

Guidelines

for

Certification of a Designated Trade

under the

Apprenticeship and Trades Qualification Act

Province of Prince Edward Island

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Part 1

PURPOSE OF THIS DOCUMENT

- Provide information/guidelines that will assist those involved in the application, review and certification of a designated trade under the Apprenticeship and Trades Qualification Act and Regulations, Province of Prince Edward Island.
- Provide guidelines to assist in the preparation of an application for certification of a designated trade.
- Provide a checklist to ensure all the necessary information is included in the application.

WHAT IS CERTIFICATION OF A DESIGNATED TRADE?

Certified trade is a designated trade that is declared by the Lieutenant Governor In Council as a certified trade. From the date of that declaration:

- a) Persons who enter the certified trade shall register as apprentices under an apprenticeship plan approved by the Board.
- b) Persons who are not registered under the provisions of clause (a) shall not engage in a certified trade.
- c) No person shall employ, in a certified trade, any person who is not registered under clause (a).
- d) Persons who register as apprentices under clause (a) shall qualify for a certificate within such time and in such manner as is prescribed in the regulations.

CERTIFICATION OF A DESIGNATED TRADE - PROCESS

Who can apply for Certification of a Designated Trade?

An application for certification of a designated trade may be made by groups or

organizations with an interest in the trade.

Application for Certification of a Designated Trade

An application is used to collect information that will assist the Provincial

Apprenticeship Board, the Apprenticeship Section of the Department of Innovation

and Advanced Learning, and the Lieutenant Governor in Council in the review of

your request for certification of a designated trade.

The application is in two (2) parts. Part one is an explanation of the process and

procedures and other information you need to begin the application process. Part

two is the actual application for certification of a trade and includes an outline of all

of the information you must provide the Board for consideration of certification.

Application Process

1. The application must be in the form approved by the Board and may be

obtained from the Apprenticeship Section of the Department of Innovation

and Advanced Learning.

2. Complete application in full using criteria and guidelines on the following

pages. (Appendix A)

3. Send or deliver the application to:

Manager, Apprenticeship and Training

Department of Innovation and Advanced Learning

Atlantic Technology Centre, Suite 212, 90 University Avenue

P.O. Box 2000, Charlottetown

Prince Edward Island C1A 7N8

Tel: (902) 368-4461

Fax: (902) 368-6144

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Part 2

PROCEDURES FOR CERTIFICATION OF A DESIGNATED TRADE

A. Information material available from Apprenticeship Office

- i) Information on Apprenticeship Training.
- ii) Process for certification of a designated trade.
- iii) Application questionnaire.
- iv) Apprenticeship & Trades Qualification Act & Regulations.

B. Submission of Application for Certification of a Designated Trade

- i) Application must come from industry.
- ii) Application must be completed in full.
- iii) Application must include indication of industry support.

C. Application Review (Apprenticeship Office)

- i) The Manager of Apprenticeship & Training shall review the application to determine if all the required information is included in the application.
- ii) If the application is incomplete as outlined in the application form it will be returned to the applicant group for revision.
- iii) The Manager shall conduct a survey to further assess industry support.
- iv) The Manager shall gather information on the possible effects of certification of the designated trade.
- v) The Manager shall determine if other legislation applies to the trade listed in the application.
- vi) The Manager will prepare, for the Board, the information gathered.
- vii) The Manager shall ask the Trade Advisory Committees to review the application and report their comments.

D. Consultation Process (Board)

- i) Notification of public consultation meetings will be placed in the local papers two weeks prior to the meetings and will include the location, date, times, and reason for the meetings.
- ii) Apprenticeship Section to send out formal notice of public consultations to persons or groups who have formally requested an opportunity to discuss an application with the Board.
- iii) The Board will hold at least two (2) and may hold up to four (4) public meetings across the province to allow people the opportunity to express their views on the application. Alternatively, persons may submit their views on the application in writing to the Board.
- Public meetings will be moderated by the Chair, Vice-Chair or designate of the Board. Each presentation may be followed by questions to the presenter by board members only.
- v) Parties formally requesting a consultation with the Board may request a copy of the application for certification of the designated trade prior to their presentation.
- vi) If requested, and at the Board's discretion, the applicant may make a final presentation to the Board at the next regular meeting of the Board or at a time agreed to by the applicant and the Board.

E. TRAINING AND COST IMPLICATIONS

The Manager of Apprenticeship Training will:

- i) determine the potential number of apprentices to be registered for training or the increase in the number of apprentices to be trained if training is already available in P.E.I, Nova Scotia or New Brunswick.
- ii) determine the potential cost of training to meet demand
- iii) determine the cost of curriculum and modular and certification exams if not presently available.

F. BOARD REVIEW

- i) Review, at a regular meeting, the information provided by the applicant, by related Trade Advisory Committees and by public consultations and Apprenticeship Section staff.
- ii) Recommends approval of application
 - a) The Board requests the Manager to send a letter recommending approval to the Minister.
 - b) The Manager, upon confirmation from the Minister, informs the Board and applicant of the decision.
- iii) Recommends rejection of application
 - Board directs Manager to send a letter recommending rejection to the
 Minister.
 - b) The Manager, upon Ministers advice, informs Board and applicant of the decision.
 - c) If rejected, the applicant may re-apply after a period of 12 months.

G. CERTIFICATION OF TRADESPERSONS

- Appoint a committee of tradespeople (Trade Advisory Committee Members) and Apprenticeship staff members to review applications for T.Q. challenge or Work Permit.
 - Accepted Receive Work Permit without testing pursuant to
 Section 7 (3) Apprenticeship & Trades Qualification Act.
 - Eligible to challenge Interprovincial Examination pursuant to
 Section 7 (3) Apprenticeship & Trades Qualification Act.
 - Rejected Register as an apprentice pursuant to Section 7 (3)
 Apprenticeship & Trades Qualification Act.
 - Other Proficiency based on practical/oral examination.



Appendix A

APPLICATION

for

CERTIFICATION OF A DESIGNATED TRADE

This Application Must Be Completed in Full Before it Will be Considered by the Board

	Trade Name
	Sponsoring Organization or group of tradespersons (Attach list of names if applicable)
(Contact Person(telephone)
E	Estimated number of employers in the trade
1	Estimated number of tradespersons in the trade
ŀ	Estimated number of apprentices entering each year
	Recommended number of years experience required to ensure adequate exposure to the tasks of the trade
	Please indicate the reasons for the application for certification e.g. technical requirements, public safety, etc.

licas	e attach supporting documentation.
V	
	e employee support for the certification of the designated trade. e attach supporting documentation.
J	
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	additional information and comments that might be relevant to thi ation.

Appendix B



PLEASE NOTE

This document, prepared by the <u>Legislative Counsel Office</u>, is an office consolidation of this Act, current to November 1, 2003. It is intended for information and reference purposes only.

This document is **not** the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts*.

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office Tel: (902) 368-4291 Email: legislation@gov.pe.ca

CHAPTER A-15.1

APPRENTICESHIP AND TRADES QUALIFICATION ACT

1. In this Act			
(a) "apprentice" means a person who enters into a written agreement with an employer to learn a designated trade requiring reasonably continuous employment;	apprentice		
	apprenticeship agreement		
(c) "Board" means the Provincial Apprenticeship Board established under section 4;	Board		
(d) "certificate" means a certificate to indicate journeyperson standing in a trade and issued to a tradesperson pursuant to the regulations;	certificate		
(e) "certified trade" means a designated trade that is declared by the Lieutenant Governor in Council as a certified trade pursuant to subsection 7(1);	certified trade		
(f) "designated trade" means a trade designated by the Minister as appropriate for apprenticeship training and certification;	designated tra		
(g) "employer" means any person, firm, corporation, association or public authority approved by the Board to enter into an apprenticeship agreement;	employer		
(h) "journeyperson" means a tradesperson who holds a certificate;	journeypersor		
(i) "Manager" means the Manager of Apprenticeship appointed under section 3;	Manager		
(j) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;	Minister		
(k) "regulations" means the regulations made under this Act;	regulations		
(l) "trade" includes an industry, craft, occupation, vocation or business or any branch thereof;	trade		
(m) "tradesperson" means any person other than an apprentice who works for remuneration at any designated trade, including an employer who so works. 1995, c.3, s.1.	tradesperson		
2. (1) Subject to subsection (3), this Act applies to all designated trades.	Application		

Idem

(2) This Act applies to apprenticeship and to the qualification of tradespersons.

Geographical or other limitation

(3) The Lieutenant Governor in Council may, on the recommendation of the Board, by order limit the application of this Act or the regulations to the area of the province or that segment of a trade specified in the order. 1995, c.3, s.2.

Manager, appointment

3. (1) There may be appointed pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 a Manager of Apprenticeship and such other staff as are necessary to carry out the provisions of this Act.

Responsibilities

(2) The Manager shall perform the duties conferred or imposed on the Manager by or pursuant to this Act or by the Minister. 1995, c.3, s.3.

Apprenticeship Board **4.** (1) The Lieutenant Governor in Council may appoint a board which shall be known as the Provincial Apprenticeship Board which shall perform such functions as may be prescribed in the regulations.

Composition

- (2) The Board shall be composed of
 - (a) three persons representative of employers;
 - (b) three persons representative of employees;
 - (c) one person representing Holland College;
 - (d) one or more members at large; and
 - (e) a chairperson.

Term of office

(3) Subject to subsection (4), each member of the Board shall be appointed for a three year term and, subject to subsection (5), may be reappointed.

Initial appointments

(4) On the initial appointment of the Board members may be appointed for such term as may be specified in the instrument of appointment.

Re-appointment

(5) Where a person has served two consecutive terms that person may not be re-appointed until three years after the expiry of that person's last term of office.

Vice-chairperson

(6) The members of the Board shall appoint, from among themselves, one person to be vice-chairperson who shall act as chairperson whenever the chairperson is for any reason unable to act.

Administrative support

(7) The Minister may designate persons who are public officers to assist the Board in its duties.

Quorum

(8) A majority of members that includes one member representing employers and one member representing employees constitutes a quorum.

- (9) Each member of the Board who is not in the public service of the Honorarium province may be paid
 - (a) an honorarium in such amount as the Lieutenant Governor in Council determines:
 - (b) such reasonable and necessary expenses incurred in carrying out his or her duties as the Minister determines.
- (10) The Board may adopt its own rules of procedure and shall keep a Procedure record of its proceedings and decisions. 1995, c.3, s.4.
- 5. (1) Every apprenticeship agreement shall be in the form approved by Form of agreement the Board.
- (2) The Manager may refuse to register or assign any agreement which Refusal to register in the Manager's opinion is not for the benefit of the apprentice.
- (3) An agreement may be terminated by consent of the parties to the Termination agreement.
- (4) Subject to subsection (5), the Manager may cancel an agreement Cancellation upon good cause being shown by the employer or by the apprentice.
- (5) The Manager shall not cancel an agreement by reason only of a Labour dispute labour dispute at the job site preventing an apprentice from working.
- (6) Subject to the approval of the Manager, an apprentice may for good Assignment cause and by consent of the parties be assigned from one employer to another employer in the same trade.
- (7) The Board may require from the parties to a proposed agreement Evidence such evidence, including copies of the record of birth of the apprentice, as it may consider necessary.
- (8) The Board may authorize an association or organization, whether Apprenticeship incorporated or not, and whether or not engaged in carrying on a trade, agreements including a trade union, an employer association or an employee association, to enter into agreements with apprentices as the Board specifies. 1995, c.3, s.5.

6. (1) Where the Manager refuses to register an apprenticeship agreement Appeal from or an assignment, cancellation, termination or completion of an decision of agreement, either party to the agreement may appeal the decision of the Manager to the Board.

(2) An appeal pursuant to subsection (1) may be taken by filing with Notice of appeal the chairperson of the Board a notice of appeal in written form within thirty days after the decision of the Manager was made.

Hearing

(3) Where a notice of appeal is filed pursuant to subsection (1), the Board shall hear the appeal within thirty days after the notice is filed.

Powers

(4) After hearing an appeal pursuant to subsection (3), the Board may confirm, vary or reverse the decision of the Manager.

Decision

(5) A decision of the Board pursuant to this section is final. 1995, c.3, s.6.

Designation of certified trade

7. (1) The Lieutenant Governor in Council may declare any designated trade to be a certified trade.

Application

(2) An application for certification of a trade may be made by groups or organizations with an interest in the trade, and shall be in the form prescribed by the regulations.

Grandfather provision (3) Notwithstanding subsection (5), persons who have engaged in a certified trade for any period within five years prior to the date of declaration of the certified trade, may be issued a permit without examination upon application to the Manager and upon proof that they were so engaged in the certified trade within that period, and may continue to engage in the certified trade under the authority of the permit until such time as they elect to abandon the trade.

Certification

(4) Persons holding permits referred to in subsection (3) who meet the requirements established for the trade may sit the examination for a certificate.

Registration

- (5) Subject to subsection (3), where the Lieutenant Governor in Council declares under subsection (1) that a designated trade is a certified trade, from the date of that declaration
 - (a) persons who enter the certified trade shall register as apprentices under an apprenticeship plan approved by the Board;
 - (b) persons who are not registered under the provisions of clause (a) shall not engage in a certified trade;
 - (c) no person shall employ, in a certified trade, any person who is not registered under clause (a); and
 - (d) persons who register as apprentices under clause (a) shall qualify for a certificate within such time and in such manner as is prescribed in the regulations. 1995, c.3, s.7.

Training facilities

8. The Minister shall arrange courses of related technical instruction for the purpose of this Act and may bear the expenses, in total or in part, involved in connection with those courses. 1995, c.3, s.8.

9. A person who contravenes any provision of this Act or the regulations, Offence or an order or directive of the Board commits an offence and is liable on summary conviction to a fine not exceeding \$1,000. 1995, c.3, s.9.

10. The Lieutenant Governor in Council may make regulations

Regulations

- (a) prescribing the form of apprenticeship agreements, the duties, responsibilities and privileges of parties to apprenticeship agreements;
- (b) prescribing the terms and conditions upon which certificates may be issued, renewed, replaced, suspended or cancelled;
- (c) providing for the issuing of certificates to persons from other
- (d) prescribing forms of application and fees for examination and the issuing of certificates;
- (e) providing for the payment of allowances to apprentices while they are attending full-time training courses in related technical training in a trade;
- (f) prescribing the conditions of payment and the amount of allowances:
- (g) prescribing the qualifications and minimum age of persons who may become apprentices in any designated trade;
- (h) respecting the requirements for the designation of trades;
- (i) prescribing the responsibilities and duties of the Manager;
- (j) prescribing the functions of the Board;
- (k) respecting designated trades and certification and providing for exemption of any trade, plant, or geographical area from the requirements of the regulations;
- (1) generally for the better administration of this Act. 1995, c.3, s.10.
- 11. Act repealed. 1995, c.3, s.11.

Repeal

12. An apprenticeship agreement which was registered pursuant to the Transitional Apprenticeship and Trades Qualification Act on the date this Act comes into force is deemed to be registered under this Act. 1995, c.3, s.12.