



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, 18 JANUARY 2022

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

A. Further to the decision issued by the Full Bench of the Fair Work Commission on 17 December 2021 [[2021] FWCFB 6071], the above award is varied as follows:

1. By deleting clause 28.3 and inserting the following:

28.3 Maximum ordinary hours on a day

An employee may be rostered to work up to a maximum of nine ordinary hours on any day, except that an employee may be rostered to work one 10.5 ordinary hour day per week and by mutual agreement in writing, a second 10.5 ordinary hour day.

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

(a) Overtime—full time and part-time employees

(i) Hours worked by full-time employees:

- (A) in excess of the number of weekly ordinary hours of work prescribed in clause 28.2;
- (B) outside the spread of ordinary hours prescribed in clause 28.2; or
- (C) in excess of the maximum daily ordinary hours prescribed in clause 28.3.

are overtime hours and 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.

(ii) Hours worked by part-time employees:

(A) in excess of the number of hours of work agreed in clause 12.2 or as varied in clause 12.3;

(B) outside the spread of ordinary hours prescribed in clause 28.2; or

(C) in excess of the maximum daily ordinary hours prescribed in clause 28.3.

are overtime hours and 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 updating the cross-references accordingly.

B. This determination comes into operation on 31 January 2022. 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 31 January 2022.



VICE PRESIDENT

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