



Unpaid work - hair and beauty industry

Unpaid work can take on different forms. In the hair and beauty industry, these arrangements typically involve an unpaid trial or a period of unpaid work experience. Unpaid work arrangements can be entered into for a number of reasons. These include:

- to give a person experience in a job or industry
- to test a person's job skills.

These arrangements can be initiated by employers, the person wanting the work or experience, or education/training institutions.

Is unpaid work lawful?

Some unpaid work arrangements are lawful and others are not. Depending on the nature of the arrangement, the person doing the work may be an employee and be entitled to be paid the legal minimum rate of pay for the type of work they're doing, along with other minimum employment entitlements.

Unpaid trials (skills demonstration)

Sometimes a person is asked or required to perform work or undertake a trial to be evaluated for a vacant position. This skill demonstration is used for the purposes of determining a prospective employee's suitability for a job. It is often referred to as a work trial.

A brief work trial can be legally unpaid if it is necessary to evaluate someone's suitability for the job, and:

- it involves no more than a demonstration of the person's skills, where they are relevant to a vacant position
- it is only for as long as needed to demonstrate the skills required for the job. This will be dependent on the nature and complexity of the work, but could range from an hour to one shift
- the person is under direct supervision of the potential employer (or other appropriate individual) for the entire trial.

Any period beyond what is reasonably required to demonstrate the skills required for the job must be paid at the appropriate minimum rate of pay. If an employer wants to further assess a candidate's suitability, they could employ the person as a casual employee and/or for a probationary period and pay them accordingly for all hours worked.

Example 1

John asks his local barber for a job as a hairdresser after seeing a vacancy notice in the shop window. John is a qualified hairdresser, but he hasn't worked as one for some time.

Wayne, the shop owner, suggested that John undertake a short trial to see if his skills were still up to scratch. John agreed to this.

Under Wayne's supervision, John did a number of haircuts over the course of an hour. Before each haircut, Wayne informed the customer that John was trialling and such, did not charge the customer for the cut. Impressed by John's performance during the short trial, Wayne offered John the job and started paying him for each shift thereafter.

In this example, John's unpaid trial was lawful. It was for a reasonable length of time and it was a strict skill demonstration, with no benefit flowing to Wayne's business.

Example 2

Claire, a business owner, advertised for a senior stylist.

After reviewing resumes, she called a candidate, Alex, to organise an interview. During the interview Claire told Alex that she needed to assess his skills. Claire asked Alex to attend the salon on Tuesday, Wednesday and Thursday from 9 am to 5 pm to cut the hair of any walk-in clients. If Alex hadn't been there, Claire wouldn't have been able to fit in the walk-ins around the salon's existing appointments.

From Tuesday to Thursday Alex did several haircuts and a few colours. He also managed to sell quite a lot of hair care products. On Thursday night Claire told Alex she would call him when she had made a decision on his suitability for the role. Claire then organised a few more people who had applied for the role to trial in the same way over the coming weeks.

Claire should pay Alex and the candidates in these circumstances. The trials were longer than reasonably required to demonstrate skills and Alex and the candidates were performing work that would otherwise have been done by a paid employee.

For more information on identifying an employment relationship or a vocational placement, please see our [Unpaid Work Fact Sheet](#).

Unpaid work experience

A work experience arrangement (sometimes called an internship) is when a person works for a business to gain experience in a particular occupation or industry. These arrangements can be a valuable way for prospective employees to make the transition from study to work or explore a new career path.

An unpaid work experience arrangement or unpaid internship can be lawful if it is a vocational placement or if there is no employment relationship found to exist.

For more information on identifying an employment relationship or a vocational placement, please see our [Unpaid Work Fact Sheet](#) or [Vocational Placements Fact Sheet](#).

Further information

For information and resources to help you understand your rights and obligations on the topic of unpaid work, visit www.fairwork.gov.au/unpaidwork or contact the Fair Work Infoline on 13 13 94.

Example 3

Sue was in her final year of high school, and was considering a career in hairdressing. Sue's mum arranged for her to do some work experience at her local hair salon. The arrangement was a private arrangement between Sue, her mother and the salon – it had no connection with Sue's high school studies. Sue was required to attend the salon after school every Tuesday and Friday over a three month period.

Sue's time at the salon went beyond simple observation and extended to doing tasks that would usually be done by the other staff. This included cleaning, replenishing supplies and tending to customers. At all times, Sue was expected to follow the direction of the salon manager and work productively.

While there may be an element of learning for Sue in this arrangement, the work she is doing is overwhelmingly for the benefit of the employer and as such, disguising an employment relationship.

Sue should be paid at the appropriate rate of pay for the hours she works.

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: **13 36 77**. Ask for the Fair Work Infoline **13 13 94**

Speak & Listen: **1300 555 727**. Ask for the Fair Work Infoline **13 13 94**