



BILL NO. 45

Government Bill

*1st Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

**An Act to Amend Chapter 1 of the Acts of 2003,
the Apprenticeship and Trades Qualifications Act,
and Chapter 4 of the Acts of 1995-96,
the Community Colleges Act,
to Facilitate the Reform of the Apprenticeship
and Trades Qualifications System**

CHAPTER 3
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 1, 2014**

The Honourable Kelly Regan
Minister of Labour and Advanced Education

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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the Apprenticeship and Trades Qualifications Act,
and Chapter 4 of the Acts of 1995-96,
the Community Colleges Act,
to Facilitate the Reform of the Apprenticeship
and Trades Qualifications System**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Apprenticeship and Trades Qualifications System Reform (2014) Act*.

APPRENTICESHIP AND TRADES QUALIFICATIONS ACT

2 Section 2 of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, as amended by Chapter 23 of the Acts of 2006, is further amended by

(a) striking out clause (a) and substituting the following clauses:

(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) striking out clauses (c) and (d) and substituting the following clauses:

(c) “apprenticeship agreement” means an agreement entered into by an apprentice and an employer or a recognized association in which the apprentice undertakes to learn a designated trade through apprenticeship training and

(i) the employer undertakes to employ the apprentice, or

(ii) the recognized association assumes the responsibilities of the employer of the apprentice pursuant to subsection 19(3),

and the employer or recognized association provides the apprentice with practical experience and the opportunity to obtain technical training;

(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;

(c) striking out “and technical training” in the last line of clause (e) and substituting “, technical training and any pre-employment apprenticeship training, or training or experience in a designated trade pursuant to subsection 18(5)”.

(d) adding immediately after clause (e) the following clause:

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

(e) striking out “appointed pursuant to this Act” in the first and second lines of clause (f) and substituting “established under the operating charter”;

(f) adding immediately after clause (g) the following clause:

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

(g) adding immediately after clause (h) the following clause:

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

(h) adding immediately after clause (i) the following clause:

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

(i) adding “, or branch of a trade,” immediately after “trade” the second time it appears in clause (j);

(j) adding “, and may include a representative of a recognized association” immediately after “trade” in the last line of subclause (l)(ii);

(k) adding “, but, for greater certainty, does not include a recognized association other than one that employs an apprentice” immediately after “apprentice” in the last line of clause (m);

(l) adding “, but does not include a representative of a recognized association” immediately after “business” in the last line of subclause (n)(i);

(m) adding immediately after clause (n) the following clauses:

(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;

(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;

(n) striking out clause (p) and substituting the following clause:

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

(o) adding immediately after clause (q) the following clause:

(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;

and

(p) striking out clause (v) and substituting the following clauses:

(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;

3 Section 3 of Chapter 1 is repealed and the following Section substituted:

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.

4 Section 4 of Chapter 1 is repealed and the following Section substituted:

4 The Minister shall appoint the members of the Board pursuant to the operating charter.

5 Sections 5 to 14 of Chapter 1 are repealed and the following Sections substituted:

5 The Board has the powers and duties assigned to it by this Act, the regulations and the operating charter.

6 (1) A Chief Executive Officer shall be appointed by the Deputy Minister.

(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.

7 A Director 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*.

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;
- (b) making or directing examinations, audits and inquires 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) establishing and approving curriculum standards for the technical training of apprentices and monitoring the technical training;
- (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.

6 Section 16 of Chapter 1 is amended by

(a) striking out the first three lines and substituting “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,”;

(b) striking out the period at the end of clause (c) and substituting a semi-colon; and

(c) adding immediately after clause (c) the following clauses:

(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.

7 Chapter 1 is further amended by adding immediately after Section 16 the following Section:

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.

8 Section 17 of Chapter 1 is repealed and the following Sections substituted:

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.

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*.

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*.

9 (1) Subsection 18(5) of Chapter 1 is amended by

(a) striking out “and” in the last line and substituting “or”; and

(b) adding “, including previous apprenticeship training and training or experience acquired in another province of Canada” immediately after “trade” in the last line.

(2) Subsection 18(9) of Chapter 1 is amended by

(a) adding “or a recognized association” immediately after “employer” in the first and in the second lines; and

(b) adding “other employer or recognized association and the” immediately after “the” in the last line.

(3) Section 18 of Chapter 1 is further amended by adding immediately after subsection (9) the following subsection:

(9A) Subject to subsection (9), an employer or a recognized association may assign an apprenticeship agreement to an employer in another province of Canada if the person in the other province who occupies the position of Director of Apprenticeship and Trades Qualifications or an equivalent position consents in writing to the assignment, and subject to such terms and conditions as that person may require.

10 (1) Subsection 19(3) of Chapter 1 is amended by adding “, subject to the regulations” immediately after “Act” in the last line.

(2) Subsection 19(4) of Chapter 1 is amended by

(a) adding “trade” immediately after “the” the second time it appears in the third line; and

(b) adding “and other regulations” immediately after “regulations” in the third line.

11 Subsection 21(1A) of Chapter 1 is repealed and the following subsections substituted:

(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.

12 Subsection 22(1) of Chapter 1 is amended by adding immediately after clause (c) the following clause:

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

13 (1) Clause 24(1)(g) of Chapter 1 is amended by adding “as being appealable” immediately after “regulations”.

(2) Subsection 24(2) of Chapter 1 is amended by striking out “administrator of the Board” in the second line and substituting “Director”.

(3) Section 24 of Chapter 1 is further amended by adding immediately after subsection (2) the following subsection:

(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.

(4) Subsection 24(3) of Chapter 1 is amended by

- (a) striking out “thirty” in the second line and substituting “sixty”; and**
- (b) striking out “board” in the third line and substituting “panel”.**

(5) Subsection 24(5) of Chapter 1 is amended by

- (a) striking out “The” in the first line and substituting “Subject to the regulations, the”; and**
- (b) striking out “board” in the last line and substituting “panel”.**

(6) Subsection 24(6) of Chapter 1 is amended by

- (a) striking out “board” in the first line and substituting “panel”;**
- (b) adding “subject to subsections (6A) and (6B),” immediately before “refer” in the first line of clause (b); and**
- (c) striking out “board’s” in the second line of clause (b) and substituting “panel’s”.**

(7) Section 24 of Chapter 1 is further amended by adding immediately after subsection (6) the following subsections:

(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.

(8) Subsection 24(7) of Chapter 1 is amended by striking out "board" in the first line and substituting "panel".

(9) Subsection 24(8) of Chapter 1 is amended by striking out "board" in the first line and substituting "panel".

14 Section 26 of Chapter 1 is amended by

(a) adding immediately after clause (a) the following clause:

(aa) enter into and carry out agreements with the recognized authorities responsible for apprentices in other provinces of Canada to facilitate the assignment of apprenticeship agreements to employers in those jurisdictions and enable apprentices to acquire training or experience that may be recognized by the Director for the purpose of issuing certificates of apprenticeship in the Province;

(b) adding "and" immediately after the semicolon at the end of clause (b);

(c) striking out clauses (c) and (d);

(d) striking out the semicolon at the end of clause (e) and substituting a period; and

(e) striking out clause (f).

15 Subsection 29(1) of Chapter 1, as amended by Chapter 23 of the Acts of 2006, is further amended by

(a) striking out clauses (a) to (ba) and substituting the following clauses:

(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;

(b) adding ", and the requirements for, or limitations on, recognized associations that assume the responsibilities of the employer pursuant to subsection 19(3)" immediately after "employer" in the second line of clause (d);

(c) striking out clause (g) and substituting the following clause:

(g) respecting the minimum rate of wages for an apprentice and other terms and conditions for employment as an apprentice;

(d) adding “, including the information the Director may seek from a person who wishes to obtain a certificate of qualification” immediately after “trade” in the second line of clause (h);

(e) adding “and other persons who do not hold a certificate of apprenticeship in a designated trade” immediately after “apprentices” in the first line of clause (i);

(f) adding “and the information the Director may seek from the parties to a proposed apprenticeship agreement” immediately after “agreement” in the second line of clause (q);

(g) adding “and certificates of equivalency” immediately after “qualification” in the second line of clause (u);

(h) adding immediately after clause (u) the following clause:

(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;

(i) adding “and certificates of equivalency” immediately after “qualification” in the second line of clause (v);

(j) adding immediately after clause (w) the following clause:

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

(k) striking out “fees and requiring the payment of fees” in the first and second lines of clause (x) and substituting “fees and requiring the payment and waiving the payment of fees”;

(l) striking out “board” in the second line of clause (z) and substituting “panel”;

(m) adding immediately after clause (z) the following clause:

(za) respecting the remuneration and reimbursement of appeal panel members;

(n) striking out “the” in the second line of clause (aa) and substituting “this”;

(o) striking out clause (ab) and substituting the following clauses:

(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;

(p) striking out “qualifications” in the first and second lines of clause (ad) and substituting “qualification and certificates of equivalency”; and

(q) striking out clause (ai) and substituting the following clause:

(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;

COMMUNITY COLLEGES ACT

16 Section 50 of Chapter 4 of the Acts of 1995-96, the *Community Colleges Act*, is amended by

(a) relettering clause (a) as clause (aa) and adding immediately before that clause the following clause:

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

and

(b) striking out “Education and Culture” in the first and second lines of clause (f) and substituting “Labour and Advanced Education”.

17 Section 52 of Chapter 4 is amended by

(a) adding “(1)” immediately after the Section number;

(b) adding “, the Agency” immediately after “corporations” in the second line of clause (b);

(c) striking out “and educational bodies” in the last line of clause (c) and substituting “, educational bodies and the Agency”; and

(d) adding the following subsection:

(2) A reference in this Act to the “mandate of the College” is a reference to the functions and responsibilities of the College as set out in this Section.

18 Subsection 54(3) of Chapter 4 is repealed and the following subsections substituted:

(3) The Board may revise existing programs of study for the College consistent with the mandate of the College.

(4) The proposed programs of study, revisions to programs of study or guidelines referred to in subsections (2) and (3) must be approved by the Minister, subject to such conditions, restrictions and referrals to such persons or bodies of persons prescribed by the regulations and subsection (5).

(5) Before the Minister approves a proposed program of study, proposed revision to a program of study or a proposed guideline,

(a) the Agency may make recommendations to the Minister concerning the proposed program of study, proposed revision to a program of study or proposed guideline if it is in relation to a trade that is within the mandate of the Agency; and

(b) any other person, or body of persons, prescribed by the regulations may make recommendations to the Minister concerning the proposed program of study, proposed revision to a program of study or proposed guideline.

(6) The Board shall provide to the Agency a copy of the proposed program of study, proposed revisions to a program of study or proposed guidelines in relation to a trade that is within the mandate of the Agency.

19 Section 55 of Chapter 4 is amended by adding “, including the Agency with respect to trades and related matters within its mandate,” immediately after “persons” in the second line.

20 (1) Subsection 56(3) of Chapter 4 is amended by

(a) striking out “the desirability of achieving on the Board an equitable representation of the diversity of educational and community interests served by the programs and services of the College”; and

(b) adding the following clauses:

(a) the person’s knowledge of occupations that are of particular significance to the labour market and economic needs of the Province; and

(b) the desirability of achieving on the Board an equitable representation of the diversity of educational and community interests served by the programs and services of the College.

(2) Subsection 56(6) of Chapter 4 is amended by striking out “(4)” in the second line and substituting “(5)”.

21 Chapter 4 is further amended by adding immediately after Section 60 the following Section:

60A (1) The President and the Chief Executive Officer of the Agency shall, at the end of each fiscal year of the Board, jointly prepare an annual stewardship report concerning trades and related matters that are within the mandate of both the College and the Agency.

(2) The annual stewardship report must include such information as the President and the Chief Executive Officer of the Agency may determine and any information prescribed by the regulations or requested by the Minister.

(3) The annual stewardship report must be

(a) approved by the Board and the Apprenticeship Board of the Agency; and

(b) submitted by the President and the Chief Executive Officer of the Agency to the Minister by a date to be determined by the Minister.

22 Subsection 63(1) of Chapter 4 is amended by**(a) adding immediately after clause (d) the following clauses:**

(da) collaborate with the Agency to develop guidelines for the evaluation of a program of study that pertains to a trade that is within the mandate of the Agency, subject to approval of the guidelines by the Minister;

(db) subject to the regulations, consult with the Minister when developing guidelines for the evaluation of a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

(b) adding immediately after clause (e) the following clauses:

(ea) consult with the Agency when evaluating a program of study concerning a trade within the mandate of the Agency;

(eb) subject to the regulations, consult with the Minister when evaluating a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

(c) adding “subject to subsection 67(1B),” immediately before “establish” in the first line of clause (p);**(d) striking out “and” at the end of clause (t); and****(e) adding immediately after clause (t) the following clause:**

(ta) collaborate with the Agency in the development and implementation of that part of the multi-year operating plan referred to in clause (t) that concerns trades and related matters that are within the mandate of both the College and the Agency; and

23 Clause 64(i) of Chapter 4 is amended by adding “, including the Agency,” immediately after “person” in the second line.**24 (1) Subsection 67(1) of Chapter 4 is amended by adding “and, subject to the regulations, by the Minister” immediately after “Board” in the last line.****(2) Section 67 of Chapter 4 is further amended by adding immediately after subsection (1) the following subsections:**

(1A) Notwithstanding subsection (1), the Board shall establish a program advisory committee for any program of study offered at the College in relation to a trade that is within the mandate of the Agency.

(1B) Notwithstanding subsection (1), a program advisory committee established under subsection (1A) must consist of the Trade Advisory Committee, as defined in the *Apprenticeship and Trades Qualifications Act*, for a trade that is within the mandate of the Agency.

(1C) The Board must notify the Apprenticeship Board of the Agency when a program advisory committee is to be established in relation to a trade that is within the mandate of the Agency.

(1D) The Board must notify the Minister when a program advisory committee is established.

- 25 (1) Subsection 89(2) of Chapter 4 is amended by**
- (a) striking out “Relations” in the first line of clause (b);**
 - (b) striking out “Relations” in the third line of clause (c).**
- (2) Subsection 89(3) of Chapter 4 is amended by striking out “Relations” in the first line.**
- (3) Subsection 89(6) of Chapter 4 is amended by**
- (a) adding “and Advanced Education” immediately after “Labour” in the second line; and**
 - (b) striking out “Relations” in the second and in the sixth lines.**
- (4) Subsection 89(7) of Chapter 4 is amended by striking out “Relations” in the second line.**

26 Subsection 97(1) of Chapter 4 is amended by relettering clause (a) as clause (ae) and adding immediately before that clause the following clauses:

- (a) prescribing the powers of the Minister to impose conditions and restrictions and the persons or bodies of persons to whom referrals may be made in relation to
 - (i) programs of study established pursuant to clause 54(2)(a),
 - (ii) guidelines established pursuant to clause 54(2)(b), and
 - (iii) programs of study revised pursuant to subsection 54(3);
- (aa) respecting the information to be included in the annual stewardship report;
- (ab) respecting the consultation the Board must have with the Minister for the purpose of developing guidelines for a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;
- (ac) respecting the consultation the Board must have with the Minister for the purpose of evaluating a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;
- (ad) respecting the appointment by the Minister of persons to a program advisory committee established by the Board for a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

EFFECTIVE DATE

27 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
