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**Esthetician – All Trades
Apprenticeship Orientation and
Cosmetics Regulations**

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Apprenticeship Orientation and Cosmetics Regulations

Rationale

Why is it important to learn this skill?

Understanding the path through apprenticeship, to certification, is important. Knowing the rules and regulations will minimize the time, effort, and money expended in reaching the goal of journey person (JP) certification.

Outcome

When you have completed this module, you will be able to:

Describe the Esthetician Apprenticeship Training Program.

Objectives

1. Describe the apprenticeship training system in Saskatchewan.
2. Describe the training profile and course outline of the esthetician apprenticeship in Saskatchewan.
3. Describe the Contract of Apprenticeship and the responsibilities of people and groups in the esthetics industry.
4. Describe a variety of employment opportunities for estheticians.
5. Describe the importance of continuing education.
6. Describe the major Canadian legislation that applies to the esthetics industry.

Introduction

The path to (JP) certification can begin as early as secondary school. Many secondary schools offer trades programs that can contribute up to 250 hours towards journey person certification. This module outlines the basic information that an esthetics apprentice needs to know in order to complete their apprenticeship and achieve (JP) certification. This module also introduces the learner to the Federal legislation that governs estheticians. This legislation covers a variety of topics from importing cosmetics to labelling requirements.

Objective One

When you have completed this objective, you will be able to:

Describe the apprenticeship training system in Saskatchewan.

What is Apprenticeship?

Apprenticeship is a learning and training system that combines classroom education with on the job experience. Apprenticeship can lead to certification in one of Saskatchewan's designated trades.

Apprentices spend approximately 85% of the time working on the job, learning the trade knowledge and skills from a certified journeyman (JP). The remaining time is spent in theoretical and technical in-school training, which reinforces and expands on what is learned on the job.

Apprentices receive a broad range of trade experience on the work site. Technical training usually takes place at an institute for a period of six to twelve weeks each year.

History of Apprenticeship

The system of apprenticeship first developed in the later Middle Ages and came to be supervised by craft guilds and town governments. A master craftsman was entitled to employ young people as an inexpensive form of labour in exchange for providing food, lodging, and formal training in the craft. Apprentices usually began at ten to fifteen years of age, and would live in the master craftsman's household. Most apprentices aspired to becoming master craftsmen themselves on completion of their contract (usually a term of seven years), but some would spend time as a journeyman and a significant proportion would never acquire their own workshop (wikipedia).

Designated Trades in Saskatchewan

Fifty-one trades are designated in Saskatchewan. A **designated trade** is a trade that is designated by the Minister as appropriate for apprenticeship training and/or certification. In addition, the trade must be actively supported by its industry. The trade must have a significant number of practitioners, and the tradespersons must also

be active on their trade board. A new trade can be designated when an industry decides to designate and puts forth the necessary effort. This was the case for esthetician in 2009. Other trades can lose members and effort from their industry over time. These trades may be de-designated. For example, the blacksmith trade was de-designated.

The following trades are designated in Saskatchewan:

agricultural equipment technician	aircraft maintenance engineer technician;
automotive service technician	boilermaker
bricklayer	cabinetmaker
carpenter	construction craft labourer
cook	mobile crane operator
drywall and acoustical mechanic	electronics assembler
esthetician	tilesetter
food and beverage person	glassworker
guest services representative	hairstylist
heavy duty equipment technician	landscape horticulturist
mobile crane operator (hydraulic)	instrumentation and control technician
industrial mechanic (millwright)	insulator (heat and frost)
ironworker (reinforcing)	ironworker (structural/ornamental)
locksmith	machinist
meat cutter	motor vehicle body repairer (metal and paint)
painter and decorator	partsperson
pipeline equipment operator	plasterer
pork production technician	welder
powerline technician	truck and transport mechanic
rig technician	roofer
sprinkler systems installer	water well driller
steamfitter-pipefitter	metal fabricator (fitter)
tower crane operator	
<i>construction electrician</i>	<i>sheet metal worker</i>
<i>plumber</i>	<i>refrigeration and air conditioning mechanic</i>
hairstylist	

Types of Trades in Saskatchewan

The designated trades in Saskatchewan can be sorted into three groups. Each group is different because they are governed by slightly different regulations. The most common type of trade is a voluntary trade. There are 45 voluntary trades in the province. A trade is determined to be a *voluntary trade* when certification is offered in the trade, but is not a requirement to practice in the trade.

A *compulsory trade* is a trade where workers must be registered apprentices or certified journeypersons in order to work in the trade. The four compulsory apprenticeship trades are Construction Electrician; Plumber; Refrigeration Mechanic and Air Conditioning Mechanic; and Sheet Metal Worker. A person can work up to, and including, 900 hours (six months) in the trade prior to becoming a registered apprentice.

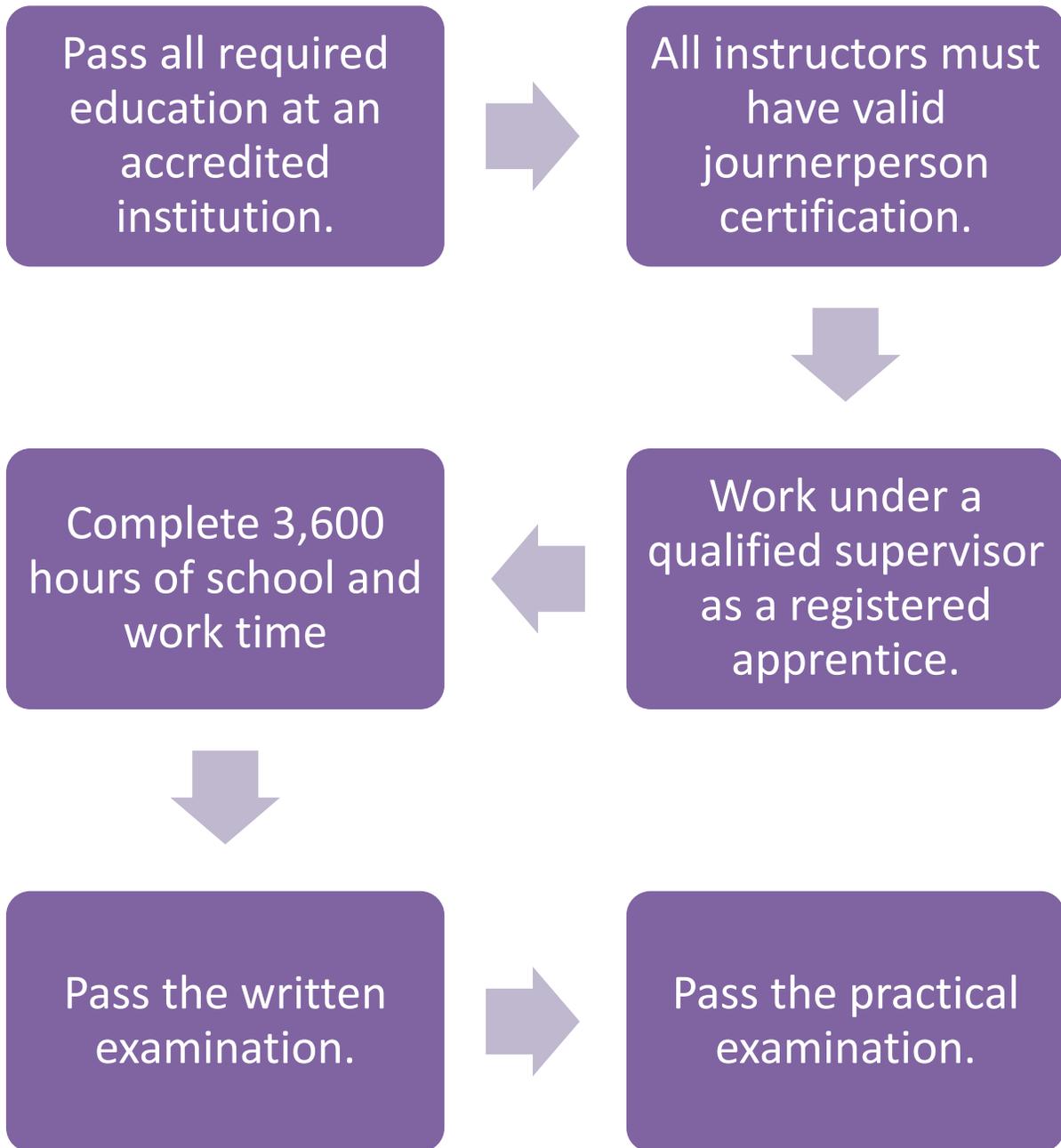
Hairstylist is the only *regulated trade* in the province. It is unique because it is a compulsory trade, but monitored by the Saskatchewan Apprenticeship and Trades Certification Commission (SATCC). To work in a regulated trade, a person must be registered with the SATCC. The SATCC is responsible for administering laws and regulations governing work in the hairstylist trade.

Apprenticeship training ranges from two to five years depending on the trade. Once esthetician apprentices complete all technical training and on-the-job-hours (3,600), they are eligible to write the journeyperson examination and perform the journeyperson practical examination.

When an esthetician apprentice is working on the job, they can be supervised by a journeyperson in that trade (a Nail Technician must be supervised by a journeyperson Nail Technician). As an alternate possibility, an esthetician apprentice can be supervised by a worker who is experienced in the trade. This supervisor must have already worked at least 5,400 hours in the trade, and they must practice the full scope of the trade. This policy is consistent with other voluntary trades.

What are the steps to becoming an apprentice?

This flow chart outlines the steps of an esthetician apprentice to achieving journeyman status. An apprentice may attend technical training at any point during the certification.



Objective One Self-Test

1) When did the system of apprenticeship start?

2) Approximately, how much time does an apprentice spend 'on the job' during their apprenticeship?

3) In what year did esthetician become a designated trade?

4) What is a designated trade?

5) Connect the terms below with their definitions.

Regulated trade

Certification is offered in the trade, but is not a requirement to practice in the trade.

Voluntary trade

A compulsory trade that is monitored by the (SATCC)

Compulsory trade

A trade where workers must be registered apprentices or certified journeypersons in order to work in the trade.

6) Most trades in the province are _____ trades.

7) How many hours must an esthetician work in their trade before they are eligible to write their journeyperson certification exam?

8) What two types of individuals can supervise an apprentice esthetician while at work?

Objective One Self-Test Answers

1) In the late middle ages.

2) 85%

3) 2009

4) A *designated trade* is a trade that is designated by the Minister as appropriate for apprenticeship training and/or certification. In addition, the trade must be actively supported by its industry.

- 5) Regulated trade → Certification is offered in the trade, but is not a requirement to practice in the trade.
- Compulsory trade → A compulsory trade that is monitored by the (SATCC)
- Voluntary trade → A trade where workers must be registered apprentices or certified journeypersons in order to work in the trade.
-

6) Voluntary

7) 3, 600 hours

8) An apprentice can be supervised by a journeyperson, or by a person who has worked in the trade for a minimum of 5,400 hours and who has practiced the full scope of the trade.

Objective Two Tentative Projection

When you have completed this objective, you will be able to:

Describe the training profile and course outline of the esthetician apprenticeship in Saskatchewan.

Common Core Materials

To complete the technical training for both Skin Care Technician and Nail Technician, the apprentice must complete the following modules:

EST 1 Sanitation, Disinfection, and Sterilization	EST 2 Tools and Equipment	EST 3 Apprenticeship Orientation
EST 4 Business Management Part - 1	EST 5 Business Management Part - 2	EST 6 Business Management Part - 3
EST 7 Business Management Part - 4	EST 8 Business Management Part - 5	EST 9 Safety Part - 1
EST 10 Safety Part - 2	EST 11	EST 21 Nail diseases, disorders, and conditions
EST 22 Nail Growth; Hand and Foot Disorders and Diseases	EST 23 Manicures	EST 24 Specialized Manicures

EST 25
Finishing Nails

EST 26
Pedicures

EST 27
Specialized Pedicures

Skin Care Technician

To complete technical training for Skin Care Technician, the apprentice must complete the following modules:

EST 12
Eyelashes

EST 13
Skin Physiology, Types,
and Conditions

EST 14
Conditioning Skin
(Body Treatments)

EST 18
Skin Physiology

EST 16
Facial Extractions

EST 17A
Basic Skin Care
Treatments

EST 17B
Specialized Skin Care
Treatments

EST 19
Hair Removal

EST 20
Makeup Artistry

EST 21
Lash and Brow Tints

EST 15
Body Treatments

Nail Technician

To complete technical training for Nail Technician, the apprentice must complete the following modules:

EST 28 Nail Tips and Forms	EST 29A Gel Systems	EST 29B Powder / Liquid Systems
EST 30 Nail Fills, Repairs, and Removal	EST 32 Cosmetic Correction of Abnormal and Damaged Nails	EST 33 Decorative Nail Service
EST 31 Gel Toe Service		

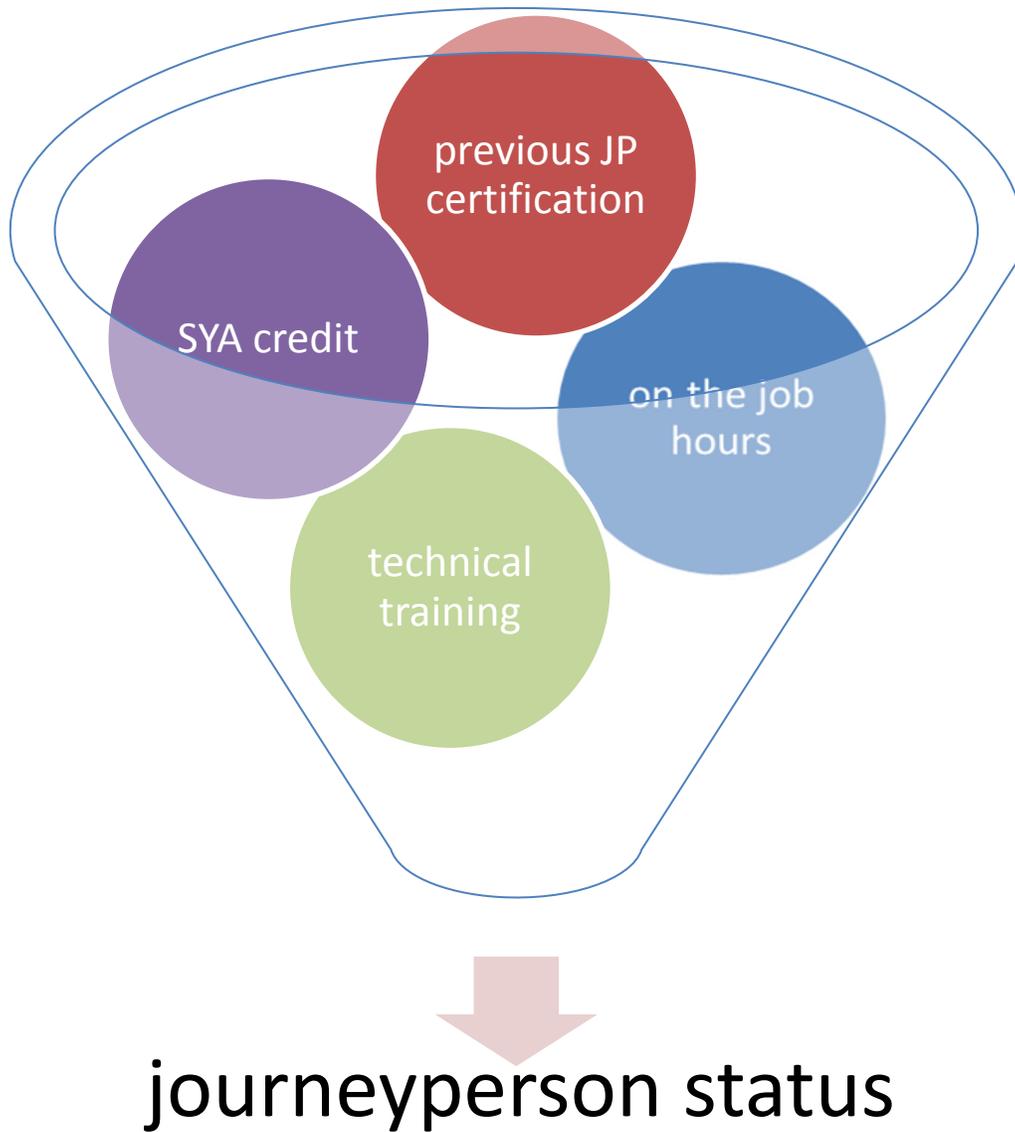
Dual Journeyperson Status

It is possible for any apprentice to earn journeyperson certifications in multiple trades. If an apprentice becomes a journeyperson in one esthetician trade, they need not redo the common core materials. The esthetician journeyperson may be granted a maximum of 1,800 hours toward the completion of their second trade. They must complete the technical training in the new trade, work the required time, then pass the written and practical examinations.

SYA Credit

An apprentice esthetician may have participated in the Saskatchewan Youth Apprenticeship (SYA) program while in secondary school. A maximum of 250 hours from the SYA program can be credited toward achieving journeyperson status. The secondary school instructor must be a journeyperson for the student to receive the hours.

Each of the four factors below can contribute to achieving journeyperson status.



Objective Two Self-Test

1) How many common core modules must an esthetics apprentice complete?

2) How many skin care technician modules must a skin care apprentice complete?

3) How many nail technician modules must a nail technician apprentice complete?

4) An apprentice esthetician has achieved journeyperson status, and they decide to pursue JP status in a second esthetician trade. How many hours from the first apprenticeship count towards the second?

5) A high school student has completed all esthetician courses offered by their high school. What is the maximum number of hours that can be credited toward their apprenticeship?

Objective Two Self-Test Answers

- 1) 18 common core modules.
- 2) 9 skin care technician modules.
- 3) 6 nail technician modules.
- 4) 1,800 hours can be credited.
- 5) 250 hours can be credited.

Objective Three

When you have completed this objective, you will be able to:

Describe the Contract of Apprenticeship and the responsibilities of people and groups in the esthetics industry.

The Contract of Apprenticeship

One way for a worker to complete their apprenticeship is to enter into a contract with their employer. Once this is done, the worker officially becomes an apprentice and their 'on the job' hours will begin to count toward certification. It is possible for a worker to have some of their work hours 'back dated' by their employer. It is common for an employer to hire a worker to try them out. If the worker is proven valuable after a period of time, the employer will indenture them (enter into contract) and give them credit for the hours that they have already worked in the trade. The process is outlined in the instructions below:

INSTRUCTIONS FOR REGISTERING AN APPRENTICE INTO AN APPRENTICESHIP PROGRAM

Complete and return the following:

1. Form 1: Employer Application for Registration of Apprenticeship Contract
2. Form A: Contract Between Apprentice and Employer
3. Form 6A from each employer: Verification of Trade Experience
4. A copy of your high school transcript
5. A copy of your transcripts from previous training in a trade (apprenticeship or pre-employment)
6. Pay \$150 (CAD) by credit card, debit, cheque or money order made payable to the SATCC.
 - There will be a \$10.00 charge for NSF cheques.
 - The application fee is non-refundable.
 - Post-dated cheques will not be accepted.

*****If the apprentice completed the Saskatchewan Youth Apprenticeship (SYA) Program, the \$150 (CAD) Employer Registration Fee is waived. Please indicate SYA participation on the application.**

Transferring Apprentices:

Please indicate the province you are transferring from on the Form 1 (*Employer Application for Registering an Apprentice Contract*). SATCC will complete a verification to transfer your apprenticeship credits to Saskatchewan.

Please note:

- If you are a transferring apprentice, you do not need to attach high school transcripts.
- Manitoba and Nova Scotia apprentices must complete and attach a "Consent to Release" Form which can be obtained on the appropriate apprenticeship websites:
 - www.gov.mb.ca
 - www.nsapprenticeship.ca
- Ontario apprentices must attach all Ontario trade experience hours.
- Quebec does not verify apprenticeship information.

If you experience issues or have concerns regarding transferring your apprenticeship, please contact: 1-877-363-0536

or visit

**www.saskapprenticeship.ca
2140 Hamilton Street
Regina, Saskatchewan
S4P 2E3**



Saskatchewan
Apprenticeship and
Trade Certification
Commission

2140 Hamilton Street
Regina, Saskatchewan S4P 2E3
Tel (306) 787-2444
Toll Free 1-877-363-0536
Fax (306) 787-5105

Form A Contract Between Apprentice and Employer

New Contract – to be accompanied by Form 1

Change of Employer

PSE Number

(if known)

This contract dated

(date)

Between

(year)

made

Apprentice's Name (hereinafter called "Apprentice")

Currently of

Street Number and Name (Unit number if applicable)

City/Town

Postal Code

- and -

Employer's Name (hereinafter called "Employer")

Currently of

Complete Mailing Address

City/Town

Postal Code

Currently of

Complete Physical Address

City/Town

Postal Code

pursuant to *The Apprenticeship and Trade Certification Act, 1999* witnesses that the Apprentice and the Employer agree as follows:

1. In this Contract:

- (a) "Act" means *The Apprenticeship and Trade Certification Act, 1999*;
- (b) "Commission" means the Saskatchewan Apprenticeship and Trade Certification Commission over which the Minister responsible for the administration of the Act presides;
- (c) "trade" means the _____ trade; and
- (d) "trade regulations" means *The Apprenticeship and Trade Certification Commission Regulations and The Apprenticeship and Trade Certification Regulations, 2003* applicable to the trade mentioned in clause (c).

2. The Employer agrees to accept the Apprentice as his/her Apprentice, and the Apprentice agrees to serve the Employer as his/her Apprentice for the term of this contract set forth in section 3.

- 3. (a) The term of this contract is the period, commencing on the date on which this contract is registered by the Commission, required by the Apprentice to complete the apprenticeship program in the trade.
- (b) The apprenticeship program in the trade is not considered complete until the Apprentice has passed the journeyman trade examination in the trade.

4. The Employer agrees:

- (a) to provide adequate training for the Apprentice in all branches of the trade insofar as the facilities and scope of his/her business permits; and
- (b) to permit the Apprentice to attend technical training and to write examinations as prescribed by the Commission.

5. The Apprentice agrees:

- (a) to serve his/her Employer faithfully, honestly and diligently and to obey his/her lawful commands;
- (b) to attend technical training and write examinations as prescribed by the Commission; and
- (c) to apply himself/herself diligently to learn the trade.

6. The Employer agrees:

- (a) that the hourly rate of a newly qualified Journeyman in his/her establishment at the commencement of this contract is _____
- (b) to pay wages to the Apprentice at the commencement of this contract at the rate of _____ per hour; and
- (c) to increase the rate of wages paid to the Apprentice at regular intervals in accordance with section 32 of *The Apprenticeship and Trade Certification Regulations, 2003*.

Apprentice Responsibilities

An apprentice is responsible to update their hours with SATCC. Hours should be updated every few months by submitting a Form 6A by mail, fax, or in person. Apprentices are responsible for learning from their supervisors, keeping an open mind, and working diligently to master all skills. When an apprentice changes employers, it is the responsibility of the apprentice to update their Form A with the SATCC.

Employer Responsibilities

Employers are responsible to pay their apprentices appropriately. Employers are also responsible to expose their apprentices to the full scope of the trade. The *On the job Training Guide* and the *Provincial Occupational Analysis (POA)* are two documents provided by the SATCC. They can be used to make sure that an employer is providing experience in the full scope of the trade.

SATCC Responsibilities

The Saskatchewan Apprenticeship and Trade Certification Commission has several responsibilities. They include:

- designating trades for apprenticeship training and certification.
- generating, retaining and expending revenues.
- registering apprentices and journeypersons, monitoring their training, and providing certification of skill levels achieved.
- determining and charging fees for products and services.
- entering into agreements for training delivery.
- representing Saskatchewan on interprovincial initiatives.

The SATCC also makes regulations to ensure the efficient and effective operation of the apprenticeship system. The Commission is accountable to both industry and government.

OH&S Officer

Occupational health officers (OHOs) can enforce and administer occupational health and safety legislation as per *The Saskatchewan Employment Act*.

Inspections

OHOs can conduct an inspection at any plant, place of employment, worksite, or vehicle where workers usually work or have worked. They have been given this authority to:

- Prevent incidents, injuries and illnesses;
- Determine the causes and details of an incident, injury or illness;
- Determine the cause and details of a dangerous-occurrence that could have resulted in an incident, injury or illness;
- Respond to an occupational health and safety complaint; and
- Determine if a workplace is complying with the occupational health and safety legislation, a compliance undertaking, a notice of contravention or any other order issued by the Division in the enforcement/administration of its legislation.

An officer can conduct an inspection at any reasonable time or at any time they have grounds to believe that a hazardous situation towards workers exists.

During inspections, OHOs may:

- Ask any question that they consider appropriate;
- Require a demonstration of the use of any machinery, equipment, appliance or thing located at the place of employment;
- Require the production of and remove any records that exist about the training of workers related to occupational health and safety (officers are required to return all documents in a timely fashion);
- Enlist the help of workers to retrieve and produce information that is stored electronically for the purpose of completing the inspection; and
- Require any person at the place of employment to produce any information they have concerning the identity of the employer.

Inquiries

An OHO can interview any person who they believe can provide information about a work-related fatality, serious injury, or allegation of harassment.

The only people, who are permitted to attend the interview, aside from the Occupational Health Officer and the interviewee, are:

- A person selected by the interviewee to support them in the interview process;
and

- Any other person who the officer allows to be present.

Investigations

If a justice/provincial court judge has reasonable grounds to believe that an offence has been made against *The Saskatchewan Employment Act* and/or the regulations and that there is evidence to support that offence, the judge may issue a warrant.

With this warrant and during an investigation, an occupational health officer has the authority to:

- Enter and search any place/premises named in the warrant;
- Stop and search any vehicle described in the warrant;
- Open and examine the contents of any trunk, box, bag, parcel, closet, cupboard or any other compartment that the officer finds;
- Require the production of and examine any records or property that the officer believes may provide evidence of the offence;
- Remove, make copies of and examine any records that may provide evidence of the offence;
- Require a demonstration of the use of any machinery, equipment, appliance or thing at the place of employment to provide evidence of the offence;
- Conduct any tests, take any samples and make any examinations that may provide evidence of the offence; and
- Seize and remove anything that may be evidence of the offence.

An officer can search a place/premises without a warrant when the officer has ground to believe that waiting for a warrant could result in:

- Danger to human life or safety; or
- The loss and destruction of evidence.

An officer cannot enter any private dwelling without a warrant and without the consent of an occupant unless they have grounds to believe that the delay for obtaining a warrant would result in:

- Danger to human life or safety; or
- The loss and destruction of evidence.

Public Health Inspectors

Public Health Officers, also known as Public Health Inspectors, conduct inspections and monitor activities to safeguard the environment and health of the public. They do this through education, consultation, inspection, monitoring, and enforcement of health legislation, regulations, and standards. This includes inspections of restaurants and other types of food facilities, communicable disease investigations, and inspection and monitoring of public recreation facilities, public accommodations, water supplies, and sewage disposal systems.

Health Canada

Health Canada is the Federal department responsible for helping Canadians maintain and improve their health, while respecting individual choices and circumstances. Health Canada's goal is for Canada to be among the countries with the healthiest people in the world. Health Canada is also responsible for administering the *Food and Drugs Act*, the *Canada Consumer Product Safety Act*, and the *Cosmetics Regulations*.

The purpose of the *Canada Consumer Product Safety Act* is to protect the public by addressing or preventing dangers to human health or safety that are posed by consumer products in Canada. This *Act* applies to those who:

- manufacture a consumer product;
- import a consumer product into Canada;
- sell a consumer product;
- advertise a consumer product;
- test a consumer product; or
- package or label a consumer product.

A consumer product under the *Act* is a product that may reasonably be expected to be obtained by an individual to be used for non-commercial purposes, such as for household, recreational or sports purposes. Cosmetics are not covered under this *Act*, they are subject to other, specific legislation.

Health Canada employs Inspectors and Officers to enforce their regulations.

Objective Three Self-Test

1) Connect the correct form with its definition:

Form 6A	Employer Application for Registration of Apprenticeship Contract
Form 1	Contract Between Apprentice and Employer
Form A	Verification of Trade Experience

2) The \$150.00 registration fee is waived if the apprentice has completed what?

3) List two employer responsibilities:

4) List two SATCC responsibilities:

5) List two apprentice responsibilities:

6) To whom is the SATCC responsible?

Objective Three Self-Test Answers

1) Connect the correct form with its definition:

Form 6A → Employer Application for Registration of Apprenticeship Contract
Form 1 → Contract Between Apprentice and Employer
Form A → Verification of Trade Experience

2) The Saskatchewan Youth Apprenticeship (SYA).

3) The employer is responsible to

- a) pay apprentices appropriately.
- b) expose their apprentices to the full scope of the trade

4) The SATCC is responsible for

- a) designating trades for apprenticeship training and certification.
- b) generating, retaining and expending revenues.
- c) registering apprentices and journeypersons, monitoring their training, and providing certification of skill levels achieved.
- d) determining and charging fees for products and services.
- e) entering into agreements for training delivery.
- f) representing Saskatchewan on interprovincial initiatives.

5) The apprentice is responsible to

- a) update their hours.
- b) learn from their supervisors, keeping an open mind, and working diligently to master all skills.
- c) update their Form A when changing employers.

6) The SATCC responsible to industry and government.

Objective Four

When you have completed this objective, you will be able to:

Describe a variety of employment opportunities for estheticians.

Employment Opportunities

Estheticians can work in many locations, both inside and outside of Canada. They can be paid in a range of ways, from hourly to commission or a combination of both.

Estheticians can be self-employed. Many choose to work for themselves, either renting a business space or working out of their home. Some estheticians choose to be employees, working for someone else.

Travel is also an option for estheticians. Some choose to work on cruise ships or in foreign countries.

Estheticians can work at fashion shows, hair shows, live theatres, and movie sets. Careers in makeup can be diversified into fields such as mortuaries and camouflage (applying make up to people who wish to have things such as scars and birth defects covered).

With additional training and education, estheticians can work in specialty areas such as medical esthetics and servicing clients with medical conditions such as cancer.

Estheticians can work as educators in many capacities. Teaching esthetics and providing training sessions to salons are just two options.

Estheticians can work as distributors and / or sales representatives for companies; in addition, estheticians can educate salons and workers about the products that they promote.

Objective Four Self-Test

- 1) An esthetician can work outside of Canada. True / False.
- 2) An esthetician can only work as an employee. True / False.
- 3) An esthetician can be self-employed. True / False.

Objective Four Self-Test Answers

1) True.

2) False.

3) True.

Objective Five

When you have completed this objective, you will be able to:

Describe the importance of continuing education.

Economies in Canada

Many different economies exist within modern Canada. A manufacturing/production of goods economy still exists in many areas. Manufacturing/ production can occur anywhere in the spectrum of technology. At the low-tech end of the spectrum, a person can construct picture frames with hand tools in a backyard workshop. These picture frames can be sold in markets or over the internet. At the other end of the technology spectrum, Blind River, Ontario is home to Canada's only uranium refining facility.

Many Canadians work in an economy based on information, technology, and knowledge. An information economy emphasizes informational activities and the information industry. In Canada, the creation, distribution, use, integration, and manipulation of information is a significant economic activity. The esthetics industry employs the qualities of the information industry within the setting of personal service. Knowledge resources such as trade secrets and new technologies are expertly applied—in a physical manner—by estheticians to their clients.

Applying Knowledge and Technology

To remain relevant in an information economy, estheticians must continually learn. Learning itself is an intellectual exercise. Learning keeps a person's mental abilities sharp. Learning helps a person adapt to new situations and incorporate new information. Adaption and incorporation are critical in the esthetics industry which changes rapidly. Some estheticians have not attended school in many years, and the prospect of attending classes or courses is frightening and overwhelming. In these cases, continual learning will help people to overcome their fears and bolster their confidence.

Continuing education will assist the esthetician in staying up to date with many changes in the workplace. A salon may purchase a new point-of-sale system, and all

employees may be required to learn the system. Safety systems such as First Aid and CPR are constantly incorporating new information and techniques. Each new technology introduced into the workplace will be accompanied by new application techniques. Both technologies and techniques must be learned. In a competitive industry, any new technology or technique that can save money and/or reduce service time is a competitive advantage. Continual learning will help businesses stay economically viable.

Quite often, changes are made to the legislation that governs an industry. Legislation can exist at the municipal, provincial, and federal level. Learning about legislative changes will help estheticians keep aware of changes to their rights and responsibilities. The failure to keep abreast of legislative changes can have large, detrimental monetary consequences.

Continual learning also involves keeping up with styles and trends. If a salon can see the next trend coming, the salon can make the necessary preparations to provide the service, begin advertising, and begin offering the service before competitors do. Being the first to offer a new service can result in a serious competitive advantage by securing the majority of the market.

Continual learning can lead to advancement in the workplace. Pay increases and other advancements are often dependent upon the acquisition of new skills. Courses in bookkeeping, accounting, and business skills can open many doors that lead to better opportunities.

Continual learning often provides an opportunity to network with like-minded people. Many life-long friendships and business relationships are formed during training courses.

Objective Five Self-Test

1) How do estheticians employ the qualities of the information industry with the physical qualities of the production economy?

2) How can an esthetician reduce the angst caused by the prospect of going back to school?

3) How can continual learning lead to advancement in the workplace?

Objective Five Self-Test Answers

- 1) Estheticians use knowledge and information to work with physical objects and create physical objects.
- 2) An esthetician reduce the angst caused by the prospect of going back to school by continually learning.
- 3) Continual learning can lead to advancement in the workplace when new skills and knowledge can result in better pay and new opportunities.

Objective Six

When you have completed this objective, you will be able to:

Describe the major Canadian legislation that applies to the esthetics industry.

Health Canada

Health Canada is the main body responsible for creating, maintaining, and enforcing the legislation that applies to estheticians. Health Canada consults with the Canadian public, industry, non-governmental organizations (NGOs) and other interested parties in the development of these laws. Health Canada also prepares guidelines in order to help interpret and clarify legislation and regulations.

Legislation refers to written laws, often referred to as Acts or statutes, which are enacted by Parliament, the legislative arm of government. Draft legislation, called a bill, is introduced to Parliament and requires the assent of the House of Commons, the Senate, and the Crown to become law.

Regulations are a form of law, sometimes referred to as subordinate legislation, which define the application and enforcement of legislation. Regulations are made under the authority of an Act, called an Enabling Act. Regulations are enacted by the body to whom the authority to make regulations has been delegated in the Enabling Act, such as the Governor in Council or a minister, etc.

Guidelines are departmental documents that are used to interpret legislation and/or regulation. Although they may be derived from legislation and are often used to advise how one might comply with a regulation, guidelines do not have the force of law.

Canada's Food and Drugs Act

Canada's *Food and Drugs Act* is the overarching legislation that applies to estheticians. The *Act* is accompanied by the *Food and Drugs Regulations* which provide for enforcement of the *Act*. The *Food and Drugs Act* (formal title "*An Act respecting food, drugs, cosmetics and therapeutic devices*") is an act of the Parliament of Canada regarding the production, import, export, transport across provinces and sale of food, drugs,

contraceptive devices and cosmetics (including personal cleaning products such as soap and toothpaste). It was first passed in 1920. It attempts to ensure that these products are safe, that their ingredients are disclosed and that drugs are effective and are not sold as food or cosmetics.

After the launch of the Federal Department of Health in 1919, the Food and Drugs Act was later presented in late 1920. Rules and regulations developed under the Act established the requirements needed for licensing and creating drugs in Canada. The Minister of Health had the right under this Act to cancel or suspend licenses for companies failing to comply with the requirements. Throughout the years, the *Food and Drugs Act* has been updated to adapt to new developments, technologies, and ethical questions.

Definitions

The *Act* begins with a series of definitions. The definitions relevant to estheticians are as follows:

Cosmetic includes any substance or mixture of substances manufactured, sold, or represented for use in cleansing, improving, or altering the complexion, skin, hair, or teeth, and includes deodorants and perfumes.

Inspector means an individual designated as an inspector for the purposes of this Act under subsection 22(1) or under section 13 of the *Canadian Food Inspection Agency Act*.

Label includes any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic, device or package.

Package includes any thing in which any food, drug, cosmetic or device is wholly or partly contained, placed, or packed.

Sell includes offer for sale, expose for sale, have in possession for sale and distribute, whether or not the distribution is made for consideration.

Therapeutic product means a drug or device or any combination of drugs and devices, but does not include a natural health product within the meaning of the *Natural Health Products Regulations*.

Therapeutic product authorization means an authorization — including a license — that is issued under the regulations and that authorizes the import, sale, advertisement, manufacture, preparation, preservation, packaging, labelling, storage or testing of a therapeutic product.

Unsanitary conditions means such conditions or circumstances as might contaminate with dirt or filth, or render injurious to health, a food, drug, or cosmetic.

Organization of the Food and Drugs Act

The *Food and Drugs Act* is organized into the following Parts.

Part I: provides general interpretations of the terms, and provides details of each of the topics discussed on what the *Act* entails:

- Food
- Drugs
- Cosmetics
- Devices

Part II: focuses the administration and the enforcement that allows the government to intervene with the manufacturer. It entails:

- Inspection, Seizure and forfeiture
- Marketing Authorization
- Offense and Punishment
- Exports

Parts III and IV: provide for implementation of controls required by the Convention on Psychotropic Substances. Part III deals with "controlled" drugs such as amphetamine which have legitimate medical uses. Part IV focuses on Schedule H "restricted drugs", those whose only legitimate use is for scientific research, such as the hallucinogen LSD.

The following information is contained within Part I. It is important to note that the following information is very general. This information is clarified and expanded in the *Cosmetic Regulations* which are produced by Health Canada.

Prohibited Sales of Cosmetics

- 16 No person shall sell any cosmetic that
- (a) has in or on it any substance that may cause injury to the health of the user when the cosmetic is used,
 - (i) according to the directions on the label or accompanying the cosmetic, or
 - (ii) for such purposes and by such methods of use as are customary or usual therefor;
 - (b) consists in whole or in part of any filthy or decomposed substance or of any foreign matter; or
 - (c) was manufactured, prepared, preserved, packaged or stored under unsanitary conditions.

Prescribed Standards for Cosmetics

- 17 Where a standard has been prescribed for a cosmetic, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for that cosmetic, unless the article complies with the prescribed standard.

Unsanitary Conditions

- 18 No person shall manufacture, prepare, preserve, package or store for sale any cosmetic under unsanitary conditions.

The Cosmetic Regulations

The cosmetic regulations are organized into many sections. The sections that are important to estheticians are:

- 3 - **Inspectors**
- 5 - **Importation into Canada**
- 11 - **Sampling**
- 12 - **Sales**
- 17 - **Labelling**
 - 17 - General
 - 21.1 - List of Ingredients
- 22 - **Particular Requirements for Certain Cosmetics**
- 29 - **Evidence of Safety of Cosmetics**
- 30 - **Notification**

Just as the *Food and Drugs Act* begins with a section of definitions, the *Cosmetic Regulations* also begin with a section of definitions. The following is a short list of definitions that are important to estheticians. Please note that other definitions may be crucial to an esthetician. It is the esthetician's responsibility to be familiar with all applicable legislation.

Botanical means an ingredient that is directly derived from a plant and that has not been chemically modified before it is used in the preparation of a cosmetic.

Ingredient means any substance that is one of the components of a cosmetic and includes colouring agents, botanicals, fragrance and flavour, but does not include substances that are used in the preparation of the cosmetic but that are not present in the final product as a result of the chemical process.

Manufacturer means a person, a partnership or an unincorporated association that sells, or manufactures and sells, a cosmetic under its own name or under a trade-mark, design, trade name or other name or mark owned or controlled by it.

Inspectors

Health Canada employs Consumer Product Safety Officers across the country. These Officers are responsible for enforcing Health Canada's Regulations.

- 3 (1) An inspector shall perform the functions and duties and carry out the responsibilities in respect of cosmetics prescribed by the *Act* and these *Regulations*.
- (2) An inspector may, for the proper administration of the *Act* or these *Regulations*, take photographs of
- (a) any cosmetic;
 - (b) any place where he believes any cosmetic is manufactured, prepared, preserved, packaged or stored;
 - (c) anything that he believes is used or capable of being used for the manufacture, preparation, preservation, packaging or storing of any cosmetic; and
 - (d) any labelling or advertising material relating to a cosmetic.

Importation

- 5 Subject to section 9, no person shall import into Canada for sale a cosmetic the sale of which in Canada would constitute a violation of the *Act* or these *Regulations*.
- 6 An inspector may examine and take samples of any cosmetic sought to be imported into Canada.
- 8 Where an inspector is of the opinion that the sale of the cosmetic in Canada would constitute a violation of the *Act* or these *Regulations*, the inspector shall so notify in writing the collector of customs concerned and the importer.

Sampling

- 11 When an inspector takes a sample of a cosmetic under subsection 23(1) of the *Act*, the inspector shall inform the owner of the cosmetic or the person from whom the sample is taken that the inspector proposes to submit the sample or a part of it to an analyst for analysis or examination

Sales

- 12 No person shall sell a cosmetic if any label or advertisement of the cosmetic contains any symbol or statement that implies that the cosmetic has been compounded in accordance with a prescription.
- 14 (1) No person shall sell a cosmetic for use in the area of the eye that contains any coal tar dye, coal tar dye base, or coal tar dye intermediate.
(2) “area of the eye” means the area bounded by the supraorbital and infraorbital ridges and includes the eyebrows, the skin underlying the eyebrows, the eyelids, the eyelashes, the conjunctival sac of the eye, the eyeball and the soft tissue that lies below the eye and within the infraorbital ridge.
- 15 No manufacturer or importer shall sell a cosmetic that contains
(a) chloroform as an ingredient; or
(b) an estrogenic substance.
- 15.1 No manufacturer or importer shall sell a cosmetic that contains mercury or a salt or derivative thereof unless
(a) the cosmetic is intended for use in the area of the eye;
(b) the mercury or its salt or derivative thereof is used in the cosmetic as a preservative; and
(c) the manufacturer or importer
 o (i) has in his possession evidence demonstrating that the only satisfactory way to maintain the sterility or stability of the cosmetic is to use mercury or a salt or derivative thereof as a preservative

Labelling

- 17 No reference, direct or indirect, to the *Act* or these *Regulations* shall be made on any label or in any advertisement of a cosmetic unless the reference is a specific requirement of the *Act* or these *Regulations*.
- 18 The information required by these Regulations to be provided on the label of a cosmetic must
(a) be shown both in English and in French, except for the INCI name; and

(b) be clearly legible and remain so throughout the useful life of the cosmetic, or in the case of a refillable container, throughout its useful life, under normal conditions of sale and use.

The International Nomenclature of Cosmetic Ingredients (INCI) is an international, standard system of names for waxes, oils, pigments, chemicals, and other ingredients of soaps, cosmetics, and the like.

21 (1) No manufacturer shall make any claim on a label of or in an advertisement for a cosmetic respecting either of the following, unless the manufacturer has evidence that validates the claim:

(a) the ability of the cosmetic or any of its ingredients to influence the chemistry of the skin, hair or teeth; or

b) the formulation, manufacture or performance of the cosmetic that would imply that the user of the cosmetic will not suffer injury to their health.

List of Ingredients

21.2 (1) Subject to subsection (4), a list of ingredients must appear on the outer label of a cosmetic, with each ingredient listed only by its INCI name.

(2) In the case of makeup and nail polish and enamel sold in a range of colour shades, all colouring agents used in the range may be listed if they are preceded by the symbol “+/-” or “±” or the phrase “may contain”.

(3) Botanicals must be listed by specifying at least the genus and species portions of the INCI name.

21.3 An ingredient that has no INCI name must be listed by its chemical name.

21.4 (1) Ingredients must be listed in descending order of predominance, in their concentration by weight.

(2) Ingredients that are present at a concentration of 1% or less and all colouring agents, regardless of their concentration, may be listed in random order after the ingredients that are present at a concentration of more than 1%.

(3) In the case of fragrance and flavour, the words “parfum” and “aroma”, respectively, may be inserted at the end of the list of ingredients to indicate that such ingredients have been added to the cosmetic to produce or to mask a particular odour or flavour.

21.5 (1) In the case of a cosmetic whose immediate container or outside package is so small that the label cannot comply with the requirements of paragraph 18(b), the list of ingredients may appear on a tag, tape or card affixed to the container or package.

(3) In the case of a cosmetic that has no outside package and whose size, shape or texture, or that of its immediate container, makes it impractical for a tag, tape or card to be affixed to the container, the list of ingredients may instead appear in a leaflet that must accompany the cosmetic at the point of sale.

Particular Requirements for Certain Cosmetics

22 A hair dye that contains paraphenylenediamine or other coal tar dye base or coal tar intermediate must carry the following warning on both the inner and outer labels:

CAUTION: This product contains ingredients that may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows. To do so may cause blindness.

These products must also be accompanied by instructions to the following effect:

- (i) the preparation may cause serious inflammation of the skin in some persons, and a preliminary test should always be made to determine whether special sensitivity exists, and
- (ii) to make the test, a small area of skin behind the ear or on the inner surface of the forearm should be cleansed, using either soap and water or alcohol, and a small quantity of the hair dye as prepared for use should be applied to the area and allowed to dry. After 24 hours, the area should be washed gently with soap and water. If no irritation or inflammation is apparent, it may be assumed that no hypersensitivity to the dye exists. The test should be made before each application. The hair dye should never be used for dyeing eyebrows or eyelashes, as severe inflammation of the eye or even blindness may result.

22.1 The outer label of a cosmetic, where that cosmetic contains mercury or a salt or derivative thereof as a preservative, shall indicate the name of the preservative and its concentration in the cosmetic.

24 (1) The label of a cosmetic that presents an avoidable hazard must include directions for safe use.

(2) For the purpose of subsection (1), *avoidable hazard* means a threat of injury to the health of the user of a cosmetic that can be

(a) predicted from the cosmetic's composition, the toxicology of its ingredients and the site of its application;

(b) reasonably anticipated during normal use; and

(c) eliminated by specified limitations on the usage of the cosmetic.

Evidence of Safety of Cosmetics

29 (1) The Minister may request in writing that a manufacturer submit to the Minister evidence to establish the safety of a cosmetic under the recommended or the normal conditions of use.

(2) A manufacturer who does not submit the evidence requested under subsection (1) shall cease to sell the cosmetic after the day specified in the request.

(3) If the Minister determines that the evidence submitted by a manufacturer under subsection (1) is not sufficient, the Minister must notify the manufacturer in writing to that effect, and the manufacturer must cease to sell the cosmetic until the manufacturer

(a) has submitted further evidence to the Minister; and

(b) has been notified in writing by the Minister that the further evidence is sufficient.

Notification

30 (1) Every manufacturer and importer shall provide the Minister with the following documents, at the latest 10 days after the manufacturer or importer first sells a cosmetic:

(a) a notification signed by the manufacturer or importer advising whether they intend to continue sales of the cosmetic in Canada and including the information specified in subsection (2); and

- (2)** The following is the information required for the purpose of paragraph (1)(a):
- (a)** the name and address of the manufacturer that appears on the label of the cosmetic in accordance with section 20;
 - (b)** the name under which the cosmetic is sold;
 - (c)** the function of the cosmetic;
 - (d)** a list of the cosmetic's ingredients and, for each ingredient, either its exact concentration or the concentration range that includes the concentration of that ingredient
 - (e)** the form of the cosmetic;
 - (f)** the name and address in Canada of the manufacturer, importer or distributor;
 - (g)** if the cosmetic was not manufactured or formulated by the person whose name appears on the label, the name and address of the person who manufactured or formulated it; and
 - (h)** the name and title of the person who signed the notification referred to in paragraph (1)(a).

Objective Six Self-Test

1) What is the difference between an *Act* and a *Regulation*?

2) Which forms can a label take?

3) Which **Part** of the *Food and Drugs Act* relates to enforcement that allows the government to intervene with the manufacturer?

4) A botanical is an ingredient that is directly or indirectly derived from a plant and that has not been chemically modified before it is used in the preparation of a cosmetic. True / False.

5) An inspector may, for the proper administration of the *Act* or these *Regulations*, take photographs of any cosmetic. True / False.

6) When is it acceptable for a manufacturer or importer to sell a cosmetic that contains mercury or a salt or derivative?

7) What does (INCI) stand for, and what is it?

8) How would a Minister establish the safety of a cosmetic under the recommended or the normal conditions of use?

Objective Six Self-Test Answers

- 1) An *Act* is legislation, or written laws, while a *Regulation* allows enforcement of the *Act*.
- 2) A label can be a legend, word, or mark that is placed directly onto a product, or the label can be a tag that is attached to the product, or the label can be in the form of a leaflet that accompanies the product.
- 3) **Part II** of the *Food and Drugs Act* focuses the enforcement that allows the government to intervene with the manufacturer.
- 4) False.
- 5) True.
- 6) It is acceptable for a manufacturer or importer to sell a cosmetic that contains mercury or a salt or derivative when it is intended for use in the area of the eye.
- 7) INCI stands for: The International Nomenclature of Cosmetic Ingredients. It is an international, standard system of names for waxes, oils, pigments, chemicals, and other ingredients of soaps, cosmetics, and the like.
- 8) The Minister would request in writing that a manufacturer submit evidence to establish the safety of a cosmetic under the recommended or the normal conditions of use.

Module Summary Self-Test

- 1) Partsperson is a / an _____ trade.
- 2) Sheet metal worker is a / an _____ trade.
- 3) Esthetician is a / an _____ trade.
- 4) An esthetician apprentice must be supervised by a journeyperson on the jobsite. True / False.
- 5) An esthetician apprentice could learn all of their common core material before deciding whether to become a nail technician or a skin care technician. True / False.
- 6) An employer would like to sign up (indenture) an esthetician apprentice. What is the first form that they need to fill out?

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- 7) It is possible for an esthetician to work at a live theatre company. True / False.
 - 8) How can continual learning help businesses stay economically viable?

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- 9) Who is the main body responsible for creating, maintaining, and enforcing the legislation that applies to estheticians?

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- 10) What is a 'therapeutic product'?
-

11) Can a person sell a cosmetic that is partially made up of a decomposed substance?

12) What shall an inspector do, after they take a sample of a cosmetic from a manufacturer or importer?

13) How is an ingredient to be labelled if the ingredient has no INCI name?

14) How must ingredients be listed?

15) After a manufacturer and importer begins selling a product in Canada, how long do they have to provide to the Minister the necessary documents?

Module Summary Self-Test Answers

- 1) Voluntary.
- 2) Compulsory.
- 3) Voluntary.
- 4) False.
- 5) True.
- 6) Form 1.
- 7) True.
- 8) An esthetician can continually learn new technologies and techniques that can reduce costs and service time. These reductions can help a business stay competitive.
- 9) Health Canada is the main body responsible for creating, maintaining, and enforcing the legislation that applies to estheticians.
- 10) A therapeutic product is a drug or device or any combination of drugs and devices, but does not include a natural health product within the meaning of the *Natural Health Products Regulations*.
- 11) No, a person cannot sell a cosmetic that is partially made up of a decomposed Substance?
- 12) After taking a sample of a cosmetic from a manufacturer or importer, the inspector shall inform the owner of the cosmetic or the person from whom the sample is taken that the inspector proposes to submit the sample or a part of it to an analyst for analysis or examination.

- 13) An ingredient with no INCI name must be listed by its chemical name.
- 14) Ingredients must be listed in descending order of predominance, in their concentration by weight.
- 15) The manufacturer and importer have 10 days after the first sale to provide the necessary documents to the Minister.

Errata

Date	Page	Explanation
04 October 2017	33	Objective 5 has been added.
04 October 2017	37	Objective 6 has been added.