

2000 BILL 23

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Fourth Session, 24th Legislature, 49 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 23**

**APPRENTICESHIP AND INDUSTRY  
TRAINING AMENDMENT ACT, 2000**

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THE MINISTER OF LEARNING

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 23

2000

### APPRENTICESHIP AND INDUSTRY TRAINING AMENDMENT ACT, 2000

(Assented to \_\_\_\_\_, 2000)

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

Amends SA  
1991 cA-42.3

**1 The *Apprenticeship and Industry Training Act* is amended  
by this Act.**

**2 Section 1 is amended**

**(a) in clause (i) by striking out “Minister” and  
substituting “Executive Director”;**

**(b) by repealing clause (j.1);**

**(c) in clause (l)(ii)**

**(i) by adding the following after paragraph (A):**

(A.1) an operator of a school that is a charter school  
as defined in the *School Act*,

(A.2) an operator of a school that is a private school  
as defined in the *School Act*,

**(ii) by adding “or” at the end of paragraph (D) and  
by repealing paragraph (E);**

**(d) by adding the following after clause (n):**

(o) “trainee” means an individual participating in  
training in a designated occupation that is

## Explanatory Notes

**1** Amends chapter A-42.3 of the Statutes of Alberta, 1991.

**2** Section 1(i), (j.1) and (l)(ii) presently read:

*1 In this Act,*

*(i) “officer” means any person authorized by the Minister under section 15(5) to monitor training or carry out inspections;*

*(j.1) “provincially administered institution” means a provincially administered institution as defined in Schedule 1 of the Government Organization Act;*

*(l) “student work training program” means a program*

*(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,*

*(E) a provincially administered institution, or*

approved, registered or otherwise recognized by the Board under this Act.

**3 Section 3 is amended**

**(a) by renumbering it as section 3(1);**

**(b) in subsection (1)**

**(i) by repealing clause (c) and substituting the following:**

(c) to approve, register or otherwise recognize apprenticeship programs and student work training programs;

**(ii) by adding the following after clause (e):**

(e.1) to appoint members to and monitor the activities of committees established under section 12.1;

**(iii) in clause (f) by striking out “by provincially administered institutions or”;**

**(iv) by adding the following after clause (f):**

(g) to promote the pursuit of careers in trades and occupations and the training and certification of persons in respect of trades and occupations;

(h) to carry out any functions or duties assigned to the Board under this Act or by the Minister.

**(c) by adding the following after subsection (1):**

**(2) The Board may by order do the following:**

(a) establish or provide for the establishment of standards or requirements, or both, with respect to training and certification in respect of programs under this Act;

(b) establish criteria or requirements for the granting and recognition of trade certificates, occupational certificates and other certificates under this Act;

(c) establish or provide for the establishment of standards or requirements, or both, with respect to

*(F) a person licensed to provide vocational training under the Private Vocational Schools Act,*

**3** Section 3 presently reads:

*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 34(b) and work experience programs as defined in section 34(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 provincially administered institutions or by persons or organizations, other than the Minister, as equivalent to training provided under this Act.*

the competency of persons in designated occupations;

- (d) with respect to training and certification in programs or services carried out under this Act,
    - (i) establish educational or entrance requirements;
    - (ii) provide for the granting of credit for previous training or experience;
    - (iii) establish requirements for the documentation of the progress of an apprentice or trainee;
    - (iv) establish or otherwise provide for the technical contents of apprenticeship programs and training carried out under this Act;
    - (v) provide for the examination of persons;
    - (vi) establish standards respecting achievement;
    - (vii) establish the requirements to be met in order to be granted a certificate under this Act;
  - (e) provide for the approval, registration or other recognition of student work training programs;
  - (f) recognize or provide for the recognition of documents relating to the skill and knowledge of persons in designated trades or designated occupations as being equivalent to trade certificates or occupational certificates, as the case may be, granted under this Act;
  - (g) provide for the recognition of training programs, courses of training or programs of study provided by persons or organizations other than the Minister;
  - (h) provide for the evaluation of knowledge and levels of skills of persons who have certification, recognition, training or experience in respect of trades or occupations.
- (3) The *Regulations Act* does not apply
- (a) in respect of any documentation prepared by or on behalf of the Board relating to the carrying out of any functions under this section, or



(b) to orders made under subsection (2).

**4 Section 8(1) is amended by adding the following after clause (d):**

- (e) to promote apprenticeship programs and training and the pursuit of careers in the designated trade;
- (f) to carry out any functions or duties assigned to the local apprenticeship committee by the provincial apprenticeship committee or the Board.

**5 Section 10(8) is repealed and the following is substituted:**

(8) Members of a provincial apprenticeship committee other than employees of the Government may be paid one or both of the following at the rates 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.

**6 Section 11 is amended**

**(a) in clause (c)**

**(i) in subclause (ii) by adding “and orders” after “regulations”;**

**(ii) in subclause (iii) by adding “and requirements” after “standards”;**

**(b) in clause (d) by striking out “by provincially administered institutions or”;**



**4** Section 8(1) presently reads:

*8(1) 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 employees and their employers arising out of matters coming under this Act.*

**5** Section 10(8) presently reads:

*(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.*

**6** Section 11 presently reads:

*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*

**(c) by adding the following after clause (e):**

- (f) to consult with other committees established or recognized under this Act with respect to apprenticeship programs, training and certification and to facilitate co-operation between the different designated trades and designated occupations;
- (g) to promote apprenticeship programs and training and the pursuit of careers in the designated trade;
- (h) to consult with organizations, associations and persons who have an interest in respect of the designated trade and with employers and employees in the designated trade;
- (i) to carry out any functions or duties assigned to the provincial apprenticeship committee by the Board.

**7 The following is added after section 12:**

Other  
committees

**12.1(1)** The Board may establish committees or recognize committees established by other organizations, associations or persons for the purpose of advising the Board or any committee established or recognized under this Act in respect of matters that come under this Act.

**(2)** The Board may, with respect to a committee established under this section,

- (a) appoint or otherwise provide for the appointment of members to the committee;
- (b) set the terms of reference under which the committee operates;
- (c) assign functions or duties to be assumed or otherwise carried out by the committee.

**(3)** A person appointed as a member of a committee established under this section

- (a) holds office for a term not exceeding 3 years as prescribed in the appointment, and
- (b) is eligible to be appointed to serve for one or more terms of office as a member of that committee.

- (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 provincially administered institutions or 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 employees and their employers arising out of matters coming under this Act.*

**7 Other committees.**

(4) Members of a committee established under this section other than employees of the Government may be paid one or both of the following at the rates 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.

**8 The following is added after the heading “General Administration”:**

General  
responsibilities  
of Minister

**13.1(1)** The Minister is responsible for the administration of this Act and for general administrative matters with respect to the designation of trades and occupations under this Act, the provision of programs and services under this Act and the granting and recognition of certificates under this Act.

(2) The *Regulations Act* does not apply in respect of any documentation prepared by or on behalf of the Minister relating to the carrying out of any functions under this section.

**9 Section 14(2)(c) is repealed and the following is substituted:**

- (c) subject to the directions of the Minister,
  - (i) to assist and advise the Board in carrying out its functions, duties and activities, and
  - (ii) to administer, in accordance with the standards and requirements of the Board, apprenticeship programs, training and certification under this Act;

**10 Section 15(5) is amended by striking out “Minister” and substituting “Executive Director”.**

**8** Provides for general administrative matters respecting programs carried out under the Act.

**9** Section 14(2) presently reads:

*(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.*

**10** Section 15(5) presently reads:

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

*(a) monitor training under section 38;*

*(b) carry out inspections under Part 5.*

Operation of  
related  
programs and  
services, etc.

**11 The following is added after section 15:**

**15.1** The Minister may

- (a) establish, operate, sponsor, recognize, provide or otherwise promote any program, service or training that pertains to any matter that is related, incidental or ancillary to the carrying out of an occupation whether or not the occupation is a designated trade or a designated occupation, and
- (b) provide for certification or recognition of persons in respect of any program, service or training referred to in clause (a).

**12 Section 16 is amended by striking out “appointed” and substituting “established”.**

**13 Section 21 is amended**

**(a) by repealing subsection (2) and substituting the following:**

- (2) The Minister may grant a trade certificate in a compulsory certification trade to a person who has
  - (a) successfully completed the apprenticeship program in that trade, or
  - (b) successfully met any other requirements established, approved or otherwise recognized by the Board.

**11** Provides for operation of related programs.

**12** Section 16 presently reads:

*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:*

- (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.*

**13** Section 21 presently reads:

*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*

- (a) on successfully completing the apprenticeship program in that trade, or*

**(b) in subsection (3)**

**(i) by repealing clause (c.1);**

**(ii) by striking out “or” at the end of clause (d) and by adding the following after clause (d):**

(d.1) is permitted under a regulation made under section 33(2)(e) to work in that trade, subject to any terms, conditions or requirements provided for under that regulation, or

**(c) by adding the following after subsection (3):**

**(4) Notwithstanding subsection (3), a person may work in a compulsory certification trade if**

**(a) that person**

**(i) holds a certificate or other documentation issued by another jurisdiction that has not yet been recognized under this Act as being equivalent to a trade certificate in that trade, and**

**(ii) has filed an application under this Act to have that certificate or other documentation recognized as being equivalent to a trade certificate in that trade and that application is subsisting,**

and that person’s work in the trade is, during the time that the application is subsisting, carried out under the same conditions and subject to the same supervision as that of an apprentice in that trade,

**(b) that person is registered in a program of training that is provided in another jurisdiction, that program is recognized by the Board as being equivalent to an apprenticeship program in that trade and, subject to any directions given or conditions prescribed by the Board, that person’s work in the trade is, during the time that the person is registered in that program, carried out under the same conditions and subject to the same supervision as that of an apprentice in that trade, or**

**(c) that person has filed an application under this Act for a trade certificate in that trade, that application is subsisting and that person’s work in the trade is,**



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

*(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,*

*(c.1) is registered in a program of training provided in another jurisdiction and recognized by the Board as equivalent to an 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.*

during the time that the application is subsisting, carried out under the same conditions and subject to the same supervision as that of an apprentice in that trade.

**14 Section 22 is amended**

**(a) by repealing subsection (2) and substituting the following:**

(2) The Minister may grant a trade certificate in an optional certification trade to a person who has

- (a) successfully completed the apprenticeship program in that trade, or
- (b) successfully met any other requirements established, approved or otherwise recognized by the Board.

**(b) in subsection (3) by repealing clause (d.1);**

**(c) by adding the following after subsection (3):**

(3.1) Notwithstanding subsection (3), a person may work in an optional certification trade if

- (a) that person
  - (i) holds a certificate or other documentation issued by another jurisdiction that has not yet been recognized under this Act as being equivalent to a trade certificate in that trade, and
  - (ii) has filed an application under this Act to have that certificate or other documentation recognized as being equivalent to a trade certificate in that trade and that application is subsisting,

and that person's work in the trade is, during the time that the application is subsisting, carried out under the same conditions and subject to the same supervision as that of an apprentice in that trade,

- (b) that person is registered in a program of training that is provided in another jurisdiction, that program is recognized by the Board as being equivalent to an apprenticeship program in that trade and, subject to

**14** Section 22 presently reads:

*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*

- (a) on successfully completing the apprenticeship program in that trade, or*
- (b) on successfully meeting other requirements that may be established, approved or otherwise recognized by the Board.*

*(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,*
- (d.1) is registered in a program of training provided in another jurisdiction and recognized by the Board as equivalent to an 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.*

any directions given or conditions prescribed by the Board, that person's work in the trade is, during the time that the person is registered in that program, carried out under the same conditions and subject to the same supervision as that of an apprentice in that trade, or

- (c) that person has filed an application under this Act for a trade certificate in that trade, that application is subsisting and that person's work in the trade is, during the time that the application is subsisting, carried out under the same conditions and subject to the same supervision as that of an apprentice in that trade.

**(d) in subsections (4) and (5) by adding "or (3.1)" after "subsection (3)(b) to (f)".**

**15 The following is added after section 22:**

Exceptions re  
compulsory  
certification  
trade

**22.1(1)** In the case of a compulsory certification trade, the Board, in consultation with the provincial apprenticeship committee for that trade and with the approval of the Minister, may make regulations permitting a person who is not otherwise permitted under section 21 to work in that trade to carry out work or perform tasks, activities and functions in respect of one or more specific undertakings or a portion of those undertakings that come within the trade, and for that purpose may

- (a) prescribe the tasks, activities and functions that a person may perform in respect of those undertakings;
- (b) prescribe or otherwise establish the qualifications or training that a person must have to carry out work or to perform tasks, activities and functions under this section;
- (c) prescribe any terms or conditions that a person is subject to with respect to carrying out any work or performing any tasks, activities or functions permitted under this section;
- (d) provide for any matter that the Board considers to be related, incidental or ancillary to permitting a person to carry out any work or to perform any tasks, activities or functions under this section.

*(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 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.*

**15** Exceptions to restriction on working in a compulsory certification trade.

(2) Where a person is carrying out work or performing a task, activity or function in a compulsory certification trade pursuant to this section, that person shall not work or perform the task, activity or function except in accordance with the regulations made under subsection (1).

(3) Where an employer employs a person pursuant to this section, the employer shall not employ that person except in accordance with the regulations made under subsection (1).

**16 Section 23 is amended**

**(a) in subsection (1) by striking out** “of a request for an authorization”;

**(b) by adding the following after subsection (5):**

(6) The *Regulations Act* does not apply in respect of any authorization made or documentation prepared by or on behalf of the Executive Director relating to the granting of an authorization under this section.

**16** Section 23 presently reads:

*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.*

**17 Section 24 is amended by adding the following after subsection (3):**

(4) The *Regulations Act* does not apply in respect of any order made or documentation prepared by or on behalf of the Executive Director relating to the making of an order under this section.



**17** Section 24 presently reads:

*24(1) Notwithstanding that a person does not meet the requirements of section 21(3) or 22(3), a person may work in or perform one or more tasks, activities or functions in a designated trade where that person is engaged in an undertaking that consists primarily of*

- (a) factory mass production,*
- (b) in-plant assembly operations, or*
- (c) in-plant processing, or operations supporting in-plant processing, of natural resources,*

*under the supervision and inspections that are appropriate to the operations or processes being used.*

*(2) Where*

- (a) an undertaking referred to in subsection (1) is being carried out or is purportedly being carried out, and*
- (b) the Executive Director is of the opinion that*
  - (i) the supervision and inspections referred to in subsection (1) are not appropriate, or*
  - (ii) the undertaking is one to which subsection (1) does not apply,*

*the Executive Director may, with the approval of the Minister, at any time by order declare that subsection (1) is no longer applicable to that undertaking.*

*(3) Where*

- (a) an order is made under subsection (2), and*
- (b) the Executive Director is satisfied*
  - (i) that the supervision and inspections referred to in subsection (1) that are to be carried out will be appropriate, or*
  - (ii) that the undertaking has been modified so that it is an undertaking to which subsection (1) applies,*

*the Executive Director shall, with the approval of the Minister, rescind the order made under subsection (2).*

**18 Section 33 is amended**

**(a) in subsection (1)**

**(i) in clause (e) by striking out “and process”;**

**(ii) by repealing clause (h);**

**(iii) by repealing clause (k);**

**(b) in subsection (2)**

**(i) by repealing clause (c) and substituting the following:**

(c) governing the standards and requirements of apprenticeship programs and the training of apprentices, 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 rates of wages for apprentices;

(v) the length of an apprenticeship program;

(c.1) governing the certification of persons and the certification or recognition of programs;

**(ii) by repealing clauses (e) to (i) and substituting the following:**

(e) with respect to a compulsory certification trade, establishing one or more specific undertakings or a portion of those undertakings that come within that trade as optional undertakings, and for that purpose may

(i) declare that a person may carry out work or perform tasks, activities and functions in respect of those undertakings in the same manner and under the same terms,

**18** Section 33 presently reads:

*33(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 30, 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(5);*
- (j) providing for the cancellation or suspension of the registration of a contract of apprenticeship for reasons other than those provided for in section 39, 40 or 41;*
- (k) 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;*

conditions and restrictions as if those undertakings were an optional certification trade;

- (ii) prescribe the tasks, activities and functions that a person may perform in respect of those undertakings;
- (iii) prescribe or otherwise establish the qualifications or training that a person must have to carry out work or to perform tasks, activities or functions under regulations made under this clause;
- (iv) prescribe any terms, conditions or restrictions that a person is subject to with respect to carrying out any work or performing any tasks, activities or functions permitted under regulations made under this clause;
- (v) provide for any matter that the Board considers to be related, incidental or ancillary to permitting a person to carry out any work or to perform any tasks, activities or functions under regulations made under this clause.

**19 Section 34 is repealed.**

- (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 employees 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 that is issued by another jurisdiction relating to the skill and knowledge of a person 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 provincially administered institutions or by persons or organizations other than the Minister;*
- (h) *governing the examination of, or the recognition of training or work experience of, persons who have certification, recognition, training or experience in a designated trade;*
- (i) *governing the requirements for a person to be granted a trade certificate under section 21(2)(b) or 22(2)(b).*

**19** Section 34 presently reads:

*34 In this Division,*

**20 Sections 35 and 36 are repealed and the following is substituted:**

Designated  
occupations

**36(1)** The Minister may by regulation

- (a) designate an occupation, other than one that is a designated trade, as a designated occupation, and
- (b) rescind the designation of a designated occupation.

**(2)** The Minister may grant an occupational certificate to a person who successfully meets the requirements established, approved or otherwise recognized by the Board in respect of a designated occupation.

**(3)** A person shall not purport to hold an occupational certificate in a designated occupation unless that person holds an occupational certificate in that designated occupation.

**(4)** Nothing in this Act is to 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.

- (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.*

**20** Sections 35 and 36 presently read:

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

*36(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.*

**21 Section 37 is amended**

**(a) in subsection (1)**

**(i) by repealing clause (b);**

**(ii) in clauses (c) and (d) by striking out “, changing the designation”;**

**(iii) in clauses (e) and (g) by adding “or recognition of” after “establishment”;**

**(iv) by repealing clauses (h), (i) and (j);**

**(b) in subsection (2) by repealing clauses (c) to (k).**



**21** Section 37 presently reads:

*37(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;*
- (j) respecting the payment of fees for services provided under this Act in respect of occupational training and designated occupations.*

*(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 and work experience 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;*

**22 Section 38(1) is amended by striking out “, or a trainee as defined in section 34,” and substituting “or a trainee”.**

**23 Section 43 is amended by adding “made under this Part” after “subject to the regulations”.**

- (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 that is issued by another jurisdiction relating to the skill and knowledge of a person in a designated occupation shall be recognized as being equivalent to an occupational certificate granted under this Act.*

**22** Section 38 presently reads:

*38(1) In order to determine whether an apprentice, or a trainee as defined in section 34, 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 residence without the permission of an adult resident of that residence.*

**23** Section 43 presently reads:

*43 Where*

- (a) a person's trade certificate or occupational certificate is cancelled or suspended,*
- (b) there is a refusal to grant a trade certificate or occupational certificate to a person,*

**24 Section 54(1) and (2) are amended by striking out “21(3), 22(3)” and substituting “21(3) or (4), 22(3) or (3.1), 22.1(2) or (3)”.**

**25 This Act comes into force on January 1, 2001.**

*(c) there is a refusal to register a person's contract of apprenticeship, or*

*(d) the registration of a person's contract of apprenticeship is cancelled or suspended,*

*that person may, subject to the regulations, appeal the matter to an appeal board.*

**24** Section 54(1) and (2) presently read:

*54(1) A person who contravenes section 17, 18, 21(3), 22(3), 23(4) or (5), 26, 28, 29, 36(3) or 51(1) or a provision of the regulations is guilty of an offence and liable to a fine of not more than \$15 000.*

*(2) An offence committed by virtue of a contravention of section 21(3), 22(3), 23(4) or (5), 26, 28, 29 or 36(3) or a provision of the regulations is an offence of absolute liability.*

**25** Coming into force.