

1991 BILL 11

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

APPRENTICESHIP AND INDUSTRY
TRAINING ACT

THE MINISTER OF CAREER
DEVELOPMENT AND EMPLOYMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 11

1991

APPRENTICESHIP AND INDUSTRY TRAINING ACT

(Assented to , 1991)

Table of Contents

Definitions	1
Part 1 Board, Committees and Administration	
Division 1 Alberta Apprenticeship and Industry Training Board	
Alberta Apprenticeship and Industry Training Board	2
Functions of the Board	3
Conduct of business of Board	4
Reappointment and term of office	5
Annual report by Board	6
Division 2 Committees Relating to Trades	
Local apprenticeship committee	7
Functions of a local apprenticeship committee	8
Conduct of business by a local apprenticeship committee	9
Provincial apprenticeship committee	10
Functions of a provincial apprenticeship committee	11
Conduct of business by a provincial apprenticeship committee	12
Reappointment and term of office	13
Division 3 General Administration	
Executive Director and staff	14
Delegation of authority, etc.	15
Assistance to the Board and committees	16
False statement	17
Disciplinary action prohibited	18
Service of documents	19
Ineligibility for designation	20

**Part 2
Trades and Occupations**

**Division 1
Trades**

Compulsory certification trades	21
Optional certification trades	22
Authorization to work	23
Dual qualifications	24
Prohibition on employer	25
Exception to restrictions on work	26
Representation of qualifications	27
Use of the term "certified"	28
Redesignation of a trade, etc.	29
Collective agreement superseded	30
Regulations re designated trades	31

**Division 2
Occupations**

Definitions	32
Operation of occupational training programs	33
Designated occupations	34
Regulations re occupations	35

**Part 3
Maintaining of Standards**

Monitoring of training	36
Suspension re lack of work, etc.	37
Cancellation re failure to maintain standards	38
Cancellation re improper actions	39
Effect of cancellation, etc.	40

**Part 4
Appeals**

Right to appeal	41
Commencement of appeal	42
Appeal board	43
Decision of appeal board	44
Advice of Court	45
Appeal to Court	46
Procedure before an appeal board	47

**Part 5
Compliance**

Inspections	48
Hindering officer	49
Compliance order	50

Court order	51
Offence	52

Part 6
Transitional, Repeal and Commencement

Definitions	53
Transitional re committees and certificates	54
Transitional re trades designated under former Act	55
Consequential amendments	56
Repeal	57
Coming into force	58

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “appeal” means an appeal referred to in section 41;
- (b) “apprentice” means an individual who is engaged in an apprenticeship program that is provided for under this Act;
- (c) “apprenticeship program” means a program of training in a designated trade
 - (i) that is approved by the Board and under which an apprentice receives formal instruction and on the job training, and
 - (ii) that is governed by a contract of apprenticeship that is registered under this Act;
- (d) “Board” means the Alberta Apprenticeship and Industry Training Board;
- (e) “designated occupation” means an occupation designated under section 34 as a designated occupation;
- (f) “designated trade” means an occupation designated as
 - (i) a compulsory certification trade under section 21 or pursuant to section 55(1) or (2), or
 - (ii) an optional certification trade under section 22 or pursuant to section 55(4) or (5);

- (g) “Executive Director” means the person appointed as the Executive Director under section 14;
- (h) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (i) “officer” means any person authorized by the Minister under section 15(5) to monitor training or carry out inspections;
- (j) “occupational certificate” means, in respect of a designated occupation,
 - (i) a certificate that is granted under this Act to a person who has met the criteria established under this Act for a person to be granted that certificate, or
 - (ii) a document that is issued by another jurisdiction and is recognized under this Act as being the equivalent of an occupational certificate granted under this Act;
- (k) “record” includes
 - (i) any document, agreement, account, book, return, statement, report or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and
 - (ii) the results of the recording of details of electronic data processing systems to illustrate what the systems do and how they operate;
- (l) “student work training program” means a program
 - (i) under which a student receives work experience and training in an occupation, a designated occupation or a designated trade,
 - (ii) that is offered to the student by or on behalf of
 - (A) a board as defined under the *School Act*,
 - (B) a university under the *Universities Act*,

- (C) a college under the *Colleges Act*,
- (D) a technical institute under the *Technical Institutes Act*, or
- (E) a provincially administered institution under the *Department of Advanced Education Act*,

and

- (iii) that is approved, registered or otherwise recognized by the Board;
- (m) “this Act” includes regulations made under this Act;
- (n) “trade certificate” means, in respect of a designated trade,
 - (i) a certificate
 - (A) that is granted under this Act to a person who has met the criteria established under this Act for a person to be granted that certificate, or
 - (B) that is deemed to be a trade certificate under section 54(5),

or

- (ii) a document that is issued by another jurisdiction and is recognized under this Act as being the equivalent of a trade certificate granted under this Act.

PART 1

BOARD, COMMITTEES AND ADMINISTRATION

Division 1

Alberta Apprenticeship and Industry Training Board

Alberta
Apprentice-
ship and
Industry
Training
Board

2(1) The Lieutenant Governor in Council shall appoint a board in accordance with subsection (2) to be known as the “Alberta Apprenticeship and Industry Training Board” consisting of not more than 13 persons who, in the opinion of the Lieutenant Governor in Council, are knowledgeable with respect to training in

trades and occupations and the needs of the Alberta labour market for skilled and trained persons.

(2) In appointing the Board, the Lieutenant Governor in Council shall appoint

- (a) a presiding officer,
- (b) 4 members representing the interests of employers of persons employed in designated trades,
- (c) 4 members representing the interests of persons who are employees employed in designated trades,
- (d) 2 members representing the interests of employers of persons who are employed in industry other than in designated trades, and
- (e) 2 members representing the interests of persons who are employees employed in industry other than in designated trades.

(3) The Lieutenant Governor in Council may designate one or more members of the Board to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.

(4) The Minister may designate persons, who are not members of the Board, who shall be entitled

- (a) to receive notices of the meetings of the Board,
- (b) to attend the meetings of the Board as observers and advisors, and
- (c) to receive copies of the minutes of the meetings of the Board.

(5) The Executive Director shall be the Executive Secretary of the Board.

(6) Members of the Board other than employees of the Government

- (a) may be paid remuneration for the performance of their duties as members, and
- (b) shall be paid travelling and living expenses necessarily incurred in the performance of their duties as members,

at a rate prescribed by the Lieutenant Governor in Council.

Functions of
the Board

3 The functions of the Board are

- (a) to advise the Minister in respect of
 - (i) the needs of the Alberta labour market for skilled and trained persons,
 - (ii) the training and certification of persons in trades and occupations, and
 - (iii) matters referred to the Board by the Minister;
- (b) to make recommendations to the Minister respecting the designation, the changing of the designation or the rescinding of the designation of trades and occupations;
- (c) to approve, register or otherwise recognize apprenticeship programs, student work training programs, training programs as defined in section 32(b) and work experience programs as defined in section 32(c);
- (d) to appoint members to local apprenticeship committees and provincial apprenticeship committees;
- (e) to monitor the activities of provincial apprenticeship committees;
- (f) to develop policies respecting the recognition of a training program, a course of training or program of study provided by persons or organizations, other than the Minister, as equivalent to training provided under this Act.

Conduct of
business of
Board

4(1) The Board, with the approval of the Minister, shall make by-laws respecting

- (a) the conduct of the business and affairs of the Board in carrying out its duties and exercising its powers, and
- (b) the calling and conducting of and the procedures governing meetings of the Board.

(2) A quorum at a meeting of the Board is a majority of members then holding office.

(3) Only members of the Board may vote on matters that are before the Board.

(4) Notwithstanding subsection (3), the presiding officer may vote only in the event of a tie vote.

(5) The *Regulations Act* does not apply to the by-laws of the Board.

Reappointment and term of office

5(1) A person appointed as a member of the Board holds office for a term not exceeding 3 years as prescribed in the appointment.

(2) A person who is a member of the Board is eligible to be appointed to serve for one further term of office as a member of the Board but not for a further term of office in that position until 3 years has elapsed from the day that the person's last term of office in that position terminated.

Annual report by Board

6(1) The Board shall, as soon as practicable after the end of the fiscal year of the Government, prepare a report summarizing the affairs of the Board for that fiscal year and forward the report to the Minister.

(2) When the Minister receives the report, the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days from the day of commencement of the next ensuing sitting.

Division 2 Committees Relating to Trades

Local apprenticeship committee

7(1) Where the Board is of the opinion that there is sufficient activity in a designated trade within an area of Alberta to warrant the establishment of a local apprenticeship committee for that area, the Board shall establish a local apprenticeship committee for that area and appoint to that local apprenticeship committee the following:

- (a) at least one person to represent the interests of employers of persons employed in the designated trade;
- (b) at least one person to represent the interests of persons who are employees employed in the designated trade;
- (c) one person to be an alternate for a person referred to in clause (a);

- (d) one person to be an alternate for a person referred to in clause (b).
- (2) The number of persons appointed under subsection (1)(a) and (b) must be equal.
- (3) The persons appointed under subsection (1) must, in the opinion of the Board, be persons who
 - (a) are associated with and are knowledgeable in respect of the designated trade, and
 - (b) carry on work in the designated trade in the area for which the local apprenticeship committee is established.
- (4) A local apprenticeship committee shall appoint one of its members as the presiding officer of the local apprenticeship committee.
- (5) When a person is appointed as the presiding officer of a local apprenticeship committee under subsection (4), the Board shall appoint another person as a member of the committee so that the composition of the committee, not including the presiding officer, meets the requirements of subsections (1) and (2).
- (6) Where a local apprenticeship committee is established, the Minister shall appoint an employee of the Government as the secretary to that local apprenticeship committee.
- (7) The local apprenticeship committee may designate one or more of its members to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.
- (8) Employees of the Government are not eligible to be or to act in the place of a presiding officer of a local apprenticeship committee.
- (9) Members of a local apprenticeship committee other than employees of the Government may be paid one or both of the following at a rate prescribed by the Minister:
 - (a) remuneration for the performance of their duties as members;
 - (b) travelling and living expenses necessarily incurred in the performance of their duties as members.

Functions of
a local
appren-
ticeship
committee

8 The functions of a local apprenticeship committee that is established for a designated trade are, with respect to that designated trade,

- (a) to make recommendations to the Board with respect to the appointment of persons to be members of the provincial apprenticeship committee;
- (b) to make recommendations to the provincial apprenticeship committee in respect of any matter pertaining to apprenticeship and certification;
- (c) to monitor apprenticeship programs and the progress of apprentices;
- (d) subject to the regulations, to engage in the resolution of disagreements between apprentices and their employers arising out of matters coming under this Act.

Conduct of
business by a
local appren-
ticeship
committee

9(1) A local apprenticeship committee shall, with the approval of the Board, make by-laws respecting

- (a) the conduct of business and affairs of the committee in carrying out its duties and exercising its powers, and
- (b) the calling and conducting of and the procedures governing meetings of the committee.

(2) A quorum at a meeting of a local apprenticeship committee is a majority of the members then holding office.

(3) Only members of a local apprenticeship committee may vote on matters that are before the committee.

(4) Notwithstanding subsection (3),

- (a) the presiding officer may vote only in the event of a tie vote, and
- (b) a person appointed as an alternate under section 7 may vote only when that person is acting in the place of a member who is not an alternate.

(5) The *Regulations Act* does not apply to the by-laws of a local apprenticeship committee.

Provincial
apprentice-
ship
committee

10(1) The Board shall, for each designated trade, establish a provincial apprenticeship committee and appoint to that committee the following:

- (a) a presiding officer;
- (b) persons to represent the interests of employers of persons employed in the designated trade;
- (c) persons to represent the interests of persons who are employees employed in the designated trade;
- (d) one person to be an alternate for persons referred to in clause (b);
- (e) one person to be an alternate for persons referred to in clause (c).

(2) A provincial apprenticeship committee must consist of not fewer than 9 nor more than 21 persons.

(3) The number of persons appointed under subsection (1)(b) and (c) must be equal.

(4) The persons appointed under subsection (1) must, in the opinion of the Board, be persons who are associated with and are knowledgeable in respect of the designated trade.

(5) When a provincial apprenticeship committee is established, the Minister shall appoint an employee of the Government as the secretary to that provincial apprenticeship committee.

(6) The provincial apprenticeship committee may designate one or more of its members to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.

(7) Employees of the Government are not eligible to be or to act in the place of a presiding officer of a provincial apprenticeship committee.

(8) Members of a provincial apprenticeship committee other than employees of the Government

- (a) may be paid remuneration for the performance of their duties as members, and

- (b) shall be paid travelling and living expenses necessarily incurred in the performance of their duties as members,

at a rate prescribed by the Minister.

Functions of
a provincial
appren-
ticeship
committee

11 The functions of a provincial apprenticeship committee that is established for a designated trade are

- (a) to make recommendations to the Board in respect of any matter pertaining to apprenticeship and certification;
- (b) to monitor the activities of the local apprenticeship committees in the designated trade;
- (c) to make recommendations to the Board in respect of
 - (i) the designation, the changing of the designation or the rescinding of the designation of trades and occupations,
 - (ii) regulations under this Act,
 - (iii) standards for training and certification in the designated trade, and
 - (iv) courses and examinations related to the designated trade;
- (d) to determine, within the policies developed by the Board, whether a training program, course of training or program of study provided by persons or organizations other than the Minister is equivalent to training provided pursuant to an apprenticeship program;
- (e) subject to the regulations, to engage in the resolution of disagreements between apprentices and their employers arising out of matters coming under this Act.

Conduct of
business by a
provincial
appren-
ticeship
committee

12(1) A provincial apprenticeship committee, with the approval of the Board, shall make by-laws respecting

- (a) the conduct of business and affairs of the committee in carrying out its duties and exercising its powers, and
- (b) the calling and conducting of and the procedures governing meetings of the committee.

(2) A quorum at a meeting of a provincial apprenticeship committee is a majority of the members then holding office.

(3) Only members of a provincial apprenticeship committee may vote on matters that are before the committee.

(4) Notwithstanding subsection (3),

(a) the presiding officer may vote only in the event of a tie vote, and

(b) a person appointed as an alternate under section 10 may vote only when that person is acting in the place of a member who is not an alternate.

(5) The *Regulations Act* does not apply to the by-laws of a provincial apprenticeship committee.

Reappoint-
ment and
term of office

13(1) A person appointed as a member of a local apprenticeship committee or a provincial apprenticeship committee holds office for a term not exceeding 3 years as prescribed in the appointment.

(2) A person who is a member of a local apprenticeship committee is eligible to be appointed to serve for one or more terms of office as a member of the local apprenticeship committee.

(3) A person who is a member of a provincial apprenticeship committee is eligible to be appointed to serve for one further term of office as a member of the provincial apprenticeship committee but not for any further term of office in that position.

(4) Notwithstanding subsection (3), where, in the opinion of the Board, extenuating circumstances exist, the Board may, with the approval of the Minister, appoint a person to a provincial apprenticeship committee when that person would otherwise be ineligible to be appointed by virtue of subsection (3).

Division 3 General Administration

Executive
Director and
staff

14(1) In accordance with the *Public Service Act*, there shall be appointed an Executive Director and any other employees as the Minister considers necessary to carry out the purposes of this Act.

(2) The functions of the Executive Director are

(a) to advise the Minister on matters coming under this Act;

- (b) to carry out duties assigned to the Executive Director by this Act;
- (c) subject to the directions of the Minister, to assist and advise the Board in the carrying out of its duties and activities;
- (d) to carry out responsibilities assigned to the Executive Director by the Minister.

Delegation of authority, etc.

15(1) The Minister may authorize

- (a) an employee of the Government who is under the administration of the Minister, or
- (b) the Board, a committee appointed under this Act or any member of the Board or of a committee appointed under this Act,

to do any act or thing, other than make regulations, that the Minister is required or permitted to do under this Act.

(2) The Executive Director may authorize an employee of the Government who is under the administration of the Minister to do any act or thing that the Executive Director is required or permitted to do under this Act.

(3) An authorization given under this section may be

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

(4) Notwithstanding that a person has given an authorization under this section, that person may do the act or thing in respect of which the authorization was given.

(5) The Minister may authorize persons to do one or both of the following:

- (a) monitor training under section 36;
- (b) carry out inspections under Part 5.

Assistance to the Board and committees	<p>16 The Minister may provide to the Board or any committee appointed under this Act at no cost to the Board or committee one or more of the following:</p> <ul style="list-style-type: none"> (a) the services of employees of the Government who are under the administration of the Minister to carry out duties and provide services that in the opinion of the Minister are reasonably required to enable the Board or committee to carry out its functions under this Act; (b) the services of experts or persons having special, technical or other knowledge to advise the Board or committee in respect of matters coming under this Act; (c) materials and things that, in the opinion of the Minister, are reasonably required to enable the Board or committee to carry out its functions under this Act.
False statement	<p>17 Where a person provides information under this Act, that person shall not provide information that the person knows, or would reasonably be expected to know, to be false.</p>
Disciplinary action prohibited	<p>18 No person shall dismiss or take any other disciplinary action against another person by reason of that other person's acting in accordance with this Act or an order made under this Act.</p>
Service of documents	<p>19 In addition to any method of service permitted by law, any notice, order or document respecting matters coming under this Act may be served</p> <ul style="list-style-type: none"> (a) by personal service, (b) by registered mail sent to the address of the person on whom service is to be effected, (c) in the case of service by an employer on the employer's employee, by registered mail sent to the latest address of the person on whom service is to be effected as shown on the records of the employer, or (d) in the case of service on a person by the Minister, the Board, a committee appointed under this Act or an appeal board, by registered mail sent to the latest address of the person on whom service is to be effected as shown on the records of the Minister.

Ineligibility for designation

20 An occupation is not eligible to be designated under this Act as a designated trade or a designated occupation if that occupation is a health discipline designated or eligible to be designated under the *Health Disciplines Act*.

PART 2

TRADES AND OCCUPATIONS

Division 1 Trades

Compulsory certification trades

21(1) The Lieutenant Governor in Council

- (a) may by regulation designate an occupation as a compulsory certification trade, and
- (b) shall provide for an apprenticeship program in that designated trade.

(2) Subject to the regulations, a person may be granted a trade certificate in a compulsory certification trade on successfully completing the apprenticeship program in that trade.

(3) A person shall not work in a compulsory certification trade unless that person

- (a) holds a trade certificate in that trade,
- (b) has filed an application under this Act to participate in the apprenticeship program in that trade and that application is subsisting,
- (c) is an apprentice in the apprenticeship program in that trade,
- (d) is a student in a student work training program in that trade, or
- (e) is authorized under section 23 to work or to perform one or more tasks, activities or functions in that trade.

Optional certification trades

22(1) The Lieutenant Governor in Council

- (a) may by regulation designate an occupation as an optional certification trade, and

- (b) shall provide for an apprenticeship program in that designated trade.
- (2) Subject to the regulations, a person may be granted a trade certificate in an optional certification trade on successfully completing the apprenticeship program in that trade.
- (3) A person shall not work in an optional certification trade unless that person
- (a) is permitted to work in that trade under subsection (4) or (5),
 - (b) holds a trade certificate in that trade,
 - (c) has filed an application under this Act to participate in the apprenticeship program in that trade and that application is subsisting,
 - (d) is an apprentice in the apprenticeship program in that trade,
 - (e) is a student in a student work training program in that trade, or
 - (f) is authorized under section 23 to work or to perform one or more tasks, activities or functions in that trade.
- (4) Notwithstanding that a person does not meet the requirements of subsection (3)(b) to (f), a person who is employed by another person may, subject to the regulations, work in or perform one or more tasks, activities or functions in an optional certification trade for or on behalf of that employer if that employer is satisfied that the person possesses the skill and knowledge in that trade or in respect of those tasks, activities or functions in that trade, as the case may be, that is expected of a holder of a trade certificate in that trade.
- (5) Notwithstanding that a person does not meet the requirements of subsection (3)(b) to (f), where
- (a) a person is self-employed, and
 - (b) the person's self-employment primarily involves working in or performing one or more tasks, activities or functions in an optional certification trade,

that person while being engaged in that self-employment may, subject to the regulations, work in that trade or perform those

tasks, activities or functions in the same manner as if that person held a trade certificate in that trade.

Authorization
to work

23(1) For the purposes of sections 21(3)(e) and 22(3)(f), the Executive Director may, after notifying the Board of a request for an authorization and subject to the approval of the Minister, do the following:

- (a) authorize a person or a class of persons who are not permitted under section 21(3)(a) to (d) or 22(3)(a) to (e) to work in a designated trade, to work or to perform one or more tasks, activities or functions in that trade, or
- (b) authorize an employer or a class of employers to employ a person or a class of persons who are not permitted under section 21(3)(a) to (d) or 22(3)(a) to (e) to work in a designated trade, to work or to perform one or more tasks, activities or functions in that trade.

(2) Where the Executive Director grants an authorization under subsection (1), the Executive Director may, with the approval of the Minister, prescribe any terms or conditions to which the authorization is subject that the Executive Director considers appropriate in the circumstances.

(3) Where the Executive Director considers it appropriate in the circumstances, the Executive Director may, with the approval of the Minister, at any time

- (a) rescind an authorization granted under subsection (1), or
- (b) impose, alter or rescind any terms or conditions to which an authorization granted under subsection (1) is subject.

(4) Where a person is working or performing a task, activity or function pursuant to an authorization given under this section, that person shall not work or perform the task, activity or function except in accordance with that authorization.

(5) Where an employer employs a person pursuant to an authorization given under this section, the employer shall not employ that person except in accordance with that authorization.

Dual
qualifications

24 Notwithstanding section 21(3) or 22(3), where training for a task, activity or function is provided for in more than one designated trade, a person may perform that task, activity or function if that person

- (a) holds a trade certificate in one of those designated trades, or
- (b) is an apprentice in one of those designated trades and has received the training with respect to that task, activity or function.

Prohibition on employer **25** An employer shall not employ a person to work in a designated trade if the employer knows, or would reasonably be expected to know, that the person who is to carry out that work is not permitted under this Act to carry out the work in that trade.

Exception to restrictions on work **26** Nothing in section 21 or 22 shall be construed as prohibiting an individual from carrying out work if

- (a) the work is carried out by the individual on property that the individual owns or has possession of or control over,
- (b) the property on which the work is being carried out does not contain more than one private residence, and
- (c) the work is not for business or commercial purposes or related to the earning of income.

Represent-ation of qualifications **27** A person shall not purport

- (a) to be an apprentice in a designated trade unless that person is an apprentice in that trade,
- (b) to hold a trade certificate in a designated trade unless that person holds a trade certificate in that trade, or
- (c) to be otherwise permitted to work in a designated trade unless that person is otherwise permitted to work in that trade under this Act.

Use of the term "certified" **28** Unless the person holds a subsisting trade certificate in a designated trade, a person shall not

- (a) use the word "certified", or a derivative of that word, in any combination with the name of the designated trade, or

- (b) use any other word or combination of words,

in such a way as to represent expressly or by implication that the person holds a trade certificate in that designated trade.

Redesigna-
tion of a
trade, etc.

29 The Lieutenant Governor in Council may by regulation

- (a) change the designation of a trade;
- (b) rescind the designation of a trade;
- (c) establish and govern a program of transition with respect to the designation, changing the designation or rescinding the designation of a trade.

Collective
agreement
superseded

30 If a term of a collective agreement that is applicable to an apprentice is less advantageous to the apprentice than the regulations made under section 31 relating to the same subject-matter, the regulations supersede the collective agreement in respect of that subject-matter.

Regulations
re designated
trades

31(1) The Minister may make regulations

- (a) respecting the criteria for the designation of trades;
- (b) respecting the granting of an authorization under section 23;
- (c) subject to section 29, governing the designation, changing the designation or rescinding the designation of a trade;
- (d) governing the establishment and operation of provisional committees prior to the designation of an occupation as a designated trade;
- (e) respecting the criteria and process for the appointment of persons to local apprenticeship committees and provincial apprenticeship committees;
- (f) governing the administration of apprenticeship programs;
- (g) respecting the provision of courses, programs and training;
- (h) governing the granting of trade certificates;

- (i) governing requirements for the purposes of section 22(4) and (5);
 - (j) respecting the payment of fees for services provided under this Act.
- (2) The Board, with the approval of the Minister, may in respect of designated trades make regulations
- (a) defining what constitutes a designated trade;
 - (b) prescribing the tasks, activities and functions that come within a designated trade;
 - (c) governing the standards and requirements of apprenticeship programs, including
 - (i) eligibility requirements of apprentices and employers;
 - (ii) the responsibilities of apprentices and employers;
 - (iii) the number of apprentices that may be employed by an employer;
 - (iv) subject to the *Employment Standards Code*, the hours of work and rate of wages for apprentices;
 - (v) the granting of credit to a prospective apprentice for previous training or experience;
 - (vi) the length of an apprenticeship program;
 - (vii) the technical content of an apprenticeship program;
 - (viii) the documentation of the progress of an apprentice through an apprenticeship program;
 - (ix) the examination of persons;
 - (x) standards of achievement;
 - (d) respecting the resolution of disagreements between apprentices and their employers arising out of matters coming under this Act;

- (e) governing the approval, registration or other recognition by the Board of student work training programs;
- (f) providing, subject to any conditions that the Board may impose, that a document
 - (i) that is issued in another jurisdiction pursuant to legislation that is similar to this Act, and
 - (ii) that if issued under this Act would be a trade certificate granted in a designated trade,
 shall be recognized as being equivalent to a trade certificate granted under this Act;
- (g) governing the recognition of a training program, a course of training or a program of study
 - (i) made available in another jurisdiction, or
 - (ii) provided by persons or organizations other than the Minister;
- (h) governing the examination of persons or the recognition of training or work experience of persons who have certification, recognition or training in a trade in another jurisdiction.

Division 2 Occupations

Definitions **32** In this Division,

- (a) “trainee” means an individual participating in a training program or a work experience program under this Division;
- (b) “training program” means a course or program, other than an apprenticeship program, a work experience program or a student work training program,
 - (i) under which a trainee acquires skill and knowledge in an occupation or a designated occupation, and
 - (ii) that is approved, registered or otherwise recognized by the Board;

- (c) “work experience program” means a program, other than a training program, an apprenticeship program or a student work training program,
 - (i) under which a trainee receives work experience and training in an occupation or a designated occupation that is provided to the trainee by or on behalf of the trainee’s employer or by or on behalf of an employers’ or employees’ organization, and
 - (ii) that is approved, registered or otherwise recognized by the Board.

Operation of occupational training programs

33 The Minister may establish, operate, sponsor or recognize any program or service relating to occupational training that the Minister considers necessary or desirable.

Designated occupations

34(1) The Minister may by regulation designate an occupation, other than one that is a designated trade, as a designated occupation.

(2) If occupational certificates are granted in respect of a designated occupation, a person may, subject to the regulations, be granted an occupational certificate in that occupation

(a) on successfully completing a work experience program or a training program in that occupation, or

(b) on successfully meeting other requirements that may be established, approved or otherwise recognized by the Board.

(3) Where occupational certificates are granted in respect of a designated occupation, a person shall not purport to hold an occupational certificate in the designated occupation unless that person holds an occupational certificate in that designated occupation.

(4) Nothing in this Act shall be construed as prohibiting or restricting a person from performing work in a designated occupation even though that person does not hold an occupational certificate in respect of that occupation.

Regulations re occupations

35(1) The Minister may make regulations

(a) respecting the criteria for the designation of occupations;

- (b) governing the criteria respecting occupational training;
 - (c) governing the designation, changing the designation or rescinding the designation of an occupation;
 - (d) establishing and governing a program of transition with respect to the designation, changing the designation or rescinding the designation of an occupation;
 - (e) providing for the establishment and governing the operation of committees in respect of designated occupations;
 - (f) prescribing the powers of committees referred to in clause (e);
 - (g) providing for the establishment and governing the operation of provisional committees in respect of an occupation prior to the designation of the occupation as a designated occupation;
 - (h) respecting the administration of occupational training;
 - (i) governing the granting of occupational certificates.
- (2) The Board, with the approval of the Minister, may in respect of designated occupations make regulations
- (a) defining what constitutes a designated occupation;
 - (b) prescribing the tasks, activities and functions that come within a designated occupation;
 - (c) governing the approval, registration or other recognition by the Board of training programs, work experience programs and student work training programs;
 - (d) governing the registration of trainees in training programs or work experience programs;
 - (e) governing the training to be given in respect of a designated occupation;
 - (f) respecting eligibility requirements of persons who may be trained and their employers;
 - (g) providing for the recognition of programs of training;
 - (h) governing the granting of credit for previous training or experience;

- (i) governing examinations;
- (j) prescribing standards of achievement;
- (k) providing, subject to any conditions that the Board may impose, that a document
 - (i) that is issued in another jurisdiction pursuant to legislation that is similar to this Act, and
 - (ii) that if issued under this Act would be an occupational certificate granted in a designated occupation,

shall be recognized as being equivalent to an occupational certificate granted under this Act.

PART 3

MAINTAINING OF STANDARDS

Monitoring of training

36(1) In order to determine whether an apprentice, or a trainee as defined in section 32, is

- (a) receiving the appropriate experience and training, and
- (b) acquiring the necessary skills,

in respect of an occupation, designated occupation or designated trade, an officer may at any reasonable time

- (c) enter the premises or location at which the apprentice or trainee is working, and
- (d) monitor the work being carried out by that person and any training taking place in respect of that work.

(2) While monitoring work or training under subsection (1) an officer shall not, other than is necessary to monitor the work or training, interfere with any work, training or related activity that is taking place.

(3) Notwithstanding subsection (1), an officer shall not enter a private residence without the permission of a resident of that residence.

Suspension
re lack of
work, etc.

37(1) The Minister may, on the recommendation of the Board, suspend the registration of a person's contract of apprenticeship if in the opinion of the Board

- (a) the person is not receiving the experience and training that is appropriate to that person's apprenticeship program, or
- (b) the employer of the person does not have sufficient work to provide to the person the experience and training that is appropriate to that person's apprenticeship program.

(2) Where

- (a) the registration of a contract of apprenticeship is suspended under subsection (1), and
- (b) the Board is of the opinion that the person in respect of whom the registration was suspended is once again employed in a position that will permit that person to receive the experience and training that is appropriate to that person's apprenticeship program,

the Minister may remove the suspension subject to any terms or conditions, if any, that the Minister considers appropriate in the circumstances.

(3) If the Board is of the opinion that the person in respect of whom the registration was suspended has not been endeavouring to acquire employment that would enable that person to continue the apprenticeship program, the Minister may, on the recommendation of the Board, cancel the registration of that person's contract of apprenticeship.

(4) Where the registration of a person's contract of apprenticeship is suspended under this section, that person, during the period of suspension,

- (a) may continue to participate in technical and other courses that are applicable to the designated trade, but
- (b) subject to section 21(3)(d) or (e) or 22(3)(e) or (f), is not eligible to work in the designated trade in which the person was an apprentice.

Cancellation
re failure to
maintain
standards

38 The Minister may, on the recommendation of the Board,

- (a) cancel the registration of a person's contract of apprenticeship or cancel or suspend a person's trade

certificate in a designated trade if, in the opinion of the Board, the person has not maintained or is not maintaining an acceptable standard of quality or skill in the practice of the designated trade, or

- (b) cancel or suspend a person's occupational certificate in a designated occupation if, in the opinion of the Board, the person has not maintained or is not maintaining an acceptable standard of quality or skill in the practice of the designated occupation.

Cancellation
re improper
actions

39 The Minister may cancel or suspend the registration of a person's contract of apprenticeship or a person's trade or occupational certificate if the Minister is satisfied that the contract or the certificate

- (a) has been improperly altered in any manner,
- (b) has been obtained in a fraudulent manner or by means of fraud, or
- (c) has been used for any purpose by a person other than the person who is a party to the contract or to whom the certificate was granted.

Effect of
cancellation,
etc.

40(1) Where a person's trade certificate is cancelled or suspended under section 38 or 39, that person, during the period of time that the trade certificate is cancelled or suspended, does not hold a trade certificate in the designated trade for which the trade certificate was granted.

(2) Where a person's occupational certificate is cancelled or suspended under section 38 or 39, that person, during the period of time that the occupational certificate is cancelled or suspended, does not hold an occupational certificate in the designated occupation for which the occupational certificate was granted.

(3) Where the registration of a person's contract of apprenticeship is cancelled or suspended under section 37, 38 or 39, that person, during the period of time that the registration is cancelled or suspended, is not an apprentice in the designated trade for which the contract of apprenticeship was registered.

PART 4
APPEALS

Right to appeal	<p>41 Where a person is affected by a decision made under this Act, other than</p> <ul style="list-style-type: none">(a) a decision respecting the making of regulations,(b) a decision made under this section, or(c) a decision made under section 23, 42 to 49, 51 or 52, <p>that person may, subject to the regulations, appeal the decision to an appeal board.</p>
Commencement of appeal	<p>42 A person who has a right of appeal may commence an appeal by serving on the Minister, or a person designated by the Minister, a notice of appeal within 30 days from the day that the person receives written notification of the decision being appealed.</p>
Appeal board	<p>43(1) For the purposes of hearing an appeal referred to in section 41, the Minister shall, within 30 days from the day of being served with a notice of appeal, appoint an appeal board consisting of</p> <ul style="list-style-type: none">(a) a person designated by the Minister as the presiding officer of the appeal board,(b) at least one and not more than 2 persons who represent employers, and(c) at least one and not more than 2 persons who represent employees. <p>(2) The number of persons appointed under subsection (1)(b) and (c) must be equal.</p> <p>(3) A majority of the persons appointed to an appeal board must be persons who, in the opinion of the Minister, are associated with and are knowledgeable about the designated trade or designated occupation in respect of which the appeal is being brought.</p> <p>(4) Members of an appeal board other than employees of the Government shall be paid, at a rate prescribed by the Minister,</p> <ul style="list-style-type: none">(a) remuneration for performing their duties as members of an appeal board, and

- (b) travelling and living expenses necessarily incurred in the performance of their duties as members of an appeal board.

Decision of
appeal board

44(1) An appeal board that hears an appeal may, by order, do one or more of the following:

- (a) dismiss the appeal;
- (b) allow the appeal and give such directions, if any, that the appeal board considers appropriate in the circumstances;
- (c) vary the decision;
- (d) prescribe terms and conditions to which its order is subject;
- (e) award costs.

(2) The appeal board shall in writing notify the parties to the appeal and the Minister of the appeal board's decision.

Advice of
Court

45 At any stage of any proceeding before an appeal board, the appeal board may state in the form of a special case to the Court of Queen's Bench for the opinion of the Court any question of law arising in the course of the proceedings.

Appeal to
Court

46(1) A person whose appeal is heard by an appeal board may appeal the decision of the appeal board to the Court of Queen's Bench on a question of law.

(2) A person may commence an appeal under this section by filing an originating notice with the Court within 30 days from the day that the person received written notification of the appeal board's decision.

(3) In determining the appeal the Court may, in addition to any other power that it may exercise, make any order that an appeal board may make under this Part.

Procedure
before an
appeal board

47 With respect to appeals before an appeal board, the Minister may make regulations

- (a) governing notices of appeal;

- (b) governing the procedure before an appeal board;
- (c) governing adjournments of matters before an appeal board;
- (d) empowering the presiding officer of an appeal board to summon and enforce the attendance of witnesses;
- (e) governing the taking of evidence under oath;
- (f) governing the applicability of the rules of evidence in judicial proceedings to hearings before an appeal board;
- (g) governing the receiving and recording of evidence;
- (h) empowering an appeal board to proceed with an appeal when a party to the appeal fails to appear at or attend a hearing;
- (i) empowering an appeal board to grant interim relief and governing the interim relief that may be granted;
- (j) providing for majority and minority decisions;
- (k) empowering an appeal board to consider an appeal without holding a hearing and governing the procedure to be used in those circumstances;
- (l) restricting the jurisdiction of an appeal board;
- (m) governing the applicability of the Rules of Court;
- (n) providing for the issuing and publication of decisions of an appeal board;
- (o) empowering an appeal board to require the production of any record, object or thing;
- (p) governing costs.

PART 5

COMPLIANCE

Inspections **48(1)** For the purposes of ensuring that this Act is being complied with, an officer may at any reasonable time enter any premises of an employer or any premises or location at which tasks, activities

or functions are being performed or work is being carried out and carry out an inspection.

(2) In carrying out an inspection an officer may do one or more of the following:

- (a) inspect
 - (i) the premises or location, and
 - (ii) any record, object or thing relating to payroll, job classification, performance of work, qualifications or the instruction or training of persons;
- (b) make copies or take photographs of any record, object or thing referred to in clause (a)(ii) or remove it for the purpose of making copies or taking photographs;
- (c) make inquiries of any person with respect to
 - (i) any record, object or thing referred to in clause (a)(ii), or
 - (ii) the employment, qualifications, training or instruction of persons.

(3) Notwithstanding subsection (2), an officer shall not enter a private residence without the permission of a resident of that residence.

(4) Where an officer removes any record, object or thing under subsection (2)(b), the officer shall

- (a) give to the person from whom the items were taken a receipt for the items, and
- (b) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.

Hindering
officer

49(1) A person shall not hinder, molest or interfere with an officer in the carrying out of any duty that the officer is empowered to carry out under section 48.

(2) If an officer

- (a) is refused entry into premises or a location that the officer is authorized to enter under section 48,

- (b) is not given consent to enter a private residence,
- (c) has reasonable grounds to believe that
 - (i) permission to enter premises or a location that the officer is authorized to enter will be refused, or
 - (ii) consent to enter a private residence will not be given,

or

- (d) is impeded or has reasonable grounds to believe that the carrying out of an inspection or examination of any premises, location, record, document or thing will be impeded,

the officer may apply to the Court of Queen's Bench for an order granting the relief provided for under subsection (6).

(3) An application under this section shall be by way of an originating notice.

(4) On the filing of an originating notice with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(5) An interim order under subsection (4) may be made ex parte if the Court considers it appropriate in the circumstances.

(6) On hearing an application the Court may do one or more of the following:

- (a) authorize the officer to enter the premises, location or private residence and carry out the inspection under section 48;
- (b) direct any occupant to assist the officer in any manner the Court prescribes;
- (c) restrain any person from impeding the officer from entering the premises, location or private residence or from carrying out the officer's duties;
- (d) make its order subject to any terms or conditions that the Court considers appropriate in the circumstances;

- (e) dismiss the application;
- (f) award costs.

Compliance order **50** If an officer is of the opinion that a person is not complying with this Act, the officer may by written order direct that person to comply with this Act within the time and in accordance with any directions set out in the order.

Court order **51(1)** If

- (a) an officer is of the opinion that a person is not complying with
 - (i) this Act,
 - (ii) an order given under section 50, or
 - (iii) an order given by an appeal board under Part 4,

or

- (b) a party to an appeal is of the opinion that a person is not complying with an order of the appeal board,

the officer or the party to the appeal, as the case may be, may apply to the Court of Queen’s Bench for an order granting the relief provided for under subsection (5).

(2) An application under this section shall be by way of an originating notice.

(3) On the filing of an originating notice with the clerk of the Court of Queen’s Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days’ notice and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(4) An interim order under subsection (3) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(5) On hearing an application the Court may do one or more of the following:

- (a) direct the person to comply with this Act or the order, as the case may be;

- (b) direct a person to cease carrying out any action that in the opinion of the Court does not comply with this Act or the order, as the case may be;
- (c) give those directions that it considers necessary in order to ensure compliance with this Act or the order, as the case may be;
- (d) make its order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (e) dismiss the application;
- (f) award costs.

Offence

52(1) A person who contravenes section 17, 18, 21(3), 22(3), 23(4) or (5), 25, 27, 28, 34(3) or 49(1) or a provision of the regulations is guilty of an offence and liable to a fine of not more than \$20 000.

(2) An offence committed by virtue of a contravention of section 21(3), 22(3), 23(4) or (5), 25, 27, 28 or 34(3) or a provision of the regulations is an offence of absolute liability.

(3) An offence committed by virtue of a contravention of section 17, 18 or 49(1) is an offence of strict liability.

(4) Notwithstanding the *Provincial Offences Procedure Act*, a person who is convicted of an offence under this Act, other than an offence referred to in subsection (3), is not subject to a term of imprisonment in respect of that offence or in default of payment of a fine.

(5) In a prosecution under this Act, a certificate purporting to be signed by the Executive Director stating that on the date that the certificate is signed

- (a) a person is not an apprentice,
- (b) a person is not permitted to work in a designated trade,
- (c) a person does not hold a subsisting trade certificate in a designated trade,
- (d) a person does not hold a subsisting occupational certificate in a designated occupation,
- (e) the registration of a person's contract of apprenticeship is suspended or cancelled, or

- (f) a person's trade certificate or occupational certificate is suspended or cancelled,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or the official character of the person signing the certificate.

PART 6

TRANSITIONAL, REPEAL AND COMMENCEMENT

Definitions

53 *In this Part,*

- (a) *"former Act" means the Manpower Development Act;*
- (b) *"former local apprenticeship committee" means a Local Apprenticeship Committee that existed under the former Act immediately before the coming into force of this Act;*
- (c) *"former provincial apprenticeship committee" means a Provincial Apprenticeship Committee that existed under the former Act immediately before the coming into force of this Act;*
- (d) *"new local apprenticeship committee" means a local apprenticeship committee under this Act;*
- (e) *"new provincial apprenticeship committee" means a provincial apprenticeship committee under this Act.*

Transitional re committees and certificates

54(1) *The members of the former local apprenticeship committees continue as the members of the new local apprenticeship committees until they are replaced or reappointed under this Act.*

(2) *The members of the former provincial apprenticeship committees continue as the members of the new provincial apprenticeship committees until they are replaced or reappointed under this Act.*

(3) *Notwithstanding this section,*

- (a) *if a former provincial apprenticeship committee has more members than provided for under this Act for a new provincial apprenticeship committee, the Board shall terminate the appointment of a sufficient number of members of the new provincial apprenticeship committee*

so that the composition of the new provincial apprenticeship committee complies with this Act;

- (b) if an employee of the Government is the presiding officer of a former local apprenticeship committee, that employee's position as the presiding officer terminates on the coming into force of this Act and the new local apprenticeship committee shall appoint a presiding officer in accordance with section 7(4) and where necessary the Board shall appoint another member to the committee in accordance with section 7(5);*
- (c) if an employee of the Government is the presiding officer of a former provincial apprenticeship committee, that employee's position as the presiding officer terminates on the coming into force of this Act and the Board shall appoint a person who is not an employee of the Government as the presiding officer of the new provincial apprenticeship committee.*

(4) A contract of apprenticeship that was entered into or carried on under the former Act and that is in effect immediately before the coming into force of this Act is a contract of apprenticeship under this Act.

(5) A Certificate of Completion of Apprenticeship, a Certificate of Qualification or a Certificate of Proficiency that was issued, recognized or continued under the former Act and that is in effect immediately before the coming into force of this Act remains in effect under this Act and is deemed to be a trade certificate issued under this Act.

**Transitional
re trades
designated
under former
Act**

55(1) *A trade that is a designated trade under Part 3, Divisions 1 and 3 of the former Act immediately before the coming into force of this Act is deemed to have been designated as a compulsory certification trade under section 21 of this Act.*

(2) *A trade*

- (a) that is a designated trade under Part 3, Division 3 of the former Act immediately before the coming into force of this Act, and*

(b) for which a program of training has been recognized under section 45(2)(f) of the former Act,

is deemed to have been designated as a compulsory certification trade under section 21 of this Act.

(3) A program of training referred to in subsection (2)(b) is deemed to be an apprenticeship program under section 21 of this Act for the designated trade referred to in subsection (2)(a).

(4) A trade that is a designated trade under Part 3, Divisions 1 and 2 of the former Act immediately before the coming into force of this Act is deemed to have been designated as an optional certification trade under section 22 of this Act.

(5) A trade that is a designated trade under Part 3, Division 2 of the former Act immediately before the coming into force of this Act is deemed to have been designated as an optional certification trade under section 22 of this Act.

(6) A person who, on the coming into force of this Act,

(a) has been, for at least a period of time as prescribed in the regulations, working in a trade to which this subsection and subsection (7) apply, and

(b) does not have a trade certificate in that trade,

may, if that person meets the requirements of the regulations, be granted a trade certificate in that trade on successfully completing one or more examinations set by the Board.

(7) Where the Board is of the opinion that a person who meets the qualifications to take an examination under subsection (6) is incapable of taking an examination or would be otherwise prejudiced by taking an examination referred to in subsection (6), the Board may grant a trade certificate to that person if the Board is satisfied, after reviewing work that has been carried out by that person, that the person is sufficiently skilled and knowledgeable in respect of that trade to be granted a trade certificate.

(8) The Minister may make regulations

(a) prescribing the trades referred to in this section to which subsections (6) and (7) apply;

(b) governing the requirements that must be met by a person in order to be granted a trade certificate under subsection (6) or (7);

- (c) *prescribing one or more periods of time during which a person must have worked in a trade to which subsections (6) and (7) apply in order to qualify to be granted a trade certificate under subsection (6) or (7);*
- (d) *prescribing one or more periods of time within which a person must make an application in order to be granted a trade certificate under subsection (6) or (7);*
- (e) *prescribing one or more periods of time within which a person must take an examination under subsection (6) or have work reviewed under subsection (7).*

Conse-
quential
amendments

56(1) *The Legislative Assembly Act is amended in Part 3 of the Schedule by striking out the following:*

**Alberta Apprenticeship and Trade Certification Board
under the Manpower Development Act**

(2) *The Licensing of Trades and Businesses Act is amended in section 2(b) by striking out "Manpower Development Act" and substituting "Apprenticeship and Industry Training Act".*

(3) *The Professional and Occupational Associations Registration Act is amended by repealing section 5(b) and substituting the following:*

(b) *a trade or occupation designated or eligible to be designated under the Apprenticeship and Industry Training Act.*

(4) *The Technical Institutes Act is amended in section 11(1)(b) by striking out "designated pursuant to the Manpower Development Act" and substituting "designated pursuant to the Apprenticeship and Industry Training Act".*

Repeal

57 *The following Acts are repealed:*

- (a) *the Apprenticeship, Training and Certification Act;*
- (b) *the Manpower Development Act.*

Coming into
force

58 *This Act comes into force on January 1, 1992.*