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BILL NO. 39

**An Act to Amend the Apprenticeship and
Trades Qualification Act**

Honourable Allan V. Campbell
Minister of Innovation and Advanced Learning

GOVERNMENT BILL

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An Act to Amend the Apprenticeship and Trades Qualification Act

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Apprenticeship and Trades Qualification Act* R.S.P.E.I. 1988, Cap. A-15.1 is amended

(a) by the repeal of clauses (a) and (b) and the substitution of the following:

(a) “apprentice” means a person who has entered into a registered apprenticeship agreement with an employer; apprentice

(b) “apprenticeship agreement” means an agreement between a person and an employer in which apprenticeship agreement

(i) the person undertakes to learn the designated trade specified in the agreement through apprenticeship training, and

(ii) the employer undertakes to employ the person and provide the person with practical training and the opportunity to obtain technical training in the designated trade specified in the agreement;

(b.1) “apprenticeship plan” means a plan of apprenticeship training established by the Board under section 4.4 that leads to a certificate of qualification in a designated trade, and includes a youth apprenticeship plan; apprenticeship plan

(b.2) “apprenticeship training” means practical training and technical training in a designated trade; apprenticeship training

(b) by the repeal of clauses (d), (e) and (f) and the substitution of the following:

(d) “certificate of qualification” means a certificate of qualification in a designated trade issued under the regulations; certificate of qualification

(e) “compulsory certified trade” means a designated trade that is designated as a compulsory certified trade under the regulations; compulsory certified trade

(f) “designated trade” means a trade that is designated as a designated trade by an order made by the Minister pursuant to section 4.2; designated trade

(c) in clause (g), by the deletion of the words “approved by the Board to enter into an apprenticeship agreement” and the

substitution of the words “that employs persons in a designated trade”;

(d) in clause (h), by the addition of the words “of qualification,” after the words “a certificate”;

(e) by the addition of the following after clause (j):

practical training

(j.1) “practical training” means training in which an apprentice works on a job site, in accordance with the regulations, learning the skills of a designated trade;

registered
apprenticeship
agreement

(j.2) “registered apprenticeship agreement” means an apprenticeship agreement that is registered with the Manager under subsection 5(1.3);

(f) by the repeal of clause (k) and the substitution of the following:

technical training

(k) “technical training” means training in which an apprentice receives formal instruction in a designated trade, including theoretical aspects of the designated trade, that is designed to supplement the skills acquired by an apprentice by means of practical training;

(g) by the addition of the following after clause (l):

trade advisory
committee

(l.1) “trade advisory committee” means a trade advisory committee established under subsection 4.3(1);

(h) in clause (m), by the deletion of the period and the substitution of a semicolon; and

(i) by the addition of the following after clause (m):

youth
apprenticeship plan

(n) “youth apprenticeship plan” means a plan of apprenticeship training for a person who is at least 16 years of age, is enrolled in a secondary education program and is a party to a registered apprenticeship agreement with an employer.

2. Subsection 3(2) of the Act is repealed and the following substituted:

Duties of Manager

(2) The Manager shall, in accordance with this Act and the regulations,

- (a) register apprentices and journeypersons;
- (b) register apprenticeship agreements and the transfer, cancellation, termination and completion of registered apprenticeship agreements;
- (c) maintain and promote interest in the role of apprenticeship;

- (d) plan and administer apprenticeship plans in a designated trade;
- (e) conduct studies or investigations of trades and of the requirements for the supply and training of persons in respect of trades, and collaborate with appropriate authorities in carrying out such studies and investigations;
- (f) provide such information to the Minister or the Board as the Minister or Board, as the case may be, requires;
- (g) conduct such investigations as the Manager considers necessary, or as the Minister or the Board directs, to ensure compliance with this Act and the regulations;
- (h) monitor the training of apprentices and conduct such inspections of facilities used for apprenticeship training as the Manager considers necessary;
- (i) submit an annual report to the Minister with respect to the performance of his or her duties; and
- (j) perform the functions assigned to the Manager by the regulations or by the Minister.

3. Section 4 of the Act is amended

(a) by the repeal of clause (2)(c) and the substitution of the following:

- (c) one person representing a postsecondary apprenticeship training provider;

(b) by the addition of the following after subsection (10):

(11) The Board shall hold a minimum of three meetings in each calendar year and may hold special meetings when considered necessary by the chairperson. Meetings

4. The Act is amended by the addition of the following after section 4:

4.1. The Board

- (a) shall advise the Minister in matters relating to the suitability of the provincial apprenticeship training and certification system as a means to meet the labour market needs of the province;
- (b) may recommend to the Minister the designation of trades for apprenticeship and certification;
- (c) may, subject to the approval of the Minister, enter into agreements with any organization or government for the purpose of facilitating, providing or managing apprenticeship training; and
- (d) shall perform the functions assigned to the Board by the regulations or by the Minister.

Board powers and
duties

Designation of designated trade	4.2 Where the Board recommends to the Minister that a trade is appropriate for apprenticeship and the issuance of certificates of qualification, the Minister may, by order published in the Gazette, designate the trade to be a designated trade.
Trade advisory committee	4.3 (1) The Board may establish, in consultation with the Manager, a trade advisory committee for a designated trade or for two or more designated trades that are related.
Members	(2) The Board shall appoint at least four persons as members of a trade advisory committee, of whom <ul style="list-style-type: none"> (a) at least two persons are journeypersons representative of the views of employees; and (b) at least two persons are representative of the views of employers.
Chairperson	(3) The Board shall appoint a person other than a person referred to in subsection (2) as the chairperson of a trade advisory committee.
Term	(4) A member of a trade advisory committee shall be appointed for a three-year term and may be reappointed.
Functions	(5) A trade advisory committee shall perform the functions assigned to the trade advisory committee by the regulations or by the Board.
Apprenticeship plan	4.4 The Board shall, in consultation with the appropriate trade advisory committee, establish an apprenticeship plan for every designated trade.
5. Section 5 of the Act is amended	
(a) by the addition of the following after subsection (1):	
Apprenticeship agreement	(1.1) A person who wishes to obtain a certificate of qualification in a designated trade and an employer who wishes to employ the person as an apprentice to learn the designated trade shall enter into an apprenticeship agreement.
Apprenticeship agreement invalid unless registered	(1.2) An apprenticeship agreement is invalid and has no effect under this Act or the regulations unless it is registered with the Manager under subsection (1.3).
Registration of apprenticeship agreement	(1.3) Subject to subsection (2), the Manager shall, on application by the parties to an apprenticeship agreement, register the apprenticeship agreement if the Manager is of the opinion that <ul style="list-style-type: none"> (a) the apprenticeship agreement and the apprenticeship training to be provided under the apprenticeship agreement comply with this Act, the regulations and the apprenticeship plan for the designated trade specified in the apprenticeship agreement; and

(b) the parties to the apprenticeship agreement will carry out their respective responsibilities under the agreement.

(b) in subsection (2), by the deletion of the words “may refuse to register or assign any agreement” and the substitution of the words “may refuse to register any apprenticeship agreement”;

(c) in subsection (3), by the deletion of the words “An agreement” and the substitution of the words “A registered apprenticeship agreement”;

(d) in subsections (4) and (5), by the deletion of the words “an agreement” and the substitution of the words “a registered apprenticeship agreement”;

(e) in subsection (6), by the deletion of the words “an apprentice may for good cause and by consent of the parties be assigned” and the substitution of the words “a registered apprenticeship agreement may for good cause and by consent of the parties be transferred”;

(f) in subsection (7), by the addition of the word “apprenticeship” before the word “agreement”; and

(g) in subsection (8), by the addition of the word “apprenticeship” before the word “agreements”.

6. Subsection 6(1) of the Act is amended by the deletion of the words “an assignment, cancellation, termination or completion of an agreement, either party to the agreement” and the substitution of the words “a transfer, cancellation, termination or completion of a registered apprenticeship agreement, either party to the registered apprenticeship agreement”.

7. (1) Subsection 7(1) of the Act is repealed and the following substituted:

7. (1) The Lieutenant Governor in Council may make regulations designating a designated trade as a compulsory certified trade.

Compulsory
certified trade

(2) Subsection 7(2) of the Act is amended

(a) by the addition of the words “as a compulsory certified trade” after the words “certification of a trade”; and

(b) by the deletion of the words “prescribed by the regulations” and the substitution of the words “approved by the Minister”.

(3) Subsection 7(3) of the Act is amended

(a) by the addition of the word “compulsory” before the words “certified trade”, wherever they occur;

(b) by the deletion of the word “declaration” and the substitution of the word “designation”; and

(c) by the deletion of the words “the trade” and the substitution of the words “the compulsory certified trade”.

(4) Subsection 7(4) of the Act is repealed and the following is substituted:

Permit deemed to
be held

(4) A person who, immediately before the date this subsection comes into force, holds a permit in respect of a certified trade issued under subsection (3) as it read immediately before the coming into force of this subsection, is deemed, on the designation of that certified trade as a compulsory certified trade, to hold a permit in respect of that compulsory certified trade issued under subsection (3) until such time as he or she elects to abandon the trade.

(5) Subsection 7(5) of the Act is amended

(a) in the words preceding clause (a), by the deletion of the words “declares under subsection (1) that a designated trade is a certified trade, from the date of that declaration” and the substitution of the words “designates a designated trade as a compulsory certified trade in the regulations made under subsection (1), from the date of the designation”;

(b) by the repeal of clause (a);

(c) by the repeal of clauses (b) and (c) and the substitution of the following:

(b) no person shall engage in a compulsory certified trade unless the person holds a certificate of qualification, or is an apprentice, in the compulsory certified trade; and

(c) no person shall employ another person in a compulsory certified trade unless the person employed holds a certificate of qualification, or is an apprentice, in the compulsory certified trade.

(d) by the repeal of clause (d).

8. Section 9 of the Act is amended

(a) by the deletion of the words “any provision of this Act or the regulations, or an order or directive of the Board” and the substitution of the words “clause 7(5)(b) or (c)”; and

(b) by the deletion of the words “\$1,000” and the substitution of the words “\$5,000”.

9. Section 10 of the Act is amended

(a) in clause (a),

(i) by the deletion of the words “prescribing the form of apprenticeship agreements,” and the substitution of the words “respecting the contents of registered apprenticeship agreements and”, and

(ii) by the deletion of the words “parties to apprenticeship agreements” and the substitution of the words “parties to registered apprenticeship agreements”;

(b) by the addition of the following after clause (a):

(a.1) respecting the tasks, activities and functions that are included in a designated trade;

(a.2) respecting the procedures and requirements for an application for registration of an apprenticeship agreement and the information, evidence and supporting material that must be included with an application;

(a.3) respecting the requirements that must be met for registration of an apprenticeship agreement, including the eligibility requirements for the parties to the agreement, and for the transfer, cancellation, termination or completion of a registered apprenticeship agreement;

(a.4) respecting the registration of apprentices and journeypersons;

(a.5) designating designated trades as compulsory certified trades;

(a.6) respecting the tasks, activities and functions that are included in a compulsory certified trade;

(a.7) respecting certificates of qualification and establishing additional types of certificates that may be issued;

(a.8) establishing endorsements that may be issued, including providing for different types of endorsements;

(a.9) respecting the requirements for the issuance or renewal of each type of certificate or endorsement, including the examinations to be written by an applicant for a certificate or endorsement;

(a.10) respecting the procedures and requirements for an application for issuance or renewal of each type of certificate or endorsement, and the information, evidence and supporting material that must be included with an application;

(c) in clause (b), by the deletion of the words “prescribing the terms and conditions upon which certificates” and the substitution

of the words “respecting the circumstances in which, and the terms and conditions upon which, each type of certificate or endorsement”;

(d) by the addition of the following after clause (b):

(b.1) respecting training standards and certification for trades designated by the Canadian Council of Directors of Apprenticeship, including the issuance of Red Seals and the recognition of Red Seals issued by other provinces under the Interprovincial Standards (Red Seal) Program;

(b.2) respecting the granting of credits toward a term of apprenticeship, including providing for the establishment of guidelines by the Board for the granting of credits toward a term of apprenticeship;

(e) by the repeal of clause (d) and the substitution of the following:

(d) respecting fees to be paid for examinations, the issuance or renewal of certificates or endorsements, the registration of apprenticeship agreements, the registration of apprentices or journeypersons or the issuance of any document, including penalties for late payment;

(f) in clause (i), by the addition of the word “additional” before the word “responsibilities”;

(g) in clause (j), by the addition of the word “additional” before the word “functions”;

(h) by the repeal of clause (l) and the substitution of the following:

(l) respecting the functions of a trade advisory committee;

(i) by addition of the following after clause (l):

(m) respecting apprenticeship plans, including the contents, standards and administration of apprenticeship plans, the eligibility requirements for apprentices and employers, the responsibilities of apprentices and employers, the practical training and technical training of apprentices, the probationary periods required of apprentices, the supervision of apprentices and the length of apprenticeship plans;

(n) respecting the establishment of joint trade advisory committees, including the membership, management and functions of joint trade advisory committees;

(o) respecting the conduct of investigations by the Manager for the purposes of ensuring compliance with this Act and the regulations,

including the powers and duties of the Manager and other persons in respect of investigations;

(p) respecting the monitoring of apprenticeship training and the entry and inspection of apprenticeship training facilities by the Manager, including the powers and duties of the Manager and other persons in respect of inspections;

(q) providing that the contravention of any specified provision of the regulations constitutes an offence and providing the penalties or range of penalties that apply in respect of such an offence;

(r) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable to facilitate the implementation of this Act;

(s) defining any word or expression used but not defined in this Act;

(t) further defining any word or expression defined in this Act; and

(u) respecting such other matters as the Lieutenant Governor in Council considers necessary to give effect to the purposes of this Act.

(j) by renumbering it as subsection 10(1);

(k) by the addition of the following after subsection (1):

(2) A regulation made under subsection (1), or any provision of a regulation made under subsection (1), may apply to a designated trade or a compulsory certified trade, to a group of designated trades or compulsory certified trades, or to all designated trades or compulsory certified trades.

Application of
regulations

10. The Act is amended by the addition of the following after section 12:

13. (1) In this section, “regulations” means the *Apprenticeship and Trades Qualification Act* Regulations (EC712/95) as they read immediately before the coming into force of this section.

“regulations”
defined

(2) A trade advisory committee that is, immediately before the date this section comes into force, established under subsection 14(1) of the regulations in respect of a designated trade, is deemed to have been established as a trade advisory committee in respect of that designated trade under subsection 4.3(1).

Transitional - trade
advisory committee

(3) The persons who have appointments under subsection 14(2) of the regulations as members of a trade advisory committee in respect of a designated trade, that are in effect immediately before the date this section comes into force, are deemed to have been appointed under subsection 4.3(2) as members of the trade advisory committee in respect

Transitional -
members

of that trade until such time as their appointments under the regulations would otherwise have expired, unless they sooner cease to hold office.

Transitional -
chairperson

(4) The person who has an appointment under subsection 14(3) of the regulations as an independent chairperson of a trade advisory committee in respect of a designated trade, that is in effect immediately before the date this section comes into force, is deemed to have been appointed under subsection 4.3(3) as the chairperson of the trade advisory committee in respect of that trade until such time as his or her appointment under the regulations would otherwise have expired unless he or she sooner ceases to hold office.

11. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

EXPLANATORY NOTES

SECTION 1 adds definitions for “apprenticeship plan”, “apprenticeship training”, “certificate of qualification”, “compulsory certified trade”, “practical training”, “registered apprenticeship agreement”, “technical training”, “trade advisory committee” and “youth apprenticeship plan”, and repeals and replaces several definitions to update and clarify terminology.

SECTION 2 replaces the subsection that provides for the Manager to perform the duties imposed under the Act or by the Minister, and sets out the duties of the Manager.

SECTION 3 amends the section setting out the membership of the Board to replace a reference to Holland College with a reference to “a postsecondary training provider”, and to provide that the Board shall hold a minimum of three meetings in each calendar year.

SECTION 4 adds sections to

- set out the powers and duties of the Board,
- provide for the Minister, on the recommendation of the Board, to designate a trade as a designated trade by an order published in the Gazette,
- authorize the Board, in consultation with the Minister, to establish a trade advisory committee for a designated trade or for two or more designated trades that are related, and
- require the Board, in consultation with the appropriate trade advisory committee, to establish an apprenticeship plan for every designated trade.

SECTION 5 adds subsections to provide for a person who wishes to obtain a certificate of qualification in a designated trade and an employer who wishes to employ the person to learn the trade to enter into an apprenticeship agreement. An apprenticeship agreement is invalid and of no effect under the Act or regulations unless it is registered with the Manager. The provisions provide for registration by the Manager and additional amendments are made to correct and clarify terminology.

SECTION 6 amends a subsection to correct terminology and to reflect current practice with respect to the transfer of registered apprenticeship agreements.

SECTION 7 replaces, amends and repeals subsections to update terminology and processes. The Lieutenant Governor in Council may make regulations designating a designated trade as a compulsory certified trade. A transitional provision deems a person who holds a permit in respect of a certified trade under the current Act to hold a permit in respect of a compulsory certified trade under the amended Act. The subsection that restricts persons other than apprentices from engaging in a compulsory certified trade is amended to clarify that a person who holds a certificate of qualification in a trade may engage in that trade.

SECTION 8 amends the section that provides that it is an offence to contravene this Act or the regulations, or an order or directive of the Board, to specify that a person commits an offence if he or she contravenes clause 7(5)(b) or (c), with respect to engaging in, or employing another person in, a compulsory certified trade. It also increases the amount of the maximum fine that may be imposed on a person convicted of this offence, from \$1000 to \$5000.

SECTION 9 clarifies and updates the regulation making powers, and adds the power to make regulations with respect to designated trades and compulsory certified trades, the registration of apprenticeship agreements, apprentices and journeypersons, certification, apprenticeship plans, trade advisory committees, joint trade advisory committees, the conduct of investigations and the inspection of apprenticeship training facilities.

SECTION 10 provides that a trade advisory committee established under the regulations in respect of a designated trade is deemed to have been established under subsection 4.3(1) as a trade advisory committee in respect of that designated trade. It also provides for the transition of persons who were members of a trade advisory committee and of the person who was the independent chairperson of a trade advisory committee under the regulations to a trade advisory committee established under this Act.

SECTION 11 provides for the commencement of this Act.

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Qualification Act**

<i>STAGE:</i>	<i>DATE:</i>
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<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Barbara A. Hagerman, Lieutenant Governor

Honourable Kathleen M. Casey, Speaker

Clerk

Honourable Allan V. Campbell
Minister of Innovation and Advanced Learning

GOVERNMENT BILL
