

# BILL

## No. 136

An Act respecting the Saskatchewan Apprenticeship and Trade Certification Commission and providing for the Regulation and Training of Apprentices, Tradespersons and Journeypersons and the Qualifications Necessary for Certificates, Permits, Endorsements and Identification Cards and making consequential amendments to other Acts

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(Assented to                    )

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

### PART 1 Preliminary Matters

**Short title**

1 This Act may be cited as *The Apprenticeship and Trade Certification Act, 2018*.

**Definitions**

2 In this Act:

“**apprentice**” means a person who enters into a contract of apprenticeship that is registered with the commission;

“**board**” means the board of the commission mentioned in section 46;

“**certificate**” means a valid certificate issued pursuant to this Act and includes any certificate continued in force pursuant to this Act;

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**“certification only trade, subtrade or occupation”** means a trade, subtrade or occupation designated as a certification only trade, subtrade or occupation in accordance with subsection 19(3);

**“chief operating officer”** means the chief operating officer of the commission;

**“commission”**, except in Division 6 of Part 3, means the Saskatchewan Apprenticeship and Trade Certification Commission continued pursuant to section 4;

**“commission’s representative”** means an employee of the commission who has been delegated the authority by the chief operating officer to carry out compliance and enforcement activities pursuant to this Act or the regulations;

**“compulsory apprenticeship trade, subtrade or occupation”** means a trade, subtrade or occupation that the Lieutenant Governor in Council has designated as a compulsory apprenticeship trade, subtrade or occupation in accordance with subsection 22(1);

**“contract of apprenticeship”** means a written agreement described in section 27 that is registered with the commission;

**“Crown”** means the Crown in right of Saskatchewan;

**“designated occupation”** means an occupation that is designated in the regulations made by the commission;

**“designated subtrade”** means a subtrade that is designated in the regulations made by the commission;

**“designated trade”** means a trade that is designated in the regulations made by the commission;

**“designated trade, subtrade or occupation”** means a designated trade, designated subtrade and designated occupation;

**“employer”** means any person, firm, partnership, business association or municipal, provincial or other public authority that employs helpers, labourers, apprentices, journeypersons or other employees in connection with any:

(a) designated trade or subtrade or work incidental to that trade or subtrade; or

(b) designated occupation or work incidental to that occupation;

**“industry sector”** means a specific group of designated trades or occupations prescribed by the Lieutenant Governor in Council for the purpose of appointing members of the commission;

**“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

**“joint training committee”** means a joint training committee recognized pursuant to subsection 25(3);

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**“journeyperson”** means a tradesperson who holds:

- (a) a journeyperson’s certificate issued to that person by the commission pursuant to the regulations; or
- (b) a certificate that:
  - (i) is issued to that person by a prescribed authority; and
  - (ii) in the opinion of the commission, is equivalent to a journeyperson’s certificate;

**“mandatory certification trade”** means a trade in which a person must hold a certificate issued by the commission pursuant to the regulations made by the commission in order to work;

**“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

**“ministry”**, except in section 50, means the ministry over which the minister presides;

**“occupation”** means a set of jobs that, with some variation, are similar in their main tasks or duties, or in the type of work performed;

**“plan of apprenticeship”** means the plan described in section 26 for a designated trade, subtrade or occupation that sets out the training requirements for apprentices;

**“prescribed”** means prescribed in the regulations made by the commission or the Lieutenant Governor in Council, as the case may require;

**“subtrade”** means a specific area of skilled work within a trade:

- (a) that shares some scope of practice within that trade; and
- (b) in which specific tasks or duties are performed by an identifiable group of individuals;

**“supervision of apprentices”** or **“under the supervision of a journeyperson”** means that a journeyperson is physically present at all times at the place at which an apprentice is performing the work of a trade;

**“trade”** means an area of skilled work in which specific tasks or duties are performed by an identifiable group of individuals;

**“tradesperson”** means a person, other than an apprentice or journeyperson, who performs the work of a designated trade or subtrade;

**“trade union”** means a union as defined in Part VI of *The Saskatchewan Employment Act*;

**“under-represented group”** means a group of individuals whose participation rate, in the opinion of the minister, in the apprenticeship program is less than the group’s proportional representation in the Saskatchewan population.

**Application of Act**

**3** This Act applies to the registration, training, qualification and certification of apprentices, tradespersons and journeypersons in designated trades, subtrades and occupations.

## APPRENTICESHIP AND TRADE CERTIFICATION

## PART 2

## Saskatchewan Apprenticeship and Trade Certification Commission

## DIVISION 1

## Commission Continued

**Commission continued**

4 The Saskatchewan Apprenticeship and Trade Certification Commission established pursuant to *The Apprenticeship and Trade Certification Act, 1999* is continued as a corporation.

**Membership**

5(1) The commission consists of not more than 20 members appointed by the Lieutenant Governor in Council in accordance with subsections (2) to (5).

(2) A majority of members of the commission must be individuals described in clauses (4)(d) and (e).

(3) Except in the case where there is a temporary vacancy in the membership of the commission, the number of members of the commission selected to represent employees pursuant to clause (4)(d) must equal the number of members of the commission selected to represent employers pursuant to clause (4)(e).

(4) The commission must include the following members:

(a) one employee of the ministry, to be recommended by the minister;

(b) one employee of the Ministry of Education, to be recommended by the minister responsible for the administration of *The Education Act, 1995*;

(c) one representative from the Saskatchewan Polytechnic, to be recommended by the minister;

(d) a minimum of one employee representative from each industry sector, to be selected by the organizations designated in the regulations for the purposes of this section;

(e) a minimum of one employer representative from each industry sector, to be selected by the organizations designated in the regulations for the purposes of this section;

(f) one or more persons to be recommended by the minister to act on behalf of under-represented groups.

(5) The minister shall recommend to the Lieutenant Governor in Council the names of the employee representative and the employer representative for each industry sector that are selected by the organizations designated in the regulations as the organizations that select representatives pursuant to this section.

(6) Subject to subsection (7), a member of the commission holds office for a term not exceeding 3 years and until the member's successor is appointed, and is eligible for reappointment.

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- (7) The Lieutenant Governor in Council may remove a member of the commission:
- (a) after receiving a recommendation from the minister for the member's removal, if:
    - (i) the member fails to attend 3 consecutive regular meetings of the board without the prior approval of the board; and
    - (ii) the board makes a recommendation, with reasons, to the minister requesting the member's removal; or
  - (b) if the Lieutenant Governor in Council considers it to be in the public interest to remove the member.

**Quorum**

**6** The quorum required in order to transact any business of the commission is to consist of:

- (a) at least three members mentioned in clause 5(4)(d);
- (b) at least three members mentioned in clause 5(4)(e); and
- (c) at least half of the total number of members mentioned in clauses 5(4)(a), (b), (c) and (f).

**Remuneration and reimbursement**

**7(1)** The Lieutenant Governor in Council shall determine the maximum remuneration and the maximum rate for reimbursement for expenses to be paid to members of the commission by the commission.

(2) A member of the commission who is also a member of the public service of Saskatchewan is not eligible to receive remuneration, but may be reimbursed for expenses in accordance with the rates paid to members of the public service of Saskatchewan.

**Agent of the Crown**

**8(1)** The commission is for all its purposes an agent of the Crown, and the commission's powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) All real and personal property of the commission, all moneys acquired, administered, possessed or received from any source and all profits earned by the commission are the property of the Crown and are, for all purposes, including taxation of whatever nature or description, deemed to be the property of the Crown.

**Ability to contract**

**9(1)** The commission has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation were acquired or incurred on its own behalf.

(2) The commission, on behalf of the Crown, may contract in its corporate name without specific reference to the Crown.

## APPRENTICESHIP AND TRADE CERTIFICATION

### Liability in tort

- 10** The commission may:
- (a) sue with respect to any tort; and
  - (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings against the Crown Act*.

### Head office

- 11** The head office of the commission is to be situated at any place in Saskatchewan that the minister may approve.

### Exemption from taxation

- 12** Neither the commission nor the real or personal property of the commission is liable to taxation for municipal or school purposes.

## DIVISION 2

### Mandate, Purposes and Powers

#### Mandate and purpose of commission

- 13** The mandate and purposes of the commission are the following:
- (a) to create a relevant, accessible and responsive apprenticeship training and certification system to meet employers' and employees' needs and priorities;
  - (b) to support employer and employee participation in learning, skills development and certification;
  - (c) to designate trades, subtrades and occupations, remove a designated trade, subtrade or occupation's designation, recognize former designated trades and subtrades, and regulate designated trades, subtrades and occupations;
  - (d) to develop approaches in apprenticeship training and certification that support increased access, participation and completion by members of under-represented groups;
  - (e) to administer and issue certificates, permits, endorsements and identification cards respecting the training, certification and registration of apprentices, tradespersons and journeypersons;
  - (f) to participate in interprovincial apprenticeship initiatives that are necessary to maintain Saskatchewan's apprenticeship and trade certification program in good standing with respect to interprovincial standards for training and certification and related matters.

#### Responsibilities of the commission

- 14** Subject to the regulations, the commission shall:
- (a) keep a record of the information contained in every contract of apprenticeship registered with the commission;
  - (b) set any examinations, perform any inspections and make any inquiries that are necessary to ascertain whether this Act and the regulations are being complied with;

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- (c) establish or assist in establishing a system of selecting candidates for technical training and a system for training apprentices, tradespersons and journeypersons in any designated trade, subtrade or occupation based on the needs of the designated trade, subtrade or occupation;
- (d) provide for the designation, regulation and certification of trades, subtrades, occupations and individuals working in those designated trades, subtrades or occupations;
- (e) consult with apprenticeship trainers and with employers, employees and workers in any designated trade, subtrade or occupation, or employers' and employees' organizations directly involved in the designated trade, subtrade or occupation;
- (f) regulate the registration, training and certification of individuals in designated trades, subtrades or occupations;
- (g) perform any responsibilities, in addition to those described in clauses (a) to (f), that it considers necessary for the purpose of carrying out the provisions of this Act and the regulations.

### **Minister's powers**

**15(1)** The minister may:

- (a) enter into agreements with the commission to share staff and facilities of the ministry that may be required by the commission for the purposes of this Act;
- (b) approve any acquisition of real or personal property by the commission pursuant to subclause 16(i)(i);
- (c) require the commission to submit an annual budget and annual business plan to the minister for approval;
- (d) provide the commission with any money that may be appropriated by the Legislature for that purpose, on any terms and conditions the minister may determine, including but not limited to the condition that the commission provide an annual business plan to the minister for approval;
- (e) establish strategic apprenticeship policies in consultation with the commission and give directions for the regulation, certification and training to be provided or undertaken by the commission;
- (f) give direction to the commission on the establishment of any financial or information systems for the commission or changes or additions to existing financial or information systems;
- (g) require the commission to provide the minister with any information, financial or expenditure plans, reports, proposals or documents that the minister may request;
- (h) establish conflict of interest guidelines for the commission;
- (i) require the commission to provide the minister with any information and make any investigation that the minister may request.

## APPRENTICESHIP AND TRADE CERTIFICATION

(2) The commission shall comply with any directions or requirements that are given or made by the minister pursuant to this section and shall provide any information that may be required by the minister pursuant to this section within any period that the minister may determine.

### Commission's general powers

**16** The commission may:

- (a) enter into agreements with any member of the Executive Council or any Crown corporation to share the staff and facilities of that minister's ministry or that Crown corporation that may be required by the commission for the purposes of this Act;
- (b) determine and charge fees, and penalties and interest in relation to those fees, to apprentices, tradespersons, journeypersons and employers for providing training, examinations or registration or other services provided pursuant to this Act or the regulations;
- (c) determine and charge fees, and penalties and interest in relation to those fees, to apprentices, tradespersons, journeypersons and employers for issuing applications, permits, identification cards, certificates and endorsements and providing other services pursuant to this Act or the regulations;
- (d) determine and charge fees and interest for services, courses and products provided by the commission;
- (e) enter into contracts with any person, government, institution or organization inside or outside Saskatchewan for all or any of the following purposes:
  - (i) with respect to providing courses of instruction and training in any designated trade, subtrade or occupation;
  - (ii) with respect to administering benefit programs associated with the courses mentioned in subclause (i);
- (f) suspend or cancel a contract of apprenticeship pursuant to the commission's regulations;
- (g) subject to the regulations made by the Lieutenant Governor in Council, suspend or cancel and require the return of any certificate, endorsement, permit or identification card;
- (h) accept any funds provided to it by the minister, the Government of Canada or from any other source;
- (i) subject to the prior approval of the minister:
  - (i) acquire by lease or otherwise any real or personal property that it considers necessary for the efficient operation of the commission; and
  - (ii) sell, lease or otherwise dispose of any of its property that it considers to be no longer necessary for its purposes;

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- (j) manage, insure, maintain, repair, alter or improve any of its property;
- (k) subject to section 55, borrow any funds required to carry out its functions and provide security with respect to that borrowing;
- (l) establish any committees that the commission considers necessary to operate and to carry out its responsibilities pursuant to this Act;
- (m) appoint any person who is not a member of the commission to be a member of a committee of the commission;
- (n) enter into labour market development and training agreements with any person, government, organization, trade union, private enterprise or Indian band inside or outside Saskatchewan for the carrying out of any of the responsibilities assigned to the commission by this Act or for any purpose:
  - (i) related to the exercise of any of the powers of the commission; or
  - (ii) prescribed by the Lieutenant Governor in Council;
- (o) appoint employees to represent the commission on interprovincial apprenticeship and trade certification committees, working groups and other similar organizations;
- (p) receive and manage revenue, monetary contributions, donations, trust funds and bequests;
- (q) invest any money mentioned in clause (p) and interest on that money in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*;
- (r) dispose of any investment mentioned in clause (q) in any manner, on any terms and in any amount that the board considers expedient;
- (s) enter into contracts with any person inside or outside Saskatchewan for the provision of services to the commission;
- (t) exercise any other powers that the commission considers necessary or incidental to carrying out its responsibilities and powers mentioned in this Act or the regulations or to fulfil its mandate or purposes.

**Delegation of powers**

**17(1)** Subject to subsection (2), the commission may delegate to the chief executive officer or any of its employees any of its powers, subject to any terms and conditions that the commission may determine.

- (2) The commission shall not delegate any of the following powers:
  - (a) the making of regulations;
  - (b) the setting of fees and penalties and interest with respect to those fees and penalties;
  - (c) the establishing of committees;
  - (d) the appointing of individuals to committees or boards.

## APPRENTICESHIP AND TRADE CERTIFICATION

PART 3  
Regulation and CertificationDIVISION 1  
Designated Trades, Subtrades and Occupations**Apprenticeship – general**

**18** Every apprentice must serve a period of apprenticeship in the apprentice's designated trade, subtrade or occupation.

**Designation or removal of designation by regulation**

**19(1)** Subject to sections 20 and 21, the commission may, by regulation, designate or remove the designation of a trade, subtrade or occupation.

(2) Subject to sections 20 and 21, the commission may by regulation, designate a mandatory certification trade.

(3) Subject to the regulations, the commission may, by regulation and after consultation with the appropriate trade board, designate a trade, subtrade, or occupation as a certification only trade, subtrade or occupation.

(4) If a trade, subtrade or occupation is designated as a certification only trade, subtrade or occupation pursuant to subsection (3), the commission may exempt that trade, subtrade or occupation from the requirement of having a plan of apprenticeship pursuant to section 26.

**Designation of trades, subtrades and occupations**

**20(1)** The commission, when considering the designation of a trade, subtrade or occupation pursuant to subsection 19(1) or (2), shall require employers and employees working in that trade, subtrade or occupation or their respective representatives to develop a human resource plan.

(2) Every human resource plan pursuant to subsection (1) for the designation of a trade, subtrade or occupation must be in a form acceptable to the commission, be submitted to the commission and set out the following:

- (a) the need for a program of training on the job that encompasses a range of skills to develop skilled journeypersons;
- (b) the need for technical training to reinforce the knowledge, skills and attitudes required to perform the range of skills necessary to develop skilled journeypersons;
- (c) verification that a majority of employers and a majority of persons working in the trade, subtrade or occupation support the request for designation;
- (d) an estimate of the number of persons actively engaged in the work of the trade, subtrade or occupation;
- (e) an estimate of the number of apprentices that will annually enrol in the program;
- (f) any other matter the commission requests.

## APPRENTICESHIP AND TRADE CERTIFICATION

(3) The commission may designate a trade, subtrade or occupation if, in its opinion, the human resource plan:

- (a) demonstrates the need for a program of training on the job encompassing a range of skills to develop skilled journeypersons;
- (b) demonstrates the need for technical training to reinforce the knowledge, skills and attitudes required to perform the range of skills necessary to develop skilled journeypersons; and
- (c) contains written verification that a majority of employers and a majority of persons working in the trade, subtrade or occupation support the request for designation.

(4) A human resource plan must be reviewed by the commission and the designated trade, subtrade or occupation at least once every 5 years.

### **Removal of designation of a trade, subtrades and occupations**

**21** The commission may remove the designation of a trade, subtrade or occupation if the commission is satisfied that:

- (a) a majority of employers and a majority of employees working in the designated trade, subtrade or occupation agree to the removal of the designation; and
- (b) work in the designated trade, subtrade or occupation is no longer performed on a regular basis.

## DIVISION 2

### **Compulsory Apprenticeship Trades, Subtrades and Occupations**

#### **Compulsory apprenticeship trade, subtrade and occupation**

**22(1)** The Lieutenant Governor in Council may, on the recommendation of the minister, prescribe the designation of a designated trade, subtrade or occupation as a compulsory apprenticeship trade, subtrade or occupation.

(2) Before the minister recommends that the Lieutenant Governor in Council prescribe the designation of a designated trade, subtrade or occupation as a compulsory apprenticeship trade, subtrade or occupation, the minister must receive a recommendation from the commission respecting the designation of the designated trade, subtrade or occupation as a compulsory apprenticeship trade, subtrade or occupation.

(3) Before the commission makes a recommendation to the minister pursuant to subsection (2), the commission shall:

- (a) determine that a majority of employers and a majority of employees working in the designated trade, subtrade or occupation support the recommendation to make the designated trade, subtrade or occupation a compulsory apprenticeship trade, subtrade or occupation;
- (b) be satisfied that the work of the designated trade, subtrade or occupation to be prescribed is clearly defined;

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- (c) be satisfied that no overlap or duplication with the work of an existing designated trade, subtrade or occupation will occur except as prescribed in the regulations;
- (d) be satisfied that implementation of the recommendation will result in improved occupational health and safety and public safety;
- (e) be satisfied that the implementation of the recommendation will benefit Saskatchewan residents;
- (f) inform, in any manner that the commission considers appropriate, employers and employees and the general public of the commission's intention to request a new compulsory apprenticeship trade, subtrade or occupation;
- (g) consult, in any manner that the commission considers appropriate, with employers and persons working in the designated trade, subtrade or occupation;
- (h) hold any public meetings that it considers necessary; and
- (i) meet any other requirements the minister may require.

### **Removal of a compulsory apprenticeship trade, subtrade or occupation designation**

**23(1)** The Lieutenant Governor in Council may, on the recommendation of the minister, remove the designation of a designated trade, subtrade or occupation as a compulsory apprenticeship trade, subtrade or occupation.

(2) Before the minister recommends that the Lieutenant Governor in Council remove the designation of a designated trade, subtrade or occupation as a compulsory apprenticeship trade, subtrade or occupation, the minister must receive a recommendation from the commission respecting the removal of the designation of the designated trade, subtrade or occupation as a compulsory apprenticeship trade, subtrade or occupation.

(3) Before the commission makes a recommendation to the minister pursuant to subsection (2), the commission shall:

- (a) determine that a majority of employers and a majority of employees agree to the removal of the designation; and
- (b) be satisfied that the work in the designated trade, subtrade or occupation is no longer performed on a regular basis.

## DIVISION 3

### **Trade Boards and Joint Training Committees**

#### **Trade boards**

**24(1)** After consulting with employers and employees in designated trades, subtrades and occupations in any manner that the commission considers appropriate, the commission may appoint a trade board in any designated trade, subtrade or occupation.

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(2) A trade board appointed pursuant to subsection (1) may make recommendations to the commission with respect to the following for the designated trade, subtrade or occupation:

- (a) entrance requirements for apprentices;
- (b) curricula for courses and apprenticeship training;
- (c) examinations respecting certificates, permits, endorsements and identification cards;
- (d) any other matters that the commission may request.

(3) The commission shall:

- (a) consider and approve or reject any recommendations made by a trade board pursuant to subsection (2); and
- (b) inform the trade board of the commission's decision.

### **Joint training committees**

**25(1)** A committee that is seeking recognition as a joint training committee must apply to the commission for recognition in the manner set out in this section.

(2) An application by a committee requesting recognition must demonstrate to the satisfaction of the commission that the committee:

- (a) represents employers in the designated trade, subtrade or occupation, or their representatives, and employees in the designated trade, subtrade or occupation, or their representatives;
- (b) is formed to facilitate the training of apprentices in the designated trade, subtrade or occupation; and
- (c) has an agreement with employers, organizations, trade unions or other agencies to provide on-the-job training to apprentices.

(3) The commission may recognize a committee as a joint training committee for a designated trade, subtrade or occupation if the committee applies for recognition and the commission is satisfied that the committee meets the requirements set out in subsection (2).

(4) A joint training committee that is recognized pursuant to this section may enter into contracts of apprenticeship.

(5) If the commission considers it appropriate, the commission:

- (a) may withdraw recognition of a committee as a joint training committee for a designated trade, subtrade or occupation and, on the commission's withdrawal of recognition, the committee ceases to be a joint training committee for the designated trade, subtrade or occupation; and
- (b) shall, if it withdraws recognition pursuant to clause (a), transfer each of the contracts of apprenticeship affected by the withdrawal to each apprentice's respective employer.

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(6) Subject to subsections (7) and (8), a joint training committee may be recognized for a term not exceeding 3 years.

(7) The term set out in subsection (6) may be extended or altered by the commission in accordance with the procedures established by the commission to review a joint training committee's recognition.

(8) If the term of a joint training committee set out in subsection (6) has expired, the term will be automatically extended for the duration required for the commission to review the joint training committee's recognition pursuant to subsection (7).

### DIVISION 4 Apprenticeship

#### Plans of apprenticeship

**26(1)** Subject to subsection 19(4), the commission, in consultation with the appropriate trade board, must ensure that there is a plan of apprenticeship for every designated trade, subtrade or occupation.

(2) A plan of apprenticeship must contain:

- (a) an occupational analysis outlining the level of skill an apprentice needs to attain to develop as a journeyperson or a certificate holder;
- (b) a program of instruction containing the knowledge, skills and attitudes required to be certified as a journeyperson or a certificate holder;
- (c) guidelines respecting the supervision of apprentices during on-the-job training;
- (d) the language abilities and educational requirements to undertake apprenticeship training;
- (e) a wage scale that provides for increases at fixed intervals, but, if rates of wages have been determined by a collective bargaining agreement those rates are to apply if they are not less than the minimum rate prescribed by the commission for the trade, subtrade or occupation in which the training is to be given; and
- (f) any other matter the commission may prescribe.

#### Contracts of apprenticeship

**27(1)** An apprentice may enter into a contract of apprenticeship with any one of the following:

- (a) the apprentice's employer;
- (b) a joint training committee;
- (c) the commission;
- (d) any other person or group, with the prior written approval of the commission.

## APPRENTICESHIP AND TRADE CERTIFICATION

- (2) Every contract of apprenticeship must conform with:
- (a) the plan of apprenticeship for the designated trade, subtrade or occupation, as the case may be;
  - (b) the regulations made by the Lieutenant Governor in Council; and
  - (c) the regulations made by the commission.

### **Certificates for apprentices, journeypersons and tradespersons**

**28(1)** No person who is required by the regulations to have a registered contract of apprenticeship or to hold a certificate, permit, endorsement or identification card in a designated trade, subtrade or occupation shall work at that designated trade, subtrade or occupation, unless that person has a registered contract of apprenticeship or holds the required certificate, permit, endorsement or identification card.

(2) No employer engaged in the business of any designated trade, subtrade or occupation shall employ a person who is required by the regulations to have a registered contract of apprenticeship or to hold a certificate, permit, endorsement or identification card in a designated trade, subtrade or occupation to work at that designated trade, subtrade or occupation, unless that person has a registered contract of apprenticeship or holds the required certificate, permit, endorsement or identification card.

## DIVISION 5 Commission Regulations

### **Commission regulations**

**29** Subject to the regulations made by the Lieutenant Governor in Council, the commission may make regulations:

- (a) designating trades as designated trades for the purposes of this Act;
- (b) designating subtrades as designated subtrades for the purposes of this Act;
- (c) designating occupations as designated occupations for the purposes of this Act;
- (d) designating trades as mandatory certification trades for the purposes of this Act;
- (e) respecting the designation of trades, subtrades or occupations as certification only trades, subtrades or occupations;
- (f) prescribing authorities for the purposes of the definition of “journeyperson” in section 2;
- (g) respecting training and certification in designated trades, subtrades and occupations;
- (h) respecting educational courses to be taken, exemptions for attending those courses, advanced standing and experience to be acquired by apprentices, tradespersons and journeypersons in a designated trade, subtrade or occupation;

## APPRENTICESHIP AND TRADE CERTIFICATION

- (i) respecting time credits to be allowed for previous experience in the designated trade, subtrade or occupation and the form and manner of proof of that experience or training;
- (j) subject to section 27, respecting the requirements for and the terms and conditions of contracts of apprenticeship in designated trades, subtrades or occupations;
- (k) respecting the signing of contracts of apprenticeship;
- (l) respecting the conditions necessary for a contract of apprenticeship to be suspended or cancelled and exemptions from those conditions;
- (m) respecting registration of contracts of apprenticeship and the suspension and cancellation and transfer of contracts of apprenticeship, including the refusal to register contracts of apprenticeship;
- (n) respecting the conditions pursuant to which the commission may refuse to register or transfer a contract of apprenticeship;
- (o) respecting the circumstances pursuant to which employment before a contract of apprenticeship may be included as a portion of the time required to complete the full period of apprenticeship;
- (p) respecting the manner in which contracts of apprenticeship and cancellations or transfers of contracts of apprenticeship are to be submitted to the commission for approval and registration;
- (q) providing for the inspection of the training of apprentices, tradespersons and journeypersons;
- (r) respecting tests and examinations for apprentices, tradespersons and journeypersons;
- (s) respecting the issue, use, suspension and cancellation of certificates, endorsements, identification cards and permits to apprentices, tradespersons and journeypersons in a designated trade, subtrade or occupation, the duration of those certificates, endorsements, identification cards and permits, and the requirements to be met by applicants for certificates, endorsements, identification cards and permits;
- (t) respecting the issue, use, suspension and cancellation of identification cards;
- (u) respecting the posting of certificates, endorsements and permits, and the posting of the regulations or any portion of the regulations in any premises in which the work of a designated trade, subtrade or occupation is carried on;
- (v) prescribing the form of transfers of contracts of apprenticeship, certificates, permits, endorsements, identification cards and any other forms that may be required by this Act or the regulations;
- (w) prescribing the fees, and penalties and interest with respect to those fees, to be paid for any registration, examination, application, permit, endorsement, identification card or certificate;

## APPRENTICESHIP AND TRADE CERTIFICATION

- (x) appointing or providing for the appointment of trade boards for designated trades, subtrades or occupations, and prescribing the duties of trade boards and determining the remuneration of members of trade boards;
- (y) respecting the qualifications necessary for admission to or continuation in any program of instruction or other training program or course administered pursuant to this Act;
- (z) respecting eligibility to write any examination required pursuant to the regulations;
- (aa) respecting the use of a record book for each apprentice in a designated trade, subtrade or occupation;
- (bb) respecting the duties of joint training committees;
- (cc) respecting the hearing of complaints against, and the re-examination of, persons holding certificates issued pursuant to this Act;
- (dd) respecting interprovincial standards examinations, interprovincial seals and recognition of certificates issued outside Saskatchewan.

### DIVISION 6

#### Appeals

##### Definitions for Division

**30** In this Division:

**“commission”** includes a committee of the commission established for the purpose of hearing appeals;

**“court”** means the Court of Queen’s Bench;

**“employee decision”** means:

- (a) a decision of an employee of the commission respecting the following:
  - (i) the refusal to issue or the suspension or cancellation of a certificate, permit, endorsement or identification card;
  - (ii) the refusal to register an individual’s contract of apprenticeship;
  - (iii) the suspension or cancellation of a person’s contract of apprenticeship;
  - (iv) the refusal to award advanced standing or time credit to an individual to be counted as apprenticeship time or trade experience;
- (b) a decision of the chief operating officer pursuant to section 42 respecting a notice of non-compliance.

## APPRENTICESHIP AND TRADE CERTIFICATION

**Request for review of refusal or suspension**

**31(1)** A person who is the subject of an employee decision may request that the employee decision be reviewed by the commission.

(2) To commence a review pursuant to subsection (1), the person shall, within 6 months after the date of becoming aware of the employee decision, serve a written notice for a review on the commission that contains the grounds for the review and the relief sought.

**Commission review**

**32(1)** On receipt of a notice for a review mentioned in subsection 31(2), the commission shall conduct a review by way of a *de novo* hearing, according to the prescribed procedures and time limits.

(2) The person who is the subject of the employee decision shall be given an opportunity to be heard on any terms and conditions that the commission may determine.

(3) A person who is granted a review pursuant to this section may be represented by an agent or counsel at the person's own expense.

(4) The commission may, by order, do one or more of the following with respect to a review:

- (a) stay the employee decision pending determination of the review on any terms and conditions that the commission may determine;
- (b) allow or dismiss the person's request for relief;
- (c) vary the employee decision or substitute its own decision for the employee decision reviewed.

(5) The commission shall provide written reasons to the person who is the subject of the review within 30 days after the end of the hearing, as the case may be.

**Appeal to court**

**33(1)** A person who is the subject of one or more of the following decisions may appeal the decision to the court on a question of law or jurisdiction:

- (a) an employee decision that was made by resolution of the commission;
- (b) an order of the commission following a review pursuant to section 32.

(2) If a person wishes to appeal a decision pursuant to subsection (1), the person shall, within 30 days after the date that the person receives the written reasons for the employee decision or order to be appealed:

- (a) serve a copy of the notice of appeal on the commission; and
- (b) file a copy of the notice of appeal with the local registrar of the court.

(3) A notice of appeal described in subsection (2) must set out the grounds of appeal.

## APPRENTICESHIP AND TRADE CERTIFICATION

- (4) On receipt of the notice of appeal, the commission shall file with the local registrar a true copy of the following documents:
- (a) any minutes, transcripts or records respecting the hearing of the matter being appealed;
  - (b) the decision or order of the commission being appealed, including any written reasons.
- (5) The court shall consider the documents filed pursuant to subsection (4) and may consider any other evidence that the court determines is relevant.
- (6) After hearing an appeal, the court:
- (a) shall:
    - (i) dismiss the appeal; or
    - (ii) allow the appeal and give any directions to the commission that the court considers appropriate or refer the matter back to the commission for a rehearing; and
  - (b) may make any order as to costs that the court considers appropriate.
- (7) The Lieutenant Governor in Council may prescribe any procedures or rules respecting appeals to the court.
- (8) The court's decision is final and there is no appeal from a decision of the court.

### **Effect of appeal to court**

**34** The commencement of an appeal pursuant to section 33 does not stay the effect of the employee decision or order of the commission that is being appealed, but on 5 days' notice to the commission, the appellant may apply to the court for a stay of the employee decision or order on any terms and conditions that the court considers necessary pending the disposition of the appeal.

## PART 4

### **Compliance and Enforcement**

#### DIVISION 1

### **Records and Inspections**

#### **Definitions for Division**

**35** In this Division:

**“property”** includes computer hardware and any other electronic equipment used to store information;

**“records”** includes books, papers, documents, information, computer software and electronic records.

## APPRENTICESHIP AND TRADE CERTIFICATION

**Records**

**36(1)** Every employer carrying on business in any designated trade, subtrade or occupation shall keep records showing, in the case of every apprentice, tradesperson and journeyman who is an employee, and in the case of every other person engaged in connection with the business of the employer who is working in any designated trade, subtrade or occupation:

- (a) the name and address of the apprentice, tradesperson, journeyman or other person;
- (b) the name of the designated trade, subtrade or occupation in which the apprentice, tradesperson, journeyman or other person works;
- (c) the name, number and expiry date, if any, of any certificate, permit, endorsement or identification card issued to the apprentice, tradesperson, journeyman or other person pursuant to the regulations and the number of any interprovincial seal issued to the apprentice, tradesperson, journeyman or other person by any province or territory of Canada;
- (d) the date of the commencement of the apprentice's, tradesperson's, journeyman's or other person's current employment; and
- (e) any other particulars that are required by the regulations.

(2) Every employer carrying on business in any designated trade, subtrade or occupation shall keep records showing, in the case of every apprentice, tradesperson and journeyman who is an employee:

- (a) the apprentice's, tradesperson's or journeyman's regular rate of wages; and
- (b) the number of hours the apprentice, tradesperson or journeyman is required to work or has worked in any week.

(3) The records required by subsection (1) or (2) may be incorporated in any record of wages or hours that the employer is required to keep.

**Demand for records and inspection of training**

**37(1)** The commission or the commission's representative may, at any reasonable time:

- (a) enter any premises or place where work in a designated trade, subtrade or occupation is performed for the following purposes:
  - (i) to ensure compliance with this Act and the regulations;
  - (ii) to inspect the training of apprentices, tradespersons and journeymen;
- (b) inspect the records required to be kept by this Act or the regulations;
- (c) require any employer required by this Act to keep records to verify the entries in the records by statutory declaration or in any other manner that the commission or the commission's representative may require;

## APPRENTICESHIP AND TRADE CERTIFICATION

- (d) require any person to provide, in a form acceptable to the commission or the commission's representative, any information that the commission or the commission's representative considers necessary to ascertain whether this Act and the regulations are being or have been complied with.
- (2) Every employer required by this Act to keep records shall produce those records for inspection on the request of the commission or the commission's representative.
- (3) The commission or the commission's representative may serve a written demand on any person, including a trustee or a director, officer or employee of a corporation, requiring that person to produce any records or property in that person's control that relate to training, certification and regulation of apprentices, journeypersons, tradespersons and certificate holders.
- (4) No person on whom a written demand is served pursuant to this section shall fail to provide the records or property mentioned in the written demand within the time specified in the written demand.
- (5) The commission or the commission's representative may inspect and examine any records or property produced pursuant to a written demand served pursuant to this section and remove the records or property for the purpose of making copies in accordance with section 39.
- (6) The commission or the commission's representative shall not enter premises that are ordinarily occupied as a private residence unless the occupant of those premises consents to the entry.

**Inspection of work sites, buildings, structures or premises**

- 38(1)** Subject to subsection (7), for the purposes of ensuring compliance with this Act, the regulations or any order made pursuant to this Act, the commission or the commission's representative may, at any reasonable time, enter and inspect any employer's building, structure, premises or work site.
- (2) For the purposes of subsection (1), the commission or the commission's representative may:
- (a) collect data or samples;
  - (b) take photographs of or make a video recording of a building, structure, premise or work site and work being performed at that location;
  - (c) make any inspection or study;
  - (d) interview employees or other people on the premises;
  - (e) conduct any test;
  - (f) require the production of records and property for the purpose of examination or making copies.

## APPRENTICESHIP AND TRADE CERTIFICATION

- (3) When entering on land or into any building, structure, premises or work site pursuant to this section, the commission or the commission's representative may:
- (a) enter with any vehicle or materials that the commission or the commission's representative considers necessary for the purpose of the entry; and
  - (b) take any person or thing that the commission or the commission's representative considers necessary to assist the commission or the commission's representative to fulfil the purpose of the entry.
- (4) If the commission or the commission's representative considers it necessary for the purposes of the inspection, the employer shall provide safe access to the site to be inspected.
- (5) Before entering on any land or into any building, structure, premises or work site, the commission or the commission's representative shall notify the owner, occupant or employer of the purpose of the entry, if the owner, occupant or employer is present at the time of the entry.
- (6) While the commission or the commission's representative is exercising the powers pursuant to this section, no person shall:
- (a) knowingly make any false or misleading statement to the commission or the commission's representative; or
  - (b) obstruct or interfere with the commission or the commission's representative.
- (7) The commission or the commission's representative shall not enter a private dwelling unless the owner or occupant consents to the entry.

**Copies of records**

- 39(1)** If any records are removed pursuant to section 37 or 38, the commission or the commission's representative may make copies of the records.
- (2) The commission or the commission's representative shall:
- (a) make those copies as soon as is reasonably possible; and
  - (b) promptly return the originals of the records from which the copies were made to:
    - (i) the place they were removed from; or
    - (ii) any other place that may be agreed to by the commission or the commission's representative and the person who produced them or from whom they were seized.
- (3) The copy of a record certified by the commission, the commission's representative or a person mentioned in subsection (1) to be a copy made pursuant to this section:
- (a) is admissible in evidence without proof of the office or the signature of the person purporting to have made the certificate; and
  - (b) has the same probative force as the original record.

## APPRENTICESHIP AND TRADE CERTIFICATION

DIVISION 2  
Non-compliance and Enforcement**Non-compliance notices**

**40(1)** The commission or the commission's representative may issue a notice of non-compliance to a person if the commission or the commission's representative believes that the person is not in compliance with this Act or the regulations.

(2) A notice of non-compliance pursuant to subsection (1) must set out:

- (a) the nature of the non-compliance;
- (b) a request for voluntary compliance;
- (c) the steps that should be taken to achieve compliance;
- (d) the date by which compliance should be effected; and
- (e) a statement that the person to whom the notice is issued has the right to make representations to the chief operating officer pursuant to section 42.

(3) The commission may establish a public register of notices of non-compliance and, if that register is established, shall cause a copy of every active notice of non-compliance to be placed on the register.

(4) A register established pursuant to subsection (3) is to be accessible to the public without charge during normal business hours at the office of the commission.

(5) If the commission is satisfied that a person to whom a notice of non-compliance was issued pursuant to subsection (1) has effected compliance pursuant to the notice, the commission shall remove the copy of the notice of non-compliance from the public register.

(6) The commission may make publicly available all or any part of the public register.

**Cessation of work notice**

**41(1)** If there is no supervision of apprentices in a compulsory apprenticeship trade, subtrade or occupation, the commission or the commission's representative may issue a notice of non-compliance to the employer of the apprentice and shall, in the notice of non-compliance, require the immediate cessation of work by all apprentices who are not under the supervision of a journeyperson.

(2) A notice pursuant to subsection (1) must:

- (a) set out the facts and circumstances that, in the opinion of the commission or the commission's representative, establish that the supervision of apprentices is not being carried out; and
- (b) inform the person to whom the notice is given of the person's right to make representations to the chief operating officer pursuant to section 42.

(3) The notice of non-compliance issued pursuant to subsection (1) may be revoked by the commission or the commission's representative only if the commission or the commission's representative is satisfied that supervision of apprentices has commenced or resumed in the compulsory apprenticeship trade, subtrade or occupation.

## APPRENTICESHIP AND TRADE CERTIFICATION

**Representations to the chief operating officer**

**42(1)** A person to whom a notice of non-compliance is given pursuant to section 40 or 41 may make representations to the chief operating officer respecting the notice.

(2) Representations made pursuant to subsection (1) must be made within 14 days after the person received the notice.

(3) Representations made pursuant to subsection (1) do not operate as a stay of the notice of non-compliance, unless the chief operating officer orders otherwise.

(4) After considering any representations made pursuant to subsection (1), the chief operating officer:

(a) may confirm, revoke or vary the notice of non-compliance; and

(b) shall give written notice, with reasons, of the chief operating officer's decision pursuant to clause (a) to the person who made representations.

(5) A decision of the chief operating officer pursuant to subsection (4) may be reviewed by the commission in accordance with sections 31 and 32.

**Offences and penalties**

**43(1)** No person shall work in a compulsory apprenticeship trade, subtrade or occupation unless that person:

(a) has a registered contract of apprenticeship in that compulsory apprenticeship trade, subtrade or occupation;

(b) has a journeyperson's certificate to work in that compulsory apprenticeship trade, subtrade or occupation;

(c) has a special permit to work in that compulsory apprenticeship trade, subtrade or occupation;

(d) intends to become indentured in that compulsory apprenticeship trade, subtrade or occupation after working in the trade, subtrade or occupation for the prescribed period; or

(e) is exempted by the regulations made by the Lieutenant Governor in Council, or is a member of a category of persons exempted by the regulations made by the Lieutenant Governor in Council, from meeting the requirements set out in this subsection.

(2) In a compulsory apprenticeship trade, subtrade or occupation, no person shall employ or engage the services of an individual to perform work in that designated trade, subtrade or occupation unless the individual:

(a) is a journeyperson, special permit holder or apprentice in that designated trade, subtrade or occupation;

(b) is an individual who intends to become indentured in that designated trade, subtrade or occupation pursuant to clause (1)(d); or

(c) is exempted in accordance with clause (1)(e).

## APPRENTICESHIP AND TRADE CERTIFICATION

(3) In a compulsory apprenticeship trade, subtrade or occupation, no person shall engage the services of a business to perform work in that designated trade, subtrade or occupation unless the business only employs:

- (a) journeypersons, special permit holders or apprentices in that designated trade, subtrade or occupation;
- (b) persons who intend to become indentured in that designated trade, subtrade or occupation pursuant to clause (1)(d); or
- (c) persons exempted in accordance with clause (1)(e).

(4) No person shall contravene any provision of this Act or the regulations.

(5) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 and in addition, in the case of a continuing offence, to a fine of not more than \$1,000 for each day or part of a day during which the offence continues.

(6) If a corporation commits an offence pursuant to this Act, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this Act whether or not the corporation has been prosecuted or convicted.

**Examination prohibitions**

44(1) If the regulations provide for the issue of certificates, permits or endorsements based on the results of tests or examinations in a designated trade, subtrade or occupation, no person shall assist another person taking a test or examination or knowingly convey or disclose to that person, directly or indirectly, any information respecting the contents of the test or examination.

(2) If the regulations provide for the issue of certificates, permits or endorsements based on the results of tests or examinations in a designated trade, subtrade or occupation, no person who is an applicant for a certificate, permit or endorsement shall knowingly acquire, before taking any test or examination, any information respecting the contents of the test or examination.

(3) Every person who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000.

**Limitation on prosecution**

45 No prosecution for a contravention of this Act or the regulations is to be commenced more than 2 years after the date the facts on which the alleged contravention is based first came to the knowledge of the commission.

## APPRENTICESHIP AND TRADE CERTIFICATION

PART 5  
General Matters Affecting the CommissionDIVISION 1  
Administrative**Board**

**46** The board of the commission is composed of the members of the commission appointed pursuant to section 5.

**Chairperson and vice-chairperson**

**47** Before September 30 in each year, the members of the board shall elect from among their number, a chairperson and a vice-chairperson of the board.

**Responsibilities and powers of the board**

**48(1)** The board shall:

- (a) conduct and manage the business and affairs of the commission and ensure that the business and affairs of the commission are conducted in accordance with this Act and the regulations;
- (b) hold an organizational meeting before September 30 in each year;
- (c) hold at least 6 regular meetings each year and any other meetings that the board considers appropriate;
- (d) make rules respecting the calling of its meetings and the conduct of business at those meetings and generally respecting the regulation of the conduct of its business;
- (e) establish conflict of interest rules governing members of the board or any members of any committee of the commission or a trade board;
- (f) following each meeting of the board, any committee of the commission or a trade board, provide the minister with a copy of the minutes of the meeting as approved by the board, committee or trade board;
- (g) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the commission;
- (h) set out the duties of any committee appointed pursuant to clause (g);
- (i) subject to the limits set out by Treasury Board, fix the remuneration of members of any committee appointed pursuant to clause (g);
- (j) pay members of a committee appointed pursuant to clause (g) for travel and other expenses incurred by the member in connection with committee or board business.

**(2)** The board may:

- (a) appoint from among its members an executive committee; and
- (b) by resolution, delegate to the executive committee any powers that it considers necessary for the efficient conduct of the business of the commission.

APPRENTICESHIP AND TRADE CERTIFICATION

(3) A member of the executive committee is to be appointed for a 1-year term and holds office until the member:

- (a) is removed by resolution of the board; or
- (b) ceases to be a member of the board.

(4) The executive committee may exercise any powers of the board that are delegated to it by resolution of the board, subject to any restrictions contained in this Act or the resolution.

(5) The executive committee shall:

- (a) be chaired by the chairperson of the board;
- (b) fix its quorum at not less than a majority of its members;
- (c) keep minutes of its proceedings and decisions; and
- (d) submit to the board at each meeting of the board, minutes of the executive committee's proceedings and decisions during the period since the most recent meeting of the board.

**Chief executive officer**

**49(1)** The board shall appoint a chief executive officer for the commission.

(2) Subject to subsection (3), the board shall determine the term of office of the chief executive officer and that person's remuneration, which is to be paid by the commission.

(3) The term of office for which the chief executive officer is appointed shall not exceed 5 years but the term may be renewed by the board.

(4) The chief executive officer shall exercise the powers and perform the duties assigned to the chief executive officer by the board and is responsible, subject to the direction of the board, for the general supervision and direction of the administrative, the financial and, subject to the regulations, the regulatory affairs of the commission.

**Employees**

**50(1)** In this section:

**"ministry"** means a ministry as defined in *The Executive Government Administration Act*;

**"public service"** means public service as defined in *The Public Service Act, 1998*.

(2) The board may appoint or engage any professional and technical personnel that may be required for the purposes of this Act and may determine the salaries and other remuneration to be paid.

(3) In addition to the authority of the board pursuant to subsection (2), the board may employ officers and other employees for the commission pursuant to the provisions of *The Public Service Act, 1998*, and with respect to those officers and employees, the commission is deemed to be a ministry and the officers and employees are deemed to be members of the public service.

## APPRENTICESHIP AND TRADE CERTIFICATION

(4) The commission is deemed to be a participating employer for the purposes of every employee benefit plan that the employees of the commission are entitled to participate in by reason of subsection (3).

(5) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply, with any necessary modification, to every employee of the commission.

### DIVISION 2

#### Financial

##### **Budget**

**51(1)** In each fiscal year, the board shall prepare a budget and an annual business plan for the commission in a form specified by the minister and shall submit copies of the budget and annual business plan to the minister on or before the date specified by the minister.

(2) The minister shall review the budget and annual business plan submitted pursuant to subsection (1) and may approve the budget and the annual business plan or may require the board to revise all or any part of the budget or the annual business plan in any manner that the minister considers appropriate.

(3) On approval of the budget and the annual business plan by the minister, the board shall adopt the budget and the annual business plan.

(4) The commission shall not incur any liability or make or commit itself to any expenditure unless:

(a) payment of the whole of the liability or expenditure can be provided out of the income of the commission for the fiscal year in which it is incurred, made or committed or out of other money available for the purpose; or

(b) the liability or expenditure has been approved by the minister as part of the budget for the fiscal year or the minister has otherwise approved it.

(5) If the commission contravenes subsection (4), the Lieutenant Governor in Council may terminate the appointments of persons who at the time of the contravention are members of the commission.

##### **Audit**

**52** The Provincial Auditor or any auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial transactions of the commission:

(a) annually; and

(b) at any other time that the Lieutenant Governor in Council may require.

##### **Fiscal year**

**53** The fiscal year of the commission is the period commencing on July 1 in one year and ending on June 30 in the next year or any other period that may be prescribed by the Lieutenant Governor in Council.

## APPRENTICESHIP AND TRADE CERTIFICATION

### **Inspection of financial records**

**54(1)** The minister may appoint a person to examine and inspect the financial condition, administrative condition or any other matter relating to the management, administration or operation of the commission.

(2) The commission shall provide the person appointed pursuant to subsection (1) with access to all information, books, records and other documents in the possession or under the control of the commission relating to the activities and functioning of the commission.

(3) Each member of the commission and each officer or employee of the commission shall provide to the appropriate person, on request, any information, books, records or documents that are requested.

(4) The person appointed pursuant to subsection (1) shall report to the minister on the examination and inspection that was conducted within any period that the minister may specify.

### **Borrowing**

**55** The commission shall not borrow any money without the prior approval of the Lieutenant Governor in Council.

### **Financial and annual reports**

**56(1)** In accordance with section 13 of *The Executive Government Administration Act*, the commission shall submit to the minister an annual report and an audited financial statement for the commission for the preceding fiscal year on or before the date specified by the minister and in a form acceptable to the minister.

(2) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each statement received by the minister pursuant to subsection (1).

## PART 6 General

### **Act to prevail**

**57(1)** In case of conflict between this Act or the regulations and any provision with respect to apprentices or apprenticeship, tradespersons or journeypersons in any other Act or in any order, regulation or schedule made pursuant to that Act, the provisions of this Act and the regulations made pursuant to this Act prevail.

(2) In case of conflict between this Act or the regulations and a contract of apprenticeship, the provisions of this Act and the regulations prevail.

### **Limitation of liability**

**58** No action lies or shall be instituted against the minister, the Crown, the board, the commission or any officer or employee of the commission or agent of the minister, the Crown, the board or the commission for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or the regulations or any responsibility imposed by this Act or the regulations.

## APPRENTICESHIP AND TRADE CERTIFICATION

**Regulations – Lieutenant Governor in Council**

**59(1)** Subject to subsection (2), the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, but not defined in this Act;
- (b) respecting hours of work and the remuneration of apprentices;
- (c) prescribing industry sectors and determining which designated trades, subtrades and occupations are in each industry sector;
- (d) designating organizations or groups of organizations for the purposes of subsections 5(4) and (5) and respecting the process and criteria to be followed by those organizations in selecting employee and employer representatives for the purposes of subsection 5(4);
- (e) prescribing a designated trade, subtrade or occupation as a compulsory apprenticeship trade, subtrade or occupation;
- (f) respecting any requirements that the commission must consider when deciding whether to recommend that a designated trade, subtrade or occupation be prescribed as a compulsory apprenticeship trade, subtrade or occupation;
- (g) prescribing periods for the purposes of clause 43(1)(d);
- (h) exempting persons or categories of persons for the purposes of clause 43(1)(e);
- (i) subject to clause (j), requiring that, in any designated trade, subtrade or occupation:
  - (i) all apprentices, tradespersons and journeypersons hold a certificate, permit, identification card or endorsement in that designated trade, subtrade or occupation that is issued pursuant to the regulations; and
  - (ii) all employers employ only apprentices, tradespersons and journeypersons that meet the qualifications required pursuant to subclause (i);
- (j) exempting any apprentice, tradesperson, journeyperson or employer in any designated trade, subtrade or occupation, or category of apprentices, tradespersons, journeypersons or employers in any designated trade, subtrade or occupation, from meeting the qualifications required pursuant to clause (i);
- (k) respecting the registration of employers in designated trades, subtrades or occupations and of all other persons carrying on business in designated trades, subtrades or occupations and requiring periodic renewal of registration;
- (l) respecting the maximum ratio of apprentices or tradespersons to journeypersons or certificate holders that an employer shall employ:
  - (i) in a designated trade, subtrade or occupation; and
  - (ii) at the normal place of work of an apprentice;

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- (m) prescribing the maximum number of apprentices that may be employed in any designated trade, subtrade or occupation based on the number of journeypersons, certificate holders, endorsement holders or permit holders engaged in that designated trade, subtrade or occupation and prohibiting the employment of apprentices in excess of the number prescribed;
  - (n) requiring that, in any designated trade, subtrade or occupation, at least 1 person who holds a prescribed certificate, endorsement or permit is engaged in the designated trade, subtrade or occupation at any place of business at which one or more persons are engaged in the work of the designated trade, subtrade or occupation;
  - (o) limiting the application of any regulation made pursuant to this Act to a portion of Saskatchewan and extending the application of any regulation so limited to any other portion of Saskatchewan;
  - (p) respecting the responsibilities of the commission;
  - (q) respecting any procedures necessary for the commission to fulfil its mandate as set out in this Act;
  - (r) respecting the procedures for and the hearing of reviews by the commission and respecting appeals to court;
  - (s) prescribing the fiscal year of the commission;
  - (t) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (u) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.
- (2) Before regulations are made pursuant to subsection (1), the minister shall consult with the commission.

## PART 7

### Review and Administrator

#### Review of commission

- 60(1)** The Lieutenant Governor in Council may appoint a committee to review and report on the mandate of the commission and any other matters concerning this Act that the Lieutenant Governor in Council may specify.
- (2) The Lieutenant Governor in Council shall:
- (a) appoint the members of the committee mentioned in subsection (1); and
  - (b) designate one of those members as chairperson.
- (3) Subject to subsection (4), the minister shall pay remuneration to members of the committee for the performance of their duties in an amount determined by the Lieutenant Governor in Council.
- (4) A member of the committee who is also a member of the public service of Saskatchewan is not eligible to receive remuneration, but may be reimbursed for expenses in accordance with the rates paid to members of the public service of Saskatchewan.

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(5) The minister shall pay members of the committee, other than those members described in subsection (4), for travel and other expenses incurred by those members in connection with committee business at a rate determined by the Lieutenant Governor in Council.

(6) The minister shall provide any technical, clerical and other assistance that the minister considers necessary to assist the committee in carrying out its review.

(7) The committee and its members shall have access to all information, books, records and other documents in the possession or under the control of the commission related to the activities and functioning of the commission.

(8) Each member of the commission and each officer or employee of the commission shall provide to the committee or any member of the committee, on request, any information, books, records or documents.

(9) The committee shall provide its report to the minister within the time set by the Lieutenant Governor in Council.

### **Appointment and duties of administrator**

**61(1)** For the purposes of this section, “**administrator**” means the person or persons appointed pursuant to subsection (2).

(2) The Lieutenant Governor in Council may appoint a person or persons to be an administrator of the commission if:

- (a) the commission has contravened section 55;
- (b) in the opinion of the minister, financial or significant management, administrative or operational problems exist with respect to the commission; or
- (c) in the opinion of the minister, it is otherwise in the public interest to do so.

(3) On the appointment of an administrator pursuant to subsection (2), the appointments of all members of the commission terminate.

(4) An administrator shall:

- (a) conduct and manage the affairs of the commission;
- (b) be the sole member of the commission; and
- (c) in the name of the commission, perform all of the duties and exercise all of the powers otherwise vested in the commission.

(5) The administrator shall act in accordance with any instructions or directions given by the minister.

(6) In carrying out the chief executive officer’s responsibilities, the chief executive officer is subject to any instructions or directions given by the administrator.

(7) The commission shall pay any remuneration and reimbursement for the administrator’s expenses that the Lieutenant Governor in Council may determine.

(8) The Lieutenant Governor in Council may, at any time, terminate the appointment of the person appointed as administrator and may appoint another person as administrator in that person’s place.

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(9) If the office of the chief executive officer is or becomes vacant, the requirement of subsection 49(1) to appoint a chief executive officer is suspended during the appointment of an administrator.

(10) While the office of the chief executive officer is vacant, the administrator shall perform the duties and may exercise the powers otherwise vested in the chief executive officer.

PART 8

**Repeal, Transitional, Consequential and Coming into force**

**SS 1999, c A-22.2 repealed**

**62** *The Apprenticeship and Trade Certification Act, 1999* is repealed.

**Transitional – former Act**

**63(1)** In this section, “**former Act**” means *The Apprenticeship and Trade Certification Act, 1999* as that Act existed on the day before the coming into force of this Act.

(2) Every certificate, permit, endorsement, identification card or other document issued pursuant to the former Act that is valid on the day before the coming into force of this Act continues in force until its expiry date, if any, and may be dealt with pursuant to this Act as if it were issued pursuant to this Act.

(3) Every contract entered into pursuant to the former Act that was valid on the day before this Act comes into force continues in force and may be dealt with pursuant to this Act as if it were entered into pursuant to this Act.

(4) Every contract of apprenticeship that was entered into and registered pursuant to the former Act continues in force and may be dealt with pursuant to this Act as if it were entered into and registered pursuant to this Act.

(5) Every joint training committee recognized by the commission pursuant to the former Act continues as a joint training committee, and members of those joint committees continue as members of the joint training committees and may be dealt with pursuant to this Act as if they were recognized pursuant to this Act.

**SS 1988-89, c E-7.2, section 2 amended**

**64** **Clause 2(a) of *The Electrical Licensing Act* is amended by striking out “*The Apprenticeship and Trade Certification Act, 1999*” and substituting “*The Apprenticeship and Trade Certification Act, 2018*”.**

**SS 2014, c S-32.21, section 4 amended**

**65** Clause 4(c) of *The Saskatchewan Polytechnic Act* is amended by striking out “trade pursuant to *The Apprenticeship and Trade Certification Act, 1999*” and substituting “trade, subtrade or occupation pursuant to *The Apprenticeship and Trade Certification Act, 2018*”.

**Coming into force**

**66** This Act comes into force on proclamation.

(2) The minister shall pay the board members’ remuneration and expenses mentioned in subsection (1) out of the moneys in the northern municipal trust account as authorized by clause 288(a).