

2021 Bill 67

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 67

SKILLED TRADES AND APPRENTICESHIP EDUCATION ACT

THE MINISTER OF ADVANCED EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 67

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SKILLED TRADES AND APPRENTICESHIP EDUCATION ACT

(Assented to , 2021)

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Preamble

WHEREAS the Government of Alberta recognizes that a skilled workforce is necessary for economic competitiveness and prosperity;

WHEREAS the Government of Alberta believes that expanding apprenticeship education programs to provide education and training for careers beyond designated trades professions is desirable to respond to labour market demands;

WHEREAS the Government of Alberta recognizes the importance of having clearly defined roles in the establishment and delivery of apprenticeship education programs, the issuance of credentials and the governance of skilled trades professions;

WHEREAS individuals who successfully complete an apprenticeship education program should receive a formal academic credential that confirms their knowledge and skills and opens pathways to further education and training;

WHEREAS the Government of Alberta is committed to ensuring that apprenticeship education is understood by Albertans to have as much value as other post-secondary education and that skilled trades professions are understood by Albertans to have as much value as other professions;

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

Definitions

1 In this Act,

- (a) “activity”, in respect of a designated trade, means a task or function that is recognized by an order of the Board as being associated with undertakings within the designated trade;
- (b) “Administrator” means the Administrator for Designated Trades appointed under section 17(1) and includes any individual designated as a deputy Administrator under section 17(2);
- (c) “apprentice” means an individual who is registered in an apprenticeship education program;

- (d) “apprenticeship education agreement” means an agreement between a sponsor and an individual respecting on-the-job instruction that the sponsor will provide to the individual under an apprenticeship education program in which the individual is registered;
- (e) “apprenticeship education program” means a program established under section 3(1)(a);
- (f) “Board” means the Alberta Board of Skilled Trades established under section 13;
- (g) “classroom instruction” means instruction provided by a post-secondary institution as part of an apprenticeship education program;
- (h) “Department” means the department administered by the Minister;
- (i) “designated trade” means a trade designated in the regulations under section 12;
- (j) “industry training program” means a program established under section 4(1)(a);
- (k) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (l) “officer” means an individual appointed as an officer under section 29;
- (m) “on-the-job instruction” means instruction provided to an apprentice through mentorship and work experience under an apprenticeship education agreement;
- (n) “personal information” has the meaning given to it in the *Freedom of Information and Protection of Privacy Act*;
- (o) “post-secondary institution” means a public post-secondary institution as defined in the *Post-secondary Learning Act* or the holder of a licence issued under the *Private Vocational Training Act*;
- (p) “Registrar” means the individual appointed as the Registrar under section 5(1) and includes any individual designated as a deputy Registrar under section 5(2);

- (q) “restricted activity” means an activity prescribed under section 22(2)(d);
- (r) “trade certificate”, in respect of a designated trade, means
 - (i) a certificate issued by the Administrator to an individual who the Administrator is satisfied has met the requirements under this Act for certification in the designated trade, or
 - (ii) a document that is issued outside Alberta and is recognized by order of the Board as being the equivalent of a certificate referred to in subclause (i);
- (s) “trainee” means an individual who is registered in an industry training program.

Part 1

Apprenticeship Education and Industry Training Programs

Definitions for Part 1

2 In this Part,

- (a) “credential”,
 - (i) in respect of an apprenticeship education program, means a certificate, diploma or other form of proof, established under section 3(1)(c) and issued in accordance with the regulations, of successful completion of the apprenticeship education program, and
 - (ii) in respect of an industry training program, means a form of proof, established under section 4(1)(c) and issued in accordance with the regulations, of successful completion of an industry training program;
- (b) “industry training provider” means a person or entity that provides an industry training program;
- (c) “registered” means registered with the Registrar;
- (d) “sponsor” means a person or entity who, pursuant to an apprenticeship education agreement, provides an

apprentice with on-the-job instruction required as part of an apprenticeship education program.

Apprenticeship education programs, credentials

3(1) The Minister may

- (a) establish programs to provide individuals with classroom instruction and on-the-job instruction in particular occupational fields,
- (b) engage post-secondary institutions to provide the classroom instruction components of apprenticeship education programs, and
- (c) establish credentials that may be issued to individuals who successfully complete an apprenticeship education program.

(2) The Minister may disestablish an apprenticeship education program at any time.

Industry training programs, credentials

4(1) The Minister may

- (a) establish programs to provide individuals with training in particular occupational fields,
- (b) engage or approve persons or entities to provide training to trainees in industry training programs, and
- (c) establish credentials that may be issued to individuals who successfully complete an industry training program.

(2) The Minister may disestablish an industry training program at any time.

Registrar

5(1) The Minister may, in accordance with the *Public Service Act*, appoint an employee of the Department as the Registrar.

(2) The Registrar may designate one or more other individuals as deputy Registrars to exercise the powers and carry out the

functions of the Registrar in accordance with the terms and conditions set out in their designations.

Powers and functions of the Registrar

6(1) The Registrar shall, for the purposes of this Part,

- (a) advise the Minister respecting apprenticeship education programs, industry training programs, the establishment of apprenticeship education programs or industry training programs or any other matter requested by the Minister,
- (b) establish
 - (i) the classroom instruction and on-the-job instruction requirements for apprenticeship education programs, and
 - (ii) the training requirements for industry training programs,
- (c) establish criteria that must be met by an individual in order to be accepted for registration in an apprenticeship education program or an industry training program,
- (d) establish the form and manner in which and the time or times at which applications for registration in an apprenticeship education program or an industry training program may be made,
- (e) consider applications for registration in an apprenticeship education program or an industry training program and, in respect of each application,
 - (i) accept the application and register the applicant in the apprenticeship education program or industry training program if the Registrar is satisfied that all applicable requirements for registration in the program are met, or
 - (ii) reject the application if the Registrar is not satisfied that all applicable requirements for registration in the program are met,
- (f) administer the delivery of

- (i) the classroom instruction and on-the-job instruction components of apprenticeship education programs, and
 - (ii) the training requirements for industry training programs,
- (g) set criteria for examinations and other assessments of learning or competencies to be conducted
 - (i) by post-secondary institutions providing classroom instruction and by sponsors providing on-the-job instruction to apprentices in apprenticeship education programs, and
 - (ii) by industry training providers providing training to trainees in industry training programs,
- (h) provide ongoing support, in accordance with any directions of the Minister, to sponsors in respect of the on-the-job instruction the sponsors provide to apprentices, the sponsors' assessment of apprentices' progress, learning and competencies and any other matter that may arise in respect of apprentices during the course of an apprenticeship education program,
- (i) provide ongoing support, in accordance with any directions of the Minister, to post-secondary institutions in respect of the classroom instruction the post-secondary institutions provide to apprentices, the assessment of apprentices' progress, learning and competencies and any other matter that may arise in respect of apprentices during the course of an apprenticeship education program,
- (j) provide support, in accordance with any directions of the Minister, to industry training providers in respect of the training they provide to trainees, their assessment of trainees' progress, learning and competencies and any other matter that may arise in respect of trainees during the course of an industry training program,
- (k) establish the requirements that an individual must meet to successfully complete an apprenticeship education program or an industry training program,

- (l) issue credentials to apprentices who successfully complete an apprenticeship education program and trainees who successfully complete an industry training program,
- (m) maintain a register of apprentices in each apprenticeship education program and track the progress of each apprentice,
- (n) maintain a register of trainees in each industry training program and track the progress of each trainee,
- (o) establish processes requiring post-secondary institutions and sponsors to report apprentices' progress to the Registrar for the purposes of enabling the Registrar to track the apprentices' progress,
- (p) establish processes requiring industry training providers to report trainees' progress to the Registrar for the purposes of enabling the Registrar to track the trainees' progress,
- (q) maintain a register of the issuance of credentials, the names of individuals to whom they were issued, the dates on which they were issued and any suspensions or cancellations of credentials,
- (r) establish processes for the resolution of disputes between sponsors and apprentices and between industry training providers and trainees, and
- (s) carry out any other functions assigned to the Registrar by the regulations.

(2) The Registrar may

- (a) recognize education or instruction as being the equivalent of classroom instruction or on-the-job instruction that is required as part of an apprenticeship education program and award credit to apprentices who receive the recognized education or training before entering or while registered in the apprenticeship education program,
- (b) recognize training that is not part of an industry training program as being the equivalent of training that is required as part of the industry training program and award credit to trainees who receive the recognized

training before entering or while registered in the industry training program,

- (c) engage persons to conduct the dispute resolution processes under subsection (1)(r),
- (d) engage persons knowledgeable about an occupational field to provide specialized or technical advice to the Registrar, and
- (e) exercise any other powers conferred on the Registrar by the regulations.

(3) Subject to the regulations, the Registrar may delegate any power or function of the Registrar to one or more employees of the Department.

Registrar may refuse, suspend or cancel registration

7 The Registrar may, in accordance with the regulations,

- (a) refuse to register an individual in an apprenticeship education program or an industry training program,
- (b) suspend, on any terms and conditions the Registrar considers appropriate in the circumstances, or cancel
 - (i) an individual's registration in an apprenticeship education program,
 - (ii) any approval of an apprenticeship education agreement that was given by the Registrar under the regulations, or
 - (iii) the registration of an individual in an industry training program,

or

- (c) suspend or revoke a credential issued to an individual.

Reconsiderations

8 Where the Registrar has made a decision

- (a) respecting an application for registration in an apprenticeship education program or an industry training program,
- (b) suspending or cancelling an individual's registration in an apprenticeship education program or an industry training program,
- (c) suspending or cancelling the Registrar's approval of an apprenticeship education agreement,
- (d) refusing to issue credentials to an individual, or
- (e) respecting any other matter for which a reconsideration may be requested under the regulations,

a person may, in accordance with the regulations, request that the Registrar reconsider the decision.

General responsibilities of the Minister

9(1) The Minister is responsible for the administration of this Part and for general administrative matters with respect to apprenticeship education programs, industry training programs and the issuance of credentials.

(2) Subject to the regulations, the Minister may delegate any power, duty or function of the Minister under this Part to the Registrar or an employee of the Department.

(3) 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.

Regulations for Part 1

10(1) The Lieutenant Governor in Council may make regulations

- (a) respecting matters to be considered by the Minister before establishing an apprenticeship education program or an industry training program;
- (b) respecting the delegation by the Minister of any power or function of the Minister under this Part;

- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for carrying out the purposes and intent of this Part.

(2) The Minister may make regulations

- (a) defining, for the purposes of this Act and the regulations, terms used but not defined in this Part;
- (b) further defining, for the purposes of this Act and the regulations, a term that is defined in this Part;
- (c) respecting the establishment by the Registrar of the classroom instruction and on-the-job instruction requirements of apprenticeship education programs and the training requirements of industry training programs;
- (d) respecting apprenticeship education agreements, including, without limitation, regulations respecting
 - (i) circumstances in which an apprenticeship education agreement may or may not be entered into, provisions required to be included in an apprenticeship education agreement and requirements to be met for an apprenticeship education agreement to remain valid;
 - (ii) requirements for apprenticeship education agreements to be approved by the Registrar;
 - (iii) circumstances in which the Registrar may refuse to approve or may suspend or cancel the approval of an apprenticeship education agreement;
- (e) respecting eligibility criteria for sponsors;
- (f) imposing obligations on sponsors, apprentices and trainees;
- (g) respecting credentials, including, without limitation, regulations respecting
 - (i) the criteria for the issuance of credentials to apprentices who successfully complete an apprenticeship education program or trainees who successfully complete an industry training program;

- (ii) the suspension or revocation of credentials by the Registrar;
 - (iii) steps that may be taken by the Registrar to alert the public or any person to the suspension or revocation of an individual's credentials;
- (h) respecting the powers and functions of the Registrar, including, without limitation, regulations
- (i) setting limits or imposing requirements respecting the exercise by the Registrar of any power under this Part or the carrying out by the Registrar of any function under this Part;
 - (ii) conferring additional powers on the Registrar;
 - (iii) assigning additional functions to the Registrar;
- (i) respecting reconsiderations or reviews of decisions made under this Part, other than decisions made by the Minister, including, without limitation, regulations prescribing or otherwise describing the decisions in respect of which a reconsideration or review is available and the persons who may request a reconsideration or review;
- (j) respecting the delegation by the Registrar of any power or function of the Registrar;
- (k) authorizing and respecting the collection, including indirect collection, of personal information and the use and disclosure of personal information by the Registrar.

Part 2 Designated Trades

Definitions for Part 2

11 In this Part,

- (a) “endorsement” has the meaning given to it in the regulations;
- (b) “undertaking”, in respect of a designated trade, means a type of work the Board considers to fall within the designated trade.

Regulations designating trades

12(1) The Minister may make regulations

- (a) subject to subsection (2), designating trades in respect of which a trade certificate may be issued;
- (b) notwithstanding anything in this Part, respecting any transitional matter that may result from the designation of a trade being rescinded as a result of the repeal or amendment of a regulation under clause (a).

(2) A profession that is regulated or eligible to be regulated under another Act of Alberta is not eligible to be designated as a designated trade.

Alberta Board of Skilled Trades

13(1) The Minister shall appoint a board to be known as the “Alberta Board of Skilled Trades” consisting of not more than 15 individuals who, in the opinion of the Minister, are knowledgeable with respect to the contribution of skilled trades professions to Alberta’s economic sectors and the needs of the Alberta labour market for skilled and trained individuals.

(2) The Minister shall designate one member as chair and one or more other members to act in the place of the chair when the chair is absent or is otherwise unable to carry out the duties of the chair.

(3) Members of the Board, other than employees of the Government of Alberta, may be paid

- (a) remuneration for the carrying out of their duties as members, and
- (b) travelling and living expenses necessarily incurred in the carrying out of their duties as members

at a rate prescribed by the Lieutenant Governor in Council in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(4) If regulations under the *Alberta Public Agencies Governance Act* apply in respect of the rate of remuneration and expenses to be paid to members of the Board, those regulations prevail, to the extent of any conflict or inconsistency, over any regulations prescribing a rate under subsection (3).

(5) The Board is not an agent of the Crown.

Powers and functions of the Board

14(1) The functions of the Board are

- (a) to consult with industry and make recommendations to the Minister respecting the designation of trades and the rescission of the designation of trades,
- (b) to consult with industry respecting
 - (i) standards and requirements for certification in designated trades,
 - (ii) any other matters requested by the Minister, and
 - (iii) any other matters in respect of which the Board considers it should engage with industry,
- (c) to advise and make recommendations to the Minister respecting
 - (i) restricted activities and the classes of individuals who may perform them, and
 - (ii) any other matter on which the Minister requests the input of the Board,
- (d) to promote the value of designated trades careers and certification, and
- (e) any other functions assigned by the regulations.

(2) The Board may make orders

- (a) specifying the undertakings and activities that fall within a designated trade;
- (b) establishing standards and requirements for certification in respect of designated trades;
- (c) recognizing documents issued outside Alberta as being the equivalent of a trade certificate, if the Board considers it appropriate to do so;

- (d) recognizing the successful completion of education or training, other than an apprenticeship education program or an industry training program, as meeting some or all of the requirements for certification under this Part;
- (e) respecting other matters in accordance with any additional order-making power conferred on the Board by the regulations.

(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 subsection (1), or
- (b) to orders made under subsection (2).

Board committees

15(1) The Board may establish committees, or may recognize committees established by other organizations, associations or persons, to assist and advise the Board in exercising its powers and carrying out its functions.

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

- (a) appoint individuals as members of the committee,
- (b) set the terms of reference under which the committee operates, and
- (c) assign functions to be carried out by the committee.

(3) An individual appointed as a member of a committee established under this section

- (a) holds office for a term specified in the appointment in accordance with the regulations, and
- (b) subject to the regulations, is eligible to be appointed for one or more further terms of office.

(4) Members of a committee established under this section, other than employees of the Government of Alberta, may be paid one or both of the following at the rates prescribed by the Minister under section 22(2)(h):

- (a) remuneration for the carrying out of their duties as members;
- (b) travelling and living expenses necessarily incurred in the carrying out of their duties as members.

Assistance to the Board and committees

16 The Minister may provide to the Board or any committee of the Board, at no cost to the Board or committee, one or more of the following:

- (a) the services of employees of the Department 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 Part;
- (b) the services of experts or persons having special, technical or other knowledge to advise the Board or committee in respect of matters under this Part;
- (c) materials and other things that, in the opinion of the Minister, are reasonably required to enable the Board or committee to carry out its functions under this Part.

Administrator

17(1) The Minister may, in accordance with the *Public Service Act*, appoint an employee of the Department as the Administrator for Designated Trades.

(2) The Administrator may designate one or more individuals as deputy Administrators to exercise the powers and carry out the functions of the Administrator in accordance with the terms and conditions set out in their designations.

Functions of the Administrator

18(1) The Administrator shall, for the purposes of this Part,

- (a) advise the Minister respecting designated trades, the designation of trades or any other matter requested by the Minister,

- (b) establish the form and manner in which and the time or times at which applications for issuance of a trade certificate or endorsement may be made,
- (c) consider applications for trade certificates or endorsements and, in respect of each application,
 - (i) issue the trade certificate or endorsement if the Administrator is satisfied that all applicable requirements for the trade certificate or endorsement are met, or
 - (ii) reject the application and refuse to issue the trade certificate or endorsement if the Administrator is not satisfied that all applicable requirements for the trade certificate or endorsement are met,
- (d) provide for the evaluation of knowledge and levels of skills of individuals applying to the Administrator for a trade certificate or endorsement,
- (e) maintain a register of the issuance of trade certificates or endorsements, the names of individuals to whom they were issued, the dates on which they were issued and any suspensions or cancellations of trade certificates or endorsements,
- (f) if directed to do so by the Minister, assist and advise the Board in carrying out its functions, and
- (g) carry out any other functions assigned to the Administrator by the regulations.

(2) Subject to the regulations, the Administrator may delegate any power or function of the Administrator to one or more employees of the Department.

Administrator may suspend or revoke certification

19 The Administrator may, in accordance with the regulations, suspend, on any terms and conditions the Administrator considers appropriate in the circumstances, or revoke

- (a) a trade certificate issued under this Part, or

- (b) in respect of an individual, notwithstanding any order of the Board under section 14(2)(c), the recognition of a trade certificate issued to the individual outside Alberta.

Reconsiderations

20 Where the Administrator has made a decision

- (a) respecting an individual's application for a trade certificate or endorsement,
- (b) refusing to issue a trade certificate or endorsement to an individual, or
- (c) respecting any other matter for which a reconsideration may be requested under the regulations,

a person may, in accordance with the regulations, request that the Administrator reconsider the decision.

General responsibilities of the Minister

21(1) The Minister is responsible for the administration of this Part and for general administrative matters with respect to designated trades and the issuance of trade certificates and endorsements.

(2) Subject to the regulations, the Minister may delegate any power, duty or function of the Minister under this Part to the Administrator or an employee of the Department.

(3) 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.

Regulations for Part 2

22(1) The Lieutenant Governor in Council may make regulations

- (a) respecting matters to be considered by the Minister before designating a trade as a designated trade;
- (b) respecting the delegation by the Minister of any power or function of the Minister under this Part;

- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for carrying out the purposes and intent of this Part.

(2) The Minister may make regulations

- (a) defining, for the purposes of this Act and the regulations, terms used but not defined in this Part;
- (b) defining “endorsement” for the purposes of this Act and the regulations, providing for the issuance, suspension and revocation of endorsements and providing for the recognition of endorsements other than endorsements issued under the regulations;
- (c) further defining, for the purposes of this Act and the regulations, a term that is defined in this Part;
- (d) prescribing activities within a designated trade as restricted activities and providing that restricted activities may be performed only by prescribed classes of individuals;
- (e) prescribing classes of individuals for the purposes of clause (d);
- (f) respecting appointments to the Board, including, without limitation, regulations respecting the term of office for which an appointment may be made, whether individuals appointed to the Board are eligible to be appointed for one or more further terms of office and any maximum number of terms for which an individual may be appointed;
- (g) respecting the powers and functions of the Board, including, without limitation, regulations
 - (i) setting limits or imposing requirements respecting the exercise by the Board of any power under this Part or the carrying out by the Board of any function under this Part;
 - (ii) conferring additional order-making powers on the Board;
 - (iii) assigning additional functions to the Board;

- (h) prescribing the rates of remuneration for committees of the Board;
- (i) respecting the powers and functions of the Administrator, including, without limitation, regulations
 - (i) setting limits or imposing requirements respecting the carrying out by the Administrator of any function under this Part;
 - (ii) conferring additional powers on the Administrator;
 - (iii) assigning additional functions to the Administrator;
- (j) respecting reconsiderations or reviews of decisions, other than decisions of the Minister, made under this Part, including, without limitation, regulations prescribing or otherwise describing the decisions in respect of which a reconsideration or review is available and the persons who may request a reconsideration or review;
- (k) respecting the delegation by the Administrator of any power or function of the Administrator;
- (l) respecting suspensions and revocations under section 19 and steps that may be taken by the Administrator to alert the public or any person to a suspension or revocation;
- (m) authorizing and respecting the collection, including indirect collection, of personal information and the use and disclosure of personal information by the Administrator.

Part 3 Prohibitions, Offences, Penalties, Compliance and Enforcement

Prohibitions

23(1) No person shall use the term “certified”, “journeyperson” or “trade certificate”, or any form or derivative of one of those terms, in any combination with the name of a designated trade in such a way as to represent, expressly or by implication, that the person holds a trade certificate in that designated trade, unless the person holds a valid trade certificate in that designated trade.

(2) No person shall, expressly or by implication, represent that the person holds a trade certificate in a designated trade unless the person holds a valid trade certificate in that designated trade.

(3) No person shall, expressly or by implication, represent that the person is permitted under this Act to work in a designated trade unless the person is authorized under this Act to work in that designated trade.

(4) No person shall perform a restricted activity unless the person falls within a prescribed class of persons authorized to perform the restricted activity.

(5) No person shall direct or allow an employee of the person to perform a restricted activity unless the employee falls within a prescribed class of persons authorized to perform the restricted activity.

Prohibition — false information

24 A person who provides information under this Act shall not provide information that is false.

Prohibition — disciplinary action

25 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, the regulations or an order made under this Act.

Prohibition — cheating

26(1) No individual who is taking or intends to take an examination or undergo any other learning assessment under this Act shall acquire or accept, before or during the examination or assessment, any of the contents of the examination or assessment.

(2) Where an individual is taking or intends to take an examination or undergo any other learning assessment under this Act, no person shall convey or disclose to the individual, directly or indirectly, before or during the examination or assessment, any of the contents of the examination or assessment.

Prohibition — impeding officer

27 No person shall impede an officer in the carrying out of any duty that the officer is empowered to carry out under this Act.

Offences and penalties

28(1) A person who contravenes section 23(1), (2), (3), (4) or (5) or section 24, 25 or 27 or a prescribed provision of the regulations is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$15 000, or
- (b) for a 2nd or subsequent offence, to a fine of not more than \$50 000.

(2) A person who contravenes section 26(1) or (2) is guilty of an offence and liable to a fine of not more than \$50 000.

(3) An offence under any of the following provisions is an offence of absolute liability:

section 23(1), (2), (3) or (4);
section 26(1) or (2).

(4) An offence under any of the following provisions is an offence of strict liability:

section 23(5), 24 or 25;
section 27.

(5) A prosecution for an offence under this Act may not be commenced more than 3 years after the alleged commission of the offence.

(6) Notwithstanding the *Provincial Offences Procedure Act*, a person who is convicted of an offence under this Act, other than an offence for contravening section 23(5), 24, 25 or 27, is not subject to a term of imprisonment in respect of that offence or in default of payment of a fine.

Officers

29 The Minister may appoint individuals as officers for the purposes of this Act.

Inspections

30(1) For the purposes of ensuring that this Act is being complied with, an officer may, without an order under section 31 or a search warrant, at any reasonable time enter any premises or location at which

- (a) an individual is receiving classroom instruction or on-the-job instruction as part of an apprenticeship education program,
- (b) an individual is receiving training as part of an industry training program,
- (c) an individual is performing an activity in a designated trade, or
- (d) an individual is preparing for or participating in an examination or assessment

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 physical or electronic document, record or thing that is relevant to the inspection;
- (b) demand the production for inspection of any document, record or thing referred to in clause (a)(ii) and remove the document, record, object or thing for review and copying;
- (c) in order to produce a record in readable form, use any data storage, information processing or retrieval devices or systems that are on the premises and normally used in carrying on business on the premises;
- (d) take photographs, video recordings or other visual or audio recordings of anything relevant to the inspection;
- (e) make inquiries of any person with respect to any matter relevant to the inspection;

- (f) require any person to provide the officer with all reasonable assistance, including in the use of any computer hardware or software or any other data storage, processing or retrieval device or system to produce information or records;
- (g) exercise any other powers given to the officer by the regulations.

(3) Notwithstanding subsections (1) and (2), an officer shall not enter a residence without the permission of an adult resident of that residence.

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

- (a) give a receipt for the items to the person from whom the items were taken, 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.

Court order authorizing entry and inspection

31(1) If an officer

- (a) is refused entry into any premises or location that the officer is authorized to enter under section 30,
- (b) is not given consent to enter a 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 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 that the officer is authorized to inspect or examine will be impeded,

the officer may apply to the Court of Queen's Bench for an order granting the relief provided for under subsection (4).

(2) On the filing of an application 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 any relief that the Court considers appropriate pending the determination of the application.

(3) An interim order under subsection (2) may be made ex parte if the Court considers it appropriate in the circumstances.

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

- (a) authorize the officer to enter the premises, location or residence and carry out the inspection under section 30;
- (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 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

32 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 for compliance

33(1) If an officer is of the opinion that a person is not complying with

- (a) this Act, or
- (b) an order under section 32,

the officer may apply to the Court of Queen's Bench for an order granting the relief provided for under subsection (4).

(2) On the filing of an application 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 any relief that the Court considers appropriate pending the determination of the application.

(3) An interim order under subsection (2) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(4) 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.

Evidence

34(1) In a prosecution of an offence under this Act, a certificate purporting to be signed by the Registrar stating that on the date the offence occurred

- (a) an individual was not registered as an apprentice,
- (b) the registration of an individual as an apprentice was suspended or cancelled, or
- (c) the Registrar's approval of an apprenticeship education agreement had been suspended or cancelled

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or the official character of the person signing the certificate.

(2) In a prosecution of an offence under this Act, a certificate purporting to be signed by the Administrator stating that on the date the offence occurred

- (a) an individual did not hold a valid trade certificate in a designated trade, or
- (b) an individual's trade certificate had been suspended or revoked

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or the official character of the person signing the certificate.

(3) A copy of a document, record or other thing certified by an officer to be a true copy shall be admissible in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document, record or thing itself.

Protection from liability

35 No action for damages may be commenced against any person for anything done or not done by that person in good faith while exercising the person's powers or carrying out that person's functions under this Act including, without limitation, any failure to do something when that person has discretionary authority to do something but does not do it.

Regulations for Part 3

36 The Lieutenant Governor in Council may make regulations

- (a) prescribing the provisions of the regulations the contravention of which constitutes an offence and prescribing whether the offence is one of absolute or strict liability;
- (b) respecting the powers and duties of officers, including, without limitation, regulations

- (i) setting limits or imposing requirements respecting the exercise by officers of any power under this Part or the carrying out by officers of any duty under this Part;
- (ii) conferring additional powers on officers;
- (iii) assigning additional duties to officers;
- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for carrying out the purposes and intent of this Part.

Part 4 General

Sending and service of documents

37(1) Where a notice, order or other document is required or permitted to be sent or served under this Act, the sending or service may be effected

- (a) by personal service,
- (b) by a method of recorded mail that provides proof of receipt and is sent to the address of the person on whom service is to be effected, or
- (c) in the case of service on a person by the Minister, the Registrar, the Board or the Administrator, by a method of recorded mail that provides proof of receipt and is sent to the latest address, as shown on the records of the Minister, Registrar, Board or Administrator, of the person on whom service is to be effected.

(2) In addition to the methods set out in subsection (1), the sending or service of any notice, order or other document that is required or permitted to be sent or served under this Act may be effected by sending the notice, order or other document by electronic means, in accordance with the *Electronic Transactions Act*, to an email or other electronic address, if any, provided to the Minister, Registrar, Board or Administrator by the person on whom service is to be effected or to an account, if any, established by the person on the Department's website.

Definitions for sections 39 to 41

38 In sections 39 to 41,

- (a) “former Act” means the *Apprenticeship and Industry Training Act*, RSA 2000 cA-42;
- (b) “former Board” means the Alberta Apprenticeship and Industry Training Board appointed under the former Act.

Transitional provisions respecting Part 1

39 On the coming into force of Part 1,

- (a) an apprenticeship program provided under the former Act and approved by the former Board is deemed to be an apprenticeship education program, and
- (b) an individual who is registered in an apprenticeship program under the former Act is deemed to be an apprentice registered in an apprenticeship education program under this Act.

Transitional provisions respecting Parts 2 and 3

40(1) On the coming into force of Part 2,

- (a) an occupation that was designated as a designated occupation or as a designated trade under the former Act is deemed to be a designated trade for the purposes of this Act,
- (b) a trade certificate or occupational certificate granted under the former Act is deemed to be a trade certificate issued under Part 2,
- (c) a document that was issued by another jurisdiction and recognized under the former Act as being the equivalent of a trade certificate is deemed to be recognized as being the equivalent of a trade certificate issued under Part 2, and
- (d) the Alberta Apprenticeship and Industry Training Board established under the former Act is dissolved and all appointments to that Board are rescinded.

(2) On the coming into force of Part 3, a compliance order that was issued under section 52 of the former Act and that is in effect on the coming into force of this subsection is deemed to have been issued under Part 3.

Transitional regulations

41(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of anything from the former Act;
- (b) to deal with any difficulty or impossibility resulting from this Act or the transition to this Act from the former Act.

(2) The Lieutenant Governor in Council may, by regulation, amend regulations made under any Act of Alberta for the purposes of making any changes the Lieutenant Governor in Council considers necessary or advisable as a result of the transition to this Act from the former Act.

(3) Regulations authorized by subsection (2) may be made notwithstanding that the regulation being amended was made by a member of the Executive Council or some other person or body.

Amends RSA 2000 cC-21

42(1) The *Companies Act* is amended by this section.

(2) Section 91 is amended by adding “, as defined in the *Skilled Trades and Apprenticeship Education Act*,” after “apprentices”.

Amends RSA 2000 cC-23

43(1) The *Conflicts of Interest Act* is amended by this section.

(2) Part 3 of the Schedule is amended by striking out “Alberta Apprenticeship and Industry Training Board under the

Explanatory Notes

42(1) Amends chapter C-21 of the Revised Statutes of Alberta 2000.

(2) Section 91 presently reads in part:

91 The directors of a company are jointly and severally liable to the clerks, labourers, servants and apprentices thereof for all debts, not exceeding 6 months' wages, due for services performed for the company during the period while the directors were acting as such, but no director is liable to an action therefor unless

43(1) Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Part 3 of the Schedule presently reads in part:

Apprenticeship and Industry Training Act” **and substituting** “Alberta Board of Skilled Trades under the Skilled Trades and Apprenticeship Education Act”.

Amends RSA 2000 cC-26.3

44(1) The *Consumer Protection Act* is amended by this section.

(2) Section 103(2)(b) is amended by striking out “*Apprenticeship and Industry Training Act*” **and substituting** “*Skilled Trades and Apprenticeship Education Act*”.

Amends SA 2019 cF-1.5

45(1) The *Fair Registration Practices Act* is amended by this section.

(2) Section 1(1) is amended

- (a) in clause (a) by striking out “designated occupation,” wherever it occurs;
- (b) by repealing clause (d);
- (c) in clause (e) by striking out “*Apprenticeship and Industry Training Act*” **and substituting** “*Skilled Trades and Apprenticeship Education Act*”;

The Lieutenant Governor in Council may by regulation amend this Part to add any office the Lieutenant Governor in Council considers appropriate for the purposes of this Act.

The office of chair or member of any of the following:

Alberta Apprenticeship and Industry Training Board under the Apprenticeship and Industry Training Act

44(1) Amends chapter C-26.3 of the Revised Statutes of Alberta 2000.

(2) Section 103(2) presently reads in part:

(2) The Lieutenant Governor in Council may not designate the following:

(b) professions or callings to which the Apprenticeship and Industry Training Act, Architects Act, Schedule 2 of the Health Professions Act, Schedule 7 of the Health Professions Act, Engineering and Geoscience Professions Act, Land Surveyors Act, Legal Profession Act, Schedule 21 of the Health Professions Act, Schedule 24 of the Health Professions Act, Schedule 17 of the Health Professions Act, Schedule 19 of the Health Professions Act, Real Estate Act, Chartered Professional Accountants Act, Teaching Profession Act or Veterinary Profession Act applies;

45(1) Amends chapter F-1.5 of the Statutes of Alberta, 2019.

(2) Section 1(1) presently reads in part:

1(1) In this Act,

(a) “applicant” means an individual who applies to a regulatory body of a designated occupation, designated trade or regulated profession to be registered in the designated occupation, designated trade or regulated profession;

(d) “designated occupation” means a designated occupation as defined in the Apprenticeship and Industry Training Act;

- (d) **in clause (k) by striking out** “designated occupation,”
wherever it occurs.

Amends RSA 2000 cP-26

46(1) The *Professional and Occupational Associations Registration Act* is amended by this section.

(2) Section 5(b) is amended

- (a) **by striking out** “or occupation”;
- (b) **by striking out** “*Apprenticeship and Industry Training Act*” **and substituting** “*Skilled Trades and Apprenticeship Education Act*”.

Amends RSA 2000 cW-15

47(1) The *Workers’ Compensation Act* is amended by this section.

(2) Section 67(2) is amended by striking out “become qualified in the worker’s trade” **and substituting** “completed the worker’s apprenticeship education program or, if applicable, received certification in the worker’s trade”.

Repeal

48 The *Apprenticeship and Industry Training Act* is repealed.

Coming into force

49 This Act comes into force on Proclamation.

- (e) *“designated trade” means a designated trade as defined in the Apprenticeship and Industry Training Act;*
- (k) *“register” means to grant membership or certification, with or without conditions, in a designated occupation, designated trade or regulated profession, whether by registration, admission, enrolment, issuance of a licence or certificate or other means, without regard to the terminology used by the regulatory body for the designated occupation, designated trade or regulated profession to describe the process;*

46(1) Amends chapter P-26 of the Revised Statutes of Alberta 2000.

(2) Section 5 presently reads in part:

5 An association is not eligible to be registered under this Act if that association purports to represent

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

47(1) Amends chapter W-15 of the Revised Statutes of Alberta 2000.

(2) Section 67(2) presently reads in part:

(2) If a worker who is an apprentice in an industry suffers impairment of earning capacity because of an accident and is entitled to periodic compensation, the Board may grant the worker an adjustment in the periodic compensation at the time that the worker would, in the normal course, have become qualified in the worker’s trade.

48 Repeal.

49 Coming into force.

