



Province of Alberta

# **APPRENTICESHIP AND INDUSTRY TRAINING ACT**

Revised Statutes of Alberta 2000  
Chapter A-42

Current as of June 12, 2013

Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2012 cE-0.3 s288 amends s1(m)(ii)(A) to (A.2).

### Regulations

The following is a list of the regulations made under the *Apprenticeship and Industry Training Act* that are filed as Alberta Regulations under the Regulations Act.

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Apprenticeship and Industry Training Act</b>		
Appeal Rules .....	58/99 .....	193/2002, 142/2005, 95/2009, 164/2010, 222/2014, 162/2017
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*NOTE: AR 211/2017 comes into force on Sept 1, 2018*

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*NOTE: AR 214/2017 comes into force on Sept 1, 2018*

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Industrial Construction Crew

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Oil and Gas Transportation Services.....	275/2004 .....	291/2009, 5/2015, 213/2017

*Overhead Door Technician.....181/2014*

Residential Construction

Site Manager .....	173/2011 .....	47/2016
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<i>NOTE: AR 10/2018 ss1(2), 2(2), 3(2), 4(2), come into force Sept 1, 2018</i>		
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<i>NOTE: AR 10/2018 ss1(2), 2(2), 3(2), 4(2), come into force Sept 1, 2018</i>		

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<i>NOTE: AR 10/2018 ss1(2), 2(2), 3(2), 4(2), come into force Sept 1, 2018</i>		
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Conditioning Mechanic.....	300/2000 ..... 37/2005, 102/2006, 270/2006, 1/2011, <i>NOTE: AR 10/2018 ss1(2), 2(2), 3(2), 4(2), come into force Sept 1, 2018</i>
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# **APPRENTICESHIP AND INDUSTRY TRAINING ACT**

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

#### **Definitions**

- 1 In this Act,
  - (a) “appeal” means an appeal referred to in section 43;
  - (b) “apprentice” means an individual who is engaged in an apprenticeship program that is provided for under this Act;
  - (c) “apprenticeship program” means a program of training in a designated trade
    - (i) that is approved by the Board and under which an apprentice receives formal instruction and on the job training, and

- (ii) that is governed by a contract of apprenticeship that is registered under this Act;
- (d) “Board” means the Alberta Apprenticeship and Industry Training Board;
- (e) “designated occupation” means an occupation designated under section 36 as a designated occupation;
- (f) “designated trade” means an occupation designated as
  - (i) a compulsory certification trade under section 21 or pursuant to section 57(1) or (2), or
  - (ii) an optional certification trade under section 22 or pursuant to section 57(3) or (4);
- (g) “Executive Director” means the person appointed as the Executive Director under section 14;
- (h) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) “occupational certificate” means, in respect of a designated occupation,
  - (i) a certificate that is granted under this Act to a person who has met the criteria established under this Act for a person to be granted that certificate, or
  - (ii) a document that is issued by another jurisdiction and is recognized under this Act as being the equivalent of an occupational certificate granted under this Act;
- (j) “officer” means any person authorized by the Executive Director under section 15(5) to monitor training or carry out inspections;
- (k) repealed RSA 2000 c5(Supp) s2;
- (l) “record” includes
  - (i) any document, agreement, account, book, return, statement, report or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and
  - (ii) the results of the recording of details of electronic data processing systems to illustrate what the systems do and how they operate;

- (m) “student work training program” means a program
- (i) under which a student receives work experience and training in a designated trade,
  - (ii) that is offered to the student by or on behalf of
    - (A) a board as defined under the *School Act*,
    - (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*,
    - (B) a university as defined in the *Post-secondary Learning Act*,
    - (C) a college under the *Post-secondary Learning Act*,
    - (D) a technical institute as defined in the *Post-secondary Learning Act*, or
    - (E) repealed RSA 2000 c5(Supp) s2,
    - (F) a person licensed to provide vocational training under the *Private Vocational Training Act*,
- and
- (iii) that is approved, registered or otherwise recognized by the Board;
- (n) “this Act” includes regulations made under this Act;
- (o) “trade certificate” means, in respect of a designated trade,
- (i) a certificate
    - (A) that is granted under this Act to a person who has met the criteria established under this Act for a person to be granted that certificate, or
    - (B) that is deemed to be a trade certificate under section 56(5),

or

- (ii) a document that is issued by another jurisdiction and is recognized under this Act as being the equivalent of a trade certificate granted under this Act;
- (p) “trainee” means an individual participating in training in a designated occupation that is approved, registered or otherwise recognized by the Board under this Act.  
RSA 2000 cA-42 s1;RSA 2000 c5(Supp) s2;  
2003 cP-19.5 s132;2005 c38 s2;2007 c38 s12

## **Part 1**

### **Board, Committees and Administration**

#### **Division 1**

#### **Alberta Apprenticeship and Industry Training Board**

##### **Alberta Apprenticeship and Industry Training Board**

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

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

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

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

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

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

(5) The Executive Director shall be the Executive Secretary of the Board and shall attend all meetings of the Board.

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

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

(7) 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 (6).

RSA 2000 cA-42 s2;2003 c42 s1;2009 cA-31.5 s30

### **Functions of the Board**

**3(1)** 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 and student work training programs;
  - (d) to appoint members to local apprenticeship committees and provincial apprenticeship committees;
  - (e) to monitor the activities of provincial apprenticeship committees;
  - (e.1) to appoint members to and monitor the activities of committees established under section 12.1;
  - (f) to develop policies respecting the recognition of a training program, a course of training or a program of study provided by persons or organizations, other than the Minister, as equivalent to training provided under this Act;
  - (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.
- (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 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).

RSA 2000 cA-42 s3;RSA 2000 c5(Supp) s3

#### **Conduct of business of Board**

**4(1)** The Board shall, with the approval of the Minister, make bylaws respecting

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

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

- (3) Only members of the Board may vote on matters that are before the Board.
- (4) Notwithstanding subsection (3), the chair may vote only in the event of a tie vote.
- (5) The *Regulations Act* does not apply to the bylaws of the Board.  
RSA 2000 cA-42 s4;2003 c42 s1

**Term of office**

- 5(1)** The term of an appointment as a member of the Board is not to exceed 3 years and, subject to subsection (2), a person may not hold office as a member of the Board for a continuous period exceeding 6 years.
- (2) On ceasing to hold office as a member under section 2(2)(b) to (e) a person may, subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act, hold office as chair under section 2(2)(a) for a continuous period not exceeding 6 years.
- (3) Subject to subsection (2), a person who has held office for the maximum continuous period allowed by subsection (1) or (2) may not hold office as a member of the Board in the following 3-year period.
- (4) The term of an appointment as a member of the Board continues, if applicable, after the end of the term for which the appointment was actually made, regardless of the 6-year limitation under subsection (1) or (2), until the earliest of
- (a) the effective date of the appointment or reappointment replacing that appointment,
  - (b) any other event that terminates the appointment, and
  - (c) 3 months after the actual term of the appointment ended.

RSA 2000 cA-42 s5;2009 cA-31.5 s30

**Annual report by Board**

- 6(1)** The Board shall, as soon as practicable after the end of the fiscal year of the Government, prepare a report summarizing the affairs of the Board for that fiscal year and forward the report to the Minister.
- (2) When the Minister receives the report, the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days from the day of commencement of the next sitting.

1991 cA-42.3 s6

## **Division 2 Committees Relating To Trades**

### **Local apprenticeship committee**

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

- (a) at least 2 persons to represent the interests of employers of persons employed in the designated trade;
- (b) at least 2 persons to represent the interests of persons who are employees employed in the designated trade.

**(2)** The number of persons appointed under subsection (1)(a) and (b) must be equal.

**(3)** The persons appointed under subsections (1) and (5) must, in the opinion of the Board, be persons

- (a) who are associated with and are knowledgeable in respect of the designated trade, and
- (b) who
  - (i) carry on work in or engage the services of persons who carry on work in the designated trade, or
  - (ii) are engaged by an organization to represent persons who carry on work in the designated trade,

in the area for which the local apprenticeship committee is established.

**(4)** A local apprenticeship committee shall appoint one of its members as the presiding officer of the local apprenticeship committee.

**(5)** When a person is appointed as the presiding officer of a local apprenticeship committee under subsection (4), the Board shall appoint another person as a member of the committee so that the composition of the committee, not including the presiding officer, meets the requirements of subsections (1) and (2).

**(6)** Where a local apprenticeship committee is established, the Minister shall appoint an employee of the Government as the secretary to that local apprenticeship committee.

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

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

(9) Members of a local apprenticeship committee other than employees of the Government may be paid one or both of the following at a rate prescribed by the Minister:

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

1991 cA-42.3 s7;1995 c23 s1

#### **Functions of a local apprenticeship committee**

**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;
- (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.

(2) Notwithstanding subsection (1), if

- (a) a local apprenticeship committee has not been established for an area of Alberta, or

- (b) a local apprenticeship committee that has been established for an area of Alberta has ceased to function,

the provincial apprenticeship committee shall carry out the functions of a local apprenticeship committee for that area.

RSA 2000 cA-42 s8;RSA 2000 c5(Supp) s4

#### **Conduct of business by a local apprenticeship committee**

**9(1)** A local apprenticeship committee shall, with the approval of the Board, make bylaws respecting

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

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

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

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

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

1991 cA-42.3 s9;1995 c23 s1

#### **Provincial apprenticeship committee**

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

- (a) a presiding officer;
- (b) persons to represent the interests of employers of persons employed in the designated trade;
- (c) persons to represent the interests of persons who are employees employed in the designated trade.

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

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

- (4) The persons appointed under subsection (1) must, in the opinion of the Board, be persons who are associated with and are knowledgeable in respect of the designated trade.
- (5) When a provincial apprenticeship committee is established, the Minister shall appoint an employee of the Government as the secretary to that provincial apprenticeship committee.
- (6) The provincial apprenticeship committee may designate one or more of its members to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.
- (7) Employees of the Government are not eligible to be or to act in the place of a presiding officer of a provincial apprenticeship committee.
- (8) Members of a provincial apprenticeship committee other than employees of the Government 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.

RSA 2000 cA-42 s10;RSA 2000 c5(Supp) s5

#### **Functions of a provincial apprenticeship committee**

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

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

RSA 2000 cA-42 s11;RSA 2000 c5(Supp) s6

#### **Conduct of business by a provincial apprenticeship committee**

**12(1)** A provincial apprenticeship committee shall, with the approval of the Board, make bylaws respecting

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

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

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

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

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

1991 cA-42.3 s12;1995 c23 s1

**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.

**(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.

RSA 2000 c5(Supp) s7

**Reappointment and term of office**

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

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

**(3)** A person who is a member of a provincial apprenticeship committee is eligible to be appointed to serve for one further term



of office as a member of the provincial apprenticeship committee but not for any further term of office in that position.

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

1991 cA-42.3 s13

### Division 3 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.

RSA 2000 c5(Supp) s8

#### Executive Director and staff

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

(2) The functions of the Executive Director are

- (a) to advise the Minister on matters coming under this Act;
- (b) to carry out duties assigned to the Executive Director by this Act;
- (c) subject to the directions of the Minister,
  - (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;
- (d) to carry out responsibilities assigned to the Executive Director by the Minister.

RSA 2000 cA-42 s14;RSA 2000 c5(Supp) s9

**Delegation of authority, etc.**

**15(1)** The Minister may authorize

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

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

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

**(3)** An authorization given under this section may be

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

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

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

- (a) monitor training under section 38;
- (b) carry out inspections under Part 5.

RSA 2000 cA-42 s15;RSA 2000 c5(Supp) s10

**Operation of related programs and services, etc.**

**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).

RSA 2000 c5(Supp) s11

**Assistance to the Board and committees**

**16** The Minister may provide to the Board or any committee established 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.

RSA 2000 cA-42 s16;RSA 2000 c5(Supp) s12

**False statement**

**17** Where a person provides information under this Act, that person shall not provide information that the person knows, or would reasonably be expected to know, to be false.

1991 cA-42.3 s17

**Disciplinary action prohibited**

**18** No person shall dismiss or take any other disciplinary action against another person by reason of that other person's acting in accordance with this Act or an order made under this Act.

1991 cA-42.3 s18

**Service of documents**

**19** In addition to any method of service permitted by law, any notice, order or document respecting matters coming under this Act may be served

- (a) by personal service,
- (b) by registered mail sent to the address of the person on whom service is to be effected,
- (c) in the case of service by an employer on the employer's employee, by registered mail sent to the latest address of the person on whom service is to be effected as shown on the records of the employer, or

- (d) in the case of service on a person by the Minister, the Board, a committee appointed under this Act or an appeal board, by registered mail sent to the latest address of the person on whom service is to be effected as shown on the records of the Minister.

1991 cA-42.3 s19

**Ineligibility for designation**

**20** An occupation is not eligible to be designated under this Act as a designated trade or a designated occupation if that occupation is a profession regulated or eligible to be regulated under the *Health Professions Act*.

RSA 2000 cA-42 s20;RSA 2000 cH-7 s155

## **Part 2**

### **Trades and Occupations**

#### **Division 1**

#### **Trades**

**Compulsory certification trades**

**21(1)** The Lieutenant Governor in Council

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

**(2)** 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.

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

- (a) holds a trade certificate in that trade,
- (b) has filed an application under this Act to participate in the apprenticeship program in that trade and that application is subsisting,
- (c) is an apprentice in the apprenticeship program in that trade,

- (d) repealed RSA 2000 c5(Supp) s13,
- (e) is a student in a student work training program in that trade,
  - (e.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
  - (f) is authorized under section 23 to work or to perform one or more tasks, activities or functions in that trade.
- (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, 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.

RSA 2000 cA-42 s21;RSA 2000 c5(Supp) s13

**Optional certification trades****22(1)** The Lieutenant Governor in Council

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

**(2)** 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.

**(3)** A person shall not work in an optional certification trade unless that person

- (a) is permitted to work in that trade under subsection (4) or (5),
- (b) holds a trade certificate in that trade,
- (c) has filed an application under this Act to participate in the apprenticeship program in that trade and that application is subsisting,
- (d) is an apprentice in the apprenticeship program in that trade,
- (e) repealed RSA 2000 c5(Supp) s14,
- (f) is a student in a student work training program in that trade, or
- (g) is authorized under section 23 to work or to perform one or more tasks, activities or functions in that trade.

**(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 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.

**(4)** Notwithstanding that a person does not meet the requirements of subsection (3)(b) to (g) or (3.1), 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 (g) or (3.1), 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.

RSA 2000 cA-42 s22;RSA 2000 c5(Supp) s14

**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.

**(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).

RSA 2000 c5(Supp) s15

**Authorization to work**

**23(1)** For the purposes of sections 21(3)(f) and 22(3)(g), the Executive Director may, after notifying the Board 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 (e) or 22(3)(a) to (f) 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 (e) or 22(3)(a) to (f) 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.

(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.

RSA 2000 cA-42 s23;RSA 2000 c5(Supp) s16

#### **Factory production, etc.**

**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).

**(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.

RSA 2000 cA-42 s24;RSA 2000 c5(Supp) s17

**Dual qualifications**

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

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

1991 cA-42.3 s25

**Prohibition on employer**

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

1991 cA-42.3 s26

**Exception to restrictions on work**

**27** Notwithstanding section 21(3) or 22(3), an individual may, in respect of any property that the individual owns or has possession of or control over, carry out one or more tasks, activities or functions that come within a designated trade.

1991 cA-42.3 s27

**Representation of qualifications**

**28** A person shall not purport

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

1991 cA-42.3 s28

**Use of the term “certified”**

**29** Unless the person holds a subsisting trade certificate in a designated trade, a person shall not

- (a) use the word “certified”, or a derivative of that word, in any combination with the name of the designated trade, or
- (b) use any other word or combination of words,

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

1991 cA-42.3 s29

**Redesignation of a trade, etc.**

**30** The Lieutenant Governor in Council may by regulation

- (a) change the designation of a trade;
- (b) rescind the designation of a trade.

1991 cA-42.3 s30

**Program of transition**

**31** Where a trade is designated or the designation of a trade is changed or rescinded, the Lieutenant Governor in Council may, notwithstanding anything in this Act, make regulations establishing and governing, with respect to the designation, change of the designation or rescinding of the designation, a program of transition relating to

- (a) the administration and operation of apprenticeship programs and student work training programs;
- (b) the carrying out of work in or the performance of one or more tasks, activities or functions in the trade;
- (c) the granting of trade certificates in the trade.

1991 cA-42.3 s31

**Collective agreement superseded**

**32** If a term of a collective agreement that is applicable to an apprentice is less advantageous to the apprentice than the regulations made under section 33 relating to the same subject-matter, the regulations supersede the collective agreement in respect of that subject-matter.

1991 cA-42.3 s32

**Regulations re designated trades**

**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 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) repealed RSA 2000 c5(Supp) s18;
  - (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) repealed RSA 2000 c5(Supp) s18.
- (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 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;
  - (d) respecting the resolution of disagreements between employees and their employers arising out of matters coming under this Act;
  - (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, 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.
- (f) – (i) repealed RSA 2000 c5(Supp) s18.  
RSA 2000 cA-42 s33;RSA 2000 c5(Supp) s18

## **Division 2 Occupations**

**34** Repealed RSA 2000 c5(Supp) s19.

**35** Repealed RSA 2000 c5(Supp) s20.

### **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.

RSA 2000 cA-42 s36;RSA 2000 c5(Supp) s20

**Regulations re occupations****37(1)** The Minister may make regulations

- (a) respecting the criteria for the designation of occupations;
  - (b) repealed RSA 2000 c5(Supp) s21;
  - (c) governing the designation or rescinding the designation of an occupation;
  - (d) establishing and governing a program of transition with respect to the designation or rescinding the designation of an occupation;
  - (e) providing for the establishment or recognition of 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 or recognition of and governing the operation of provisional committees in respect of an occupation prior to the designation of the occupation as a designated occupation.
- (h) – (j) repealed RSA 2000 c5(Supp) s21.

**(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) – (k) repealed RSA 2000 c5(Supp) s21.  
RSA 2000 cA-42 s37; RSA 2000 c5(Supp) s21

### **Part 3**

## **Maintaining of Standards**

**Monitoring of training****38(1)** In order to determine whether an apprentice or a trainee 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.

RSA 2000 cA-42 s38;RSA 2000 c5(Supp) s22

**Suspension re lack of work, etc.**

**39(1)** The Minister may, on the recommendation of the Board, suspend the registration of a person's contract of apprenticeship if in the opinion of the Board the person is not receiving the experience and training that is appropriate to that person's apprenticeship program.

**(2)** Where

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

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

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



- (4) Where the registration of a person's contract of apprenticeship is suspended under this section, that person, during the period of suspension,
- (a) may continue to participate in technical and other courses that are applicable to the designated trade, but
  - (b) subject to section 21(3)(e) or (f) or 22(3)(f) or (g), is not eligible to work in the designated trade in which the person was an apprentice.

1991 cA-42.3 s39

**Cancellation re failure to maintain standards**

**40** The Minister may, on the recommendation of the Board,

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

1991 cA-42.3 s40

**Cancellation re improper actions**

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

- (a) that the contract or the certificate
  - (i) has been improperly altered in any manner,
  - (ii) was obtained by means of misrepresentation,
  - (iii) was improperly entered into or improperly granted due to an administrative or other error,
  - (iv) was obtained in a fraudulent manner or by means of fraud, or

(v) has been used for any purpose by a person other than the person who is a party to the contract or to whom the certificate was granted,

or

(b) that there has been an irregularity in the taking of an examination required under this Act.

1991 cA-42.3 s41;1996 c28 s5

#### **Effect of cancellation, etc.**

**42(1)** Where a person's trade certificate is cancelled or suspended under section 40 or 41, that person, during the period of time that the trade certificate is cancelled or suspended, does not hold a trade certificate in the designated trade for which the trade certificate was granted.

**(2)** Where a person's occupational certificate is cancelled or suspended under section 40 or 41, that person, during the period of time that the occupational certificate is cancelled or suspended, does not hold an occupational certificate in the designated occupation for which the occupational certificate was granted.

**(3)** Where the registration of a person's contract of apprenticeship is cancelled or suspended under section 39, 40 or 41 or under the regulations, that person, during the period of time that the registration is cancelled or suspended, is not an apprentice in the designated trade for which the contract of apprenticeship was registered.

1991 cA-42.3 s42

## **Part 4 Appeals**

### **Right to appeal**

**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,
- (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 made under this Part, appeal the matter to an appeal board.

RSA 2000 cA-42 s43;RSA 2000 c5(Supp) s23

#### **Commencement of appeal**

**44** A person who has a right of appeal may commence an appeal by serving on the Minister, or a person designated by the Minister, a notice of appeal within 30 days from the day that the person receives written notification of the decision being appealed.

1991 cA-42.3 s44

#### **Appeal board**

**45(1)** For the purposes of hearing an appeal referred to in section 43, the Minister shall, within 30 days from the day of being served with a notice of appeal, appoint an appeal board consisting of

- (a) a person designated by the Minister as the presiding officer of the appeal board,
- (b) at least one and not more than 2 persons who represent employers, and
- (c) at least one and not more than 2 persons who represent employees.

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

**(3)** A majority of the persons appointed to an appeal board must be persons who, in the opinion of the Minister, are associated with and are knowledgeable about the designated trade or designated occupation in respect of which the appeal is being brought.

**(4)** Members of an appeal board other than employees of the Government shall be paid, at a rate prescribed by the Minister,

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

1991 cA-42.3 s45

#### **Decision of appeal board**

**46(1)** An appeal board that hears an appeal may, by order, do one or more of the following:

- (a) dismiss the appeal;

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

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

1991 cA-42.3 s46

#### **Advice of Court**

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

1991 cA-42.3 s47

#### **Appeal to Court**

**48(1)** A person whose appeal is heard by an appeal board may appeal the decision of the appeal board to the Court of Queen's Bench on a question of law.

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

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

RSA 2000 cA-42 s48;2009 c53 s23

#### **Procedure before an appeal board**

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

- (a) governing notices of appeal;
- (b) governing the procedure before an appeal board;
- (c) governing adjournments of matters before an appeal board;
- (d) empowering the presiding officer of an appeal board to summon and enforce the attendance of witnesses;

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

1991 cA-42.3 s49

## Part 5 Compliance

### Inspections

**50(1)** For the purposes of ensuring that this Act is being complied with, an officer may at any reasonable time enter any premises of an employer or any premises or location at which tasks, activities or functions are being performed or work is being carried out and carry out an inspection.

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

- (a) inspect
  - (i) the premises or location, and

- (ii) any record, object or thing relating to payroll, job classification, performance of work, qualifications or the instruction or training of persons;
  - (b) make copies or take photographs of any record, object or thing referred to in clause (a)(ii) or remove it for the purpose of making copies or taking photographs;
  - (c) make inquiries of any person with respect to
    - (i) any record, object or thing referred to in clause (a)(ii), or
    - (ii) the employment, qualifications, training or instruction of persons.
- (3)** Notwithstanding subsection (2), an officer shall not enter a residence without the permission of an adult resident of that residence.
- (4)** Where an officer removes any record, object or thing under subsection (2)(b), the officer shall
- (a) give to the person from whom the items were taken a receipt for the items, and
  - (b) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.

1991 cA-42.3 s50

**Impeding officer**

**51(1)** A person shall not impede an officer in the carrying out of any duty that the officer is empowered to carry out under section 50.

**(2)** If an officer

- (a) is refused entry into premises or a location that the officer is authorized to enter under section 50,
- (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 will be impeded,

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

(3) Repealed 2009 c53 s23.

(4) 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.

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

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

- (a) authorize the officer to enter the premises, location or private residence and carry out the inspection under section 50;
- (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.

RSA 2000 cA-42 s51;2009 c53 s23

#### **Compliance order**

**52** 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.

1991 cA-42.3 s52

#### **Court order**

**53(1)** If

- (a) an officer is of the opinion that a person is not complying with
  - (i) this Act,
  - (ii) an order given under section 52, or
  - (iii) an order given by an appeal board under Part 4,
- or
- (b) a party to an appeal is of the opinion that a person is not complying with an order of the appeal board,

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

**(2)** Repealed 2009 c53 s23.

**(3)** 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.

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

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

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

RSA 2000 cA-42 s53;2009 c53 s23



**Offence**

**54(1)** A person who contravenes section 17, 18, 21(3) or (4), 22(3) or (3.1), 22.1(2) or (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) or (4), 22(3) or (3.1), 22.1(2) or (3), 23(4) or (5), 26, 28, 29 or 36(3) or a provision of the regulations is an offence of absolute liability.

**(3)** An offence committed by virtue of a contravention of section 17, 18 or 51(1) is an offence of strict liability.

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

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

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

shall be admitted in evidence as 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.

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

RSA 2000 cA-42 s54;RSA 2000 c5(Supp) s24

## Part 6 Transitional

### Definition

**55** In this Part, “former Act” means the *Manpower Development Act*, RSA 1980 cM-3.

1991 cA-42.3 s55

### Transitional re contracts and certificates

**56(1)** A contract of apprenticeship that was entered into or carried on under the former Act and that is in effect immediately before January 1, 1992 is a contract of apprenticeship under this Act.

**(2)** A Certificate of Completion of Apprenticeship, a Certificate of Qualification or a Certificate of Proficiency that was issued, recognized or continued under the former Act and that is in effect immediately before January 1, 1992 remains in effect under this Act and is deemed to be a trade certificate issued under this Act.

1991 cA-42.3 s56

### Transitional re trades designated under former Act

**57(1)** A trade that is a designated trade under Part 3, Divisions 1 and 3 of the former Act immediately before January 1, 1992 is deemed to have been designated as a compulsory certification trade under section 21 of this Act.

**(2)** A trade

- (a) that is a designated trade under Part 3, Division 3 of the former Act immediately before January 1, 1992, and
- (b) for which a program of training has been recognized under section 45(2)(f) of the former Act,

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

**(3)** A trade that is a designated trade under Part 3, Divisions 1 and 2 of the former Act immediately before January 1, 1992 is deemed to have been designated as an optional certification trade under section 22 of this Act.

**(4)** A trade that is a designated trade under Part 3, Division 2 of the former Act immediately before January 1, 1992 is deemed to have been designated as an optional certification trade under section 22 of this Act.

**(5)** The Lieutenant Governor in Council may make regulations

- (a) listing the trades deemed under this section to be designated as compulsory certification trades under section 21;
- (b) listing the trades deemed under this section to be designated as optional certification trades under section 22.

RSA 2000 cA-42 s57;2005 c38 s3







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