

LAW AMENDMENTS COMMITTEE

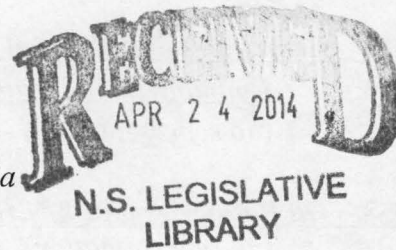
Red Room, Province House

Wednesday, April 23, 2014

Bill #40 - Maintenance and Custody Act (amended)

4:30 pm

1. Matthew Moir, Chair
*Legislation and Law Reform
Committee of the CBA Nova Scotia*
~~and~~
~~Jennifer Kooren~~
~~Sealy Cornish Coulthard~~



Bill #45 - Apprenticeship and Trades Qualifications System Reform (2014) Act

4:30 pm

1. Don Bureaux, President
Nova Scotia Community College (NSCC)
2. Mike Kidd
3. Carol MacCulloch
4. Tom Griffith, *Mainland Nova Scotia Building Trades*

+ Rosalind Penfound
Matthew Genior

Bill #35 - Property Valuation Services Corporation Act (amended)

(no representation)

Bill #43 - Direct Sellers' Regulation Act (amended)

~~*(no representation)*~~

Jamie Mac Neil
consultant for ADT

Bill #44 - Public Trustee Act (amended)

(no representation)

Bill #49 - Motor Vehicle Act (amended)

(no representation)

Bill #51 - Municipal Government Act (amended)

(no representation)

Bill #52 - Liquor Control Act (amended)

(no representation)

Bill #53 – Police Act (amended)
(no representation)

Bill #55 – Halifax Regional Municipality Charter (amended)
(no representation)

**Bill #57 – Cemeteries and Funeral Services Act and
Embalmers and Funeral Directors Act (amended)**
(no representation)

Bill #58 – Oil Refineries and L.N.G. Plants Municipal Taxation Act (amended)
(no representation)



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April 23, 2014

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Re: Submissions to Law Amendments

These are the submissions of the Mainland Nova Scotia Building and Construction Trades Council with respect to Bill No. 45, *Apprenticeship and Trades Qualifications System Reform (2014) Act*.

The Council consists of the following unions:

- Atlantic Regional Council of Carpenters, Millwrights and Allied Workers
- International Brotherhood of Boilermakers, Lodge 73
- International Union of Bricklayers & Allied Craftworkers, Local 1
- International Brotherhood of Electrical Workers, Local 625
- International Union of Elevator Constructors, Local 125
- International Association of Heat & Frost, Local 116
- International Association of Bridge, Structural and Reinforcing Ironworkers, Local 752
- Labourers' International Union of North America, Local 615
- United Brotherhood of Carpenters and Joiners of America –Millwrights, Local 1178
- International Union of Operating Engineers, Local 721
- International Union of Painters & Allied Trades, District Council 39, Local 1439
- Sheet Metal Workers' International Association, Local 409
- United Association of Journeymen Plumbers & Pipefitters, Local 56
- United Association of Journeymen Plumbers & Pipefitters, Local 244

An estimated 14,000 tradespeople work in the industrial-commercial-institutional (ICI) sector of the construction industry. Of those 14,000, 11,000 are active members of these unions. The Building Trades proactively manages the supply of skilled craftspeople. We provide worker stability, and a skilled labour supply that responds effectively to changing labour demands for our partner owners and contractors.

- The unionized Building Trades has almost half of all apprentices in Nova Scotia and the vast majority of construction apprentices. As such, we are highly vested in the success of apprenticeship in this province. We are involved in training apprentices; there are now over 2,700 apprentices in the province's Building Trades and collectively we invest over \$7 million dollars annually in training and training facilities.

The Building and Construction Trades Unions of Nova Scotia are committed to providing access to highly trained, safe working ICI tradespersons. By forging partnerships with owners and developers, we are driven to become synonymous with sound investment and growth in Nova Scotia.

The Council is supportive of the new direction for Apprenticeship in Nova Scotia and the establishment of the Special Operating Agency.

We appreciate the efforts made to receive more input from industry. The Council wishes to comment about the following provisions of the draft legislation for your consideration.

A. The Apprenticeship and Trades Qualifications Act

1. The Council supports greater industry involvement and inclusion in the apprenticeship system. While we understand that much of the Apprenticeship Board's duties and responsibilities will be fleshed out in the Charter of Nova Scotia Apprenticeship Agency ("the Agency"), the Council encourages Government to assign significant responsibilities to the Apprentice Board in the new Charter. The more meaningful input from industry into the system, the more inclusive and popular the system will be. The Council has encouraged government to be more responsive to the stakeholders' concerns in the apprenticeship system.

2. The Council supports the expansion of the Director's powers in the new sections 16(d) and (e) and 16A and the amendments in Section 18. An important issue for the compulsory certified trades is enforcement of the present Regulations to ensure a fair playing field for both employees and employers. Any steps that increase the enforcement abilities of the Director are welcome. Often, we see employees who are not registered apprentices performing work that must, under the trade Regulations, be done by registered apprentices. Without enforcement, apprentices in compulsory certified trades become discouraged as they see non-apprentices doing their work. Why continue doing the hard work to become an apprentice if the jobs are all being done by non-apprentices? Where will the registered apprentice find work in Nova Scotia if the

- work is being done by non-registered employees? If they decide to continue their apprenticeship, they will move to jurisdictions where their apprenticeship registration provides work for them.

3. The reporting structure for the CEO is unclear. The Bill assigns “general supervision of the Agency” to the Minister: s. 3(1). The Bill also assigns “general leadership, management and administration of the Agency” to the CEO: s. 6(2). We understand the intent is that the CEO reports to the Minister, but this should perhaps be made more explicit.

4. The reporting structure for the Director is also unclear. The Council understands that the intent of the new legislation is that the Director will report to the CEO and the CEO will, in turn, report to the Minister. This is not explicit in the Bill. Indeed, the new amendment (s. 8 (j)) states that the Director reports to both the Minister and the CEO, which suggests that the Director may report directly to the Minister, bypassing the CEO.

5. The Council feels it important that the duties under s. 11(2) of the old Apprenticeship Board be included in the Charter as duties of the new Apprenticeship Board.

6. The Bill should ensure that any certificates or agreements granted previously are deemed to be valid certificates and agreements after the amendments. For example, s. 2(c) (d) modifies “apprenticeship agreement” and “apprenticeship and trades qualifications system”. The previous Apprenticeship Board will be replaced by a new Apprenticeship Board under the Charter: s. 2(f). The definition of “employer” will be modified: s. 2(m). A “joint registration agreement” will be defined in s. 2(nc). To avoid any suggestion that the amendments may change the requirements for certificates or agreements, a “for greater certainty” section may be valuable.

B. The Community Colleges Act

The other statute amended by the new legislation is the Community Colleges Act. The Council supports an increased role for the Agency.

7. Section 63(1)(da) is a new provision which requires the Board of Governors to collaborate with the Agency to develop guidelines for the evaluation of a program of study that pertains to a trade within the mandate of the Agency. Section 63(1)(db), however, requires the Board to simply consult with the Agency when evaluating a program of study concerning a trade

• within the mandate of the Agency. The Council suggests that the word “consult” in s. 63(1)(db) be changed to “collaborate”.

8. The new s. 63(1)(ta) requires the College Board to collaborate with the Agency on the College’s multi-year operating plan, but not the multi-year capital plan. The Council proposes that the phrase, “and multi-year capital plan” be added after the word “plan”. The Agency may have valuable input in both the operating and capital plans, as both often are interdependent.

9. The Council recognizes that the Agency Board must give consideration of balance for employer/employee; regional; gender and diversity. However, this should not be at the expense of losing the representation of the biggest contributor in investment, people and knowledge provided by the unionized Building Trades. When the Agency establishes competencies for Board members and representation it needs to reflect the unionized sector contribution to apprenticeship in Nova Scotia.

Thank you for the opportunity to present our submissions to the Committee.

Yours truly,

A handwritten signature in black ink, appearing to read "Brad Smith", written in a cursive style.

Brad Smith
Executive Director

Goodafternoon Committee members:

Thank you for giving me the opportunity to speak on Bill 45, the Apprenticeship and Trades Qualifications System Reform (2014) Act.

Over the past 18 months and several years prior, Merit Nova Scotia has been involved in an industry-wide consultation process overseeing changes to Nova Scotia's apprenticeship system. Bill 45 is the culmination of hundreds, if not thousands, of hours of hard work from staff at the Department of Labour and Advanced Education, previous Ministers Marilyn More and Frank Corbett, opposition parties, industry representatives, both union and non-union, and now the current

government through Deputy Minister Sandra McKenzie, Minister Kelly Regan and Premier McNeil.

The process was not easy, but we got it done. So why is the passage of Bill 45 necessary?

Over the next decade, Nova Scotia will need to fill 7,000 construction jobs.

Nova Scotia must accomplish this with the highest percentage of seniors in the country (16.8 per cent) and a net international migration of only 122 immigrants as of July 2013.

Interprovincial net migration of people is also a concern. For 11 of the last 15 years when net interprovincial migration has been negative, it has been negative in 14 years for the 15-19 age group; and it has always been negative for the 20-29 age group. We need to get younger, stronger and better trained.

The only way to buck this trend is to create an abundance of opportunities in apprenticeship-related fields. Nova Scotia's new apprenticeship agency is positively aligned in that direction because it creates mobility in the system and empowers employers by ensuring their voices will be heard by government. As the saying goes, "If you build it, they will come."

As I said, the new Nova Scotia Apprenticeship Agency is a model that finally puts industry first. But what does that actually mean?

It means:

- 1) A better equipped, more strategically aligned Community College. We need our Community College to be functioning at its highest capacity and efficiency to meet the demands of employers who yearn for quality trained tradespeople. Without the community college doing what it does best, I am afraid we are nothing more than a rudderless ship. Along with the 80 per cent of employers investing in apprenticeship, the Community College is our backbone – we need them!

2) Agreements with apprenticeship programs and systems in other provinces will allow apprentices to track their hours more efficiently and make their journey home more accessible.

3) Trade Advisory Committees will ultimately drive policy from the ground up. Last year, Merit backed off its position on changing apprentice ratios across the board because we understood the inherent value of allowing Trade Advisory Committees to do their job. We put our trust in the new governance model and decided to let industry determine the need for ratio and other policy changes that better reflect real-time economic needs.

Committee members, today is a good day for apprenticeship. I ask you to remember the first time your mother or father gave you the wheel and told you to drive the family car. It is a big responsibility – and government, which means everyone in this room, is giving that responsibility to industry. It's now up to us to make sure we don't crash the family car. Let's work together, and as Don Bureaux, president of the community college, once said to me, "the real work starts now." So let's not just build right; let's build together.

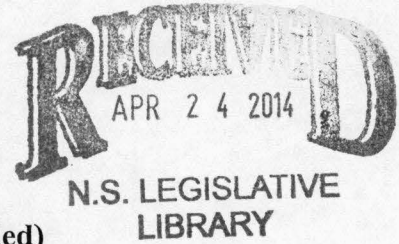
Thank you.

LAW AMENDMENTS COMMITTEE

Red Room, Province House

April 24, 2014

11:30 a.m.



Bill #35 - Property Valuation Services Corporation Act (amended)

deferred from previous meeting

Bill #40 - Maintenance and Custody Act (amended)

deferred from previous meeting

Bill #43 - Direct Sellers' Regulation Act (amended)

deferred from previous meeting

Bill #45 - Apprenticeship and Trades Qualifications System Reform (2014) Act

deferred from previous meeting

CARRIED

Bill #45
Apprenticeship and Trades Qualifications Act (amended)
and Community Colleges Act (amended)

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF LABOUR AND ADVANCED EDUCATION

PAGE 5, Clause 8 - delete and substitute the following:

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*.
