

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

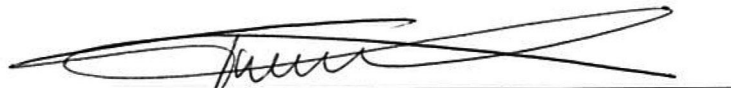
NO. R. 965

04 SEPTEMBER 2020

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING
COSMETOLOGY BEAUTY AND SKINCARE INDUSTRY: EXTENSION TO
NON-PARTIES OF THE AMENDMENT OF THE MAIN COLLECTIVE
AGREEMENT**

I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto which was concluded in the **National Bargaining Council for the Hairdressing Cosmetology Beauty and Skincare Industry**, and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from the date of publication of this Notice and for the period ending 31 December 2020.


MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 24/08/2020

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995

**UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI
EMBonINI YOKULUNGISWA KWEZINWELE, UBuhLE KANYE
NOKUNAKEKELWA KWESIKHUMBA: UKWELULWA KWESIVUMELWANO
ESICHIBIYELAYO PHAKATHI KWABAQASHI NABASEBENZI SELULELWA
KULABO ABANGEYONA INGXE NYE YASO**

Mina, **THEMBELANI WALTERMADE NXESI**, uNgqongqoshe Wezemisebenzi Nezabasebenzi, lapha ngokwesigaba 32(2) soMthetho Wobudlelwano kwezabaSebenzi ka 1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa **uMkhandlu Kazwelonke Wokuxoxisana Kwabaqashi Nabasebenzi Embonini Yokulungiswa Kwezinwele, Ubuhle kanye Nokunakekelwa Kwesikhumba**, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995, esibopha labo abasenzayo, sizobopha abanye abaqashi nabasebenzi kuleyomboni kusukela ngosuku lokushicilelwa kwalesiSaziso kuze kube isikhathi esiphela mhlaka 31 kuZibandlela 2020.



MNUMZANE TW NXESI, MP
UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI
USUKU: 24/08/2020

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING,
COSMETOLOGY, BEAUTY AND SKINCARE INDUSTRY****AMENDMENT TO MAIN COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, Act 66 of 1995, made
and entered into by and between the

Employers' Organisation for Hairdressing, Cosmetology and Beauty

(hereinafter referred to as the "*Employers' Organisation*" on the one part)

and

UASA – The Union

(hereinafter referred to as the "*Trade Union*" on the other part)

being the parties to the National Bargaining Council for the Hairdressing,
Cosmetology, Beauty and Skincare Industry, to amend the Main Collective
Agreement, published under Government Gazette Number 43419 on the 12th of June
2020, under notice number R.663.

1. SCOPE OF APPLICATION

- 1.1 The terms of this Agreement shall be observed in the Hairdressing,
Cosmetology, Beauty and Skincare Industry ("*the Industry*"), in the Republic of
South Africa.

For the purpose hereof:

"Hairdressing, Cosmetology, Beauty and Skincare Industry" means the trade in which employers and their employees are associated for the purpose of rendering hairdressing and cosmetology services in any establishment;

"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.

"Beauty and Skincare Industry" means the industry in which employers and its employees render "cosmetology services" which include but are not limited to cosmetic camouflage, spa treatments, micro – pigmentation such as tattooing, microblading and shading 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.

"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 therapist or somatologist or aestician or hairdresser.

"Establishment" means any place or premises from which hairdressing, cosmetology, beauty and/or skincare 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, cosmetology, beauty and/or skincare services rendered, in which event all such places or premises shall be considered to be an 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;

- (a) massage or stimulative treatment of the face, scalp or neck;
- (b) 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

- (c) trichology and trichological treatment, including the treatment of abnormalities and disorders of the hair and scalp.

2. PERIOD OF OPERATION

2.1 The Agreement shall come into operation-

- 2.1.1 in respect of the parties, on the date of signing hereof and shall remain in force until the 31st of December 2020; and
- 2.1.2 in respect of non-parties, on such date as determined by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until the 31st of December 2020

3 EX GRATIA PAYMENT

3.1 Delete Clause 40 in its entirety and replace it with the following:

"...40 ONCE OFF EX GRATIA PAYMENT

40.1 *All Employers shall pay to their Employees an ex gratia once off payment equal to 5.5% on the Basic Salary or Wage for each Employee's job category as prescribed by the Main Collective Agreement during the 2018 calendar year, as follows:-*

40.1.1 *insofar as an Employer is a party, the ex gratia payment will be made by no later than the last day of November 2019; and*

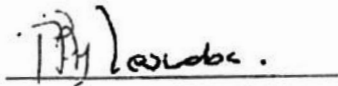
40.1.2 *insofar as the Employer is a non-party, on the 31st of December 2020..."*

40.2 *The parties are willing to consider postponing this obligation, should it appear by November/ December 2020 that non-party employers*

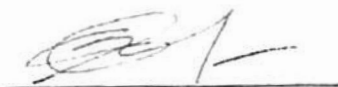
In the industry are still facing financial difficulty due to the ongoing effect of the National lockdown that commenced on the 27th of March 2020.

4. All of the remaining terms and conditions of the Main Collective Agreement shall continue in full force and effect

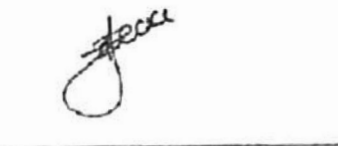
SIGNED AT PRETORIA ON THIS THE 30th DAY OF JUNE 2020



**UASA – THE UNION:
MS P MATJEBE**



EOHCB: MR C MAARTENS



**ACTING CHIEF EXECUTIVE OFFICER
BARGAINING COUNCIL:
MR F BEKKER**