

BILL

No. 85 of 1939.

An Act Respecting the Occupation of Hairdressing.

(Assented to _____, 1939.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Hairdressers' Act.*"
2. In this Act, unless the context otherwise requires,—
 - (a) "Hairdresser" means and includes any person who,—
 - (i) with hands or by the use of any method or mechanical application or appliance engages in any one or more, or any combination of the following practices, to wit: Dressing, curling, waving, permanently waving, cleansing, singeing, bleaching, colouring, or similar work upon the hair of any person, including the cutting of the hair of female persons and of boys under seven years of age; and
 - (ii) with hands or by the use of any 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 the following practices, to wit: Manicuring the nails or massaging, cleansing or beautifying the scalp, face, neck, arms or bust of any person, and "Hairdressing" has a corresponding meaning;
 - (b) "Hairdressing Establishment" means any building or any part thereof wherein any of the herein classified occupations are practiced for hire or compensation;
 - (c) "Minister" means the Minister of Trade and Industry.

3.—(1) Nothing in this Act shall extend to or permit the use of X-Ray by any person.

(2) The provisions of this Act shall not extend to or be deemed to include any person the duties of whose occupation or profession require any act of hairdressing to be performed as incidental thereto.

4. The provisions of this Act shall apply to all parts of the Province, including cities, towns, villages, municipal districts, improvement districts and special improvement districts.

5.—(1) The persons who shall cause their names to be registered with the Board under the provisions of this Act shall be and are hereby constituted a body politic and corporate, with perpetual succession and a common seal, with power to sue and to be sued, under the name of "The Hairdressers' Association of Alberta" (herein called the Association).

(2) The head office of the Association shall be at a place in the Province of Alberta as determined by the members under the by-laws of the Association.

(3) Every person registered under this Act shall be a member of the Association.

6.—(1) There shall be a Board (herein referred to as the "Board") to be known as the "Board of Examiners in Hairdressing".

(2) The Board shall consist of four members, one to be appointed by the Minister and three to be elected by the Association.

(3) The first members of the Board shall all be appointed by the Lieutenant Governor in Council within thirty days after the passing of this Act, and shall serve for the period of one year from date of their appointment.

(4) All subsequent elective members of the Board shall be elected by the Association in such manner as may be provided by the by-laws of the Association; provided that each person so elected must be a member of the Association; and provided further that of the persons so elected one at least shall be an employer or master and one at least shall be an operator or employee for hire; and provided further that no person directly or indirectly connected with any school of hairdressing or employing any apprentice in hairdressing shall at any time be eligible for election to the Board.

(5) The Association shall pay to the elected members of the Board such fees, salaries and travelling expenses as may be fixed by by-laws of the Association.

7.—(1) The Association may make by-laws not inconsistent with this Act, and may amend, add to, or repeal same in the manner therein provided.

(2) Neither the Association nor the Board shall have any power or authority, by by-law or otherwise howsoever, to regulate, govern, increase, or in any manner interfere with the prices now or hereafter charged for hairdressing.

8.—(1) The Board shall give notice in *The Alberta Gazette* of the completion of its organization, whereupon any person engaged in the occupation of hairdressing within the Province at the time of the passing of this Act may become a member of the Association upon making written application and producing to the Board within sixty days after the date of publication of *The Alberta Gazette* containing said notice a certificate from a duly qualified medical practitioner residing within the Province that such person is free from all contagious and infectious diseases, and upon submitting evidence satisfactory to the Board that he is over eighteen years of age and of good moral character, and upon paying to the Board at the time of his application a fee of four dollars in full of all moneys payable to the Association for a period of twelve months thereafter.

(2) Upon any person becoming a member of the Association, the Board shall issue to him a certificate in such form as may be decided by the Board, signifying that he is entitled to engage in the occupation of hairdressing in the Province.

(3) The Board shall issue special certificates for any branch or branches of hairdressing, as the same shall from time to time be fixed and defined in the by-laws of the Association, upon the applicant satisfying the Board that he possesses the requisite skill and knowledge properly to perform all the duties appertaining to such branch or branches of hairdressing including the proper rules of sanitation and hygiene in connection with the occupation of hairdressing, and upon the applicant producing to the Board a medical certificate as above required, and upon the Board being satisfied that the applicant is over eighteen years of age and is of good moral character, and upon the applicant paying to the Board a fee of ten dollars; which fee of ten dollars shall cover the cost of examination of the applicant by the Board and shall be paid by the applicant to the Board before he presents himself for examination. A special certificate shall carry with it all rights and liabilities of membership in the Association, save that it shall confer no right to vote for election to the Board, and no person holding merely a special certificate or special certificates shall be eligible for election to the Board. It shall be unlawful for any person holding any such special certificate to engage in or perform for hire, gain, or hope of reward any act of hairdressing which is not included in such special certificate, and no person holding only such special certificate and not fully qualified by certificate from the Board as a hairdresser under this Act nor fully qualified in barbering under *The Tradesmen's Qualification Act* shall engage in or perform for hire, gain or hope of reward any act of hairdressing save under the direct supervision and employment of a person fully qualified either by certificate from the Board as a hairdresser under this Act or as a barber under *The Tradesmen's Qualification Act*.

(4) It shall be the duty of the holder of any certificate for hairdressing issued by the Board to keep the same posted at all times in a conspicuous position in the place where he carries on his occupation.

(5) Any certificate issued by the Board shall, save as hereinafter provided, remain in force until the termination of the calendar year in which it is issued, and shall be renewable from year to year upon payment to the Board of a fee of four dollars for each renewal, and upon the production to the Board of a certificate issued by a duly qualified 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 upon the Board being satisfied that the applicant is of good moral character. If any person fails to have his certificate renewed by application and payment of fee to the Board as aforesaid within two months from the date of expiry of same, his name shall be removed from the register of members of the Association, and such certificate shall not thereafter be renewed nor shall such person be re-registered as a member of the Association until he has paid to the Board the annual renewal fees as above mentioned for each year or portion thereof from the date of expiry to the date of renewal, together with a further fee of two dollars, and has satisfied the Board as to his moral and medical fitness as above mentioned; but if the certificate of any person has lapsed for a period of five years or more, the Board shall, before issuing to that person any certificate or renewal thereof, 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 lieu of payment of the above renewal fees; provided that any person whose name has been removed from the register of members may, at his option, in lieu of paying the above renewal fees, submit himself for examination by the Board in the ordinary manner and on the ordinary terms as provided in this Act.

9.—(1) No person shall become or be engaged in the study of hairdressing in any hairdressing school or premises where the business of teaching students any 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 upon his satisfying the Board that he is of good moral character and has contracted to learn hairdressing in such hairdressing school or premises, and upon the payment to the Board of a registration fee of two dollars and the production of a medical certificate similar to that required by section 10; and which registration shall not be withheld, except with the approval of the person designated by the Minister under the provisions of section 8 of *The Trade Schools Regulation Act*. 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 it shall be the duty of every proprietor, manager and instructor in any such hairdressing school or premises to require every student therein to secure and display his permit-card before commencing study or attendance therein, and to keep the same continuously displayed in a conspicuous place therein. The student permit-card so issued shall remain in force for one year from the date of issue, but shall be renewable for a further period of one year and from year to year upon the student satisfying the Board as to his moral and physical fitness as herein-before set out, and upon payment to the Board of a renewal fee of two dollars.

(2) 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 one thousand hours under the direct supervision of a person fully qualified under this Act.

(3) All persons enrolled as students with hairdressing schools licensed under the provisions of *The School Regulation Act* shall be granted a student permit-card upon registering with the Board within sixty days of the passing of this Act.

10.—(1) Subject to the provisions of this section, nothing in this Act shall hinder or prevent any person from serving as an apprentice in the occupation of hairdressing in accordance with the provisions of *The Minimum Wage Act* and *The Male Minimum Wage Act*. No apprentice shall commence work until his contract of apprenticeship has been approved by 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 two dollars, produced a medical certificate similar to that required by section 8, and has received his apprenticeship permit-card, which permit-card shall not be withheld except with the approval of the chairman of the Board of Industrial Relations. Every apprentice shall keep his apprenticeship permit-card displayed in a conspicuous place in the hairdressing shop or premises in which he is employed; and it shall be the duty of every proprietor, manager, or person in charge of any such hairdressing shop or premises to require every apprentice employed therein to secure and display his apprenticeship permit-card before commencing work therein, and to keep the same continuously displayed in a conspicuous place therein. 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 chairman of the Board of Industrial Relations. If the apprentice fails at his first examination, an extension of his apprenticeship may be granted by the Board with the approval of the

Board of Industrial Relations for a further period not exceeding one year, upon production of a medical certificate similar to that required by section 8, and upon payment to the Board of a further registration fee of two dollars. 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 Board of Industrial Relations, shall investigate the reasons for the failure of the apprentice, and decide any further opportunity to continue as an apprentice should be granted to him, or whether his permit-card should be revoked; but nothing contained in or done under this section shall prevent the apprentice from submitting himself at any future time for examination by the Board.

(2) No person who commences service as an apprentice shall be eligible to present himself for examination by the Board until he satisfies the Board that he has worked as an apprentice continuously for two years under a qualified hairdresser registered under this Act.

(3) The Board shall have power at any time to require any person, to whom has been issued by it any certificate, special certificate, or permit-card under this Act, to produce a certificate from a duly qualified medical practitioner residing within the Province showing that such person is free from all contagious or infectious diseases, and such certificate shall be dated not more than one week prior to production thereof to the Board.

(4) The Board shall have power to revoke any certificate, special certificate or permit-card issued under this Act upon the conviction of the holder of any criminal offence or habitual drunkenness or the use of habit-forming drugs or upon being satisfied of the gross incompetency of such holder or that he has any infectious or contagious disease or has failed or neglected to keep his place of business in a clean and sanitary condition, or has failed to comply with any authorized sanitary regulations; provided that, before any certificate or permit-card shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a place specified in the said notice and at a time specified in the said notice, which shall be at least two days after service of such 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 all such charges and to have witnesses examined and cross-examined by counsel, solicitor, or agent on his behalf.

(5) Any person whose certificate or permit-card has been revoked may, after the expiration of ninety days, apply to the Board to have the same reissued, and the same shall be reissued upon proof satisfactory to the Board that his disqualification has ceased to exist.

11.—(1) Every person who carries on either in whole or in part the business of teaching students any 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 such teaching is carried on a sign with the words "Hairdressing School" or "Beauty School" in letters easily legible and not less than three inches in height, and such sign shall be displayed in a conspicuous position at not less than three feet six inches and not more than five feet six inches from the bottom of every entrance through which the public have such access. Every such person shall also in every advertisement or notice of such premises use the words "Hairdressing School" or "Beauty School", and such words shall be displayed prominently in such advertisement or notice and in letters easily legible and not less than one-quarter of an inch in height. No person shall on any sign, notice or advertisement whatsoever of any such premises use the words "academy" or "college" or "institution" or "studio" or any other words of similar purport, or any other words whatever which may in any way qualify or vary or add to the words "Hairdressing School" or "Beauty School", and such person shall on every such 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 thereto either as above mentioned or in any other manner whatsoever.

(2) It shall be unlawful for any person to carry on, either directly or indirectly or by himself or through any 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 thereof.

12.—(1) The Board shall hold examinations in hairdressing at least four times a year at such times and places as it may determine, save that such times and places shall be fixed so as to permit applicants whose place of business is outside any incorporated city to attend at a minimum of expense and inconvenience. Every person who carries on the business of teaching students any branch of hairdressing or beauty culture in regularly licensed "Hairdressing Schools" or "Beauty Schools", and is registered with the Association shall receive at least thirty days' notice of the time and place of examinations as set by the Board.

(2) The examination 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. The scope of the examinations and the methods of procedure therein shall be prescribed by the Board with a view to testing the applicant's ability as a hairdresser, and his knowledge of sanitary regulations in connection with the occupation of hairdressing, the anti-septic preparation and sterilization of tools and appliances, and the protection of the public from infectious and contagious diseases.

(3) Any person who has failed to pass the examination of the Board, or whose certificate or permit-card has been revoked, or who feels himself aggrieved or is affected by any order or decision of the Board may appeal from any such order or decision to any Judge of the Supreme Court presiding in Chambers, at any time within three months from the date of such order or decision, and the presiding Judge in Chambers, upon hearing such appeal, may make an order varying, confirming, or reversing, either in whole or in part, the order or decision appealed from. The costs of any such application shall be in the discretion of the presiding Judge.

13.—(1) After the expiration of three months from the date of the publication of the notice of the organization of the Board referred to in subsection (1) of section 8 hereof, save as in this Act otherwise provided, it shall be unlawful for any person not holding a certificate from the Board under the provisions of this Act to engage in or perform for hire, gain, or hope of reward any act of hairdressing, or advertise or put out any sign or card or other device for the purpose of or with a view to indicating to the public that he is entitled to engage in the occupation of hairdressing under this Act. Nothing in this subsection shall prevent an apprentice in hairdressing, under a contract of apprenticeship approved by the Board of Industrial Relations, from receiving such remuneration as is provided for in his contract of apprenticeship.

(2) Any person who contravenes the provisions of subsection (1), or who violates any of the provisions of this Act shall be guilty of an offence and be liable on summary conviction therefor to a fine not exceeding fifteen dollars and costs for the first offence and not exceeding fifty dollars and costs for every subsequent offence, and in default of payment forthwith, shall for the first offence be liable to imprisonment for a term not exceeding fourteen days and each subsequent offence for a term not exceeding thirty days.

14. Nothing in this Act shall be construed as prohibiting or limiting the service or practice of barbers in lawfully carrying on their particular profession or business, nor to prevent licensed barbers from cutting the hair, shampooing or applying tonics to the scalp of any female person, nor manicurists working under a licensed barber.

15. All notices and documents required by or for the purpose of this Act, when sent by post, shall be deemed to have been received at the time when the letter containing same would be delivered in the ordinary course of the mail; and in proving such sending it shall be sufficient to prove that the letter containing the notice or documents was prepaid and properly addressed and put in the post. Such notices and documents, when sent to the Board or Associa-

tion, shall be deemed to be properly addressed if addressed to the said 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.

16. The Board shall keep a register in which shall be entered the names and addresses of all persons to whom certificates and permit-cards are issued under this Act. Such register shall be kept at the head office of the Board and shall at all reasonable times be open to public inspection.

17. All moneys 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 such regulations as may be made by the Association, towards defraying the expenses of the administration of this Act. The Association shall have the power to invest from time to time in the name of the Association, in such securities as are authorized by law for the investment of trust funds, any sums not expended as above, and any income derived from such invested sums shall be added to and considered as part of the ordinary income of the Association.

18. The Association shall, whenever required by the Lieutenant Governor in Council so to do, transmit to the Minister a certified return of the affairs of the Association, under the seal of the Association, in such form as may from time to time be required.

19. The Board shall be empowered from time to time, at its discretion, to enter and inspect during business hours all places to which this Act applies, which are occupied for the purpose of carrying on the business of hairdressing for hire, gain, or hope of reward, or whereat any sign or card or other device is displayed indicating that hairdressing is there being carried on, for the purpose of ascertaining whether the requirements of this Act or the rules and regulations governing the sanitary regulation of hairdressing as prescribed under *The Public Health Act*, are being properly carried out. Such power may be delegated by the Board to any person appointed by it in writing under the hands of the members of the Board, and subject to the approval of the Lieutenant Governor in Council.

20. No person shall in or upon or as part of any sign, notice, or advertisement whatsoever of a nature to indicate in any way that hairdressing or any branch thereof is being carried on or will be carried on, nor in or upon or as part of any sign, notice, or advertisement whatsoever of or used on any premises or part of premises where hairdressing or any branch thereof is carried on, state, set out, insert, or

in any way mention, or cause or permit to be stated, set out, inserted, or in any way mentioned, any price or consideration whatsoever to be asked, charged, or received for hairdressing or for any branch thereof, or for any materials or services, or for any consideration whatsoever supplied or furnished or used in connection with or in relation to any act of hairdressing; provided that nothing herein contained shall prevent the *bona fide* advertisement of the price of any materials or supplies commonly used in connection with hairdressing, where such advertisement is separate and apart from and forms no part of any advertisement of any act of hairdressing.

21. This Act shall come into force on the day upon which it is assented to.

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act Respecting the Occupation of
Hairdressing.

Received and read the

First time.....

Second time.....

Third time.....

MR. ANDERSON.

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1939