

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; 2018, c. 7



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Published by Authority of the Speaker of the House of Assembly
Halifax

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CHAPTER 1 OF THE ACTS OF 2003
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**An Act Respecting Apprenticeship
and Trades Qualifications**

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

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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) “accredited training provider” means a training provider accredited by the Director in accordance with the general regulations to deliver technical training or pre-apprenticeship training;

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

(ab) “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-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-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 trade 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 any person, firm, association or public authority that employs a person in a designated trade;

- (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;
- (nbb) “general regulations” means regulations made pursuant to Section 29;
- (nbc) “interprovincial red seal endorsement” means an interprovincial red seal endorsement issued under the authority of the Canadian Council of Directors of Apprenticeship Interprovincial (Red Seal) Program with respect to a trade;
- (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 general 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;

(ra) “pre-apprentice” means a person undertaking pre-apprenticeship training;

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

(sa) “pre-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-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, journeypersons and other persons 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 Section 17A or 17B;

(vc) “Utility and Review Board” means the Nova Scotia Utility and Review Board established under the *Utility and Review Board Act*;

(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 general 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; 2018, c. 7, s. 1.

Supervision of Act and delegation

3 (1) The Minister has the general supervision and management of this Act, the general regulations and the trade regulations, the general supervision of the Agency and the powers and duties assigned to the Minister by this Act, the general 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 general 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; 2018, c. 7, s. 2.

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 general regulations and the operating charter. 2014, c. 3, s. 5; 2018, c. 7, s. 3.

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 general regulations and the operating charter. 2014, c. 3, s. 5; 2014, c. 41, s. 2; 2018, c. 7, s. 4.

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 general regulations, the trade regulations and the operating charter shall be appointed pursuant to the *Civil Service Act*. 2014, c. 3, s. 5; 2014, c. 41, s. 3; 2018, c. 7, s. 5.

Powers and duties of Director

8 The Director shall carry out the powers and duties assigned to the Director under this Act, the general regulations, the trade 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-apprenticeship training in the Province or another province of Canada with respect to which the Minister has entered into a pre-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; 2018, c. 7, s. 6.

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 general regulations ~~and~~[,] the trade 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-apprenticeship training, or the equivalent thereof, acquired by the person 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; 2018, c. 7, s 7.

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 general regulations and the trade regulations, the Director, or any authorized person, may, at any reasonable time,

- (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, [the] general regulations or the trade 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 general regulations or the trade regulations. 2003, c. 1, s. 16; 2014, c. 3, s. 6; 2018, c. 7, s. 8.

Interference with or failure to facilitate duties of Director

16A (1) No person shall obstruct the Director or any authorized person in the exercise of a power or the performance of a duty pursuant to this Act, the general regulations or the trade regulations.

(2) A person contravenes subsection (1) if the person

(a) wilfully delays the Director or any authorized person in the exercise of a power or the performance of a duty pursuant to this Act, the general regulations or the trade regulations;

(b) fails to comply with a written or oral order of the Director or any authorized person given pursuant to this Act, the general regulations or the trade regulations; or

(c) fails to produce any certificate or document that the person is required by this Act, the general regulations or the trade regulations to produce.

(3) No person shall knowingly furnish the Director or any authorized person with false information or neglect or refuse to furnish information required by the Director or the authorized person in the exercise of a power or the performance of a duty pursuant to this Act, the general regulations or the trade regulations.

(4) A person shall use all necessary means in that person's power to facilitate any entry, inspection, examination, testing or inquiry by the Director or an authorized person in the exercise of the Director's or authorized person's powers or duties pursuant to this Act, the general regulations or the trade regulations. 2018, c. 7, s. 9.

Compliance orders

16B (1) The Director or an authorized person may issue a compliance order that the Director or authorized person believes, on reasonable grounds, is necessary to ensure compliance with this Act, the general regulations or the trade regulations.

(2) A compliance order may

(a) be given orally or in writing;

(b) include any terms and conditions that the Director or authorized person considers reasonable; and

(c) 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 issued under subsection (1) in writing as soon as practicable.

(4) For greater certainty, an oral order issued under subsection (1) is effective immediately, before it is confirmed in writing.

(5) An order issued under subsection (1) remains in place for such period as may be specified in the order or until the order is revoked by the Director or authorized person.

(6) A written order issued under subsection (1) must

(a) name the person to whom it is addressed;

(b) state the actions that must be taken in order to comply with the order, including, in the case of an order requiring that a person stop working, any actions that must be taken before the person may resume work or before work at the work site or premises may resume;

(c) state the reasons for the order;

(d) state that the person who receives the order may, in writing, appeal the order in accordance with Section 24A;

(e) state the address for filing a notice of appeal;

(f) be dated the day the order is made;

(g) be served on the person to whom it is addressed by personal service or service by mail to the person's last known address; and

(h) address any other matter that is required by the general regulations to be addressed in a written order.

(7) The Director or authorized person who issued the order under subsection (1) may amend the order, in which case subsection (6) applies to the amendment. 2018, c. 7, s. 9.

Compliance order re compulsory certified trade

16C (1) A compliance order in relation to the practice of a compulsory certified trade contrary to subsection 22(2) must be issued to

(a) the person contravening that subsection;

(b) where subsection 22(3) is also being contravened, the employer of the person referred to in clause (a); and

(c) where subsection 22(3A) is also being contravened, the recognized association responsible for providing the person referred to in clause (a) to do work within a designated trade for others.

(2) A compliance order referred to in subsection (1) must, in addition to any other requirements set out in the order, require that the person

(a) immediately stop work in the compulsory certified trade or stop performing any task, activity or function specified in the order;

(b) where the person is claiming to be an apprentice or journeyman in the compulsory certified trade, immediately cease making such claims; and

(c) continue to refrain from performing such work, task, activity or function or making such claims during the period for which the order is in effect.

(3) The Director or authorized person shall

(a) make reasonable efforts to communicate any oral order that includes provisions set out in subsection (2) to the employer of the person to whom it was issued and to any recognized association that provided the person to the work site or premises as soon as practicable following its issuance; and

(b) provide a copy of a written order or written confirmation of an oral order that includes provisions set out in subsection (2) to the employer of the person to whom it was issued and to any recognized association that provided the person to the work site or premises within twenty-four hours of its issuance.

(4) Upon receipt of a compliance order referred to in subsection (1), the employer and the recognized association shall provide any necessary assistance to the employee in observing the order and in fulfilling its terms and conditions.

(5) A compliance order issued under clause (2)(b) or (c) must, in addition to any other requirements set out in the order,

(a) require that the employer or recognized association direct the person who is contravening subsection 22(2) to observe the requirements in subsection (2); and

(b) be provided by the employer or recognized association to the person who is contravening subsection 22(2). 2018, c. 7, s. 9.

Compliance order re direct supervision or minimum ratio

16D A compliance order in relation to a breach of a requirement in the general regulations or trade regulations respecting

(a) the direct supervision of an apprentice; or

- (b) the minimum ratio of journeypersons to apprentices,

may be issued to the employer of any apprentice who is the subject of the breach or the recognized association responsible for providing the apprentice to do work within a designated trade for others, and any such order must, in addition to any other requirements set out in the order, require that the employer or the recognized association direct any apprentice who is the subject of the breach to

- (c) immediately stop work or stop performing any task, activity or function specified in the order; and

- (d) continue to refrain from performing such work, task, activity or function or making such claims during the period for which the order is in effect,

and be provided by the employer or the recognized association to any apprentice who is the subject of the breach. 2018, c. 7, s. 9.

Issuance of compliance order and required terms

16E A compliance order may be issued to a person who

- (a) contrary to Section 22A, is claiming to hold a certificate of qualification in a designated trade if the person does not hold a certificate of qualification or holds a certificate of qualification that is suspended; or

- (b) contrary to Section 22B, is using any title, name, abbreviation or description implying that the person holds an interprovincial red seal endorsement to a certificate of qualification for a designated trade if the person does not hold an interprovincial red seal endorsement to a certificate of qualification of that designated trade,

and any such order must require that the person, in addition to any other requirements set out in the order,

- (c) immediately cease claiming to hold a certificate of qualification or an interprovincial red seal endorsement in the trade; and

- (d) continue to refrain from making such claims during the period for which the order is in effect. 2018, c. 7, s. 9.

Stop work order

16F (1) Where the Director or authorized person has reasonable grounds to believe that the person to whom a compliance order is issued under Section 16B is

- (a) practising a compulsory certified trade contrary to subsection 22(2);

- (b) the employer of a person referred to in clause (a) or the recognized association responsible for providing the person referred to in clause (a) to do work within the designated trade for others; or

(c) in breach of a requirement in the general regulations or trade regulations respecting the direct supervision of an apprentice or the minimum ratio of journeypersons to apprentices,

that order or a separate order issued under Section 16B may require that some or all of the work being performed at the work site or premises, other than activity required to ensure that the work site or premises are safe, must immediately stop and not start again until the Director or authorized person is satisfied that

(d) work at the work site or premises will be performed only by persons who are authorized to do so; and

(e) the persons who will be performing the work are in compliance with the Act, the general regulations and the trade regulations, including any direct supervision and minimum ratio requirements applicable to apprentices and journeypersons.

(2) Where satisfied that the circumstances that gave rise to an order under subsection (1) are no longer present, the Director or authorized person may terminate the order by giving the person to whom the order is addressed written permission to

(a) resume the work or activity specified in the order; or

(b) resume the work at the work site or premises. 2018, c. 7, s. 9.

Administrative penalty

16G (1) Where the Director believes that a person has failed to comply with a compliance order issued under Section 16B, the Director shall provide evidence of the non-compliance to the Chief Executive Officer.

(2) Where an authorized person believes that a person has failed to comply with a compliance order issued under Section 16B, the authorized person shall provide evidence of the non-compliance to the Director.

(3) Where the Chief Executive Officer or the Director, after receiving the evidence referred to in subsection (1) or (2), is of the opinion that a person has failed to comply with a compliance order issued under Section 16B, the Chief Executive Officer or the Director, as the case may be, may issue a notice in writing requiring the person to pay an administrative penalty in the amount set out in the notice.

(4) An administrative penalty issued under subsection (3) may not exceed five thousand dollars.

(5) The notice referred to in subsection (3) must state

(a) the name of the person to whom it is addressed;

(b) the designated trade that is the subject of the order;

- (c) the provision of this Act, the general regulations or the trade regulations that the person failed to comply with;
- (d) the amount of the penalty, determined in accordance with the general regulations;
- (e) when and how the penalty must be paid; and
- (f) that the person may apply, in accordance with Section 24B, to have the penalty reviewed by the Utility and Review Board.

(6) A notice issued under subsection (3) must be served on the person required to pay the penalty by personal service or service by mail to the person's last known address. 2018, c. 7, s. 9.

Unpaid administrative penalty debt to Crown

16H (1) Subject to an appeal under Section 24B, a person required to pay an administrative penalty shall pay it within thirty days after the notice of the penalty is served on the person.

(2) An administrative penalty becomes a debt due to Her Majesty in right of the Province if not paid

- (a) within thirty days after the notice of the penalty is served, if the penalty is not appealed; or
- (b) within thirty days of the decision on the appeal, if the penalty is appealed and the Utility and Review Board confirms that a penalty is owing.

(3) The Director may certify a debt referred to in subsection (2), or any part of such debt that has not been paid, and the certificate may be filed with a prothonotary of the Supreme Court of Nova Scotia and, upon being filed, may be enforced in the same manner as a judgment of the Court. 2018, c. 7, s. 9.

Continuing contravention after penalty paid

16I A person who pays an administrative penalty issued under Section 16G for failing to comply with a compliance order issued with respect to a contravention of this Act, the general regulations or the trade regulations may not be charged with an offence respecting that contravention unless the contravention continues after the penalty is paid. 2018, c. 7, s. 9.

Publication of notice of administrative penalty

16J (1) The Director shall report the details of any notice of an administrative penalty issued by the Director under Section 16G to the Chief Executive Officer.

(2) After the period for appealing notice of an administrative penalty has expired, where no appeal has been filed with the Utility and Review Board in accordance with subsection 24B(2), the Chief Executive Officer may make pub-

lic the details of the notice of administrative penalty in such manner as the Chief Executive Officer determines, and may include personal information as defined in the *Freedom of Information and Protection of Privacy Act* in the disclosure. 2018, c. 7, s. 9.

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 general regulations, the trade regulations and the operating charter. 2014, c. 3, s. 8; 2018, c. 7, s. 10.

Trade regulations

17A (1) Subject to subsection (3), the Board may make trade regulations designating a trade and establishing and approving objectives, standards and requirements for a trade other than a trade that is specified in the trade regulations as a compulsory certified trade.

(2) Subject to subsection (3), the Governor in Council may make trade regulations designating a trade and establishing and approving objectives, standards and requirements for a trade that is specified in the trade regulations as a compulsory certified trade.

- (3)** Trade regulations may
- (a) designate a trade or a branch of a trade;
 - (b) establish and approve objectives, standards and requirements in relation to
 - (i) apprenticeship training and certification in the trade, and
 - (ii) certification in the trade without apprenticeship training; and
 - (c) prescribe one or more of the following matters in relation to a particular designated trade:
 - (i) the educational prerequisites and essential skills in relation to the designated trade that a person must have to be eligible to enter into an apprenticeship agreement as an apprentice,
 - (ii) the conditions that a person must meet to be eligible to enter into an apprenticeship agreement as an employer,
 - (iii) the term of an apprenticeship in the designated trade,
 - (iv) the requirement for a probationary period in relation to the designated trade and the length of the probationary period,

- (v) the minimum ratio of journeypersons to apprentices and any additional terms and conditions pertaining to journeypersons and apprentices in relation to the minimum ratio,
- (vi) the wage rate for an apprentice in the designated trade,
- (vii) the number of documented hours specified for a level in the designated trade,
- (viii) the requirements in addition to those set out in clause 21(1)(a) that must be satisfied before a certificate of qualification may be granted to an apprentice in the designated trade,
- (ix) for the purpose of an application by a trade qualifier for a certificate of qualification,
 - (A) the practical experience that must be completed before the trade qualifier is eligible to be examined for a certificate of qualification,
 - (B) the period of employment in the designated trade that is required before the Director may grant the certificate of qualification, and
 - (C) any other applicable requirements that must be satisfied before the Director will grant the certificate of qualification,
- (x) requiring a journeyperson in the designated trade to display the journeyperson's certificate of qualification at the journeyperson's place of employment,
- (xi) establishing, in relation to a designated trade that is not a compulsory certified trade, the term of validity for a certificate of qualification for the trade,
- (xii) establishing, in relation to a designated trade that is not a compulsory certified trade, that the certificate of qualification issued in the trade may be renewed, and indicating
 - (A) any applicable requirements that must be met before renewal may occur, and
 - (B) the applicable term for the renewal,
- (xiii) where the employee performs some but not all of the tasks that come within the scope of a compulsory certified trade,
 - (A) permitting a joint application to be made by an employee and the employer of the employee for an exemption from the application of subsections 22(2) and (3), and

(B) setting out the terms and conditions under which the employee and employer may make joint application for the renewal of the exemption,

(xiv) establishing the term of validity for a certificate of qualification for a compulsory certified trade,

(xv) establishing, in relation to a compulsory certified trade, that a certificate of qualification issued in the trade may not be renewed,

(xvi) establishing, in relation to a renewable certificate of qualification for a compulsory certified trade,

(A) any applicable requirements that must be met before the renewal may occur, and

(B) the applicable term for the renewal.

(4) In the case of a conflict between the trade regulations and the general regulations, the general regulations prevail.

(5) Where the Board repeals trade regulations made pursuant to subsection (1) for a designated trade other than a designated trade that is specified in the trade regulations as a compulsory certified trade, the Board may, by trade regulation, revoke the designation of the designated trade that is the subject of those trade regulations.

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

(7) The exercise by the Board or by the Governor in Council of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*. 2018, c. 7, s. 11.

Collection and disclosure of pre-apprenticeship training information

17B (1) An accredited training provider shall collect and disclose to the Director at least once a year and at such other times as the Director may request

(a) a list of all persons enrolled in any pre-apprenticeship training program offered by the accredited training provider during the previous calendar year and up to the time the list is prepared; and

(b) for each person referred to in clause (a),

(i) whether the person is, at the time the list is prepared, a pre-apprentice,

(ii) the pre-apprenticeship training program in which the person is or was enrolled,

(iii) where the person is no longer a pre-apprentice at the time the list is prepared, whether that person completed the pre-apprenticeship training program in which the person was enrolled, and

(iv) such other information as may be prescribed by the general regulations.

(2) A pre-apprentice enrolled with an accredited training provider shall register with the Director, in the manner specified in the general regulations, but may opt out of registration at any time in such manner as may be specified in the general regulations. 2018, c. 7, s. 11.

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 general 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 general regulations; and

(b) provides for the apprenticeship training required under this Act, the general regulations and the trade regulations.

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

(5) Subject to the general 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 general 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-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, the general regulations and the trade 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 general regulations or the trade 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; 2018, c. 7, s. 12.

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 general regulations. 2014, c. 41, s. 7; 2018, c. 7, s. 13.

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 general regulations and the trade 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 general regulations, the trade

regulations and the terms of the agreement apply to the person who employs the apprentice. 2003, c. 1, s. 19; 2014, c. 3, s. 10; 2018, c. 7, s. 14.

Certificate of apprenticeship

20 Subject to the general regulations and the trade 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; 2018, c. 7, s. 15.

Certificate of qualification and certificate of proficiency

21 (1) Subject to the general regulations and the trade 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 general regulations and the trade 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 general 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 general regulations.
- 2003, c. 1, s. 21; 2006, c. 23, s. 2; 2014, c. 3, s. 11; 2018, c. 7, s. 16.

Compulsory certified trades

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

(2) A person shall not practise or claim to be authorized to 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 that is registered pursuant to this Act and is not suspended;

(c) holds, with respect to the trade,
(i) a certificate of qualification, or
(ii) a certificate of proficiency,

that is not suspended, and is in compliance with the general regulations and the trade regulations;

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

(e) holds a certificate, other than a certificate referred to in clause (c), that is recognized by the Director pursuant to the general regulations and is not suspended.

(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).

(3A) A recognized association shall not provide a person in a compulsory certified trade to do work within a designated trade for others if the recognized association knows, or would be reasonably expected to know, that the person is prohibited from working in the trade by subsection (2).

(4) Subject to the general regulations and the trade regulations, the Director may exempt a person referred to in subsection (2), an employer referred to in subsection (3) or a recognized association referred to in subsection (3A) from the application of those subsections. 2003, c. 1, s. 22; 2014, c. 3, s. 12; 2018, c. 7, s. 17.

Certificate of qualification

22A No person shall claim to hold a certificate of qualification in a designated trade that is not a compulsory certified trade unless the person holds a certificate of qualification in that designated trade that is not suspended. 2018, c. 7, s. 18.

Interprovincial red seal endorsement

22B No person shall use any title, name, abbreviation or description implying that the person holds an interprovincial red seal endorsement to a certificate of qualification for a designated trade unless the person holds an interprovincial red seal endorsement to a certificate of qualification for that designated trade. 2018, c. 7, s. 18.

Temporary permit

23 (1) In accordance with the general 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; 2018, c. 7, s. 19.

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 general 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 general 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 general 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; 2018, c. 7, s. 20.

Appeal of compliance order

24A (1) A person issued a compliance order pursuant to Section 16B may appeal the order in accordance with subsection (2).

(2) An appeal from an order issued pursuant to Section 16B may be commenced by filing a notice of appeal with the Utility and Review Board within fourteen days after the order is served on the person named in the order in accordance with clause 16B(6)(g).

(3) Subject to subsection (4), an appeal acts as a stay of the operation of the order issued under Section 16B that is under appeal until the appeal is determined.

(4) With or without notice, upon application by the Director, the Utility and Review Board, after considering

- (a) primarily, the degree of risk and the potential impact of the risk on persons; and

- (b) secondarily,
 - (i) the degree of prejudicial harm to the person to whom the order was issued if the appeal of the order does not operate as a stay, and
 - (ii) whether there is a strong *prima facie* case for a successful appeal of the order,

may order that the appeal of the order does not operate as a stay pending the outcome of the appeal.

(5) On an appeal from an order issued under Section 16B, the Utility and Review Board may, by order,

- (a) confirm, vary or revoke the order;
- (b) allow additional time for the person to whom the original order was issued to comply with the order and attach conditions to such compliance;
- (c) make any order that the Director or authorized person making the order under appeal could have made; or
- (d) in accordance with subsections (6) and (7), refer the matter back to the Director or authorized person for further consideration in accordance with the Board's direction.

(6) Where the Utility and Review Board refers the matter back to the Director or authorized person under clause (5)(d), the Director or authorized person shall give the matter further consideration in accordance with the Board's direction and then provide a written report to the Board.

(7) The Utility and Review Board shall, after receiving a written report from the Director or authorized person under subsection (6) and the evidence and submissions of the appellant and any other parties to the appeal, confirm, vary or revoke the order. 2018, c. 7, s. 21.

Appeal of administrative penalty

24B (1) A person served with notice issued under subsection 16G(3) that the person is required to pay an administrative penalty may appeal the penalty in accordance with subsection (2).

(2) An appeal from an administrative penalty issued pursuant to Section 16G may be commenced by filing a notice of appeal with the Utility and Review Board within fourteen days after the person who is required to pay the administrative penalty is served with notice of the administrative penalty in accordance with subsection 16G(6).

(3) Where an administrative penalty is appealed pursuant to subsection (2), the requirement to pay the administrative penalty is stayed until the Utility and Review Board decides the appeal.

(4) On an appeal from an administrative penalty issued under Section 16G, the Utility and Review Board may, by order,

- (a) confirm, vary or revoke the penalty;
- (b) allow additional time for the person to whom the penalty was issued to comply with the order with respect to which the penalty was issued and attach conditions to such compliance; or
- (c) make any order that the Chief Executive Officer or the Director issuing the penalty could have made. 2018, c. 7, s. 21.

Appeals under s. 24A or 24B

24C (1) The Director is a party to an appeal commenced under Section 24A or 24B.

(2) On an appeal under Section 24A or 24B, the Utility and Review Board has all the powers set out in the *Utility and Review Board Act*, including the power to establish its own processes and procedures for fulfilling its function and duties under those Sections.

(3) The Utility and Review Board shall notify the appellant, the Director and any other party to an appeal under Section 24A or 24B, in writing, of its decision.

(4) Subject to Section 30 of the *Utility and Review Board Act*, a decision of the Utility and Review Board on an appeal under Section 24A or 24B is final and binding. 2018, c. 7, s. 21.

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 general regulations or the trade regulations in that trade to take an examination before obtaining the licence. 2003, c. 1, s. 25; 2018, c. 7, s. 22.

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-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; 2018, c. 7, s. 23.

Offence and penalty

27 (1) A person who contravenes

- (a) this Act;
- (b) the general regulations or the trade regulations; or
- (c) a written or oral order of the Director or authorized person~~s~~[,]

commits an offence and upon summary conviction is liable to a penalty not exceeding ten 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 fifty 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 general regulations or the trade 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 general 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; 2018, c. 7, s. 24.

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, the general regulations or the trade 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; 2018, c. 7, s. 25.

General regulations

29 (1) The Governor in Council may make general regulations

(a) respecting, in addition to those functions, duties and authorities set forth in this Act, the general regulations, the trade 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;

~~(aa)~~[(aaa)] respecting administrative penalties for contravening a compliance order, including general regulations

(i) prescribing the form and content of the notice of administrative penalty,

(ii) prescribing the range of administrative penalty amounts that may be issued, and

(iii) respecting the determination of amounts of administrative penalties, which may vary according to the nature or frequency of the contravention and whether the person contravening the compliance order is an individual or a corporation;

~~(ab)~~[(aab)] respecting any other matter that must be addressed in a written order, including any matter referred to in Section 16B, 16C, 16D, 16E or 16F;

- (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 interprovincial red seal endorsements and the recognition of interprovincial red seal endorsements issued with respect to other provinces of Canada under the Canadian Council of Directors of Apprenticeship 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, including setting out prerequisites for accreditation and requiring training providers to enter into agreements with the Director and setting additional terms and conditions to be included in such agreements;

(aea) respecting additional information that must be provided to the Director by an accredited training provider pursuant to subclause 17B(1)(b)(iv);

(aeb) respecting

(i) the registration of pre-apprentices enrolled with an accredited training provider, including the issuance of identification cards to enrolled pre-apprentices, and

(ii) the opting out of registration of pre-apprentices, pursuant to subsection 17B(2);

(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, 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-apprenticeship training acquired in a province of Canada with respect to which the Minister has entered into a pre-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 general regulation made pursuant to subsection (1) may apply to

- (a) all designated trades;
- (b) *repealed 2018, c. 7, s. 26.*
- (c) a particular plant or plants;
- (d) a particular sector, 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; 2018, c. 7, s. 26.

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