

Bill No. 57 of 1944.

A BILL RESPECTING THE TRAINING OF APPRENTICES.

NOTE.

This Bill enacts a New Act and follows fairly closely the provisions of the Ontario and British Columbia Acts passed some time ago. The idea of apprenticeship training has been recommended by the Reconstruction Committee of Alberta and also by the Reconstruction Committee of the Dominion, and this enactment would enable the Province to co-operate with the Dominion Government in putting the apprenticeship idea into effect. The expense involved in this scheme would be borne as to servicemen wholly by the Dominion, and as to others, 50% would be borne by the Province and 50% by the Dominion.

The general purpose of the Bill is to require all employees over 16 and under twenty-one years of age to receive apprenticeship training, and it is provided that no person between those ages can be employed for more than three months without entering into an apprenticeship contract or receiving the permission of the Board constituted under the Act.

The Act applies to trades which are designated by the Lieutenant Governor in Council as trades coming within the provisions of the Act.

Under section 4, provision is made for the constitution of a Provincial Apprenticeship Board consisting of not more than five persons appointed by the Lieutenant Governor in Council.

Provision is made in section 5 for the appointment of a Director of Apprenticeship and for other officers necessary for the carrying out of the provisions of the Act.

Provision is made in section 6 for petitions from employers and employees asking to have a trade designated as a trade under the Act and also for the filing with the Minister of agreements between employers and employees as to that matter. Provision is made for investigation into the propriety of having the trade designated, and after such inquiry, the Minister with the approval of the Lieutenant Governor in Council may designate such trades as may be considered expedient as coming within the Act.

Provision is made for local supervision in section 7 by the appointment of the Advisory Committee in areas of the Province.

Provision is made in section 8 for a Provincial Advisory Committee for any designated trade. This Provincial Advisory Committee is given authority in section 9 to make regulations with regard to the particular trade to which it relates with regard to the qualifications of apprentices, the apprenticeship period and the number of apprentices who may be apprenticed to each employer. Regulations under this authority cannot be made which are in conflict with regulations made by the Board.

The duties of the Director are set out in section 10, and among other duties he is required to keep a register of every contract of apprenticeship.

By section 13 it is required that every contract of apprenticeship shall be in the form prescribed by the Board and approved by the Board. It must also be registered with the director.

Provision is made in section 14 for presently existing contracts of apprenticeship being registered at the office of the Director, and in section 15 provision is also made for the case of a person employed as an apprentice but not under contract.

Section 16 sets out the persons who must sign a contract.

Provision is made in section 18 for the termination of a contract with the approval of the Board, or the cancellation of it by the Board for cause.

Section 19 provides for the transfer of an apprentice from one employer to another in certain cases.

In section 20 authority is given to the Lieutenant Governor in Council to make regulations as to various matters in the administration of the Act.

Section 21 provides that amendments shall not be made to regulations of the Board or a Provincial Advisory Committee except upon written notice to the representative organizations of employers and employees in the trade affected.

Section 22 imposes penalties for breaches of the Act.

Authority is given by section 23 for the Minister of Trade and Industry with the approval of the Lieutenant Governor in Council to enter into an agreement with the Minister of Labour relating to apprenticeship training and as to the distribution of the cost of same.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 57 of 1944.

An Act respecting the Training of Apprentices.

(Assented to _____, 1944.)

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

SHORT TITLE.

1. This Act may be cited as "*The Apprenticeship Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
 - (a) "Apprentice" means a person at least sixteen years of age who enters into the contract of service in accordance with this Act, whereby he is to receive from or through his employer, instruction in any designated trade;
 - (b) "Board" means the Provincial Apprenticeship Board constituted pursuant to the provisions of this Act;
 - (c) "Designated trade" means any trade or any branch thereof designated by the Minister with the approval of the Lieutenant Governor in Council as a trade coming within the provisions of this Act;
 - (d) "Employer" in respect of an apprentice, means and includes any person, firm, or corporation, or provincial, municipal or other public authority or an organization of employers or employees to whom an apprentice is or is proposed to be bound in accordance with this Act, and who is responsible for the instruction of the apprentice in any designated trade;
 - (e) "Director" means the Director of Apprenticeship appointed pursuant to this Act;
 - (f) "Minister" means the Minister of Trade and Industry;
 - (g) "Regulations" means regulations made pursuant to the provisions of this Act;
 - (h) "Trade" includes industry, trade, craft or business and any branch of any industry, trade, craft or business.

GENERAL PROVISIONS.

3. The provisions of this Act shall apply in respect of apprenticeship in any trade designated as a trade to which this Act applies.

4.—(1) For the purpose of this Act and to advise the Minister on all matters connected with the general conditions governing apprentices, there shall be a Board known as the "Provincial Apprenticeship Board" which shall consist of such persons, not more than five in number, who shall be appointed by the Lieutenant Governor in Council, and one of such persons shall be designated as the chairman of the Board.

(2) The presence of a majority of the Board shall constitute a quorum.

(3) Subject to subsection (2), the existing or continuing members of the Board shall have and may exercise all the powers, duties and functions of the Board notwithstanding any vacancy in the membership of the Board.

(4) The members of the Board shall hold office during pleasure and shall be paid such allowance and remuneration for their services and for the expenses necessarily incurred in the performance of their duties as may be fixed by the Lieutenant Governor in Council.

5.—(1) The Lieutenant Governor in Council may appoint a Director of Apprenticeship and may prescribe his powers and duties and fix his remuneration.

(2) The Lieutenant Governor in Council may also appoint such officers, clerks and servants as are necessary for the carrying out of the provisions of this Act, prescribe their duties and fix their remuneration.

6.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may from time to time designate any trade or any branch thereof as a trade coming within the provisions of this Act.

(2) Upon the receipt by the Minister of a petition signed by a representative number of employers or employees in any trade asking to have that trade designated as a trade within the meaning of the Act, or of an agreement in writing entered into between a representative group of employers in any trade and a representative group or union of employees in that trade, the Lieutenant Governor in Council, upon the recommendation of the Minister, may designate that trade as one to which the provisions of this Act apply.

(3) The Minister may refer the petition or agreement for inquiry to the Director, and the Director shall thereupon make such investigation as may be considered necessary to determine whether or not the trade should be brought under the provisions of the Act, and shall report thereon to the Minister.

(4) The Minister may of his own motion direct an investigation by the Director in respect of any trade for the purpose of this section, and may, with the approval of the Lieutenant Governor in Council, from time to time designate such trades as may be considered expedient as coming within the provisions of this Act, and may from time to time declare any designated trade to be a trade to which the provisions of the Act no longer apply.

7. In any area in the Province where an apprentice or apprentices are working at any designated trade, the Board may appoint an Advisory Committee for that trade, which Committee shall consist of not more than five members, one of whom may act as chairman, and which shall hear complaints of employees, employers and apprentices, with respect to the enforcement of the Act or any other matters pertaining to the general training of the apprentice, and which shall make recommendations to the Board with respect to any matters pertaining to apprenticeship under the Act and the effective administration of the provisions of the Act.

8. The Board, upon the recommendation of a representative number of any designated trade, may appoint a Provincial Advisory Committee for any designated trade or group of trades, which Committee shall consist of not less than five members consisting of an equal number of employers and employees together with an official of the Department of Trade and Industry.

9.—(1) Upon the recommendation of the Minister and with the approval of the Lieutenant Governor in Council, each Provincial Advisory Committee may make regulations in respect to the particular trade relating to all matters regarding which the Board may make regulations, providing such regulations are not inconsistent with any regulations made by the Board.

(2) Without limiting the generality of the foregoing, these regulations may extend to and include regulations in respect to the particular trade relating to,—

- (a) the qualifications respecting the age of apprentices;
- (b) the apprenticeship period;
- (c) the number of apprentices who may be apprenticed to each employer.

10. Subject to the regulations, it shall be the duty of the Director,—

- (a) to keep a register of every contract of apprenticeship entered into by an apprentice in accordance with the provisions of this Act;
- (b) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with by both employer and apprentice;

- (c) to arouse and promote interest in the adoption of apprenticeship in trades;
- (d) to assist in establishing a permanent system of training of apprentices in any trade;
- (e) to provide such information as may be required by the Board;
- (f) to collaborate with educational authorities in the training of apprentices;
- (g) to submit a report annually to the Minister;
- (h) generally to perform such other duties and exercise such powers as may be prescribed by the Minister for carrying out the provisions of this Act.

11. No person shall enter into any contract of apprenticeship in a designated trade except in accordance with the provisions of this Act.

12. No person who under the authority of this Act is eligible to be an apprentice in any designated trade and has not completed the period of apprenticeship prescribed for him, shall be employed in such trade for more than three months unless he is authorized by the Board so to do, or unless he enters into a contract of apprenticeship in accordance with this Act and the regulations.

13.—(1) Every contract of apprenticeship shall be in the form prescribed by the Board, shall be approved by the Board, and a copy shall be registered by the employer with the Director.

(2) Subject to the provisions of subsection (2) of section 9, no contract of apprenticeship under this Act shall be entered into for a period of less than twelve months of not less than two thousand hours training, exclusive of vacation period or periods, if any, in such trade supplemented by not less than one hundred and forty-four hours of related technical class room instruction.

14. Where a person has been employed under a contract of apprenticeship in any designated trade prior to the date of the commencement of this Act, a copy of such contract shall within three months after the said date be registered by the employer at the office of the Director, but such contract shall in other respects be regarded as if this Act had not been passed.

15. Where a person is employed as an apprentice in a designated trade, but not under a contract, the provisions of this Act shall in relation to any unexpired period of such apprenticeship apply as from the expiry of three months after the date on which the trade was so designated, and the period during which any such person was employed as an apprentice may, with the approval of the Board, be allowed as part of the time required to complete the full period of apprenticeship.

- 16.** Every contract of apprenticeship shall be signed,—
- (a) by the person to be apprenticed;
 - (b) by the father of any such person who is a minor, and if the father is dead or legally incapable of giving consent or has abandoned his family, then
 - (c) by the mother of such minor, and if both the father and mother are dead or legally incapable of giving consent or have abandoned their family, then,—
 - (d) by the guardian of such minor, if any; or
 - (e) if there be no parent or guardian with authority to sign, then by a district court judge having jurisdiction in the judicial district in which the employer carries on business; and
 - (f) by the employer.

17. The registration of a contract of apprenticeship shall not be regarded as establishing that all the provisions of the contract are valid or that any provision thereof is not in conflict with the provisions of this Act.

18. Subject to the approval of the Board, a contract of apprenticeship may be terminated by mutual agreement of all parties thereto, or it may be cancelled by the Board, provided good and sufficient reason is adduced by the employer or apprentice or the person signing the contract on his behalf, and the fact of termination or cancellation shall be endorsed by the Director upon the copy of the contract registered in his office.

19. Where the terms of a contract of apprenticeship cannot be fulfilled, or where it is cancelled for cause, and it is desirable so to do, the Director may arrange for the transfer of the apprentice to another employer, and the assignment of the contract, but such transfer and assignment shall not be regarded as completely effected until it has been approved by the Board and a copy registered.

20.—(1) Upon the recommendation of the Minister and with the approval of the Lieutenant Governor in Council, the Board may make regulations governing the establishment of apprenticeships, the training of apprentices and their conditions of employment, and without limiting the generality of the foregoing, the powers of the Board to make regulations shall extend to and include,—

- (a) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended, the supervision to be given apprentices, and the course of training to be given;
- (b) providing for the issuance, annually or otherwise, of certificates of qualification, and prescribing and requiring the payment of a fee upon the issue of such a certificate, and providing for cancellation, suspension and renewal of such certificates;

- (c) prescribing, subject to the provisions of *The Hours of Work Act*, *The Male Minimum Wage Act* and *The Female Minimum Wage Act*, the hours of labour and rates of wages for apprentices;
- (d) prescribing the form of contract of apprenticeship, assignment of contract, notice of transfer and such other forms as may be required;
- (e) providing for the registration of contracts of apprenticeship, assignments of contracts and notices of transfer of contracts;
- (f) providing the procedure to be adopted prior to cancellation of contract or transfer of apprentice for cause;
- (g) providing for the examination of and issuance of certificates of qualification to persons engaged in a trade at the time such trade becomes a designated trade, and for cancellation, suspension and renewal of such certificates;
- (h) prescribing and requiring the payment of a fee for such examination and certificate;
- (i) providing for the registration of employers engaged in a designated trade;
- (j) prescribing and requiring the payment of a fee upon registration and the purposes for which the moneys collected in registration fees may be used;
- (k) fixing the rate of assessment of employers in each designated trade and governing the manner of making the assessment;
- (l) prescribing the constitution, powers and duties of provincial advisory committees and the qualifications of the members thereof;
- (m) providing for the calling of meetings of such committees and the procedure to be followed at such meetings;
- (n) providing for the books, records and forms to be used and the returns to be made by such committees;
- (o) providing for the issuance of certificates of apprenticeship to every apprentice who serves the prescribed term of apprenticeship and completes the school training to the satisfaction of the Board;
- (p) generally for the better carrying out of the provisions of this Act.

(2) The Board shall have authority to hold such conferences and make such inquiries as may be deemed necessary to determine the opinions and wishes of employers and employees in the designated trades regarding suggested changes in and amendments to the Act and regulations, which may arise from time to time.

21. No amendment shall be made to any regulations of the Board of a Provincial Advisory Committee unless a written notice has been given to representative organizations

of employers and of employees engaged in the trade affected by such amendment or where no organization of employers or employees exists, to at least five representative employers or employees, as the case may be, engaged in such trade and located in various parts of the Province.

22. Any person who, after the commencement of this Act,—

- (a) enters into a contract of apprenticeship in respect to any designated trade except in accordance with the provisions of this Act; or
- (b) except as expressly provided by this Act, or as authorized by the Board, employs any minor in a designated trade; or
- (c) contravenes any of the provisions of this Act or any regulation made thereunder,—

shall be liable on summary conviction to a penalty of not less than ten dollars nor more than one hundred dollars, and in default of payment to imprisonment for a term not exceeding three months.

23. The Minister, with the approval of the Lieutenant Governor in Council, may enter into an agreement with the Minister of Labour of Canada, relating to apprenticeship training which that Minister is authorized to make with a Province pursuant to *The Vocational Training Co-ordination Act, 1942*, and Orders in Council made thereunder.

24. Any moneys payable by the Province for the purpose of carrying out the provisions of this Act shall be paid out of such sums as may be from time to time appropriated by the Legislature for that purpose.

25. This Act shall come into force on a day to be fixed by proclamation of the Lieutenant Governor in Council.

No. 57.

FOURTH SESSION
NINTH LEGISLATURE
8 GEORGE VI
1944

BILL

An Act respecting the Training of
Apprentices.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING.

EDMONTON:
A. Shnitka, King's Printer
1944