

**NOTICE 533 OF 2014****DEPARTMENT OF LABOUR  
LABOUR RELATIONS ACT, 1995****APPLICATION FOR A VARIATION OF REGISTERED SCOPE OF A  
BARGAINING COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 58(1) read with Section 29 of the Labour Relations Act, 1995, give notice that an application for variation of its registered scope has been received from the **National Bargaining Council for the Hairdressing, Cosmetology, Beauty and Skincare Industry**.

The 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 the application is made is not appropriate; and
- (c) The applicant is not sufficiently representative in the sector and area in respect of which the application is made.

Any person who objects must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, Pretoria (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 been served on the applicant.

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 of the bargaining council**

National Bargaining Council for the Hairdressing, Cosmetology, Beauty and Skincare Industry

**Address of the bargaining council**

No 15 Edward Street

**ROODEPOORT**

1724

P O Box 1963

**ROODEPOORT**

1725

**Telephone number:** (011) 760 1685

**Fax number:** (011) 760 1274

**E-mail address:** karen@hcsbc.co.za

**Date on which application was lodged**

5 May 2014

**Intention of the application**

The intention of the application is to establish a uniform definition for this sector in the Republic of South Africa. To further extend the geographical scope of the Council and make it applicable to the whole of South Africa.

**Interest in respect of which the application is made**

**“Hairdressing, Cosmetology, Beauty and Skincare Industry”**, as defined hereunder in the Republic of South Africa.

For the purpose hereof

**“Hairdressing, Cosmetology, Beauty and Skincare Industry”** means the industry in which the employers and their employees are associated for the purpose of rendering hairdressing, cosmetology services and beauty and skincare in any establishment.

**“Hairdressing”** means any one or more of the following services usually performed by a person in an establishment and includes, but is not 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) Hair styling, designing, shaping, curling, waving, including blow drying, styling, tonging, crimping, straightening and silking;

Whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations:

- (i) Massage or stimulative treatment of the face, scalp or neck
- (ii) Adding hair, either natural or artificial, including hair extensions, board work, postiche, wig-making or performing any of the above operations on any wig or hairpiece to be worn by any person
- (iii) Trichology and trichological treatment, including the treatment of abnormalities and disorders of the hair and the scalp.

**“Barber or Barbering Services”** means an employee that renders one or more or all of the following services in an establishment being: Clipper cuts, dry and wet razor shaving, treatment of facial and neck hair including beards and moustaches, hot towel treatments, facial massages, wet and dry cutting of hair, singeing and dry or wet blow drying of hair but specifically excludes any chemical services. The barbering services shall:

- (i) Be performed predominantly on male clients
- (ii) Constitute at least 95% of all services rendered by an employee to clients

(iii) Can only be rendered when the salon provides barbering services to its clients.

**“Cosmetology Services”** means any one or more or a combination of the operations generally and usually performed by nail technicians or beauty culturists or cosmeticians or cosmetologists or skincare therapists or somotologists or aesticians or hairdressers.

**“Beauty and Skin Care Industry”** means the industry in which employers and its employees render “cosmetology services” which include but are not limited to cosmetic camouflage, spa treatments, tattooing and/or painting of the face or any part of the body features; whether by permanent, semi-permanent or temporary means in any establishments where such services are rendered to members of the public.

**“Establishment”** means any place or premises of whatsoever nature from which hairdressing services and cosmetology services are rendered but excluding canvas or sail gazebos or if such services are rendered in open space, unless chemicals are used in the execution of the hairdressing and cosmetology services rendered, in which event canvas or sail gazebos and open spaces shall be considered to be an establishment.

**Sector and areas in respect of which registration is held:**

A. Hairdressing and Cosmetology Trade” as defined hereunder in the following areas:

Province of Gauteng **excluding** the Magisterial Districts of Bronkhorstspuit, Cullinan, Pretoria and Wonderboom;

Province of Free State; and

The Magisterial Districts of Klerksdorp, Potchefstroom, Kimberley, East London, Humansdorp, Port Alfred, Port Elizabeth; and Uitenhage.

For the purpose of paragraph A:

**“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.

“**hairstylist**” means 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 hairstyling and cosmetology services usually performed by a hairstylist;

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

**B. The Hairstyling, Cosmetology, Beauty and Skincare Trade in the Magisterial Districts of Cullinan, Pretoria, Wonderboom and Bronkhorstspruit.**

For the purpose of paragraph B, Hairstyling, Cosmetology, Beauty and Skincare Trade is defined as follows:

“**Hairstyling Trade**” means the trade in which employers and employees are associated for the purpose of rendering salon services in any establishment where such services are normally rendered to members of the public:-

“**Salon services**” means any one or more of a combination of the operations generally and usually performed by and known as the profession of nail technicians, beauty culturist, cosmeticians, cosmetologists or hairstylists, and includes, but is not limited to the following operations:

- (a) The arranging, dressing, cutting, highlighting, shaving, curling, cleaning, singeing, shampooing, bleaching, dyeing, colouring, tinting, straightening, styling, waving (permanent, Marcel or water) of hair, or any other treatment of the hair of the head or the face;

- (b) the performance of any manicure; pedicure , nail technology or the application of artificial nails or nail extensions, whatever the substance used is acrylic, fibre glass or gel or any other substance;
- (c) the shaping and plucking of eyebrows, including the application of false or artificial eyebrows and eyelashes;
- (d) the performance of any cosmetic and camouflage make-up of the face and its features, whether by permanent, semi-permanent or temporary means;
- (e) the performance of any facial skin care operations;
- (f) the removing of unwanted or superfluous hair from the head and face by whatever means, including waxing, chemical depilatories, electrical or mechanical means, but excluding shaving;
- (g) the performance of any beauty treatment ;
- (h) the performance of any beauty therapy or the massaging or stimulating treatment or exercising of the face, scalp or neck; whether or not any apparatus, appliance, preparation or substance is used in any of these operations;
- (i) the performance of any operation referred to in (a) on any wig or hairpieces to be worn by any person, whether or not any apparatus, appliance, preparation or substance is used in any of these operations.

“**Skincare Trade**” means the trade in which employers and employees are associated for the purpose of rendering “salon services” and including but not limited to cosmetic, camouflage, spa treatment, tattooing and or painting of the face or full body features, whether by permanent or semi-permanent or temporary means in any establishment where such services are normally rendered to members of the public.

**C. Hairdressing Trade in the Magisterial Districts of Durban, Inanda and Pinetown.**

For the purpose of paragraph C—

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

“cosmetological 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, haircutting, highlighting, shaving, curling, cleaning, singeing, tinting, straightening, styling, waving (permanent, Marcel or water), or any other treatment of the hair of the head or the face; or
- (2) The massage or other stimulative treatment or exercise of the face, scalp or neck; or
- (3) Manicuring of the nails, eyebrow plucking, boardwork, trichological treatment or beauty culture; or
- (4) 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 any of these operations;

“hairdressing salon” means any premises in which cosmetological services are rendered to either males or females or both males and females together.

**D.** The Hairdressing Trade in the Magisterial Districts of The Cape, Wynberg, Simonstown and Bellville as those areas were constituted as at 24 July 1945.

**Representativeness of the Council in respect of the additional activities**

Total number of employees falling within the new scope of the Council and who belong to the trade union which is a party to the Council:	<b>5 759</b>
Total number of employers falling within the new scope of the Council and who belong to the employers' organisation which is a party to the Council:	<b>1 620</b>
Total number of employees employed within the new scope of the Council by the employers who belong to the employers' organisation which is a party to the Council:	<b>7 110</b>
Total number of the employers within the new scope of the Council:	<b>2 554</b>
Total number of the employees employed within the new scope of the Council:	<b>8 236</b>



**REGISTRAR OF LABOUR RELATIONS**

DATE: .....19 June 2014