

HAIRDRESSERS ACT

CHAPTER 159

Interpretation

- 1.** In this Act “hairdresser” means a person who,
- (a) by hand or by the use of a mechanical application or appliance engages in the occupation of dressing, curling, waving, permanently waving, cleansing, bleaching or similar work on the hair of a person, including cutting the hair of female persons and of boys under 7 years of age;
 - (b) by hand or by the use of a mechanical application or appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or similar preparations or compounds, engages in any one or more or any combination of manicuring the nails or massaging, cleansing or beautifying the scalp, face, neck, arms or bust of a person,
- and “hairdressing” has a corresponding meaning.

RS1960-169-2.

Territorial application

- 2.** This Act applies only in municipalities of a population of 750 persons or more and in the territory within 16 km of the boundaries of those municipalities.

RS1960-169-5; 1961-24-2; 1977-53-1.

Association

- 3.** (1) The Hairdressers’ Association of British Columbia (the “association”) is continued as a corporation.
- (2) The head office of the association shall be at the City of Vancouver.
- (3) Every person registered under this Act shall be a member of the association.

RS1960-169-6.

Board of Examiners

- 4.** (1) There shall be a board (the “board”) known as the Board of Examiners in Hairdressing.
- (2) The board shall consist of 3 members elected by the association and a number of other members, not exceeding 3, appointed by the Minister of Labour.
- (3) The elective members of the board shall be elected by the association in the manner provided by the bylaws of the association, and
- (a) each person elected shall be a member of the association;
 - (b) of the persons elected one at least shall be an employer or master and one at least shall be a journeyman or employee for hire; and
 - (c) a person, directly or indirectly, connected with a school of hairdressing, or employing an apprentice in hairdressing, is not eligible for election to the board.
- (4) The elected members of the board shall hold office for 2 years following their election.

(5) In the event of the death or resignation of an elected member of the board, a successor shall be elected by the association in the manner provided in the bylaws of the association, and the successor shall hold office for the unexpired term of his predecessor in office. On the termination of office of the elected members of the board, subsequent members of the board shall be elected in the manner provided in the bylaws of the association.

(6) The association shall pay to the elected members of the board the fees, salaries and travelling expenses as may be fixed by bylaws of the association.

1960-169-7; 1961-24-3.

Bylaws

5. (1) The association may make bylaws not inconsistent with this Act, and may amend, add to or repeal them in the manner provided in the bylaws.

(2) Except as provided in this Act, neither the association nor the board has power or authority, by bylaw or any other means, to regulate, govern, increase or in any manner interfere with the prices charged for hairdressing.

RS1960-169-8.

Admission to membership

6. (1) A person who desires to engage in the occupation of hairdressing in the Province may become a member of the association on

- (a) producing to the board a certificate from a medical practitioner residing in the Province that such person is free from all contagious and infectious diseases;
- (b) submitting evidence satisfactory to the board that he is over 18 years of age and of good moral character;
- (c) satisfying the board that he possesses the requisite skill and knowledge to properly perform all the duties appertaining to the occupation of hairdressing and the proper rules of sanitation and hygiene in connection with the occupation of hairdressing; and
- (d) paying to the board a fee of \$15.

(2) The fee of \$15 shall cover the cost of the examination of the applicant by the board, and shall be paid by the applicant to the board before he presents himself for examination; but if the applicant fails in that examination, or any subsequent examination, and again presents himself for examination, he shall pay to the board a further examination fee of \$5.

RS1960-169-9.

Certification

7. (1) On a person becoming a member of the association, the board shall issue to him a certificate in a form decided by the board, signifying that he is entitled to engage in the occupation of hairdressing in the Province.

(2) The board shall issue special certificates for a branch of hairdressing, as they are fixed and defined in the bylaws of the association, on the applicant

- (a) satisfying the board that he possesses the requisite skill and knowledge to properly perform all the duties appertaining to the branch of hairdressing and the proper rules of sanitation and hygiene in connection with the occupation of hairdressing;

- (b) producing to the board a medical certificate as required above;
- (c) satisfying the board that he is of good moral character; and
- (d) paying to the board a fee of \$15.

(3) The fee of \$15 shall cover the cost of the examination of the applicant by the board, and shall be paid by the applicant to the board before he presents himself for examination; but if the applicant fails in that examination, or any subsequent examination, and again presents himself for examination, he shall pay to the board a further examination fee of \$5.

(4) A special certificate shall carry with it all rights and liabilities of membership in the association, except that it shall not confer a right to vote for election to the board, and a person holding only a special certificate or special certificates is not eligible for election to the board.

(5) It is unlawful for a person holding a special certificate to engage in or perform for hire, gain or hope of reward an act of hairdressing which is not included in such a special certificate. A person holding only a special certificate and not fully qualified by certificate from the board as a hairdresser under this Act, nor fully qualified in barbering under the *Barbers Act*, shall not engage in or perform for hire, gain or hope of reward an act of hairdressing except under the direct supervision and employment of a person fully qualified either by certificate from the board as a hairdresser under this Act or under the *Barbers Act*.

(6) It is the duty of the holder of a certificate for hairdressing issued by the board to keep it posted at all times in a conspicuous position in the place where he carries on his occupation.

(7) A certificate issued by the board, except as provided in this Act, remains in force until the termination of the calendar year in which it is issued, but may be renewed from year to year, on

- (a) payment to the board of a fee, for operating and nonoperating hairdressers for each renewal, that may be fixed by the Lieutenant Governor in Council;
- (b) production to the board of a certificate issued by a medical practitioner residing within the Province showing that he has examined the applicant on a date within one week previous to the date of the application for renewal, and showing that the applicant is free from infectious or contagious diseases; and
- (c) the board being satisfied that the applicant is of good moral character.

(8) A renewal certificate in respect of which the fee fixed for a nonoperating hairdresser is paid shall not entitle the holder to engage in or perform for hire, gain or hope of reward an act of hairdressing.

(9) If a person fails to renew his certificate within 2 months from its date of expiry, his name shall be removed from the register of members of the association, and the certificate shall not be renewed nor shall that person be registered again as a member of the association until he has paid to the board the annual renewal fees as mentioned above for each year or portion of it from the date of expiry to the date of renewal, together with a further fee of \$2, and has satisfied the board as to his moral and medical fitness as mentioned above.

(10) If the certificate of a person has lapsed for a period of 3 years or more, the board shall, before issuing to that person a certificate or renewal, require that person to submit himself for examination by the board in the ordinary manner and on the ordinary terms as provided in this Act, in place of payment of the renewal fees.

(11) A person whose name has been removed from the register of members may, at his option, in place of paying the renewal fees, submit himself for examination by the board in the ordinary manner and on the ordinary terms as provided in this Act.

RS1960-169-10; 1961-24-4.

Apprentices

8. (1) Subject to this section, nothing in this Act shall hinder or prevent a person from serving as an apprentice in the occupation of hairdressing in accordance with the *Apprenticeship Act* and the *Employment Standards Act*, Part 8.

(2) An apprentice shall not commence work until his contract of apprenticeship has been approved by the Provincial Apprenticeship Committee or the Board of Industrial Relations, nor until he has applied to the secretary of the association for registration as an apprentice and has paid a registration fee of \$1, produced a medical certificate similar to that required by section 6 and has received his apprenticeship permit card, which permit card shall not be withheld except with the approval of the Provincial Apprenticeship Committee.

(3) Every apprentice shall keep his apprenticeship permit card displayed in a conspicuous place in the hairdressing shop or premises in which he is employed. Every proprietor, manager or person in charge of a hairdressing shop or premises shall require every apprentice employed to secure and display his apprenticeship permit card before commencing work, and keep it continuously displayed in a conspicuous place.

(4) Every apprentice to whom an apprenticeship permit card has been issued shall present himself for examination on completion of the period of apprenticeship specified in his contract of apprenticeship, unless an extension of that period has been granted by the board with the approval of the Provincial Apprenticeship Committee or the Board of Industrial Relations.

(5) If the apprentice fails at his first examination, an extension of his apprenticeship may be granted by the board with the approval of the Provincial Apprenticeship Committee or the Board of Industrial Relations for a further period not exceeding one year, on production of a medical certificate similar to that required by section 6 and on payment to the board of a further registration fee of \$1.

(6) If the apprentice fails to pass the required examination during or at the termination of the extension of his apprenticeship, the board, in conjunction with the Provincial Apprenticeship Committee or the Board of Industrial Relations, shall investigate the reasons for the failure of the apprentice, and decide whether any further opportunity to continue as an apprentice should be granted to him, or whether his permit card should be revoked.

(7) Nothing contained in or done under this section shall prevent the apprentice from submitting himself at any future time for examination by the board.

RS1960-169-11.

Students in hairdressing

9. (1) A person shall not become or be engaged in the study of hairdressing in a hairdressing school or premises where the business of teaching students a branch of hairdressing is carried on, until he has applied to the board and obtained registration as a student, which registration shall be granted to him on

- (a) his satisfying the board that he is of good moral character and has contracted to learn hairdressing in the hairdressing school or premises;

- (b) the payment to the board of a registration fee of \$2; and
- (c) the production of a medical certificate similar to that required by section 6;

and registration shall not be withheld, except with the approval of the person designated by the Minister of Labour under section 7 of the *Trade-schools Regulation Act*, 1960.

(2) A student permit card shall be issued to each student registered by the board, and shall be kept displayed by him in a conspicuous place in the hairdressing school or premises in which he is a student; and every proprietor, manager and instructor in a hairdressing school or premises shall require every student to secure and display his permit card before commencing study or attendance, and to keep it continuously displayed in a conspicuous place.

(3) The student permit card shall remain in force for one year from the date of issue, but is renewable for a further period of one year and from year to year on the student satisfying the board as to his moral and physical fitness as set out in this Act, and on payment to the board of a renewal fee of \$2.

(4) Before submitting himself for examination a student shall produce evidence satisfactory to the board that he has served as a student of hairdressing for at least 1,000 hours under the direct supervision of a person fully qualified under this Act.

RS1960-169-12.

Certificates

10. (1) The board may at any time require a person, to whom has been issued a certificate, special certificate or permit card under this Act, to produce a certificate from a medical practitioner residing within the Province showing that the person is free from all contagious and infectious diseases, and dated not more than one week prior to production of it to the board.

(2) The board may revoke a certificate, special certificate or permit card issued under this Act on

- (a) conviction of crime;
- (b) habitual drunkenness;
- (c) the use of habit forming drugs;
- (d) gross incompetency;
- (e) for having any infectious or contagious disease;
- (f) for failure or neglect to keep the place of business of the certificate holder in a clean and sanitary condition; or
- (g) for failure to comply with sanitary regulations issued under the *Health Act*,

but before a certificate or permit card shall be revoked, the holder of it shall have notice in writing of the charge against him, and at a place specified in the notice and at a time specified in the notice, which shall be at least 2 days after service of the notice, shall be given a public hearing in the locality in which he resides, and shall be permitted to make his full answer and defence to the charge and to have witnesses examined and cross examined by counsel, solicitor or agent on his behalf.

(3) A person whose certificate or permit card has been revoked may, after the expiration of 90 days, apply to the board to have it issued again, and it shall be issued again on proof satisfactory to the board that his disqualification has ceased to exist. [Note: see Human Rights Code, section 9.]

RS1960-169-13.

Exceptions

11. (1) This Act shall not extend to or permit the use of Xray by any person.

(2) This Act shall not extend to or be deemed to include a person whose occupation or profession require an act of hairdressing to be performed as incidental to it.

(3) This Act shall not be held or construed to restrict or prevent a person registered under the *Barbers Act* from barbering a male or female person as interpreted and permitted by the *Barbers Act*.

RS1960-169-3.

Rights of holders of certificates

12. (1) Notwithstanding the *Barbers Act*, a person holding a certificate entitling him to engage in the occupation of hairdressing and all branches of it under this Act may engage in the occupation of haircutting for hire, gain or hope of reward on female persons and boys under 7 years of age.

(2) The board may renew certificates for haircutting granted by it prior to March 1, 1935, and neither this Act nor the *Barbers Act* shall prevent the holders of those certificates from engaging in the occupation of haircutting on female persons or boys as mentioned in subsection (1).

RS1960-169-4.

Advertising of hairdressing schools

13. (1) A person who carries on either in whole or in part the business of teaching students a branch of hairdressing shall paint or affix, and keep painted or affixed, on the outside of every entrance through which the public have access to the premises where teaching is carried on a sign with the words "hairdressing school" or "beauty school" in letters easily legible and not less than 75 mm in height, and the sign shall be displayed in a conspicuous position at not less than 1 m and not more than 1.7 m from the bottom of every entrance through which the public have access.

(2) A person shall also in every advertisement or notice of the premises use the words "hairdressing school" or "beauty school", and those words shall be displayed prominently in the advertisement or notice and in letters easily legible and not less than 6 mm in height.

(3) A person shall not use, on any sign, notice or advertisement on such premises, the words "academy" or "college" or "institution" or "studio", or words of similar meaning, or other words which may in any way qualify the words "hairdressing school" or "beauty school", and such a person shall on every sign, advertisement or notice describe his premises by either the words "hairdressing school" or "beauty school" only, without adding or inserting any qualifying or limiting or varying words either as mentioned above or in any other manner.

(4) A person shall not carry on, either directly or indirectly or by himself or through an agent, at the same time and in the same building both the occupation of a hairdresser in whole or in part and the occupation of teaching students hairdressing or any branch of it.

RS1960-169-14; 1977-53-1.

Examinations

14. (1) The board shall hold examinations in hairdressing at least 4 times a year at the times and places it determines, except that the times and places shall be fixed to

permit applicants whose place of business is outside a city, as defined by the *Municipal Act*, to attend at a minimum of expense and inconvenience. Every applicant shall receive at least 30 days' notice of the time and place of examination.

(2) The examinations may be either oral or written or practical demonstrations, or partly oral or partly written or partly practical demonstrations, or by any combination of these methods.

(3) The scope of the examinations and the methods of procedure shall be prescribed by the board with a view to testing the applicant's ability as a hairdresser, and his knowledge of

- (a) sanitary regulations in connection with the occupation of hairdressing;
- (b) the antiseptic preparation and sterilization of tools and appliances; and
- (c) the protection of the public from infectious and contagious diseases.

RS1960-169-15.

Appeal

15. (1) A person

- (a) who has failed to pass the examination of the board;
- (b) whose certificate, special certificate or permit card has been revoked;
- (c) who feels himself aggrieved; or
- (d) who is otherwise affected by an order, finding, action or decision of the board

may appeal to the Minister of Labour from the order, finding, action or decision at any time within one month from the date of the order, finding, action or decision.

(2) An appeal under subsection (1) shall be in writing.

(3) Where a person fails to pass an examination and appeals that decision, the minister may, on payment of a further examination fee of \$15, order a new examination of the appellant to be held in the place, under the conditions and under the examiners he prescribes.

(4) The minister may make an order varying, confirming or reversing, either in whole or in part, an order, finding, action or decision appealed from.

(5) An order of the minister under this section is final.

RS1960-169-16; 1961-24-5.

Hairdressing by persons who do not hold certificates prohibited

16. (1) Except as otherwise provided in this Act, a person not holding a certificate from the board under this Act shall not engage in or perform for hire, gain or hope of reward an act of hairdressing, or advertise or put out a sign or card or other device for indicating to the public that he is entitled to engage in the occupation of hairdressing under this Act. This subsection shall not prevent an apprentice in hairdressing, under a contract of apprenticeship approved by the Provincial Apprenticeship Committee or the Board of Industrial Relations, from receiving remuneration that is provided for in his contract of apprenticeship.

(2) A person who contravenes subsection (1), or who violates this Act or any of the rules or regulations governing the sanitary regulations of hairdressing which may be prescribed under the *Health Act*, or commits an offence against this Act, is liable on conviction to a fine not exceeding \$15 for the first offence and not exceeding \$50 for every subsequent offence, and, in default of payment, is for the first offence liable to

imprisonment for a term not exceeding 14 days and for each subsequent offence for a term not exceeding 30 days.

RS1960-169-17

Notices

17. (1) A notice or document required under this Act, when sent by mail, shall be deemed to have been received at the time when the letter containing them would be delivered in the ordinary course of the mail; and in proving the sending, it shall be sufficient to prove that the letter containing the notice or document was properly addressed and mailed.

(2) A notice and document, when sent to the board or association, shall be deemed to be properly addressed, if addressed to the board or to the association or to some officer of the board or association at the head office of the board or association, as the case may be, and when sent to a person registered under this Act shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the board.

RS1960-169-18

Register

18. (1) The board shall keep a register in which shall be entered the name and address of each person to whom a certificate or permit card is issued under this Act.

(2) The register shall be kept at the head office of the board and shall at all reasonable times be open to public inspection.

RS1960-169-19

Application of fees

19. (1) All money arising from fees under this Act shall be paid by the board to the secretary treasurer of the association, and shall be applied, in accordance with the regulations made by the association, toward defraying the expenses of the administration of this Act.

(2) The association may invest any sums not expended as above, in the name of the association, in securities authorized by law for the investment of trust funds, and any income derived from such invested sums shall be added to and considered part of the ordinary income of the association.

RS1960-169-20

Returns

20. The association shall, whenever required by the Lieutenant Governor in Council, transmit to the Minister of Labour a certified return of the affairs of the association, under the seal of the association, in the form required.

RS1960-169-21

Powers of inspection

21. The board may, at its discretion, enter and inspect during business hours all places to which this Act applies, which are occupied for carrying on the business of hairdressing for hire, gain or hope of reward, or where a sign or card or other device is displayed indicating that hairdressing is being carried on, for ascertaining whether the

requirements of this Act or the rules and regulations governing the sanitary regulation of hairdressing as prescribed under the *Health Act* are being properly carried out. The power may be delegated by the board to a person appointed by it in writing by the members of the board, and subject to the approval of the Lieutenant Governor in Council.

RS1960-169-22.

22. A person shall not as part of a sign, notice or advertisement indicating that hairdressing is or will be carried on, or as part of a sign, notice or advertisement of or used on any premises where hairdressing is carried on, state or cause or permit to be stated a price or consideration to be asked, charged or received for hairdressing, or for materials, services or consideration supplied or furnished or used in connection with or in relation to hairdressing. This Act does not prevent the advertisement in good faith of the price of materials or supplies commonly used in connection with hairdressing, if the advertisement does not form part of an advertisement for hairdressing.

RS1960-169-23.

Regulations

23. The association may make regulations, subject to the approval of the Lieutenant Governor in Council, not inconsistent with this Act or any other Act,

- (a) prescribing the minimum prices that may be asked, charged or received from the public for various acts of hairdressing;
- (b) prescribing what may and what may not be stated as part of a sign, notice or advertisement of hairdressing and requiring the discontinuance of a specified advertisement or means of advertising by a hairdresser;
- (c) generally for the carrying out of this Act;
- (d) the regulations or amendments shall, when approved by the Lieutenant Governor in Council, be advertised in the *Gazette*, and shall then be deemed to have the force of law, and a violation of them is deemed a violation of this Act.

1960-169-24.