30 per week in rent. I remember earning \$63 per week during my apprenticeship.
3. I had significant financial support from my family and also received some government support during my apprenticeship. I don't think I could have met my living costs without this support.

Employment history

4. After completing my apprenticeship and working for a short period I opened my own salon. I operated the salon from around 1985 to 1993.
5. I then stopping regular paid employment to start a family. I continued performing some freelance hairdressing work during this period.
6. I returned to working as a hairdresser in April 2017 when I commenced casual employment with Jodi's Salon in Emerald. I am employed as a Senior Stylist.
7. I currently usually work on Tuesday, Wednesday and Thursday. I work two to three Saturdays per month and occasionally on Sundays.

Impact of penalty rate reductions

8. I am very strongly opposed to the proposed penalty rate cuts because I care about the industry and am concerned about their impact on an already low-paid workforce.
9. I have personally seen many young hairdressers leave the industry after completing their apprenticeship because the wages are too low. They can earn more being a waitress or a cleaner and these occupations don't have the same stress and responsibility as a hairdresser.
10. Hairdressing requires the working of difficult hours. Most hairdressers have to work on Thursday night and on at least one day of the weekend.
11. Hairdressing work is tough. You are on your feet all day and have to listen to customers who are regularly complaining about various aspects of their life. This can become emotionally and physically draining as the customers expect some sympathy and almost guidance from us in addition to getting their hair cut. I have heard customers complain about domestic violence issues at times. Hairdressing is a bit like being a semi-psychologist.
12. I consider hairdressing to be a significantly underpaid profession. I regularly pay around \$100 per hour for the labour of a plumber or electrician. These people are trade qualified but so are hairdressers. This situation seems grossly unfair. Hairdressers endure the difficulties associated with undertaking an apprenticeship and then when they finish they end up earning the same wages as retail and hospitality workers who are not trade qualified.
13. The reduction of Sunday and public holiday penalty rates would be a huge setback for the industry. From my experience no hairdressers actually want to work on a Sunday or even a Saturday. They do it because it is expected by employers and because the extra pay helps to make it financially worthwhile. That all changes if the current rates are reduced. Those that can are likely to leave the industry and people without that option will just have to tough it out on an even worse income.
14. Hairdressing apprenticeships used to be highly sought after and valued in the past including when I undertook mine. That has changed dramatically as the wages have failed to move at anywhere near the same rate as cost of living increases. It is not attractive to undertake a trade qualification and then spend your working life earning around the same as an unqualified cleaner.
15. I urge the Fair Work Commission to focus on improving conditions in this important industry and not to entertain any reduction to the current conditions.

DONNA MAGUIRE

DATE: 20 JUNE 2018

Fair Work Act 2009
FAIR WORK COMMISSION

s. 156 - 4 yearly review of modern awards

AM2017/40

**4 YEARLY REVIEW OF MODERN AWARDS – HAIR AND BEAUTY
INDUSTRY AWARD 2010 – PENALTY RATES**

WITNESS STATEMENT OF RACHEL PIERRE-HUMBERT

I, Rachel Pierre Humbert, of [REDACTED], in Victoria, hairdresser,
STATE as follows:

Qualifications

1. I have a Certificate 111 in hairdressing. I completed a three-year apprenticeship in around 2006.
2. I worked at a range of different salons in Victoria during my apprenticeship. I would also undertake coursework. The coursework arrangements differed depending on what was arranged with the salon I was working in at the time. The coursework was one day per week during some periods or one week per month during other periods.
3. I was earning around \$195 NET per week during my apprenticeship. I don't think I could have survived financially if I wasn't living at home with my parents.
4. My apprenticeship period was challenging. I was constantly busy attending work or training and had to use public transport to travel significant distances. I often ended up doing training or study late at night.

Employment

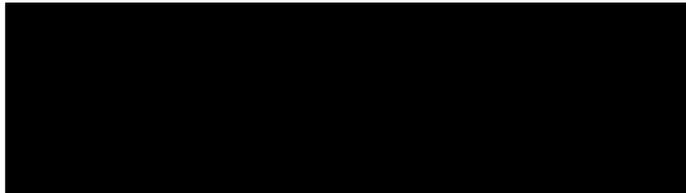
5. I have worked as a hairdresser continuously since 2006 aside from one year I spent working for Greenpeace.
6. I currently work as a casual employee at Hair Station – Casey Central which is located in Narre Warren. I have worked at this salon for the last 18 months.

7. I normally work 32 hours per week and work from Monday to Friday and then on Sunday. I currently work from 10am to 3pm on Sunday. I don't work on public holidays.

Penalty rates

8. I'm opposed to any reduction to the current award penalty rates for hairdressers. The current conditions should be improved – we should not be moving backwards.
9. Many hairdressers I know are struggling to make ends meet at the moment particularly those with family responsibilities.
10. I don't understand why our trade is treated less seriously by the public than other trades like builders or plumbers. We do the same type of training as these trades and have a challenging work environment just as they do – but everyone assumes we should earn dramatically less as hairdressers.

SIGNED:



RACHEL PIERRE HUMBERT

DATE:

18/5/18