

# Apprenticeship and Trades Qualifications Act

CHAPTER 1 OF THE ACTS OF 2003

*as amended by*

2006, c. 23; 2014, c. 3, ss. 2-15; 2014, c. 41



© 2016 Her Majesty the Queen in right of the Province of Nova Scotia  
Published by Authority of the Speaker of the House of Assembly  
Halifax

This page is intentionally blank.

CHAPTER 1 OF THE ACTS OF 2003  
amended 2006, c. 23; 2014, c. 3, ss. 2-15; 2014, c. 41

**An Act Respecting Apprenticeship  
and Trades Qualifications**

**Table of Contents**

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
Supervision of Act and delegation.....	3
Board.....	4
Powers and duties of Board.....	5
Chief Executive Officer.....	6
Civil Service Act appointments.....	7
Powers and duties of Director.....	8
Powers and duties of Director of Partnership and Innovation.....	9
Examiners.....	15
Powers for ensuring compliance.....	16
Order to cease activities or employment.....	16A
Designation of trades.....	17
Board regulations.....	17A
Governor in Council regulations.....	17B
Apprenticeship agreements.....	18
Apprenticeship agreements with Director only.....	18A
Agreements with recognized associations.....	19
Certificate of apprenticeship.....	20
Certificate of qualification and certificate of proficiency.....	21
Compulsory certified trades.....	22
Temporary permit.....	23
Appeals.....	24
Licence required by municipality.....	25
Powers of Minister.....	26
Offence and penalty.....	27
Conflict.....	28
Regulations.....	29
Transition from former Act.....	30
Former Act repealed.....	31
Proclamation.....	32

---

**Short title**

**1** This Act may be cited as the *Apprenticeship and Trades Qualifications Act*. 2003, c. 1, s. 1.

**Interpretation**

**2 (1)** In this Act,

(a) “Agency” means the Nova Scotia Apprenticeship Agency, a special operating agency designated pursuant to the *Public Service Act*;

(aa) “appeal panel” means an appeal panel established by the Board pursuant to this Act and the operating charter;

(b) “apprentice” means a person who enters into an apprenticeship agreement;

(c) “apprenticeship agreement” means a written agreement, to which the Director is a party, under which an apprentice undertakes to learn a designated trade through apprenticeship training and

(i) an employer undertakes to employ the apprentice and provide the apprentice with practical experience and the opportunity to obtain technical training,

(ii) a recognized association assumes the responsibilities of an employer pursuant to subsection 19(3) and undertakes to provide the apprentice with practical experience and the opportunity to obtain technical training, or

(iii) the Director undertakes to

(A) provide the apprentice with the opportunity to obtain technical training, and

(B) record the credits earned and competencies acquired by the apprentice in technical training and practical experience in a designated trade through employment in the Province or one or more other provinces of Canada in relation to which the Minister has entered into an extra-provincial apprenticeship recognition agreement;

(d) “apprenticeship and trades qualifications system” means an industry-led system of apprenticeship training that leads to a certificate of apprenticeship or certificate of qualification in a designated trade and includes

(i) a youth apprenticeship program,

(ii) an equity program,

(iii) pre-employment apprenticeship training,

(iv) skills upgrading and enhancement in a designated trade, and

(v) programs that enhance employer participation and engagement;

(e) “apprenticeship training” means training received by an apprentice in a designated trade as required under this Act, and

includes practical experience, technical training and any pre-employment apprenticeship training, or training or experience in a designated trade pursuant to subsection 18(5);

(ea) “authorized person” means any person the Minister authorizes in writing to carry out an activity or function under this Act;

(f) “Board” means the Apprenticeship Board established under the operating charter;

(g) “certificate of apprenticeship” means a certificate of apprenticeship issued pursuant to this Act;

(ga) “certificate of equivalency” means a certificate of equivalency issued pursuant to this Act;

(h) “certificate of qualification” means a certificate of qualification issued pursuant to this Act;

(ha) “Chief Executive Officer” means the Chief Executive Officer of the Agency;

(i) “compulsory certified trade” means a designated trade that is specified as a compulsory certified trade in the regulations;

(ia) “Deputy Minister” means the Deputy Minister of Labour and Advanced Education;

(j) “designated trade” means a trade, or branch of a trade, designated by the Minister;

(k) “Director” means the Director of Programs and Operations appointed pursuant to Section 7;

(l) “employee representative” means

(i) a person who performs work for an employer,  
or

(ii) a representative of a labour union or organization or association of employees employed in a designated trade, and may include a representative of a recognized association;

(m) “employer” means a person, corporation, partnership, unincorporated association or a municipal, provincial or other public authority, that enters into an apprenticeship agreement with an apprentice, but, for greater certainty, does not include a recognized association other than one that employs an apprentice;

(n) “employer representative” means

(i) a person or agent who has control or direction of, or is directly or indirectly responsible for, the employment of one or more persons in a designated trade, and includes an

owner of a one-person business, but does not include a representative of a recognized association, or

(ii) a representative of an organization or association of employers;

(na) “equity program” means a bridging program that assists persons who are under-represented in the apprenticeship and trades qualifications system to prepare and qualify for apprenticeship training or a youth apprenticeship program;

(nb) “examination” means an oral, written, practical or electronic examination, either alone or in a combination;

(nba) “extra-provincial apprenticeship recognition agreement” means an agreement entered into by the Minister pursuant to clause 26(aa) with the authority responsible for apprenticeship in another province of Canada pursuant to which each province agrees to recognize some or all of the technical training and practical experience, or the equivalent thereof, acquired by an apprentice in any of the provinces that are party to the agreement, for the purpose of granting the apprentice credit toward an apprenticeship program, or the equivalent thereof, in the province in which the apprentice is ordinarily resident;

(nc) “joint registration agreement” means an agreement entered into between either the Minister or the Director and a recognized association establishing the terms and conditions under which a recognized association may enter into apprenticeship agreements with respect to specified trades;

(o) “journeyperson” means a person who holds a certificate of qualification in a designated trade or a certificate recognized by the Director pursuant to the regulations;

(p) “Minister” means the Minister of Labour and Advanced Education”;

(q) “municipality” has the same meaning as in the *Municipal Government Act*;

(qa) “operating charter” means the operating charter established for the Agency by the Governor in Council pursuant to Section 16 of the *Public Service Act*, and as amended from time to time pursuant to that Section;

(r) “practical experience” means the portion of apprenticeship training in which an apprentice works on a job site learning the skills of a designated trade under the supervision of a journeyperson;

(s) “pre-employment apprenticeship training” means experience and training in a designated trade undertaken by a person prior to apprenticeship training through a training provider;

(sa) “pre-employment apprenticeship-training recognition agreement” means an agreement entered into by the Minister pursuant to clause 26(ab) with the authority responsible for apprenticeship in another province of Canada pursuant to which each province agrees to recognize some or all of the pre-employment apprenticeship training, or the equivalent thereof, acquired by a person in one or more of the provinces for the purpose of granting the person credit toward an apprenticeship program, or the equivalent thereof, in the province in which the person is ordinarily resident;

(t) “recognized association” means a union, organization or association that provides apprentices to do work within their designated trades for others;

(u) “technical training” means the portion of apprenticeship training in which the apprentice receives formal instruction, including theoretical aspects of the designated trade designed to supplement skills acquired through practical experience;

(v) “trade” includes a specialization in a trade;

(va) “Trade Advisory Committee” means an *ad hoc* trade advisory committee established by the Board in accordance with the operating charter;

(vb) “trade regulations” means regulations made under the Act respecting a particular designated trade;

(vc) “training provider” means a person, union, organization or association that is a party to an agreement with the Director under Section 18 of the *Apprenticeship and Trades Qualifications Act General Regulations* to deliver technical training or other pre-employment apprenticeship training;

(vd) “youth” means a person under twenty years of age;

(w) “youth apprenticeship program” means experience and training undertaken by a youth in an apprenticeship program for youth recognized pursuant to the regulations.

(2) The determination of whether a person is ordinarily resident shall be made according to the following rules:

(a) a person is ordinarily resident in the place where the person lives and to which, whenever absent, the person intends to return;

(b) a person may be ordinarily resident in only one place at a time;

(c) a person does not cease to be ordinarily resident in a place by leaving the place for a temporary purpose only; and

(d) where the rules set out in clauses (a) to (c) are not sufficient to determine the place where a person is ordinarily resident,

the place where the person is ordinarily resident must be determined by the Director, with reference to all the facts of the case. 2003, c. 1, s. 2; 2006, c. 23, s. 1; 2014, c. 3, s. 2; 2014, c. 41, s. 1.

### **Supervision of Act and delegation**

**3 (1)** The Minister has the general supervision and management of this Act and the regulations, the general supervision of the Agency and the powers and duties assigned to the Minister by this Act, the regulations and the operating charter.

**(2)** The Minister may delegate to, and designate[,] any person to perform such duties and exercise such powers of the Minister under this Act, the regulations and the operating charter as may be set out in the designation, and any act done by a person so designated has the same force, validity and effect as if done by the Minister. 2014, c. 3, s. 3.

### **Board**

**4** The Minister shall appoint the members of the Board pursuant to the operating charter. 2014, c. 3, s. 4.

### **Powers and duties of Board**

**5** The Board has the powers and duties assigned to it by this Act, the regulations and the operating charter. 2014, c. 3, s. 5.

### **Chief Executive Officer**

**6 (1)** A Chief Executive Officer shall be appointed by the Deputy Minister and may be employed pursuant to the *Civil Service Act* or *Personal Services Contract Regulations* made under the *Public Service Act*.

**(2)** The Chief Executive Officer shall have the general leadership, management and administration of the Agency, and has the powers and duties assigned to the Chief Executive Officer by this Act, the regulations and the operating charter. 2014, c. 3, s. 5; 2014, c. 41, s. 2.

### **Civil Service Act appointments**

**7** The Director of Programs and Operations, the Director of Partnership and Innovation and any other employees required for the administration of this Act, the regulations and the operating charter shall be appointed pursuant to the *Civil Service Act*. 2014, c. 3, s. 5; 2014, c. 41, s. 3.

### **Powers and duties of Director**

**8** The Director shall carry out the powers and duties assigned to the Director under this Act, the regulations and the operating charter, including

- (a) keeping a record of every apprenticeship agreement and every suspension, cancellation, transfer, termination or completion of the terms of an agreement;
- (aa) keeping a record of the credits earned and competencies acquired by an apprentice for technical training and practical experience through employment in the Province or another province of Canada with respect to which the Minister has entered into an extra-provincial apprenticeship recognition agreement;
- (ab) keeping a record of the credits earned and competencies acquired by a person for pre-employment apprenticeship training in the Province or another province of Canada with respect to which the Minister has entered into a pre-employment apprenticeship training recognition agreement;
- (b) making or directing examinations, audits and inquiries to ensure compliance with this Act;
- (c) carrying out a program of apprenticeship in a designated trade;
- (d) undertaking or contracting for the training of apprentices under the apprenticeship and trades qualifications system;
- (e) *repealed 2014, c. 41, s. 4.*
- (f) providing for the examination of apprentices and applicants for trade certification;
- (g) conducting investigations relating to compliance with this Act pursuant to a written complaint or report;
- (h) suspending or cancelling the registration of an apprenticeship agreement for cause;
- (i) prescribing forms for the purpose of this Act and providing for their use; and
- (j) performing such other duties as may be assigned by the Chief Executive Officer or the Minister. 2014, c. 3, s. 5; 2014, c. 41, s. 4.

#### **Powers and duties of Director of Partnership and Innovation**

**9** The Director of Partnership and Innovation shall carry out the duties and powers assigned to the Director of Partnership and Innovation under this Act, the regulations and the operating charter, including

- (a) granting credit to an apprentice for technical training and practical experience acquired through employment in the Province or another province of Canada with respect to which the Minister has entered into an extra-provincial apprenticeship recognition agreement;
- (b) granting credit to a person for some or all of the pre-employment apprenticeship training, or the equivalent thereof, acquired by the per-

son in the Province or another province of Canada for the purpose of granting the person credit toward an apprenticeship program in the Province;

(c) establishing and approving curriculum standards for the technical training of apprentices and monitoring the technical training;

(d) prescribing forms for the purpose of this Act and providing for their use; and

(e) performing such other duties as may be assigned by the Chief Executive Officer or the Minister. 2014, c. 41, s. 5.

**10 to 14** *repealed 2014, c. 3, s. 5.*

### **Examiners**

**15 (1)** Subject to the approval of the Minister, the Director may appoint one or more examiners to assist in the conduct of examinations prescribed for a designated trade.

**(2)** Each examiner shall be paid such remuneration and such reasonable and necessary expenses incurred by the examiner in the performance of the duties of the examiner as the Minister determines. 2003, c. 1, s. 15.

### **Powers for ensuring compliance**

**16** For the purpose of ensuring compliance with this Act, the regulations and the trade regulations, the Director, or any authorized person, may, during regular working hours,

(a) enter and inspect the premises, equipment and training facilities of an employer;

(b) require an employer to produce a book, payroll or other record;

(c) inspect, take extracts from or make copies of the records of an employer and inquire into matters that relate to the wages, hours of work, conditions of employment, training, qualification or supervision of any employer, employee or apprentice who has entered into an apprenticeship agreement registered pursuant to this Act;

(d) examine a person with respect to matters pursuant to this Act or the regulations;

(e) exercise such other powers as may be necessary or incidental to the carrying out of the Director's or authorized person's functions pursuant to this Act, the regulations or the trade regulations. 2003, c. 1, s. 16; 2014, c. 3, s. 6.

### **Order to cease activities or employment**

**16A (1)** For the purpose of ensuring compliance with this Act, the regulations and the trade regulations, the Director, or any authorized person, may issue

an order or directive requiring persons to cease engaging in the activities or employment of an apprentice or a journeyman or holding themselves out as an apprentice or a journeyman if the Director or authorized person has reasonable grounds to believe that the person is not an apprentice or a journeyman or is not in compliance with the terms and conditions respecting apprentices or journeymen under the Act, regulations or trade regulations.

(2) An order issued pursuant to subsection (1) may be oral or written and may require that the order be carried out within such time as the Director or authorized person specifies.

(3) The Director or authorized person shall confirm an oral order in writing as soon as is reasonably practicable.

(4) For greater certainty, an oral order is effective immediately, before it is confirmed in writing.

(5) An order under subsection (1) remains in place for such period as may be specified in the order or until the order is withdrawn or cancelled by the Director or authorized person. 2014, c. 3, s. 7.

#### **Designation of trades**

17 In Sections 17A and 17B, “designate” means identify and define a trade that, upon designation, becomes subject to the Act, the regulations and the operating charter. 2014, c. 3, s. 8.

#### **Board regulations**

17A (1) The Board may make regulations

- (a) designating a trade; and
- (b) establishing and approving objectives, standards and requirements in relation to
  - (i) apprenticeship training and certification in the trade, and
  - (ii) certification in the trade without apprenticeship training,

for a trade other than a trade that is specified in the regulations as a compulsory certified trade.

(2) Where the Board repeals regulations for a trade other than a trade that is specified in the regulations as a compulsory certified trade, the Board may, by regulation, revoke the designation of the designated trade that is the subject of those regulations.

(3) The exercise by the Board of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*. 2014, c. 3, s. 8.

**Governor in Council regulations**

**17B (1)** The Governor in Council may make regulations establishing and approving objectives, standards and requirements in relation to

- (a) apprenticeship training and certification in the trade;
- and
- (b) certification in the trade without apprenticeship training,

for a trade that is specified in the regulations as a compulsory certified trade.

**(2)** Where the Governor in Council repeals regulations made pursuant to subsection (1), the Governor in Council may, by regulation, revoke the designation of the designated trade that is the subject of those regulations.

**(3)** The exercise by the Governor in Council of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*, 2014, c. 3, s. 8.

**Apprenticeship agreements**

**18 (1)** A person who wishes to obtain a certificate of qualification in a designated trade and an employer who undertakes to employ the person as an apprentice to learn the trade shall jointly enter into an apprenticeship agreement with the Director.

**(2)** Either an employer or an apprentice who is a party to an apprenticeship agreement shall, in accordance with the regulations, apply to the Director to have the agreement registered pursuant to subsection (3).

**(3)** The Director shall register an apprenticeship agreement if the Director is of the opinion that the agreement

- (a) complies with the regulations; and
- (b) provides for the apprenticeship training required under this Act and the regulations.

**(4)** An apprenticeship agreement has no effect under this Act unless it is registered by the Director.

**(5)** Subject to the regulations, the Director of Partnership and Innovation may grant credits to a prospective apprentice for previous training or experience in the designated trade, including previous apprenticeship training and training or experience acquired in another province of Canada.

**(5A)** Notwithstanding subsection (5), and subject to the regulations, the Director of Partnership and Innovation shall grant credits to a prospective apprentice for previous training or experience in the designated trade that is acquired in another province of Canada in accordance with the terms and conditions

of any pre-employment apprenticeship-training recognition agreement that has been entered into with respect to that province.

(6) The Director may, by giving written notice to the parties to an apprenticeship agreement, suspend or cancel the registration of the agreement if, in the Director's opinion, the apprentice is not receiving the apprenticeship training required under this Act and the regulations.

(7) An employer who is a party to an apprenticeship agreement may withdraw from the agreement without the consent of the apprentice and shall immediately give written notice of the withdrawal to the Director.

(7A) An apprentice may terminate an apprenticeship agreement without the consent of the employer or the Director and shall immediately give written notice of the termination to the Director.

(8) The parties to an apprenticeship agreement are deemed not to have contravened the agreement where the apprentice

(a) is lawfully on strike or is lawfully locked out by the employer; or

(b) is unable to work owing to a lawful strike or lawful lockout that affects the employer's place of business.

(9) An employer or a recognized association may assign an apprenticeship agreement to another employer, a recognized association or the Director, with the prior written approval of the Director and the consent of the other employer, the recognized association or the Director, as the case may be, and the apprentice.

(9A) *repealed 2014, c. 41, s. 6.*

(10) No person shall work for an employer as an apprentice in a designated trade except under an apprenticeship agreement, and no employer shall employ a person as an apprentice except under an apprenticeship agreement.

(11) The Director may require from the parties to a proposed apprenticeship agreement or parties seeking certificates of qualification such information as the Director deems necessary or as prescribed in the regulations.

(12) Where, before a trade becomes a designated trade, a person is employed pursuant to a written agreement in that trade, the employer shall, within three months after the trade becomes a designated trade, register the agreement pursuant to this Act, but the agreement is not otherwise affected by this Act. 2003, c. 1, s. 18; 2014, c. 3, s. 9; 2014, c. 41, s. 6.

**Apprenticeship agreements with Director only**

**18A (1)** The Director may, at the request of a prospective apprentice, enter into an apprenticeship agreement with the prospective apprentice if the prospective apprentice

- (a) is ordinarily resident in Nova Scotia;
- (b) is not employed in the Province at the time the agreement is entered into;
- (c) is or has been employed within the preceding year in a province of Canada with respect to which the Minister has entered into an extra-provincial apprenticeship recognition agreement or in which the prospective apprentice has an offer of employment from an employer;
- (d) is determined by the Director of Partnership and Innovation to be eligible to be granted credit for the equivalent of technical training or practical experience acquired in the province referred to in clause (c), in the trade in relation to which the apprenticeship agreement is proposed; and
- (e) in the opinion of the Director, is likely to benefit from entering into an apprenticeship agreement with the Director.

**(2)** An apprenticeship agreement entered into pursuant to subsection (1) does not constitute an employment agreement.

**(3)** For greater certainty, subsections 18(3) to (7A) apply to an apprenticeship agreement made pursuant to subsection (1).

**(4)** An apprenticeship agreement entered into pursuant to subsection (1) is subject to such terms and conditions as may be prescribed by the regulations. 2014, c. 41, s. 7.

**Agreements with recognized associations**

**19 (1)** The Director may recognize and approve a recognized association to enter into an apprenticeship agreement through a joint registration agreement between the Director and the recognized association with respect to such trades as the Director specifies under terms and conditions as agreed upon by the Director and the recognized association.

**(2)** The Director shall record the approval and, for each recognized association, record

- (a) the joint registration agreement;
- (b) the trades for which the association may enter into apprenticeship agreements; and
- (c) the number of journeypersons in the recognized association.

(3) A recognized association that enters into an apprenticeship agreement assumes the responsibilities of the employer of the apprentice under this Act, subject to the regulations.

(4) Where a person who is apprenticed by virtue of an apprenticeship agreement made and entered into pursuant to this Section is employed by a person other than the recognized association, the trade regulations and other regulations respecting the trade to which the agreement relates and the terms of the agreement apply to the person who employs the apprentice. 2003, c. 1, s. 19; 2014, c. 3, s. 10.

#### **Certificate of apprenticeship**

**20** Subject to the regulations, the Director shall issue a certificate of apprenticeship in a designated trade to a person who, in the opinion of the Director, has successfully completed the apprenticeship training and related certification examination. 2003, c. 1, s. 20.

#### **Certificate of qualification and certificate of proficiency**

**21 (1)** Subject to the regulations, the Director shall issue a certificate of qualification in a designated trade to a person who

- (a) holds a certificate of apprenticeship; or
- (b) in the opinion of the Director, otherwise meets the standards and requirements established for the trade and has successfully completed the related certification examination.

**(1A)** Subject to the regulations, the Director may renew a certificate of qualification in a designated trade.

**(1B)** Notwithstanding clause (1)(b), the Director may issue a certificate of proficiency to a person who, in the opinion of the Director, demonstrates through practical skills that the person meets the standards and requirements established for the trade, and who otherwise satisfies any additional requirements set out in the regulations.

**(2)** The Director may suspend or cancel a certificate of qualification issued pursuant to subsection (1) or (1A)

- (a) if the Director is of the opinion that the holder of the certificate
  - (i) obtained the certificate as a result of false or misleading statements or information,
  - (ii) has used the certificate, or allowed the certificate to be used, for an improper purpose, or
  - (iii) has improperly altered the certificate; or

(b) for any reason specified in the regulations. 2003, c. 1, s. 21; 2006, c. 23, s. 2; 2014, c. 3, s. 11.

**Compulsory certified trades**

**22 (1)** The Governor in Council may, by regulation, specify that a designated trade is a compulsory certified trade.

**(2)** A person shall not practise a compulsory certified trade unless the person

(a) is a party to an apprenticeship agreement for which an application for registration has been made and the application is pending;

(b) is engaged in apprenticeship training in the trade under an apprenticeship agreement registered pursuant to this Act;

(c) holds a certificate of qualification in respect of the trade and is in compliance with the regulations;

(ca) holds a certificate of equivalency in respect of the trade and is in compliance with the regulations;

(d) holds a temporary permit issued by the Director pursuant to this Act in respect of the trade; or

(e) holds a certificate recognized by the Director pursuant to the regulations.

**(3)** An employer shall not employ a person in a compulsory certified trade if the employer knows, or would reasonably be expected to know, that the person is prohibited from working in the trade under subsection (2).

**(4)** Subject to the regulations, the Director may exempt a person referred to in subsection (2) and an employer referred to in subsection (3) from the application of those subsections. 2003, c. 1, s. 22; 2014, c. 3, s. 12.

**Temporary permit**

**23 (1)** In accordance with the regulations, the Director may issue a temporary permit allowing a person to work in a compulsory certified trade.

**(2)** A temporary permit issued pursuant to subsection (1) is valid for the period, and is subject to any terms and conditions, specified in the permit. 2003, c. 1, s. 23.

**Appeals**

**24 (1)** A person may appeal any of the following decisions made by the Director:

(a) the refusal to register an apprenticeship agreement to which the person is a party;

(b) the refusal to grant credits to the apprentice;

- (c) the suspension or cancellation of the registration of an apprenticeship agreement to which the person is a party;
- (d) the refusal to issue a certificate of apprenticeship to the person;
- (e) the refusal to issue a certificate of qualification to the apprentice;
- (f) the suspension or cancellation of the person's certificate of qualification;
- (g) any other decision specified in the regulations as being appealable.

**(2)** An appeal shall be commenced by filing a notice of appeal with the Director within thirty days after the person is notified, in writing, of the refusal, suspension or cancellation or decision specified in the regulations.

**(2A)** Within five days of receipt of a notice of appeal, the Director shall transmit the notice of appeal to the Chair of the Board.

**(3)** For the purpose of hearing an appeal under this Section, the Board shall, within sixty days after a notice of appeal is filed, appoint an appeal panel consisting of

- (a) a person designated by the Board as the presiding officer;
- (b) one or two employer representatives who are, in the opinion of the Board, knowledgeable about the designated trade to which the appeal relates; and
- (c) one or two employee representatives who are, in the opinion of the Board, knowledgeable in the designated trade to which the appeal relates.

**(4)** The number of persons appointed under clauses (3)(b) and (c) must be equal.

**(5)** Subject to the regulations, the Minister may determine the amount of any remuneration and reimbursement for expenses that may be paid to members of the appeal panel.

- (6)** An appeal panel may, by order, do either of the following:
- (a) confirm, vary or rescind the Director's decision; or
  - (b) subject to subsections (6A) and (6B), refer the matter back to the Director for further consideration in accordance with the appeal panel's direction.

**(6A)** Where the appeal panel refers the matter back to the Director under clause (6)(b), the Director shall provide a report in writing to the appeal panel after further consideration in accordance with the appeal panel's direction.

**(6B)** The appeal panel shall decide the matter after receiving any report in writing from the Director under subsection (6A) and the evidence and submissions of the appellant and any other parties to the appeal.

**(7)** The appeal panel shall notify the appellant and the Director in writing of its decision.

**(8)** The decision of the appeal panel is final and binding. 2003, c. 1, s. 24; 2014, c. 3, s. 13.

#### **Licence required by municipality**

**25** Where a municipality requires a person engaged in a designated trade to have a licence issued by the municipality, that municipality shall not require a person who holds a certificate recognized by the Director pursuant to the regulations in that trade to take an examination before obtaining the licence. 2003, c. 1, s. 25.

#### **Powers of Minister**

**26** The Minister may

- (a) enter into agreements with
  - (i) the Government of Canada or an agency of the Government of Canada,
  - (ii) the government of a province of Canada or an agency of a province of Canada,
  - (iii) a municipality or an agency of a municipality, or
  - (iv) such other persons or groups of persons as the Minister may deem necessary or expedient for the administration of this Act;
- (aa) enter into and carry out extra-provincial apprenticeship recognition agreements;
- (ab) enter into and carry out pre-employment apprenticeship-training recognition agreements;
- (b) enter into and carry out agreements with any person, group of persons, one or more employers or representatives of employers, one or more trade unions or one or more representatives of employees to co-operate in the establishment and provision of a plan or system of apprenticeship training in a trade; and
- (c) and (d) *repealed 2014, c. 3, s. 14.*
- (e) enter into and carry out joint registration agreements.
- (f) *repealed 2014, c. 3, s. 14.*

2003, c. 1, s. 26; 2014, c. 3, s. 14; 2014, c. 41, s. 8.

### Offence and penalty

**27 (1)** A person who contravenes

- (a) this Act;
- (b) the regulations; or
- (c) an order or directive of the Director,

commits an offence and upon summary conviction is liable to a penalty not exceeding five thousand dollars or to imprisonment for a term not exceeding three months for a first offence.

**(2)** A person convicted of a second or subsequent offence is liable on summary conviction to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than twelve months.

**(3)** Where a court of competent jurisdiction convicts a person charged with paying an apprentice at a lesser rate of wages than the rate prescribed by the regulations for the work performed by the apprentice, the court, in addition to imposing a penalty, may order the person convicted to pay to the apprentice the difference between wages at the rate so prescribed and the wages actually paid.

**(4)** Where the regulations provide for the issuance of a certificate based on the results of a test or trade examination everyone who

- (a) assists another person taking the test or examination by, before the taking of the test or examination, knowingly conveying or disclosing to that person, directly or indirectly, any information respecting the contents of the test or examination; or
- (b) is an applicant for a certificate and knowingly acquires or attempts to acquire, before taking any such test or examination, any information respecting the contents of the test or examination,

commits an offence and is liable on summary conviction to a penalty not exceeding five thousand dollars or to imprisonment for a term not exceeding three months for each offence.

**(5)** A person who acquires or attempts to acquire employment in a designated trade by the use of a certificate of apprenticeship or a certificate of qualification that is issued in the name of another person or that has been falsely or fraudulently obtained, commits an offence and is liable on summary conviction to a penalty not exceeding five thousand dollars or to imprisonment for a term not exceeding three months for each such offence. 2003, c. 1, s. 27.

### Conflict

**28 (1)** Subject to subsection (2), where there is a conflict between this Act and any other enactment, this Act and the regulations prevail.

(2) Nothing in this Act or the regulations affects the rights and obligations of employers, employees and apprentices where those rights and obligations are included within a collective agreement within the meaning of the *Trade Union Act*, 2003, c. 1, s. 28.

### Regulations

- 29 (1) The Governor in Council may make regulations
- (a) respecting, in addition to those functions, duties and authorities set forth in this Act, the regulations and the operating charter, the functions, duties and authorities of the Board, the Chief Executive Officer, the Director, the Trade Advisory Committees and any other committees or entities established under, or persons identified in, the operating charter;
  - (b) respecting trades, including designated trades;
  - (ba) *repealed 2014, c. 3, s. 15.*
  - (c) respecting the qualifications of persons who may become apprentices in a designated trade, the nature, length and content of apprenticeship training and the objectives, standards and requirements of apprenticeship training;
  - (d) respecting the responsibilities of the apprentice and the employer, and the requirements for, or limitations on, recognized associations that assume the responsibilities of the employer pursuant to subsection 19(3);
  - (e) respecting the terms of employment of an apprentice;
  - (f) limiting the maximum number of apprentices in any designated trade at any particular time;
  - (g) respecting the minimum rate of wages for an apprentice and other terms and conditions for employment as an apprentice;
  - (h) respecting the terms and conditions upon which certificates of qualification may be issued to persons engaged in a trade, including the information the Director may seek from a person who wishes to obtain a certificate of qualification;
  - (i) respecting the giving of examinations of apprentices and other persons who do not hold a certificate of apprenticeship in a designated trade and the issuance of transcripts;
  - (j) respecting the giving of examinations of applicants who have not taken or completed the prescribed apprenticeship training;
  - (k) providing for the suspension or cancellation of the registration of an apprenticeship agreement and for the suspension or cancellation of certificates of qualification;

(l) respecting the qualifications of persons who may become eligible for skills upgrading courses in any designated trade and prescribing the nature, length and content of such courses in preparation for a certificate of qualification;

(m) respecting the assessment of persons to determine readiness for apprenticeship training, skills upgrading and skills enhancement training;

(n) respecting eligibility requirements for employers;

(o) respecting the documentation of the progress of an apprentice throughout apprenticeship training;

(p) respecting standards of achievement;

(q) respecting the form, content, process for withdrawal from and approval, registration and termination of an apprenticeship agreement and the information the Director may seek from the other parties, if any, to a proposed apprenticeship agreement;

(r) respecting the form and content of trade regulations;

(s) respecting objectives, standards and requirements for certification without apprenticeship training;

(t) respecting objectives, standards and requirements for the issuance and replacement of certificates of apprenticeship;

(u) respecting objectives, standards and requirements for the issuance, replacement and renewal of certificates of qualification and certificates of equivalency;

(ua) respecting objectives, standards and requirements for the issuance, replacement, renewal, suspension and cancellation of certificates of proficiency and the monitoring of holders of certificates of proficiency;

(v) specifying reasons for suspending or cancelling certificates of qualification and certificates of equivalency;

(w) respecting the conditions under which certificates of apprenticeship may be issued;

(wa) respecting the giving of written notice when required by this Act;

(x) respecting fees, including prescribing fees and requiring the payment and waiving the payment of fees;

(y) respecting training standards and certification for trades designated by the Canadian Council of Directors of Apprenticeship, including the issuance of red seals and the recognition of red seals issued by other provinces under the Interprovincial Standards (Red Seal) Program;

(ya) respecting the issuance of endorsements;

- (z) specifying decisions of the Director that may be appealed to an appeal panel;
- (za) respecting the remuneration and reimbursement of appeal panel members;
- (aa) respecting the procedures to be followed in appeals conducted pursuant to this Act;
- (ab) respecting the form, content and issuance of identity cards to apprentices and the holders of certificates of qualification and certificates of equivalency that have been issued by the Director and certificates of qualification that have been recognized by the Director, including a requirement that identity cards contain a photograph of the card holder;
  - (aba) requiring that identity cards be kept in the possession of a person practising a designated trade, when they are doing so, and be produced on the request of the Director, an authorized person or a person authorized by the Director;
- (ac) respecting the ratio of apprentices to journeypersons that may be employed by an employer;
- (ad) respecting the requirement to have certificates of qualification and certificates of equivalency displayed in the workplace;
- (ae) respecting the accreditation of training providers;
- (af) respecting exemptions for the purpose of subsection 22(4);
- (ag) respecting the issuance and cancellation of temporary permits;
- (ah) respecting the recognition of other provincial certificates;
- (ai) respecting compulsory certified trades, including the specification that a trade is a compulsory certified trade, but not including the matters delegated to the Board by the operating charter;
- (aj) respecting the granting of credits by the Director of Partnership and Innovation to a prospective apprentice, apprentice or other person for previous training and experience, including pre-employment apprenticeship training acquired in a province of Canada with respect to which the Minister has entered into a pre-employment apprenticeship-training recognition agreement;
- (ak) respecting the recognition of, or granting credits for, a youth apprenticeship program;
- (al) defining any word or expression used but not defined in this Act;

(am) respecting any matter considered by the Governor in Council necessary or advisable to carry out effectively the intent and purpose of this Act.

- (2) A regulation made pursuant to subsection (1) may apply to
- (a) all designated trades;
  - (b) a particular designated trade or trades;
  - (c) a particular plant or plants;
  - (d) a particular industry or industries.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2003, c. 1, s. 29; 2006, c. 23, s. 3; 2014, c. 3, s. 15; 2014, c. 41, s. 9.

#### Transition from former Act

**30 (1)** In this Section, “former Act” means Chapter 17 of the Revised Statutes, 1989, the *Apprenticeship and Trades Qualifications Act*.

(2) An agreement entered into under the former Act and in effect on the coming into force of this Act is deemed to be an agreement registered or entered into under this Act.

(3) A certificate issued, recognized or continued under the former Act and in effect on the coming into force of this Act is deemed to be a certificate issued, recognized or continued under this Act. 2003, c. 1, s. 30.

#### Former Act repealed

**31** Chapter 17 of the Revised Statutes, 1989, the *Apprenticeship and Trades Qualifications Act*, is repealed. 2003, c. 1, s. 31.

#### Proclamation

**32** This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2003, c. 1, s. 32.

Proclaimed	-	June 27, 2003
In force	-	July 1, 2003

---