

Schedule "B"

Cosmetology Association of Nova Scotia By-Laws

By-law No. 1 **Interpretation and Definitions**

(*See Section 2 of the Cosmetology Act for definitions of several terms that are also used in these by-laws.)

1.1 In these by-laws,

- (a) "Act" means the *Cosmetology Act*;
- (b) "Association" means the Cosmetology Association of Nova Scotia;
- (c) "Board" means the Board of Directors of the Association;
- (d) "complainant" means a person who files a complaint with the Executive Director;
- (e) "cosmetology" means the practice of cosmetology as defined in the Act for fee, gain or hope of reward;
- (f) "cosmetology establishment" has the same meaning as "salon" in the Act and means a place where cosmetology is practised on a permanent or ongoing basis and includes a room in a school where practical instruction and training is given or a room in a private residence, ;
- (g) "day" for the purpose of computing time, means calendar days only;
- (h) "fiscal year" means the year from July 1 of one year to June 30 of the following year.
- (i) "mobile unit" means equipment that is used for providing mobile cosmetology services and is not permanently fixed in a cosmetology establishment.
- (j) "school" means a college as defined in the *Community Colleges Act* or a private career college as defined in the *Private Career Colleges Regulation Act*, that is operated by a person who holds a valid certificate of registration issued pursuant to that Act where students receive occupational training in the practice of cosmetology.
- (k) "respondent" means a licensed cosmetologist, cosmetology establishment or school against whom a complaint is made;

1.2 A term defined in the Act that is not defined in these by-laws has the same meaning when used in these by-laws.

Annual General Meeting

*(*See Sections 15 and 16 of the Act)*

- 2.1 A meeting of the general membership will be held once in every fiscal year, between nine (9) and eighteen (18) months after the previous annual general meeting. The Association will provide notice to all members at least ninety (90) days before the Annual General Meeting. Notice will set out the date, time, and location of the Annual General Meeting and will provide a draft agenda for the meeting.
- 2.2 The agenda of the Annual General Meeting shall include the review of the annual report; approval of the previous fiscal year's audited financial statements; election of directors and officers; receipt of committee reports; votes on requests to amend the Act and by-laws; and consideration of such other matters and reports as appropriate. The Annual Report shall include, but not be limited to, audited financial statements for the previous fiscal year and reports from each of the various standing committees. The Annual Report must be distributed at or before the Annual General Meeting.
- 2.3 All motions affecting the by-laws of the Association shall be filed with the Executive Director at least sixty (60) days before the Annual General Meeting. The Executive Director shall notify the members of all motions to be considered at the meeting at least twenty (20) days before the Annual General Meeting takes place.
- 2.4 A quorum at the Annual General Meeting is fifty (50) members, excluding the Board. The Chair of the Board may vote on any matter. Also, in the case of a tie, the Chair must cast the deciding vote and is allowed a second vote for this purpose only.
- 2.5 At the Annual General Meeting all members in good standing are eligible to cast one vote. Voting on matters except election of directors shall take place by way of a show of hands. Voting by proxy is not permitted.
- 2.6 The Association will provide notice to all members of any Special Meeting to take place throughout the fiscal year. Notice will set out the date, time, location and general purpose of the Special Meeting, which will be open to all members.

Board of Directors

*(*See Sections 9-12 of the Act)*

- 2.7 For the first year of operation of these by-laws only, the membership will elect nine (9) directors to the Board of Directors. The three (3) directors who receive the highest number of votes will be elected for a term not to exceed three (3) years; the three (3) directors who receive the next highest number of votes will be elected for a term not to exceed two (2) years; and the three (3) directors who receive the next highest number of votes will be elected for a term not to exceed one (1) year.
- 2.8 At each succeeding Annual General Meeting, the membership will elect only three (3)

new directors to the Board, meaning, each year approximately one third of the Board will retire and be replaced by newly elected or re-elected directors. Each director shall thereafter hold office for a term of not more than three (3) years. If no successor is elected to fill any role on the Board, the person previously elected or appointed continues to hold office.

- 2.9 Directors shall be elected by a secret ballot. The Board may arrange for electronic voting.
- 2.10 The first meeting of the Board after an election shall be held not less than fourteen (14) days and not more than thirty (30) days after the Annual General Meeting. The Executive Director shall call the first meeting of the Board until a Chair is selected by the Board.
- 2.11 If a Board member is unable or unwilling to continue to act, the Board may appoint a replacement member to complete the remainder of the term.
- 2.12 The Board shall, in accordance with its policy, determine remuneration for Board members, which can include provisions for reimbursement of reasonable expenses incurred in fulfilling the role of director.

Election of Board and Committee Chairs

*(*See Section 9 of the Act)*

- 2.13 At the first meeting of the Board following the election, the directors shall elect, by secret ballot, a Chair for the Board as well as a chair of each of the standing committees of the Board. The term as Chair of the Board and Chair of each standing committee shall be for one (1) year or until the next Annual General Meeting. If the director resigns as Chair and/or as a director during this term, the directors shall elect a new Chair.

Board Meetings

*(*See Section 11 of the Act)*

- 2.14 The Board shall meet at least once in each quarter in addition to any general or special meetings of the membership as a whole.
- 2.15 A simple majority of the Board will constitute quorum for a meeting of the Board.

Executive Director

*(*See Section 13 of the Act)*

- 2.16 The powers and duties of the Executive Director are set out in Section 13 of the Act.

Reports

(*See Sections 15 and 16 of the Act)

- 2.17 The Board shall prepare a written report to be presented to the members at each Annual General Meeting, and may authorize such other communications to the memberships as deemed appropriate or necessary.

Committees

(*See Section 12 of the Act)

- 2.18 The Board shall have two (2) standing committees: Finance and Human Resources. The Board may choose to add members who are not licensed cosmetologists to the standing committees where *appropriate*.
- 2.19 The Board shall, in accordance with its policy, determine the composition, functions, member remuneration (including provisions for reimbursement of reasonable expenses incurred in fulfilling the role of committee member), and quorum of all committees.
- 2.20 All committee proceedings shall follow *Robert's Rules of Order*, 9th edition.

By-law No. 3 Membership

(* See Section 21 of the Act)

- 3.1 There shall be three classes of membership in the Association:

Active Members are those persons who are currently licensed as cosmetologists or own at least 50% of a school or cosmetology establishment, including corporations. Each active member has full voting rights.

Associate Member include: students who have registered with the Association and possess a valid student permit; former or retired cosmetologists; and beauty supply companies. Associate members are entitled to attend all meetings of the Association and may vote for directors of the Association but have no other voting rights.

Honorary Members must be former Active members or Associate members of the Association. They are selected by the Board and are chosen because they have advanced the cause of cosmetology in Nova Scotia. Honorary members are entitled to attend all meetings of the Association and may vote for directors of the Association but have no other voting rights.

By-law No. 4 Licences and Permits

*(*See Sections 23 - 25 of the Act)*

4.1 A member may hold one of the following categories of licence:

- (a) **Cosmetologist (Hairdressing)**
A member who has successfully completed 1500 hours of theory and practical instruction as required in the Act and these by-laws and who has successfully passed the examinations prescribed by these by-laws and pays the fees required in these by-laws shall be issued a Cosmetologist (Hairdressing) licence.
- (b) **Cosmetologist (Esthetics)**
A member who has successfully completed 1500 hours of theory and practical instruction as required in the Act and these by-laws, and who has successfully passed the examinations prescribed by these by-laws and pays the fees required in these by-laws shall be issued a Cosmetologist (Esthetics) licence.
- (c) **Master Cosmetologist (Hairdressing)**
A cosmetologist who shows proof of employment in cosmetology in a registered cosmetology establishment for at least three (3) years, has successfully completed three (3) upgrading courses, and pays the fees required in these by-laws shall be issued a Master Cosmetologist (Hairdressing) licence.
- (d) **Master Cosmetologist (Esthetics)**
A cosmetologist who shows proof of employment in cosmetology in a registered cosmetology establishment for at least three (3) years, who has successfully completed three (3) upgrading courses, and pays the fees required in these by-laws shall be issued a Master Cosmetologist (Esthetics) licence.
- (e) **Master Cosmetologist Instructor (Hairdressing)**
A Master Cosmetologist (Hairdressing) who has been engaged in cosmetology for five (5) years or more in a registered cosmetology establishment who has successfully fulfilled such other requirements as may be determined by the Association by policy, and pays the fees required in these by-laws shall be issued a Master Cosmetologist Instructor (Hairdressing) licence.
- (f) **Master Cosmetologist Instructor (Esthetics)**
A Master Cosmetologist (Esthetics) who has been engaged in cosmetology for five (5) years or more in a registered cosmetology establishment who has successfully fulfilled such requirements as may be determined by the Association by policy, and pays the fees required in these by-laws shall be issued a Master Cosmetologist Instructor (Esthetics) licence.
- (g) **Specific Licence (Salon Assistant)**
A person who has successfully completed 300 hours of theory and practical instruction as required in the Act and these by-laws and who has successfully passed the examinations prescribed by these by-laws and pays the fees required by these by-laws shall be issued a Specific Licence (Salon Assistant). This

licence permits the person to mix chemicals and take down permanents.

(h) **Specific Licence (Nail Technician)**

A person who has successfully completed 300 hours of theory and practical instruction as required in the Act and these by-laws and who has successfully passed the examinations prescribed by these by-laws and pays the fees required by these by-laws shall be issued a Specific Licence (Nail Technician). This licence permits the person to perform the services of cutting, trimming, polishing, cleansing, applying artificial nail products to and manicuring the nails of any person as well as cosmetic massaging or stimulating the hands, arms or feet of a client by hand, by the use of any apparatus, or by the use and application of cosmetic preparations, oils, antiseptics, tonics, lotions or creams.

(i) **Specific Licence (Make-Up Artist)**

A person who has successfully completed 300 hours of theory and practical instruction as required in the Act and these by-laws and who has successfully passed the examinations prescribed by these by-laws, and pays the fees required by these by-laws shall be issued a Specific Licence (Make-Up Artist). This licence permits the person to perform all aspects of temporary make-up application upon any person by using cosmetic preparations.

(j) **Specific Licence (Body Hair Removal Services)**

A person who has successfully completed 300 hours of theory and practical instruction as required in the Act and these by-laws and who has successfully passed the examinations prescribed by these by-laws and pays the fees as required by these by-laws shall be granted a Specific Licence (Body Hair Removal Services). This licence permits the person to provide body hair removal services by each or all of the following methods: body sugaring, waxing, tweezing.

(k) **Specific Licence (Eyelashes)**

A person who has successfully completed 300 hours of theory and practical instruction as required in the Act and these by-laws and who has successfully passed the examinations prescribed by these by-laws and pays the fees as required by these by-laws shall be granted a Specific License (Eyelashes). This licence permits the person to provide the service of affixing eyelashes.

(l) **Specific Cosmetologist Instructor**

A Specific Cosmetologist who has been engaged in cosmetology for five years or more in a registered cosmetology establishment who has successfully fulfilled such other requirements as may be determined by the Association by policy, and pays the fees required in these by-laws shall be issued a Specific Cosmetologist Instructor licence.

4.2 A member may hold one of the following categories of licence or permit:

(a) **Temporary Licence (Graduate) (*See Section 28 of the Act)**

A person who wishes to work as a cosmetologist between the successful completion of a course of cosmetology and attainment of a Cosmetologist Licence must apply for and attain a Temporary Licence (Graduate). Upon providing

evidence of successful completion of a course of cosmetology at a school as specified below, registering to write required examinations, and submitting the form in Schedule D to the Executive Director, the Graduate shall be issued a Temporary License (Graduate) which enables the Graduate to practice cosmetology only under the direct supervision of a Cosmetologist. A Temporary License (Graduate) shall be valid for a specified time, to a maximum of one (1) year, unless extended by Association in conjunction with the provisions of By-law No. 6 respecting examinations.

Prerequisites

Applicants for a Temporary Licence (Graduate) are required to provide evidence that they have received not less than 1500 hours of theoretical and practical instruction under a qualified Master Cosmetologist Instructor, and not less than 100 hours of experience in a cosmetology establishment.

(b) Temporary Licence (Transfer) (*See Section 28 of the Act)

A person who practices cosmetology outside of Nova Scotia and who wishes to practice cosmetology in Nova Scotia must apply for a Licence to practice in the same capacity in Nova Scotia. While waiting for that Licence to be issued, the person may apply for a Temporary Licence (Transfer), which would allow that person to practice cosmetology while their application for a Licence is being processed. An applicant for a Temporary Licence (Transfer) is required to complete the form in Schedule D outlining his/her qualifications to engage in the practice of cosmetology and pay the appropriate fee set out in Schedule B. Upon completion of both, the person may be issued a Temporary License to be valid for a specified time as set out in the temporary licence.

(c) Temporary Licence (Visitor) (*See Section 28 of the Act)

A person who practices cosmetology outside of Nova Scotia and who wishes to practice cosmetology in Nova Scotia for a short duration must apply for a Temporary Licence (Visitor). An applicant for a Temporary Licence (Visitor) is required to complete the form in Schedule D outlining his/her qualifications to engage in the practice of cosmetology and pay the appropriate fee set out in Schedule B. Upon completion of both, the person may be issued a Temporary Licence (Visitor) to be valid for a specified time.

(d) Student Permit (*See Section 26 of the Act)

In accordance with Section 26 of the Act, a student who is registered in a course of cosmetology at a school must apply for and receive a Student Permit within thirty (30) days of beginning the course. Upon providing evidence that he or she meets the prerequisites set out below and submitting the appropriate application to the Executive Director, the student shall be issued a Student Permit which enables the student to engage in the practice of cosmetology under the direct supervision of a Master Cosmetologist Instructor to the extent necessary to fulfill the requirements of the curriculum and in order to satisfy the requirements set out in the Act. A Student Permit will be in effect for the term of the course in which the student is registered at the time the student applies for the Student Permit.

Prerequisites

An applicant to a school of cosmetology must meet entrance requirements including proof that the applicant has completed grade 12 or equivalent. The Board may waive the minimum entrance requirements in special circumstances for persons with disabilities or other social disadvantages. The Board must be satisfied that the applicant is likely to be successful in the study and practice of cosmetology.

NOTE: A student must meet all prerequisites for admission to the program as part of a student contract with the school, prior to starting the school program (see Sections 6(1) and 6(4)(h) of the *Private Career Colleges General Regulations* under the *Private Career Colleges Regulation Act*). In such cases, a student must comply with the requirements of their school prior to starting the school program even though a permit may be issued under these by-laws after the student has started their course at the school.

Recognition of Out of Province Licensing (*See Sections 24 and 29 of the Act)

- 4.3 (a) A person who practices cosmetology in another jurisdiction in Canada where there is no requirement to be licensed must apply for a licence under Section 24 of the Act in order to practice cosmetology in Nova Scotia.
- (b) A person who is licensed to practice cosmetology in another jurisdiction in Canada, including an applicant who has a Red Seal designation in cosmetology (hairdressing) who applies for a licence in the same capacity under Section 29 of the Act must provide the following in order to be granted a license in the same capacity in Nova Scotia:
- (1) a completed application form as set out in Schedule D;
 - (2) the applicable fee as set out in Schedule B;
 - (3) a copy of the applicant's current licence from the other jurisdiction;
 - (4) a letter of good standing from the regulatory authority who issued the licence in the other jurisdiction;
 - (5) a letter acknowledging the applicant is aware of the legislation and by-laws governing the practice of cosmetology in Nova Scotia;
 - (6) any practice limitation, restriction or condition on the applicant's licence from the other jurisdiction;
 - (7) if the applicant has not practiced cosmetology within the five (5) years immediately preceding this application, the last year they practiced cosmetology;
 - (8) information regarding complaints or disciplinary or criminal proceedings in the other jurisdiction relating to the competency or conduct of the

applicant.

- (c) CANS may refuse to license an applicant or may impose conditions on a licence based on the information provided in (b).

Form of Licence

- 4.4 A license issued by the Association shall be in a form that contains the following information:
 - (a) The name, address and other contact information for the Association;
 - (b) The name of each licence holder and the type of licence held, the licence number and the date the licence expires.

Continuing Education and Upgrading

- 4.5 Cosmetologists who wish to upgrade to Master Cosmetologists are required to successfully complete three (3) upgrading courses and to complete three (3) years of active work as a Cosmetologist in a cosmetology establishment. Cosmetologists should contact the Association for information on additional courses and credits.
- 4.6 Master Cosmetologists who wish to upgrade to Master Cosmetologist Instructors are required to successfully complete two (2) years of active work as a Master Cosmetologist in a cosmetology establishment and meet any other requirements as may be determined by the Association.

By-law No. 5 Registration and Annual Renewal

Annual Renewal of Licences and Permits

*(*See Sections 22 and 35 of the Act)*

- 5.1 To be registered as a member of the Association, a person must obtain a licence or permit in accordance with the Act.
- 5.2 All members who are engaged in the practice of cosmetology are required to complete the appropriate form in Schedule A each year to renew their licence. Together with the annual licensing fee set out in Schedule B, submission of the form to the Association will constitute renewal of the member's licence to practise cosmetology.
- 5.3 All cosmetology establishments, schools and all cosmetologists who engage in mobile cosmetology services are required to complete the appropriate form in Schedule A each year to renew their permit. Together with the appropriate fee set out in Schedule B and undertaking in Schedule C (not required for schools or mobile services), submission of the form to the Association will constitute the annual renewal of the member's permit.
- 5.4 Annual renewals must be submitted by December 31 each year.

Examinations

*(*See Sections 24 and 39 of the Act)*

- 6.1 A person may apply to take the examinations necessary to obtain the licence which the person desires in accordance with the Act. A student seeking to take the examinations must provide evidence satisfactory to the Board that they have been trained in cosmetology at a school for the number of hours of theory and practical instruction set out in these by-laws for the desired licence.

A person who resides outside Nova Scotia or has recently moved to Nova Scotia from a jurisdiction where there is no licensing in place for cosmetologists, and who is seeking to take the examinations but who has not been trained in a cosmetology school must provide evidence satisfactory to the Board, as set out in the Association's policy, that they have sufficient work experience to write the examination for the desired licence without further occupational training.

Applicants are required to successfully complete the examinations within one (1) year of finishing their training programs or within a longer time deemed appropriate by the Association.

- 6.2 Examinations consist of a practical component, a written component, and testing on bacteriology, sanitation, infection control and universal precautions. The scope of the examinations and the method of procedure shall be prescribed with a view to testing the ability in cosmetology of the person and that person's knowledge of infection control and universal precautions in connection with the practice of cosmetology.
- 6.3 Successful completion of an exam means achieving a passing score of 70% or higher on the written and practical components of the exam.
- 6.4 A member who does not successfully complete any component or phase of an examination may apply to the Board in writing to appeal the examination results. In that written appeal, the student shall indicate his or her reasons for appealing the results and put forward any argument as to why the result should be varied. The Board shall review the appeal and provide its decision to the student within sixty (60) days..
- 6.5 Examinations may take place at the office of the Association or at any other location deemed appropriate by the Board.

Examiners

*(*See Section 38 of the Act)*

- 6.6 Examiners must hold a current Master Cosmetologist or Master Cosmetologist Instructor licence, be currently active in the industry for at least the last five (5) years, and meet any other requirements as may be set out in the Association's policies and procedures in regard to communication skills. Examiners may not be employed at a school.

6.7 Examiners are required to evaluate each student completing the examination.

By-law No. 7 Discipline

*(*See Sections 43-59 of the Act)*

- 7.1 Any person who practices cosmetology without a license and any cosmetology establishment, school or mobile service where cosmetology is practiced without a permit may be subject to discipline in accordance with the Act; the Association may seek an injunction and/or other court order under the Act to prohibit the practice of cosmetology with a licence or permit as required by the Act..
- 7.2 The person filing a complaint must submit it to the Executive Director and can send it by regular mail, registered mail, fax or electronic means.
- 7.3 The Executive Director shall notify the respondent of the complaint within ten (10) days of receipt and will begin a preliminary investigation to address the complaint.
- 7.4 The Executive Director must advise both the complainant and respondent of the status of the complaint within thirty (30) days of receipt. This decision will be sent by registered mail, personal service, regular mail, fax or electronic means.
- 7.5 Where a complaint has been referred to the Discipline Committee and the Discipline Committee has requested an inspection be carried out, a report will be prepared for the Executive Director and the Discipline Committee after the inspection.
- 7.6 Once the Discipline Committee has received the inspection report, the Discipline Committee must advise the respondent of the report findings in writing and allow the respondent a period of not more than twenty (20) days to provide a response in writing.
- 7.7 The Discipline Committee will advise the parties in writing of the type of hearing, and as necessary, the date, time and location of the hearing, not less than thirty (30) days prior to the hearing. The Discipline Committee will also advise of any deadlines for exchange of documents and written submission in the same notice. If either party wishes to present evidence at the Discipline Committee hearing, that party must so advise the Discipline Committee and other parties immediately upon receipt of the hearing notice.
- 7.8 The Discipline Committee must issue a written decision within ten (10) days of the hearing and provide a copy to both the complainant and respondent. The Discipline Committee may impose a sanction as outlined in the Act or dismiss the complaint.
- 7.9 All information obtained by the Executive Director, Discipline Committee, Inspector(s) and/or Review Committee shall remain confidential and not be disclosed other than in accordance with the Act or by-laws or otherwise as required by law. The Discipline Committee and the Board may direct the Executive Director to disclose information known to the Association in accordance with Section 54 of the Act.

By-law No. 8 Inspections

*(*See Sections 40-42 of the Act)*

- 8.1 Inspectors must hold a current Master Cosmetologist or Master Cosmetologist Instructor licence, have been active in the cosmetology industry for at least the immediately previous five (5) years, and meet any other requirement as may be set out in the Association's policies and procedures.
- 8.2 Inspections will focus on licensing, premises, infection control, universal precaution, general appearance, and practices of the cosmetologists.
- 8.3 An inspector who attends a cosmetology establishment shall require proof of disinfecting and sanitation products approved by the Association; sanitation standards set forth in these by-laws or any policies and procedures approved by the Association; and proof of current licensing and registration for each cosmetologist who practises cosmetology at the establishment.
- 8.4 If an inspector finds any violation of the Act or by-laws at a cosmetology establishment, he or she shall leave a notice of violation with the owner or cosmetologist in attendance during the inspection. The notice of violation shall outline the deficiency or deficiencies and shall indicate what steps are necessary to rectify or correct the issue.

By-law No. 9 Infection Control and Universal Precautions

*(*See Section 18 of the Act)*

- 9.1 The Association has policies and procedures for infection control which must be adhered to by cosmetologists and cosmetology establishments. A copy of such policies and procedures is available on the Association's website or by contacting the Executive Director.

By-law No. 10 Appeals & Review

*(*See Sections 52 and 55 of the Act)*

- 10.1 A Review Committee established pursuant to the Act must provide notice to the parties in writing of the type of hearing and as necessary the date, time, and location of the hearing at least thirty (30) days prior to the hearing. The notice will also set out any deadlines for written submissions. In the event a party wishes to submit new evidence to the Review Committee, the party must advise the Review Committee and other parties immediately upon receipt of the notice of the Review Committee. Whether new evidence will be accepted is at the discretion of the Review Committee.
- 10.2 The Review Committee must render its decision within twenty (20) days of the review hearing. A copy of the decision must be provided to each of the parties in writing within ten (10) days of the decision being rendered.
- 10.3 Any decision of the Review Committee is final and binding, but may be appealed to the Nova Scotia Court of Appeal on a question of law only.

- 10.4 A Review Committee appointed by the Board may consist of licensed members of the Association. The Review Committee may also contain members who are not licensed or registered members of the Association, as the Board sees fit. Members of the Review Committee must not have been involved in making the original decision which is subject to review.
- 10.5 All information obtained by the Executive Director, Discipline Committee, Inspector(s) and/or Review Committee shall remain confidential and not be disclosed other than in accordance with the Act or by-laws or otherwise as required by law.
- 10.6 Where a licence or permit is revoked under Section 59 of the Act, the Executive Director shall do the following:
- (a) enter on the Register the cosmetologist's name, date of revocation and any conditions for re-licensing by that person;
 - (b) cause the cosmetologist's name, date of revocation and any conditions for re-licensing by that person to be published in the Association newsletter;
 - (c) cause the cosmetologist's name, date of revocation and any conditions for re-licensing by that person to be published on the Association website and in the newspaper circulating in the community where the member resides;
 - (d) notify other cosmetologist licensing bodies if the Association has a reasonable basis to believe that the person whose cosmetologist license has been revoked was applying or about to apply for licensing, or was practicing cosmetology without a license, in that jurisdiction.

By-law No. 11 Fees

*(*See Section 17(2) of the Act)*

- 11.1 The fees to be paid for registration, licensing, and examination shall be set out at Schedule B to the by-laws.
- 11.2 Fees are payable for the year.

Minister's Approval

By-law Amendments for the Cosmetology Association of Nova Scotia

I, **Lena Metlege Diab**, Minister of Labour and Advanced Education for the Province of Nova Scotia, pursuant to subsection 17(1) of Chapter 39 of the Acts of 2012, the *Cosmetology Act*, and in accordance with the Certificate of Resolution of By-law Amendments attached in Schedule “A”, do hereby approve by-law amendments respecting the Hairstylist Trade Apprenticeship Pilot Project in the form set forth in the Schedule “A” attached to the Certificate of Resolution of By-law Amendments, to be effective on and after January 4, 2021.

Signed at Halifax Regional Municipality, Halifax County, Province of Nova Scotia
this day of , 2020.

Leona Me

Honourable Lena Metlege Diab
Minister of Labour and Advanced Education

Schedule "A"

Certificate of Resolution of By-law Amendments

We do hereby certify that pursuant to subsection 17(1) of Chapter 39 of the Acts of 2012, the *Cosmetology Act*, a resolution of the Board of Directors of the Cosmetology Association of Nova Scotia to enact amendments to the by-laws under Chapter 39 of the Acts of 2012, the *Cosmetology Act*, respecting the Hairstylist Trade Apprenticeship Pilot Project, was duly passed by two thirds of the voting membership present at the Annual General Meeting of the Association held on November 9, 2020, at which such resolution was presented.

A copy of the by-law amendments for the Cosmetology Association of Nova Scotia is attached as Schedule "A" to this certification.


On behalf of the Board of Directors of the Cosmetology Association of Nova Scotia, we seek the approval of the Minister of Labour and Advanced Education for the by-law amendments referred to herein to be effective on and after January 4, 2021.

Dated and signed at Halifax Regional Municipality, Province of Nova Scotia, this ^{1st} day of
December, 2020.

Cosmetology Association of Nova Scotia

Per:


Cameron DeBaie, Chair


Dana Sharkey, Executive Director

Schedule "A"

Amendments to the By-laws of the Cosmetology Association of Nova Scotia made by the Cosmetology Association of Nova Scotia under subsection 17(1) of Chapter 39 of the Acts of 2012, the *Cosmetology Act*

1. The by-laws of the Cosmetology Association of Nova Scotia are amended by
 - (a) repealing clause 4.2(e); and
 - (b) repealing "Schedule E: Apprenticeship Pilot Project" and substituting the following Schedule:

Schedule E Hairstylist Trade Apprenticeship Pilot Project

Definitions

1 In this Schedule:

- (a) The following terms have the same meaning as the corresponding defined terms in the *Apprenticeship and Trades Qualifications Act*: "Agency", "apprentice", "apprenticeship agreement", "apprenticeship program", "certificate of apprenticeship", "certificate of qualification", "journeyperson", "practical experience" and "technical training";
- (b) The following terms have the same meaning as the corresponding defined terms in the *Apprenticeship and Trades Qualifications Act General Regulations*: "identity card" and "term of apprenticeship";
- (c) "Director (Apprenticeship Agency)" means the Director of Programs and Operations or the Director of Partnership and Innovation of the Nova Scotia Apprenticeship Agency and includes any person acting under the authority of either of them;
- (d) "hairstylist trade" means the "hairstylist trade" as defined in the *Hairstylist Trade Regulations* made under the *Apprenticeship and Trades Qualifications Act*;
- (e) "Project" means the Hairstylist Trade Apprenticeship Pilot Project commenced by the Association and the Agency on January 4, 2021;
- (f) "Project participant" means a person who becomes a Project participant in accordance with subsection 2(1) of this Schedule and remains a Project participant until ceasing to be one in accordance with subsection 2(2) of this Schedule;

Date a person becomes and ceases to become a Project participant

- 2 (1) A person becomes a Project participant on the date the Director (Apprenticeship Agency), registers an apprenticeship agreement to which

the person is a party in the hairstylist trade if the registration occurs during the period from January 4, 2021 to April 2, 2021.

- (2) A person ceases to be a Project participant on the earlier of the date the
- (a) apprenticeship agreement to which they are a party is cancelled in accordance with the *Apprenticeship and Trades Qualifications Act* and the *Apprenticeship and Trades Qualifications Act General Regulations*;
 - (b) are granted the status of an Active Member in accordance with these by-laws, having been issued a Cosmetologist (Hairdressing) licence and registered in the Register of the Association; or
 - (c) fail to apply for a Cosmetologist (Hairdressing) licence within the time period permitted by this Schedule.

Term of the Project

- 3 The Project commences on January 4, 2021 and concludes on the date the last of the Project participants ceases to be a Project participant in accordance with this Schedule.

Application of Association Policies and Procedures to this Schedule

- 4 In the case of a conflict between the Policies and Procedures of the Association and the provisions of this Schedule, the provisions of this Schedule prevail.

Salon permit condition - display of apprentice identity card information

- 5 It is a condition of a permit issued to a salon that the salon require each apprentice in its employ to display their identity card information, in accordance with the direction provided by the Director (Apprenticeship Agency), in a place clearly visible to the public at the location where the apprentice is practicing cosmetology.

Requirements for completion of the hairstylist trade apprenticeship program

- 6 The term of apprenticeship for the hairstylist trade apprenticeship program consists of all of the following, as set out in the *Hairstylist Trade Regulations* made under the *Apprenticeship and Trades Qualifications Act*:
- (a) 3600 documented hours of the combination of practical experience and the portion of technical training spent learning the skills of the hairstylist trade;
 - (b) related technical training, other than the technical training referred to in clause (a), that is proportionate to the documented hours of practical experience;
 - (c) attainment of a grade of 70% or higher in the certification examination in the hairstylist trade, which may only be taken following the successful completion of the required practical

experience and technical training components of the apprenticeship program.

Requirements for a supervising journeyperson of an apprentice

- 7 An apprentice who is a Project participant may only be supervised by a journeyperson who, at all relevant times during the Project, possesses a current and valid licence issued by the Association as
- (a) a Master Cosmetologist (Hairdressing), or
 - (b) a Master Cosmetologist Instructor (Hairdressing).

Requirements for Cosmetologist (Hairdressing) examinations for Project participants

- 8 The requirement in clauses 24(1)(c) and 24(2)(b) of the Act for proof that a person has completed sufficient work experience to be entitled to take an examination for the Cosmetologist (Hairdressing) licence without further occupational training is satisfied by a Project participant if they have,
- (a) successfully completed the practical experience component of Level I in the term of apprenticeship for the hairstylist trade, before taking the Association's testing on bacteriology, sanitation, infection control and universal precautions, in accordance with the requirements of these by-laws; and
 - (b) successfully completed the practical experience component of Level II in the term of apprenticeship for the hairstylist trade, before taking the Association's practical examination in accordance with the requirements of these by-laws.

Requirements for Cosmetologist (Hairdressing) licensing for Project participants

- 9 (1) Subject to clause 13(1)(b) of this Schedule, a Project participant must apply to the Executive Director for a licence to practice cosmetology as a Cosmetologist (Hairdressing) and be granted a licence before they are eligible to practice cosmetology.
- (2) In the application referred to in subsection (1), each Project participant must provide the following to the Executive Director:
- (a) a completed application form prescribed by these by-laws, for a license to practice cosmetology as a Cosmetologist (Hairdressing);
 - (b) satisfactory confirmation that they have achieved a passing score of 70% or higher in the examinations administered during the technical training component of Level I in the term of apprenticeship for the hairstylist trade in bacteriology, sanitation, infection control and universal precautions, as prescribed by Section 6.2 of these by-laws;

- (c) satisfactory confirmation that they have achieved a passing score of 70% or higher in the practical examination administered during the technical training component of Level II in the term of apprenticeship for the hairstylist trade, as prescribed by Section 6.2 of these by-laws;
 - (d) a copy of the Project participant's certificate of apprenticeship and certificate of qualification in the hairstylist trade, subject to any authentication of the certificate of apprenticeship or certificate of qualification that the Executive Director may require; and
 - (e) the necessary registration and licensing fee.
- (3) The requirement in Section 6.2 of these by-laws that an applicant for a licence complete and pass a written examination with a score of 70% or higher is satisfied by a Project participant who successfully completes an examination for a certificate of qualification (Red Seal) in the hairstylist trade and attains a passing grade of 70% or higher in accordance with clause 6(c) of this Schedule.
- (4) For the purposes of clause 4.1(a) of these by-laws, in relation to the Cosmetologist (Hairdressing) category of licence, a Project participant who satisfies all of the requirements in Sections 5 to 10 of this Schedule has met and is deemed to have met all of the requirements described in that clause.

Time period within which an application for a licence as a Cosmetologist (Hairdressing) must be made

- 10 A Project participant's application under Section 9 of this Schedule must be submitted to the Executive Director within 12 months after the date the certificate of qualification in the hairstylist trade was issued to the Project participant.

Issuance of Cosmetologist (Hairdressing) licence to a Project participant

- 11 (1) The Association must issue a Cosmetologist (Hairdressing) licence to a Project participant who
- (a) applies to the Executive Director for a licence to practice cosmetology as a Cosmetologist (Hairdressing); and
 - (b) satisfies all of the application requirements in subsection 9(2) of this Schedule.

Registration of a Project participant in the Register of members of the Association after the issuance of a licence

- 12 The Association must
- (a) register as a member of the Association, in the Register, every Project participant who applies for membership and has been issued

a licence as a Cosmetologist (Hairdressing) in accordance with Section 11 of this Schedule; and

- (b) grant any Project participant registered in the Register under clause (a) the status of an Active Member, as described in these by-laws.

Authority for Project participant to practice Cosmetology as a Cosmetologist (Hairdressing)

13 (1) In accordance with the *Cosmetology Regulations* made under the Act, a Project participant is exempt from the application of the Act, including the prohibition against practicing cosmetology without a licence, only

- (a) while participating in an apprenticeship program in the hairstylist trade; and
- (b) after a certificate of apprenticeship and a certificate of qualification in the hairstylist trade has been, or is deemed to have been issued to the Project participant, until the later of the following dates:
 - (i) the date a Cosmetologist (Hairdressing) licence is issued to the Project participant or a determination is made that the Project participant has not satisfied the licence application requirements in subsection 9(2) of this Schedule, if the Project participant applies for a licence within 7 days or such longer period as the Executive Director may reasonably allow after the issuance or deemed issuance to the Project participant of the certificate of qualification,
 - (ii) the date which is 7 days after the issuance or deemed issuance to the Project participant of a certificate of qualification in the hairstylist trade, if the Project participant has not made application for a Cosmetologist (Hairdressing) licence by that date.

(2) A certificate of qualification in the hairstylist trade is deemed to have been issued to a Project participant 5 days after the certificate of qualification in the trade is mailed to the Project participant by the Director (Apprenticeship Agency).

(3) For greater certainty, Section 7.1 of these by-laws does not apply to any Project participant who is exempt from the application of the Act in accordance with subsection (1) and the *Cosmetology Regulations*.

Continuation of original Pilot Project members under the Project

14 (1) An apprentice who, as of January 4, 2021, continues to be an apprentice in the Hairstylist Apprenticeship Pilot Project that commenced on March 27, 2018, ceases to be a participant in that Pilot Project and becomes a Project participant in the current Project on January 4, 2021.

- (2) An apprentice under subsection (1) is continued on the same terms and conditions as applied to the apprentice under the Hairstylist Apprenticeship Pilot Project that commenced on March 27, 2018.

Eligibility to apply for a Master Cosmetologist (Hairdressing) Licence

- 15 A Project participant to whom a Cosmetologist (Hairdressing) licence has been issued by the Association is not eligible to apply for a licence as a Master Cosmetologist (Hairdressing) until they have been employed in cosmetology in a registered cosmetology establishment for at least three (3) years and satisfies all of the other eligibility requirements set out in clause 4.1(c) of these by-laws.

Information to be exchanged between the Agency and the Association

- 16 (1) For purposes only of fulfilling the responsibilities of the Director (Apprenticeship Agency) under the *Apprenticeship and Trades Qualifications Act* and associated regulations, the Director shall disclose to the Executive Director the following information:
- (a) the name of each person who may be eligible to become an apprentice in the hairstylist trade and in relation to whom an application has been made to the Director to register an apprenticeship agreement in the trade; and
 - (b) the name of each person who may be eligible to become an employer of an apprentice in the hairstylist trade and in relation to whom an application has been made to the Director to register an apprenticeship agreement in the trade.
- (2) Upon receipt by the Executive Director of any information referred to in clause (1)(b), the Executive Director shall, for purposes only of enabling the Director (Apprenticeship Agency) to fulfil their responsibilities under the *Apprenticeship and Trades Qualifications Act* and associated regulations,
- (a) inform the Director as to whether the proposed employer possesses a valid and current salon permit and is otherwise in good standing under the Act; and
 - (b) if the proposed employer meets the requirements in clause (a), inform the Director as to the names and number of journeypersons in the hairstylist trade that are employed by the proposed employer.
- (3) For purposes only of enabling the Association to fulfil its inspection responsibilities under the Act and provide technical training to apprentices, the Director (Apprenticeship Agency) shall, as soon as practicable following registration of an apprenticeship agreement, inform the Executive Director that the apprenticeship agreement has been registered in relation to the proposed apprentice and employer.

- (4) The Association and the Agency shall at all times keep confidential and not disclose the names of prospective apprentices, apprentices, prospective employers, employers or journeypersons, except if
- (a) necessary for operational or legislative purposes; or
 - (b) required by law.

Schedule A-1
Cosmetology Association of Nova Scotia
Licence to Practise Cosmetology/
Annual Renewal (Individual)
Please send completed form to:
Cosmetology Association of Nova Scotia
126 Chain Lake Drive
Halifax, NS B3S 1A2
(902) 468-6477 (ph.)
(902) 468-7147 (fax)

Person's Name: _____

Membership Number: _____

Business Address: _____

Business Telephone Number: _____

Business Fax Number: _____

Home Address: _____

Home Phone Number: _____

Email Address: _____

Type of License: _____

Applicant's Signature

Date

Schedule A-2
Cosmetology Association of Nova Scotia
Permit to Operate/Annual Renewal Form
Cosmetology Establishment
Please send completed form to:
Cosmetology Association of Nova Scotia
126 Chain Lake Drive
Halifax, NS B3S 1A2
(902) 468-6477 (ph.)
(902) 468-7147 (fax)

Business Name: _____

Membership Number: _____

Business Address: _____

Business Telephone Number: _____

Business Fax Number: _____

Email Address: _____

Contact Person: _____

Position: _____

Type of Permit: _____

Number of Cosmetologists/Students: _____

By applying for this permit/annual renewal form, I agree that the Executive Director of the Cosmetology Association and/or Inspectors engaged or employed by the Cosmetology Association may enter the premises of this cosmetology establishment during reasonable working hours and inspect all aspects of the cosmetology establishment.

Applicant's Signature

Date

Schedule A-3
Cosmetology Association of Nova Scotia
Permit to Operate/Annual Renewal Form
(School)

Please send completed form to:
Cosmetology Association of Nova Scotia
126 Chain Lake Drive
Halifax, NS B3S 1A2
(902) 468-6477 (ph.)
(902) 468-7147 (fax)

School Name: _____

Business Address: _____

Business Telephone Number: _____

Business Fax Number: _____

Email Address: _____

Contact Person: _____

Position: _____

Number of Students: _____ (hair) _____ (esthetics)

Number of Instructors: _____ (hair) _____ (esthetics)

Names of Instructors and their Licences

By applying for this permit/annual renewal form, I agree that the Executive Director of the Cosmetology Association and/or Inspectors engaged or employed by the Cosmetology Association, may enter the premises of this school during reasonable working hours and inspect all aspects of this school.

Applicant's Signature

Date

Schedule A-4

**Cosmetology Association of Nova Scotia
Permit to Operate/Annual Renewal Form
(Mobile Service)**

Please send completed form to:
Cosmetology Association of Nova Scotia
126 Chain Lake Drive
Halifax, NS B3S 1A2
(902) 468-6477 (ph.)
(902) 468-7147 (fax)

Permit Holder's Name: _____

Business Address: _____

Business Telephone Number: _____

Business Fax Number: _____

Email Address: _____

Hours/Locations of Operations: _____

Contact Person: _____

Position: _____

Owners (Names and Licence held):

Services offered: _____

Number of Cosmetologists: _____ (hair) _____ (esthetics)

Number of Master Cosmetologists: _____ (hair) _____ (esthetics)

Number of Master Cosmetologist Instructors: _____ (hair) _____ (esthetics)

By applying for this permit/annual renewal form, I agree that the Executive Director of the Cosmetology Association and/or Inspectors engaged or employed by the Cosmetology Association, may inspect all aspects of the mobile unit.

Applicant's Signature

Date

NOTICE TO MEMBERS

Licence Fee Increase

Please be advised, effective as of **January 1, 2020**, the following licence fees have increased:

<u>Licence</u>	<u>New Fee</u>
Cosmetology (Hairdressing)	\$85
Master Cosmetologist (Hairdressing)	90
Cosmetology (Esthetics)	85
Master Cosmetologist (Esthetics)	90
Master Instructor (All Categories)	95
Specific Licence (All Categories)	85
Specific Instructor	95
Active Member (Non-Cosmetologist)	85
Associate Member	85

Schedule B

Annual Licensing Fees : for all categories of licence

One-time Administrative Fee (payable by all applicants for licence and permits)	\$55
Cosmetologist (Hairdressing or Esthetics)	\$75
Master Cosmetologist (Hairdressing or Esthetics)	\$80
Master Instructor (Hairdressing or Esthetics)	\$85
Specific Licence	\$75
Specific Instructor	\$85
Graduate	\$75
Temporary (Graduate, Transfer)	\$75
Visitor	\$75
Associate Member (Salon Owner, Beauty Supply Company, Former/Retired cosmetologists)	\$75

Annual Cosmetology Establishment Fees

1 Cosmetologist	\$70
2 - 5 Cosmetologists	\$80
6 - 10 Cosmetologists	\$115
11+ Cosmetologists	\$140
Salon/Spa Relocation Fee	\$150
Annual Mobile Services Permit (payable in addition to Cosmetology Establishment Fee)	\$70
Salon/Spa Proprietor Application/Registration Fee	\$250

Examination Fees

Examination (for all exams)	\$150
-----------------------------	-------

Annual School/College Fees

Student Enrolment	\$55
Examination Fee	\$150
1 st DNA	\$210
2 nd DNA	\$260
3 rd DNA	\$310
School Opening	\$800
School Relocation	\$200
School Permit Fee (1 - 50)	\$200
School Permit Fee (51+)	\$300
Program Review/Registration Fee	\$150
Instructor Application	\$100

Other

Credential Review Fee	\$150
Late Registration Permit/Licensing Fee (applied on January 1)	\$25
Copy of Licence/Certificate	\$20
NSF Fee	\$40

***** HST payable on all fees *****

These fees may be amended by the Board, at its sole discretion, from time to time.

Schedule C
Cosmetology Association of Nova Scotia
Cosmetology Establishment Undertaking

Please send completed form to:
Cosmetology Association of Nova Scotia
126 Chain Lake Drive
Halifax, NS B3S 1A2
(902) 468-6477 (ph.)
(902) 468-7147 (fax)

Cosmetology Establishment Name:

I, _____, owner/operator of this cosmetology establishment
_____ agree and promise to ensure that all cosmetologists, master
cosmetologists, master cosmetologist instructors, and students, employed or otherwise engaged
at this cosmetology establishment will, at all times be licenced and fulfil any professional
responsibilities set out in the *Cosmetology Act*, the Cosmetology Association of Nova Scotia's
By-laws, and all policies and procedures developed by the Cosmetology Association of Nova
Scotia.

Applicant's Signature

Date

Schedule D
Cosmetology Association of Nova Scotia
Application for a License to Practice Cosmetology

Please send completed form to:
Cosmetology Association of Nova Scotia
126 Chain Lake Drive
Halifax, NS B3S 1A2
(902) 468-6477 (ph.)
(902) 468-7147 (fax)

Category of Licence being Applied for: _____

Name: _____

Home Address: _____

Home Phone Number: _____

Business Address: _____

Business Telephone Number: _____

Business Fax Number: _____

Type of License Requested: _____

Reason for License Request: _____

Email Address: _____

Education and Training

School Attended: _____

Date Course Completed: _____

Designation Received: _____

Employment History: _____

Applicant's Signature

Date

