

The Hairdressers Registration Board of Western Australia

Newsletter Issue Three - 3rd Quarter, 2008

New HRB Administration & Compliance Officer

The Hairdressers Registration Board welcomes Shirley Van Rosi to our Compliance Department. Shirley joins Bridget, who many of you already know, in this department. Shirley previously worked as a hairdressing professional for over 20 years but has decided on a change. We feel that her hairdressing background will bring a new and valuable dynamic to our team.

Should you have any queries relating to inspections please feel free to call either Bridget or Shirley on 9381 9966.

Ethics

When a hairdresser moves from salon A is it right or ethical that he/she can "take" clients with them to salon B when they leave salon A's employ? This is a question that the HRB is often faced with.

Is it possible that such an action could be seen to be questionable ethical behaviour? If it is, could it be reason enough to deem a hairdresser to not be a person of good character and, as such be in breach of Section 12 (1)(a) of the Hairdressers Registration Act 1946?

Because of the complexity of these questions, the Board has sought legal advice to assist it in defining an appropriate answer.

In the meantime, here are a few tips that we suggest may assist in such a situation.

1. Consider introducing a confidentiality agreement. You may need to seek legal advice in drawing up such an agreement. Below is an extract from a generic confidentiality agreement. It is shown merely as an example and should not be used without first obtaining a legal opinion.

EXAMPLE: "An Employee shall not, either during the period of his/her employment with (Company name) or thereafter, reveal or disclose to any person outside the Company or use to his/her own benefit, any marketing technique or cost method, or any customer, mailing or supplier list, whether or not supplied by the Company, and whether or not made, developed and/or conceived by the Employee or by others in the employ of the Company. Upon termination of the Employee's employment in any manner or for any reason, the Employee shall promptly surrender to the Company all copies of any of the foregoing, together with any other documents, materials, data, information and equipment belonging or relating to the Company's business and in his possession, custody or control, and the Employee shall not thereafter retain or deliver to any other person, any of the foregoing or any summary or memorandum thereof."

2. For the mutual benefit of all a code of conduct could be developed for everyone, including the salon owner, to adhere to. It could include headings such as:

- personal behaviour
- communication and official information;
- fraudulent and corrupt behaviour;
- record keeping and use of information; and
- conflicts of interest.

Legal advice on how to correctly develop a code of conduct would be beneficial.

3. Employees could also be requested to sign an employment agreement that includes and outlines confidentiality.

Workplace Drug Testing

(This article appears courtesy of Worksafe)

The issue of drug testing in the workplace is a controversial one. Whilst an employer cannot require an employee to submit themselves to a drug test there are a number of steps that can be taken if drug taking is suspected.

Where there may be a risk of injury or harm to people resulting from the use of alcohol and/or other drugs, it must be assessed and measures taken to eliminate or reduce the likelihood of any injury or harm occurring. Workers also have obligations under the OSH Act and MSI Act. They must take reasonable care to:

- ensure their own safety and health at work and that of others. For example, they should ensure that their activities away from work do not impact on their ability to perform their duties safely. They should also inform themselves about the effects of alcohol and other drugs on their ability to work safely. A worker, while at work, should present and remain, fit for work. Being impaired by alcohol and/or other drugs may be a hazard or create risks for co-workers and other people at the workplace;
- report to their employer any situation that they have reason to believe could constitute a hazard and that they cannot reasonably correct themselves. This includes not being able to work safely due to alcohol and/or other drugs. It may also include the legitimate use of prescription and non-prescription drugs that may impair the capacity to work safely; and
- report to their employer any injury or harm to health of which they are aware that arises in the course of, or in connection with, their work.

If an employer thinks that the person is not fit to work (for whatever reason), they should not allow the person to work – especially if doing so will expose the person to a risk – eg: if the person is conducting a potentially hazardous task.

The hazards and risks associated with alcohol and other drug use at the workplace should be assessed in the same way as for other occupational safety and health issues. The Occupational Safety and Health Regulations 1996 contain a

specific requirement for employers to undertake a risk management process. This involves a three-step process to:

- identify hazards that could arise;
- assess risks of injury or harm arising from each identified hazard; and
- control risks through implementation of control measures to eliminate or reduce them.

Strategies that could be put in place in the workplace could include the following:

- developing an alcohol and other drugs policy and supporting procedures for all levels of staff, based on a workplace hazard identification and risk assessment. The procedures should outline how to deal with impaired people, both staff and visitors, at the workplace;
- communicating, to all at the workplace, the policies and procedures on alcohol and other drug usage and related issues arising and the general expectations for occupational safety and health;
- encouraging those in management positions to support the policies and procedures;
- providing information, education and training to workers, which includes the risks from alcohol and other drug use.

Further information on Alcohol and Drugs in the workplace can be found in the Guidance Notes at

http://www.docep.wa.gov.au/WorkSafe/PDF/Guidance_notes/Alcohol%20and%20drugs.pdf

Selling Product to Unqualified or Unregistered Hairdressers

In the July edition of the HRB newsletter, we advised that we had written to most of the key hairdressing product manufacturers and their suppliers, to voice the growing concern from within the hairdressing industry in WA that had been communicated to the Board of HRB, about the increasing number of people that are either unqualified or semi skilled people that have been purchasing hazardous chemical hairdressing products for personal and commercial use.

At a meeting with a group of hairdressing representatives on the 2nd September 2008 that was hosted by the Registrar of HRB, a number of suggested recommendations were put forward. These were the topic for discussion at a further meeting, also hosted by the Registrar of HRB, which was held on 15th September 2008, where hairdressing product suppliers were given an opportunity to voice their views on the points raised.

Discussion on these matters is still on-going and we would welcome your input. Please feel free to contact our Registrar, Les Marshall either by phone to 9381 9966 or by email to les@hrb.org.au to let him know your views.

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