

## Questions and Answers: Black Beauty Culture Hair Innovator Trade Application and Clarity on the Delivery of Natural Hair Care Services

### *Purpose*

#### **1. What is the purpose of the engagement?**

The Apprenticeship Board of the Nova Scotia Apprenticeship Agency (NSAA or Agency) and Department of Labour and Advanced Education (LAE or the department) are partnering on stakeholder and community engagement sessions regarding two natural haircare matters:

- Whether to designate Black Beauty Culture Hair Innovator (BBCHI) as a voluntary trade, ensuring a wide range of perspectives are considered by the Apprenticeship Board when making their decision concerning the trade application. If designated, BBCHI would be a voluntary trade under the *Apprenticeship and Trades Qualifications Act*.
- Increase awareness that natural hair care services are not included under the *Cosmetology Act* or regulated by the Cosmetology Association of Nova Scotia (CANS). The goal is to inform community members and entrepreneurs that they can continue to practice natural hair care services and do not need a licence to deliver these services, not now or in the future.

NSAA and LAE recognize that clarity is important. We want you to know that activities that fall under the BBCHI trade are voluntary and distinct from cosmetology services regulated by CANS.

### *Background on Cosmetology Services*

#### **2. What is the current legislative authority in this space?**

In Nova Scotia, government has granted regulation of specific beauty/personal services to two self-regulated bodies:

##### Cosmetology Association of Nova Scotia (CANS)

- Authority to require individuals to obtain a licence to deliver and be reimbursed/paid for hair care services set out in the *Cosmetology Act*, which include “cutting, colouring, lightening, tinting, straightening, curling, drying, shaving or by any other act prescribed by the regulations, using mechanical, chemical, or other means”.

##### Nova Scotia Registered Barbers Association (NSRBA)

- Authority to regulate barbering services provided in a barbershop as set out under the *Registered Barbers Act*, which includes “the business of shaving, or cutting, clipping, singeing”.

### **3. What cosmetology activities are regulated by CANS?**

The cosmetology industry includes a wide variety of beauty/personal service activities. Some activities are regulated in Nova Scotia by the CANS and some are not.

The *Cosmetology Act* defines “cosmetology” as including “the provision of hair care, by the act of cutting, colouring, lightening, tinting, straightening, curling, drying, shaving or by any other act prescribed by the regulations, using mechanical, chemical or other means.” Only these hair care activities are regulated by CANS.

Activities considered as “natural hair care” **are not** included in the definition of cosmetology under the *Cosmetology Act* and are, therefore, not regulated by CANS. As permitted by the *Cosmetology Act*, some regulated activities may be conducted incidental to the core activities of natural hair care. For example, natural hair care may include minor trimming, curling, or drying, by mechanical means, of hair/extensions that is incidental to braiding the client’s hair.

### ***Clarity on the Delivery of Natural Hair Care Services***

#### **4. What is natural hair care?**

Natural hair care includes activities such as braiding, weaving, knots, twists and may include the use of natural or synthetic hair extensions, fibers, and accessories . While natural hair care may include the use of natural botanical and herbal oils and other natural products, it does not include the use of chemical dyes, reactive chemicals, or chemical hair joining agents. Although natural hair care is typically associated with individuals of African descent, natural hair care activities are also practiced by individuals from diverse backgrounds and, in many cases, are culturally significant with practices being passed down over generations.

#### **5. Do I need a licence or salon permit from CANS to deliver natural hair care services?**

No, natural hair care activities are not regulated by CANS under the *Cosmetology Act*. Individuals do not need a licence or a salon permit from CANS to deliver natural hair care services in Nova Scotia. Natural hair care providers can work in salons, along-side licensed cosmetologists.

#### **6. In Nova Scotia, can anyone perform natural hair care services for payment?**

Yes, as natural hair care activities are not regulated, anyone can perform these services for payment if they feel they possess the skills to do so.

**7. In Nova Scotia, are natural hair care services only available to individuals with African ancestry?**

No, anyone interested in having their hair braided, weaved, locked, twisted, wrapped, or adding hair extensions can receive these services.

**8. Do natural hair care activities pose a risk to health and safety?**

Natural hair care services have been delivered in Nova Scotia for years and, to date, there have been no concerns / complaints submitted to Nova Scotia Environment, the department responsible for investigating reports of health hazards to determine whether a health hazard exists. According to research conducted on natural hair care activities in the United States, complaints against natural hair care providers are extremely rare, with most states seeing no complaints concerning health or safety.

**9. Do other jurisdictions regulate natural hair care activities?**

No jurisdiction in Canada regulates natural hair care activities. Manitoba has taken steps to ensure activities associated with natural hair care are not subject to the province's mandatory hairstylist trade certification requirements under the *Manitoba Trade of Hairstylist Regulation*.

In the United States, the overall trend has been towards the deregulation of natural hair care activities and presently 30 states fully exempt braiders / natural hair care providers from cosmetology licensure. Currently, just 14 states and Washington, D.C. require natural hair care providers to obtain a specialty license to work legally, while only 6 states require natural hair care service providers to become licensed as a cosmetologist or hairstylists.

A 2016 review from the Institute for Justice on the impact of regulation on natural hair care providers in the United States found burdensome licensing practices may be preventing braiders / natural hair care providers from practicing and do not improve health and safety outcomes. In other words, licensing and regulatory approaches for natural hair care providers do not generate public benefits and result in fewer jobs or economic opportunities for practitioners.

**10. What has the Department of Labour and Advanced Education (LAE) heard?**

The department has heard from people of African and Indigenous descent that there is a lack of clarity on whether activities associated with natural hair care are regulated by CANS.

**11. How will LAE ensure there is clarity that natural hair care activities are not regulated by CANS?**

LAE is considering options, like new regulations under the *Cosmetology Act*, to ensure that the community understands they can continue to practice natural hair care services without unnecessary red tape. We would like to have your feedback first.

**12. What are the benefits of creating new regulations under the *Cosmetology Act*?**

New regulations would explain that natural hair care and / or BBCHI trade activities are not regulated by CANS. This will help ensure everyone understands that they do not require a licence or formal education to provide natural hair care services, nor do they need to pay membership dues to any professional association.

***The Black Beauty Culture Hair Innovator (BBCHI) Trade***

**13. What is NSAA's authority?**

The NSAA is the regulatory body for the skilled trades in Nova Scotia, under the authority of the *Apprenticeship and Trades Qualifications Act (Act)*, *General Regulations* and NSAA Operating Charter. The Apprenticeship Board consists of 15 members who represent each of the four sectors of the skilled trades industries (constructive, motive power, industrial / manufacturing service, service), as well as equity-seeking and under-represented groups and the Nova Scotia Community College. The Apprenticeship Board reports to the Minister of Labour and Advanced Education. It advises and makes recommendations to the Minister on apprenticeship and trade qualification matters and, under the Act, has the authority to designate or make regulations for voluntary trades.

NSAA manages and administers the apprenticeship and trades qualification system throughout the province. NSAA works in partnership with industry, equity-seeking groups, partners, stakeholders, government departments, and education and training providers to promote, advance and improve the system, ensuring it is relevant, accessible, and responsive.

**14. What work is the Nova Scotia Apprenticeship Agency doing with respect to natural hair care?**

The Apprenticeship Board received an application to designate an occupation consisting of natural hair care activities with a focus on Black/textured hair as a voluntary trade in Nova Scotia. The Apprenticeship Board established a Trade Advisory Committee, made up of individuals who perform this work, to review the application, draft the occupational standards (description of all tasks included in natural hair care), review the consultation report, and make a recommendation to the Board.

## **15. What is a voluntary skilled trade?**

The Apprenticeship Board has the authority to designate an occupation as a trade under the *Apprenticeship and Trades Qualifications Act*. The designation of an occupation as a trade allows NSAA to work with industry and subject matter experts to develop standards and a training pathway that leads to a certification for those who achieve this standard. This provides value and legitimization to the occupation through applying standards and recognition of the skills and work practices.

There are currently thirteen designated trades that are specified as “compulsory certified trades,” meaning that individuals must hold a trade certification (certificate of qualification) from the Agency, or from another regulatory authority recognized by the Agency, to work in the occupation in Nova Scotia; be a registered apprentice with the Agency; or hold a temporary permit to work in the trade. All other designated trades are considered non-compulsory trades and do not require someone to hold a trade certification to work in the occupation. These trades are also known as voluntary trades.

If approved, the Black Beauty Culture Hair Innovator trade will be a voluntary trade. Practitioners will not be required to take training or be certified. A training pathway and trade certification will be available for those who want their skills formally recognized. This approach will not create unnecessary red tape or regulate cultural practices.

If designated as a voluntary trade, BBCHI will have a trade-specific regulation under the *Apprenticeship and Trades Qualifications Act*, which will:

- Define the work or scope of the trade.
- Define the amount of time required for apprenticeship training.
- Define the number of levels.
- Set the ratio of the number of apprentices that can be trained by a journeyperson.
- Define the amount of time a person needs to work in the trade, if they are not an apprentice, before they can write the certification exam to become a journeyperson.

## **16. What is involved in the BBCHI Trade?**

The scope of occupation for BBCHI, commonly referred to as natural hair care, involves the braiding and weaving of hair, hair extensions, working with culturally distinct hair, Afrocentric innovations, and product knowledge specific to Black/textured hair. It also involves the incidental cutting and thermal styling of hair, but not the use of chemicals.

**17. What are the major work activities and weighting of the BBCHI Trade?**

	Major Work Activities	Weight
MWA- A	Performs Common Occupational skills	7
MWA –B	Consults with Client	16
MWA -C	Cleanses and tends to hair and scalp	8
MWA -D	Styles Hair	8
MWA -E	Performs Braiding/twisting services [on existing hair]	15
MWA -F	Perform locs (start locs on Virgin hair/re-loc hair)	11
MWA -G	Perform protective styles [weaves crochet braids for extensions twists]	15
MWA- H	Performs Hairpiece and wig services	15
MWA- I	Performs Business Services	5

These work activities are aligned with the scope of the trade. Each activity will have sub-activities, which will detail more closely what is covered under each major activity. The major activities are weighted, which reflects the amount of time necessary to become competent in each activity.

The number of hours for the training will be determined as part of developing the program, which is dependent on whether the decision is made to designate the BBCHI as a voluntary trade.

**18. Will I have to go through the training program to become certified?**

Individuals who wish to become certified in the BBCHI voluntary skilled trade but do not have any experience will need to complete the apprenticeship training program. Individuals who have experience in the activities that make up the trade will be able to become certified if they are able to demonstrate their related experience and successfully complete a provincial exam.

Those who obtain a certification as a BBCHI may receive some credit (yet to be determined), towards the Hairstylist trade, if they choose to pursue certification through the Hairstylist apprenticeship program.

**19. Is developing a natural hair care voluntary skilled trade (BBCHI) or a private career college creating a segregated cosmetology system?**

No. The cosmetology industry is broad, with many activities not regulated by CANS. If approved, the natural hair care occupational trade will be a voluntary trade certification program providing individuals who want formal recognition of their skills with a pathway to obtain trade certification without creating unnecessary red tape or regulating any cultural practices.

If BBCHI is designated as a voluntary trade, the Agency will work with industry and practitioners in communities to develop a training program / pathway. The Agency will determine how technical (off-the-job) training is delivered and by whom.

Any private career college could seek approval for a pre-employment occupational training program in natural hair care. Pre-employment occupational training is subject to regulation in Nova Scotia and anyone planning to offer natural hair care training should contact the Private Career Colleges Division within LAE to see how the regulations apply to their situation.

**20. Why is NSAA calling natural hair care Black Beauty Culture Hair Innovator Trade?**

Although the activities that fall under natural hair care are not limited to any particular cultural, ethnic, racial, or religious form of styling, nor limited to any specific texture of hair, the applicant for the BBCHI voluntary trade has emphasized the importance of natural hair care practices to people of African descent and wished to honour that heritage in the name of the trade.

***Disclosure of Information and Privacy***

**21. If I attend a virtual session and/or provide feedback, how will my information be used?**

This engagement is being conducted on behalf of the Nova Scotia Department of Labour and Advanced Education and the Nova Scotia Apprenticeship Agency and will help inform decisions about the development of a voluntary occupational trade program for natural hair care and approaches to help people understand that natural hair care services are not regulated.

Our public engagement sessions and questionnaire are designed to gather your feedback about these initiatives and not to collect your personal information. You should not include any information that may identify you, or other individual(s) in your feedback/responses.

We encourage you to share your feedback, but your participation is entirely voluntary. You may choose to submit your feedback in-person, in writing (letter, email, online questionnaire), or through a voice message following the sessions. Any information collected will be done so in accordance with the *Freedom of Information and Protection of Privacy Act* in terms of the collection, use, and disclosure of personal information.