

NOTICE 1466 OF 2009**DEPARTMENT OF LABOUR****LABOUR RELATIONS ACT, 1995****APPLICATION FOR VARIATION OF REGISTERED SCOPE OF A BARGAINING
COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 58(1) of the Labour Relations Act, 1995, give notice that an application for the variation of its registered scope has been received from the **Hairdressing and Cosmetology Services Bargaining Council. (Semi-National)**

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) The applicant has not complied with the provisions of section 29 of the Act, read with the changes required by the context;
- (b) the sector and area in respect of which application is made is not appropriate; and
- (c) the applicant is not sufficiently representative in the sector and area in respect of which application is made.

Any person who objects to the application must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, PRETORIA, 0002 (Postal Address: Private Bag X117, PRETORIA, 0001), within 30 days of the date of this notice. A copy of the objection must be served on the applicant within the said period and I must be satisfied that a copy of the objection has so been served.

The applicant may respond to the objection within 14 days of the expiry of the 30-day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

TABLE

Name and address of the applicant bargaining council

Hairdressing & Cosmetology Services Bargaining Council (Semi-National)
15 Edward Street, Roodeport, 1724
or P O Box 1963, ROODEPORT, 1725
Fax No.: (011) 760 1274

Date on which application was lodged

11 April 2007

Sector and area in respect of which the application is made:

The Hairdressing and Cosmetology Trade as defined hereunder in the following areas:

- The Province of Gauteng **excluding** the Magisterial District of Cullinan, Pretoria and Wonderboom
- The Province of the Free State
- Magisterial District of Klerksdorp, Potchefstroom, Port Alfred, Humansdorp and Kimberley
- Magisterial Districts of East London, Port Elizabeth and Uitenhage.

“Hairdressing and Cosmetology Trade” means the trade in which employers and their employees are associated for the purpose of rendering hairdressing and cosmetology services in any establishment;

“Cosmetology services” means any one or more or a combination of the operations generally and usually performed by and known as the profession of beauty culturists or cosmeticians or cosmetologists or hairdressers, and includes but is not limited to the following operations:

“Cosmetologist” means a person who performs any one or more of the services usually performed by a manicurist or beauty culturist, including a cosmetologist or cosmetician who performs any one or more of the services referred to in the definition of the “cosmetology” below:

“Cosmetology” means any one or more of the services usually performed by a manicurist or beauty culturist, or cosmetologist in an establishment and includes, but is not limited to-

- (a) manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used including acrylic, fibre glass or gel;
- (b) eyebrow shaping and plucking including the application of false or artificial eyebrow and eyelashes;

- (c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi-permanent or temporary means;
- (d) facial skin care;
- (e) removal of unwanted or superfluous hair from the head or face, by whatever means, other than shaving, but including waxing, chemical depilatories, electrical or mechanical means,
- (f) massage services in manicures, pedicures, facial treatment and back and neck, whole body or holistic treatment or any other form of massaging

whether or not any apparatus, appliance, preparation or substance is used in any of these operation;

“Hairdressing” means any one or more of the hairdressing services usually performed by a hairdresser in an establishment, and includes, but is limited to –

- (a) any service to the scalp or the hair of the head or face, including the following:
 - (i) shampooing, cleansing, conditioning and treating;
 - (ii) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
 - (iii) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary processes, including the use of colour rinses, shampoos, gels or mousses; and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
 - (iv) hair cutting and shaping;
 - (v) barbering services including shaving and singeing of hair;
 - (vi) hair styling, designing, shaping, curling, waving, including blow drying, styling, tonging, crimping, straightening and silking; and
 - (vii) dreadlocks; weaving and braiding

whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;

- (b) massage or stimulative treatment of the face, scalp or neck;
- (c) adding hair, either natural or artificial, including hair extensions, board work, pastiche, wig making, or performing any of the above operations on any wig or hairpiece to be worn by any person; and
- (d) trichology and trichological treatment, including the treatment of abnormalities and disorders of the hair and scalp.

“**hairdresser**” means any person any person who, in return for payment, in money and/or in kind, on his own account, or in partnership, or as an employee, performs, or directly or indirectly advertises that he performs, any one or more of the hairdressing and cosmetology services usually performed by a hairdresser;

“**establishment**” means any premises or workplace in which hairdressers and/ or cosmetology services are normally rendered to members of the public for gain and includes the informal sector and private homes.

Sector and area(s) in respect of which registration is held

1. The Hairdressing Trade in the Magisterial District of Benoni, Boksburg, Brakpan, Germiston, Johannesburg, Klerksdorp, Krugersdorp, Randburg, Randfontein, Roodepoort, Springs and Vereeniging as those areas were constituted on 10 September 1987.

“**Hairdressing Trade**” means the trade in which employers and employees are associated for the purpose of rendering toilet services in any hairdressing salon;

“**toilet services**” means any one or more or a combination of the practices generally and usually performed by and known as the profession of beauty culturists or cosmeticians or cosmetologists or hairdressers, and includes but is not limited to the following operations :

1. Hair arranging, hairdressing, hair cutting, highlighting, shaving, curling, cleaning
2. singeing, shampooing, bleaching, dyeing, colouring, tinting, straightening, styling, waving (permanent, Marcel or water) or any other treatment of the head or the face;
or
3. the massage or other stimulative treatment or exercise of the face scalp or neck; or
4. manicuring of the nails, eyebrow plucking, board work, trichological treatment or beauty culture; or
5. performing any operation referred to in (1) on any wig or hairpiece to be worn by any person

whether or not any apparatus, appliance, preparation or substance is used in used in any of these operations;

“hairdressing salon” means any premises in which toilet services are normally rendered to the public.

2.1 The hairdressing and Cosmetology Trade in the Magisterial Districts of East London, Port Elizabeth and Uitenhage as those areas were constituted on 24 May 1996

2.2 The hairdressing and Cosmetology Trade in the Magisterial Districts of Alberton, Bloemfontein and Kimberly as those areas were constituted on 21 June 1999

For the purposes hereof the above named trade is defined as follows :

“Hairdressing and Cosmetology Trade” means the trade in which employers and their employees are associated for the purpose of rendering toilet services in any establishment;

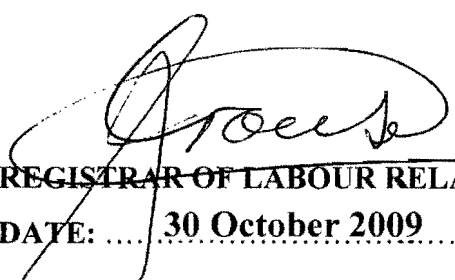
“ toilet services” means any one or more or a combination of the operations generally and usually performed by and known as the profession of beauty culturists or cosmeticians or cosmetologists or hairdressers, and includes but is not limited to the following operations :

- (a) The arranging, dressing, cutting, highlighting, shaving, curling and cleaning of hair;
- (b) The singeing, shampooing, bleaching, dyeing, colouring, tingeing, straightening, relaxing, styling, waving (permanent, Marcel or water) of hair or any other treatment of the hair of the head or the face
- (c) The massaging or other stimulative treatment or exercise of the face, scalp or neck;
- (d) The manicuring of, eyebrow plucking, board work, trichological treatment or beauty
- (e) The performing of any operation referred to in (a) on any wig or hairpiece to be worn by any person

“**establishment**” means any premises in which toilet services are normally rendered to members of the public.

Representativeness of the Bargaining Council

Total number of employees who fall within the new scope of the Bargaining Council and who belong to the trade union which is party to the Council:	2816
Total number of employers who fall within the new scope of the Bargaining Council and who belong to the employers' organisations which are party to the Council:	861
Total number of employees employed within the new scope of the Bargaining Council by the employers who belong to the employers' organisations which are party to the Council:	3335
Total number of employers within the new scope of the Bargaining Council:	1770
Estimated number of employees employed within the new scope of the Bargaining Council:	5009


REGISTRAR OF LABOUR RELATIONS
DATE: **30 October 2009**