



DRAFT DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Overtime for casuals

(AM2017/51)

HAIR AND BEAUTY INDUSTRY AWARD 2010

[MA000005]

Hair and Beauty

VICE PRESIDENT HATCHER
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT BULL

SYDNEY, XX MONTH 2020

4 yearly review of modern awards – common issue – overtime for casuals – Hair and Beauty Industry Award 2010.

A. Further to the Full Bench decision issued by the Fair Work Commission on XX Month 2020 [[2020] FWCFB XXXX], the above award is varied as follows:

1. By deleting clause 13.3 and inserting the following:

13.3 For each overtime hour worked, a casual employee must be paid the rates prescribed by clause 31.2(b).

2. By deleting clause 31.2(a) and inserting the following:

(a) Overtime hours worked by full-time or part-time employees in excess of the ordinary number of hours of work prescribed in clause 28.2 are to be paid at **150%** of the ordinary hourly rate of pay for the first three hours and **200%** of the ordinary hourly rate of pay after three hours.

3. By deleting clause 31.2(b) and inserting the following:

(b) Overtime hours worked by casual employees:

(i) in excess of 38 hours per week or, where the casual employee works in accordance with a roster, in excess of 38 hours per week averaged over the course of the roster cycle; or

(ii) in excess of 10 ½ hours per day;

shall be paid at **175%** of the ordinary hourly rate of pay for the first three hours and **225%** of the ordinary hourly rate of pay after three hours.

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 13.2 to the overtime rates for full-time and part-time employees prescribed by clause 31.2(a).

4. By deleting the words “double time” appearing at clause 31.2(e) and inserting the words “**200%** of the ordinary hourly rate of pay”.

5. By updating the cross-references accordingly.

B. This determination comes into operation on **XX DATE 2020**. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after **XX DATE 2020**.

VICE PRESIDENT

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