

Discussion Paper – *Cosmetology Act* Review

Purpose

The Department of Labour and Advanced Education (LAE) is considering updates to the *Cosmetology Act* and is seeking stakeholder input. This discussion paper includes information about Nova Scotia’s cosmetology industry, the current *Cosmetology Act* and proposed changes to it, and opportunities for stakeholders to provide input.

Background

Nova Scotia’s cosmetology industry includes hairdressers and estheticians. They provide a wide range of services including professional hair, nail and skin care, and make-up. People who work in the industry operate under the *Cosmetology Act*. The Act provides the authority to establish the Cosmetology Association of Nova Scotia (CANS), outlines CANS’ role and responsibilities, and describes the scope of practice for cosmetology in Nova Scotia. Cosmetologists must be licensed by CANS in order to practice in Nova Scotia. The Department of Labour and Advanced Education administers the Act on behalf of government.

The *Cosmetology Act* can be found at: <http://nslegislature.ca/legc/statutes/cosmetol.htm>.

CANS is responsible for promoting the overall interests of the industry, developing standards for training, education and licensing, issuing licenses to members, and protecting the safety of cosmetologists and the general public. CANS’ Board of Directors is elected by the organization’s membership. CANS membership includes approximately 9,233 active individual members, 595 students, 2,348 salons / spas, and 17 schools. All registered cosmetologists in Nova Scotia are members of CANS.

The current *Cosmetology Act* has been in place since 1996. It has been eight years since it was last reviewed. The cosmetology industry is evolving at a rapid pace. This has resulted in the adoption of new practices, processes, technologies and standards. CANS has asked LAE to consider changes to the Act that would allow CANS to respond to industry and policy changes in a more efficient and timely way. As a result, a committee of industry representatives and LAE staff reviewed the current Act to identify where potential improvements could be made. Industry representatives on the committee included members of the CANS’ executive, salon owners, cosmetology school owners, and various practices within the industry (i.e. hair stylists, estheticians, and nail technicians).

Definition of cosmetology in the current Act

The definition of cosmetology in the current Act is designed to be broad. The definition is:

- The cutting, bleaching, colouring, dressing, curling, waving or permanently waving, cleansing or the performance of similar work upon the hair of any person either by hand or by the use of any mechanical application or appliances.
- The manicuring or pedicuring of the nails of a person or the massaging, cleansing or beautifying of the scalp, face, neck, arms, legs or other parts of the body of a person either by hand or by the use of any mechanical process, application or appliance or by the use of cosmetic preparations, creams, oils or similar preparations or compounds.

Some consideration is being given to making changes to this definition.

Instances where the proposed changes to the Act would not apply

Some practices included in the definition of cosmetology may be performed by other professionals in the course of their work. These people would not be expected, however, to become licensed under the *Cosmetology Act*. Therefore, the proposed changes to the Act would not apply to certain professionals. For example:

- The proposed changes would not apply to the practice of physiotherapy by persons licensed and registered under the *Physiotherapy Act*.
- The proposed changes would not apply to the practice of massage therapy, dermatology or acupuncture.
- The proposed changes would not prevent any person permitted to carry on the practice of barbering under the *Registered Barbers Act* from carrying on such business as permitted by that Act.
- The proposed changes would not prohibit a person from engaging in cosmetology if an activity included in the practice of cosmetology under this Act is necessarily incidental to that person's occupation or profession.

Proposed changes to the Act

It is anticipated that the proposed changes would:

- Generally update the language used in the Act.
- Better reflect current industry practice.

- Maintain protections for cosmetologists and the general public.
- Make it easier for cosmetologists trained in one Canadian jurisdiction to practice in another.

Proposed changes to the *Cosmetology Act* include the following:

1. The proposed changes to the Act would eliminate the Provincial Exam and Licensing Committee, and instead give the CANS' Board of Directors the authority to hold exams, and issue licenses.
2. The proposed changes to the Act would give the Minister of Labour and Advanced Education the power to create regulations associated with the Act. This would give government the opportunity to make administrative improvements over time as circumstances require.
3. Currently, all amendments to CANS' by-laws must be approved by government through a process similar to the one used for government regulations. The proposed changes would remove the requirement for such approval, and instead give the Minister of Labour and Advanced Education the power to approve by-law changes. This would speed up the process and allow CANS to be more responsive to changes in the industry.
4. Nova Scotia is committed to ensuring Canadians trained and licensed for a profession in one province or territory can work in their chosen field in any part of the country. This includes cosmetologists. The proposed changes to the Act would help achieve this in several ways.
 - a. The proposed changes would better align licensing categories with those of other jurisdictions. This would make it easier for cosmetologists licensed in another Canadian province or territory to be licensed in Nova Scotia. It would also make it easier for cosmetologists licensed in Nova Scotia to work elsewhere in Canada. One proposed change would be the elimination of the Junior Cosmetologist licensing category, which requires that person to work under the supervision of a Master Cosmetologist for a period of time. With the elimination of the Junior Cosmetologist category every licensed cosmetologist would be able to work without supervision. This would also provide them with greater flexibility in choosing where they wish to work in Nova Scotia. If this proposal were implemented, any Junior Cosmetologist licensed under the current Act would be issued the license currently held by a Cosmetologist.
 - b. The proposed changes would also permit qualified cosmetologists who meet certain conditions to hold a temporary license to practice cosmetology in Nova Scotia.

5. The proposed changes would address the granting of specific licenses for those persons wanting to practice in a particular specialty (i.e. nail technician, make-up artist).
6. The proposed changes are intended to improve the discipline and appeal processes set out in the Act. Under the current Act, members who have violated the Act may be disciplined by CANS. Members who disagree with any discipline imposed on them may appeal to Nova Scotia's Supreme Court. The proposed changes would instead create an administrative discipline and appeal process where members could appeal any discipline to a Review Committee. The process would be more efficient and economical, both for CANS and its individual members.

The consultation process

As part of the current review process, the Minister of Labour and Advanced Education is inviting industry practitioners, stakeholders and other interested Nova Scotians to comment on any or all aspects of the *Cosmetology Act*, including the proposed changes.

While any and all input will be taken into consideration, you may choose to address the following questions specifically:

- Is there any reason why the definition of cosmetology in the current Act would make the Act difficult to administer on an ongoing basis?
- Will continuing to define cosmetology in this way create impediments to the cosmetology profession in Nova Scotia?
- Do you agree with the need for changes to the Act?
- Do you agree with the direction proposed in any or all of the changes?
- As an industry stakeholder, will these changes be beneficial, negative or neutral when it comes to your ability to work in your field?

There are a number of ways to provide input. LAE will host consultation sessions in early July. Locations and times will be posted to the department's website as soon as venues are booked. The department's website is: <http://www.gov.ns.ca/lae/>. The department will work with CANS to ensure individual members of the organization are invited.

Interested individuals can also email their comments to laepolicy@gov.ns.ca, or mail their comments to the following address:

Nova Scotia Labour and Advanced Education
Cosmetology Act Consultations
c/o Policy and Planning
PO Box 697
5151 Terminal Road
Halifax, Nova Scotia
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Because the department is often involved in several consultations at the same time, please be sure to clearly state that your input is related to the *Cosmetology Act*.

Please note that our consultation report may list the names of individuals and groups who make comments or submissions. Unless comments are marked confidential, we will assume respondents agree to the department referring to their comments and making them publically available.

Please be aware that the *Nova Scotia Freedom of Information and Protection of Privacy Act* may require us to release information contained in submissions. Therefore, you should not include the names of other parties (such as the names of employers or of other employees) or any other information from which other parties could be identified, unless their permission has first been obtained. Further, if you as an individual want to make a submission or provide comments and you do not want your name and personal information to be made public, you should not include your name or other information, such as an address, in the main body of the submission.

All input must be received by midnight on July 31st, 2012.