

The Apprenticeship and Tradesmen's Qualification Act

being

Chapter A-23 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-23

An Act respecting Apprenticeship and Qualification of Tradesmen in Certain Trades

Short title

1 This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Act*.

R.S.S. 1978, c.A-23, s.1.

Interpretation

2 In this Act:

“apprentice”

(a) “**apprentice**” means a person at least sixteen years of age who enters into a written agreement with an employer or the director to learn a skilled trade requiring a minimum of four thousand hours of reasonably continuous employment and which provides a program of practical experience and related technical instruction for such person;

“board”

(b) “**board**” means the Provincial Apprenticeship Board mentioned in section 20.

“contract”

(c) “**contract**” means a contract of apprenticeship in accordance with this Act;

“designated trade”

(d) “**designated trade**” means a trade included in schedule A to this Act or in that schedule as amended from time to time pursuant to section 27.

“director”

(e) “**director**” means the Director of Apprenticeship and Tradesmen's Qualification mentioned in section 6.

“employer”

(f) “**employer**” means any person, firm or corporation, or municipal, provincial or other public authority, employing mechanics, helpers, labourers, apprentices or other employees in connection with any of the designated trades or work incidental to these trades;

“joint committee”

(g) “**joint committee**” means a committee appointed by the minister consisting of employers or their representatives and employees or their bargaining agents engaged in the trade in question.

“journeyman”

(h) “**journeyman**” means a tradesman who holds a journeyman's certificate issued to him pursuant to the regulations;

“minister”

(i) “**minister**” means the Minister of Labour;

“trade”

(j) “**trade**” includes industry, craft and business and any branch of any trade, industry, craft or business;

“tradesman”

(k) “**tradesman**” means a person other than an apprentice, who works for remuneration at any designated trade, including an employer who so works.

R.S.S. 1965, c.299, s.2; 1968, c.5, s.2; R.S.S.
1978, c.A-23, s.2.

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Application of Act

3(1) This Act applies with respect to apprenticeship and to the qualification of tradesmen in any designated trade.

(2) In addition to apprenticeship under individual contracts apprenticeship may also be entered into under a collective agreement between an employer and a trade union or under a private plan of apprentice training carried on by any industry if the plan is approved by the director after consultation with the board, and this Act applies *mutatis mutandis* thereto.

R.S.S. 1965, c.299, s.3; R.S.S. 1978, c.A-23, s.3.

Apprentices and tradesmen to hold certificate of status

4 No person who is required by the regulations to hold a certificate of his status as an apprentice or tradesman in any designated trade shall work at that trade, and no employer engaged in the business of any designated trade shall employ such person to work at that trade, unless that person holds the required certificate.

R.S.S. 1965, c.299, s.4; R.S.S. 1978, c.A-23, s.4.

Suspension or revocation of certificate of status

5 The minister may, for any cause, suspend or cancel, and require the return of, any certificate of status heretofore or hereafter issued pursuant to the regulations.

R.S.S. 1965, c.299, s.5; R.S.S. 1978, c.A-23, s.5.

Director of Apprenticeship, etc.

6 There shall be an officer of the Department of Labour to be called the Director of Apprenticeship and Tradesmen's Qualification, who shall, under the control of the minister, be responsible for the administration of this Act and the supervision of all apprenticeship plans.

R.S.S. 1965, c.299, s.6; R.S.S. 1978, c.A-23, s.6.

Duties of director

7 Subject to the regulations it shall be the duty of the director:

- (a) to keep a record of every contract registered by him;
- (b) to make such examination and inquiry as may be necessary to ascertain whether this Act is being complied with;
- (c) to establish or assist in establishing a system of selection for training and a system for training apprentices and tradesmen in any designated trade, based upon the needs of the trade;
- (d) to provide such information and make such investigations as may be required by the minister;
- (e) to collaborate with educational authorities and with employers and workers in any designated trade or employers' and workers' organizations directly concerned in the trade;
- (f) to submit a report annually to the minister;
- (g) generally to perform such other duties and exercise such powers as may be prescribed by the minister for the purpose of carrying out the provisions of this Act.

R.S.S. 1965, c.299, s.7; R.S.S. 1978, c.A-23, s.7.

Power of director to enter into contracts

8 The director may, with the approval of the board, enter into a contract of apprenticeship with any person for the purpose of providing a course of instruction and training for him in any designated trade.

R.S.S. 1965, c.299, s.8; R.S.S. 1978, c.A-23, s.8.

Contracts to be in accordance with Act

9(1) No person shall enter into a contract of apprenticeship in a designated trade except in accordance with this Act.

(2) No contract shall be of any force or effect until approved and registered by the director.

R.S.S. 1965, c.299, s.9; R.S.S. 1978, c.A-23, s.9.

Form of contract

10 Every contract of apprenticeship in a designated trade shall be in a form prescribed by the Lieutenant Governor in Council for that trade.

R.S.S. 1965, c.299, s.10; R.S.S. 1978, c.A-23, s.10.

Requisites of apprenticeship plans

11(1) Every plan of apprenticeship shall provide for:

- (a) a written contract including, except in the case of a contract with the director, an agreed scale of wages providing for increases at fixed intervals, provided that where rates of wages have been determined by a collective labour agreement those rates shall apply if not less than the minimum rates established pursuant to any Act for the trade in which the training is to be given;
- (b) a definite period of apprenticeship of at least four thousand hours, allowing time credits for previous experience in the trade or for other appropriate trade training;
- (c) cancellation of a contract for cause;
- (d) transfer of an apprentice to another employer for cause;
- (e) a probationary period of at least three months;
- (f) a definite program of practical experience and instruction in related technical subjects;
- (g) inspection by the director or any other departmental officer of the training of apprentices;
- (h) a test or tests to determine progress of an apprentice and a test or tests to determine the status of an apprentice prior to the granting of a certificate of his status pursuant to the regulations;
- (i) determination by the Lieutenant Governor in Council, after consultation by the director with employers and workers in the trade or with employers' and workers' organizations directly concerned in the trade, of the ratio of apprentices to journeymen in the trade, in accordance with the estimated future requirements of the trade.

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(2) The provisions of subsection (1) shall be deemed to be part of every contract, and no provision in a contract that is inconsistent with subsection (1) shall be valid.

R.S.S. 1965, c.299, s.11; R.S.S. 1978, c.A-23, s.11.

Signatures to contract of apprenticeship

12 Every contract of apprenticeship shall be signed:

- (a) by the person to be apprenticed; and
- (b) by the father of any such person who is a minor or, if the father is dead or legally incapable of giving consent or has abandoned his family, then by the mother, or, if the mother is dead or legally incapable of giving consent or has abandoned her family, then by the guardian of the minor, if any, or, if there is no parent or guardian with authority to sign, then by a judge of the district court acting at the judicial centre nearest to which the minor resides or nearest to which the employer carries on business; and
- (c) by the employer, a joint committee, the director, as the case may require, or such other person recommended by the minister.

R.S.S. 1965, c.299, s.12; 1968, c.5, s.3; R.S.S. 1978, c.A-23, s.12.

Termination or cancellation of contract

13 Subject to the approval of the director a contract may be terminated by consent of all the parties thereto, and a contract may be cancelled by the director upon good cause being shown to the satisfaction of the director by the employer or by the apprentice or his guardian.

R.S.S. 1965, c.299, s.13, 1978, c.A-23, s.13.

Discretion of director

14 The director may refuse to register a contract that in his opinion is not for the benefit of the apprentice, and unless the director is satisfied that there is good cause therefor he may refuse to register the termination or transfer of any contract.

R.S.S. 1965, c.299, s.14; R.S.S. 1978, c.A-23, s.14.

Registration of contract not a guarantee of its validity

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

R.S.S. 1965, c.299, s.15; R.S.S. 1978, c.A-23, s.15.

Transfer of contract

16(1) Subject to the approval of the director, an apprentice may for good cause and by consent of all the parties be transferred from one employer to another employer in the same trade.

(2) Every transfer of a contract shall be in such form as may be prescribed by the Lieutenant Governor in Council.

R.S.S. 1965, c.299, s.16; R.S.S. 1978, c.A-23, s.16.

Registration of termination, cancellation or transfer of contract

17 No termination, cancellation or transfer of a contract shall be of any force or effect until it has been registered by the director.

R.S.S. 1965, c.299, s.17; R.S.S. 1978, c.A-23, s.17.

Prior contracts of apprenticeship

18 Where a person has been employed under a written contract of apprenticeship in a designated trade prior to the date on which the trade is added to schedule A, and the contract is subsisting on that date, the employer under the contract shall within three months after that date file the contract for registration in the office of the director, and the contract shall be deemed to be amended insofar as is necessary for compliance with this Act and the regulations.

R.S.S. 1965, c.299, s.18; R.S.S. 1978, c.A-23, s.18.

Prior employment as an apprentice without written contract

19 Where a person has been employed as an apprentice, but not under a written contract of apprenticeship, in a designated trade prior to the date on which the trade is added to schedule A, and the employment is continuing on that date, the period during which he was so employed as an apprentice may, with the approval of the director, be allowed as part of the time required to complete the full period of apprenticeship under a contract in accordance with this Act.

R.S.S. 1965, c.299, s.19; R.S.S. 1978, c.A-23, s.19.

Advisory board

20(1) There shall be a board, to be known as the Provincial Apprenticeship Board, consisting of five or more members as may be determined by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint the members of the board, shall designate one of the members as chairman and shall specify the number of members which shall constitute a quorum.

(3) The membership of the board shall include equal representation of employers and workers and shall also include a representative or representatives of the Department of Labour and of the Department of Education.

(4) The board shall meet upon the request of the minister for the purpose of acting in an advisory capacity to the director.

(5) The members of the board shall hold office during pleasure and the members other than those whose whole time is at the disposal of the Government shall be paid such compensation for their services and expenses as may be determined by the Lieutenant Governor in Council.

R.S.S. 1965, c.299, s.20; R.S.S. 1978, c.A-23, s.20.

Regulations

21(1) The Lieutenant Governor in Council may make regulations:

- (a) prescribing the qualifications necessary for apprenticeship and for tradesmen in any designated trade;
- (b) prescribing the nature and number of educational classes to be attended by apprentices and tradesmen in any designated trade and the course of training to be given;
- (c) prescribing credits to be allowed for previous experience in the trade or for other appropriate trade training;
- (d) prescribing hours of labour and rates of wages for apprentices;
- (e) subject to section 11, prescribing forms of contracts of apprenticeship in designated trades;
- (f) providing for registration of contracts and terminations, cancellations and transfers of contracts;
- (g) prescribing the manner in which contracts and terminations or transfers of contracts shall be submitted to the director for approval and registration;
- (h) providing for inspection of the training of apprentices and tradesmen;
- (i) providing for trade tests and trade examinations for apprentices and tradesmen;
- (j) requiring that every apprentice and every tradesman in any designated trade shall hold a certificate of his status in that trade issued pursuant to the regulations;
- (k) providing for the examination of and the issue of appropriate certificates of status to apprentices and tradesmen in any designated trade, prescribing the duration of the certificates and providing for periodic renewal thereof;
- (l) providing for the issue of an identification card along with each certificate of status and for the renewal of identification cards upon renewal of certificates and requiring the production of such certificate or card, upon request, to such persons as may be designated in the regulations;
- (m) requiring the posting of certificates of status and of the regulations or any of them in any premises in which a designated trade is carried on;
- (n) providing for the registration of employers in designated trades and of all other persons carrying on business in designated trades, and requiring periodic renewal of registration;
- (o) prescribing the maximum number of apprentices that may be employed by an employer in any designated trade, such number to be based upon the number of journeymen engaged in the business of the employer, and prohibiting the employment of apprentices in excess of the number prescribed;
- (p) prescribing the maximum number of apprentices that may be employed in any designated trade, such number to be based upon the number of journeymen engaged in that trade, and prohibiting the employment of apprentices in excess of the number prescribed;

- (q) providing for payment of bonuses to employers of apprentices in any designated trade or to any particular employer in a designated trade;
 - (r) prescribing the form of transfers of contract, certificates of completion of apprenticeship, certificates of status, identification cards and such other forms as may be required;
 - (s) prescribing the fee to be paid for any registration, examination or certificate;
 - (t) limiting the application of any regulation to a portion of the province, and extending the application of any regulation so limited to any other portion of the province;
 - (u) appointing or providing for the appointment of advisory boards and examining board for designated trades, prescribing the duties of such boards and determining the remuneration of members thereof;
 - (v) generally for the better carrying out of the provisions of this Act.
- (2) Such regulations shall be published in *The Saskatchewan Gazette* and shall, on and after the date of publication or on and after such date as may be named for the purpose in the regulations, have the same force and effect as if incorporated herein.

R.S.S. 1965, c.299, s.21; R.S.S. 1978, c.A-23, s.21.

Evidence of regulations

22 A copy of any regulation made under section 21, having endorsed thereon a certificate purporting to be signed by the director stating:

- (a) that the copy is a true copy of the regulation;
- (b) that the regulation has been published in the *Gazette* as required by this Act; and
- (c) the date on which the regulation came into force;

shall be received in any court as *prima facie* evidence of the regulation and of the facts stated in the certificate without proof of the appointment or signature of the director and without production of the *Gazette* in which the regulation was published.

R.S.S. 1965, c.299, s.22; R.S.S. 1978, c.A-23, s.22.

Records

23(1) Every employer and every person or firm carrying on business in any designated trade shall keep records showing, in the case of every tradesman and apprentice who is an employee, and in the case of every other person engaged in connection with the business of the employer, person or firm at work in any designated trade:

- (a) the name, address and date of birth of the tradesman, apprentice or other person;
- (b) the name of the designated trade at which he works;
- (c) the certificate number, trade status and expiry date shown on his latest certificate of status, if any, recognized under or issued pursuant to the regulations;

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(d) the date of the commencement of his current employment; and
 (e) such other particulars as are required by the regulations;
 and showing also in the case of every tradesman and apprentice who is an employee:

- (f) his regular rate of wages; and
 (g) the number of hours he is required to work in any week without becoming entitled to be paid for overtime.
- (2) Such records may be incorporated in any record of wages or hours that the employer, person or firm is required to keep under any other Act.

R.S.S. 1965, c.299, s.23; R.S.S. 1978, c.A-23, s.23.

Power to inspect records and obtain information

24 The minister or his duly authorized representative may at any reasonable time:

- (a) inspect the records kept during the preceding two years in accordance with this Act;
 (b) require any employer, person or firm required by this Act to keep records to verify the entries in the records by statutory declaration or in such other manner as the minister or his duly authorized representative may require;
 (c) require any person to furnish, in a form acceptable to the minister or his duly authorized representative, such information as the minister or his duly authorized representative deems necessary to ascertain whether this Act and the regulations are being or have been complied with.

R.S.S. 1965, c.299, s.24; R.S.S. 1978, c.A-23, s.24.

Offences and penalties

25(1) Every person who:

- (a) enters into a contract of apprenticeship in respect of any designated trade except in accordance with this Act;
 (b) employs a larger number of apprentices than is prescribed by the regulations; or
 (c) violates any provision of this Act or the regulations;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in addition, in the case of a continuing offence, to a fine not exceeding \$10 for each day during which the offence continues.

(2) Where by the regulations provision is made for the issue of certificates of status and for basing the acceptance or non-acceptance of applications for such certificates upon the results of trade tests or trade examinations, every person who:

- (a) assists another person taking any such test or examination by, prior to the taking of the test or examination, knowingly conveying or disclosing to him, directly or indirectly, any information respecting the contents of the test or examination; or
- (b) being an applicant for a certificate of status, knowingly acquires, prior to the taking by him of any such test or examination, any information respecting the contents of the test or examination;

is guilty of an offence and liable on summary conviction to the penalties provided in subsection (1).

R.S.S. 1965, c.299, s.25; R.S.S. 1978, c.A-23, s.25.

Act to prevail

26 In case of conflict between this Act or the regulations and any provision with respect to apprentices or apprenticeship or to tradesmen in any other Act or in any order, regulation or schedule made thereunder, the provisions of this Act and the regulations made hereunder govern.

R.S.S. 1965, c.299, s.26; R.S.S. 1978, c.A-23, s.26.

Power of Lieutenant Governor in Council to amend schedule

27 The Lieutenant Governor in Council may from time to time by proclamation, notice of which shall be published in the *Gazette*, add to or remove from schedule A such industries, trades, crafts or businesses or any branch thereof or otherwise amend the said schedule as he deems necessary or proper.

R.S.S. 1965, c.299, s.27; R.S.S. 1978, c.A-23, s.27.

Agreements with Government of Canada

28 The Lieutenant Governor in Council may from time to time enter into an agreement with the Minister of Labour for Canada with respect to the extension and operation of apprentice training or other training in the province that the said minister is authorized to make by or pursuant to any statute of Canada, upon such terms and conditions as may be agreed upon.

R.S.S. 1965, c.299, s.28; R.S.S. 1978, c.A-23, s.28.

SCHEDULE A

(Section 2 (d))

DESIGNATED TRADES

1. The constructing, altering, repairing or maintaining of any building with wood or any other material required to be fastened with nails, to be known as "carpentry".
2. Any constructing, altering or repairing with brick, to be known as "bricklaying".
3. The applying of plaster or other similar materials to the interior and exterior surfaces of ceilings or walls of any building with the tools and accessories used in the trade, to be known as "plastering".
4. The preparing or painting and the painting with brush or spray gun of any permanent part of any building, to be known as "painting".
5. The installation, fitting, altering or repairing of water or soil pipes, rain water leaders, baths, water closets and other sanitary and fire protection apparatus for a house or other building including the junctions to the mains and sewers and the connecting of tanks to sewers or mains, to be known as "plumbing".
6. The construction or fabrication with sheet metal of ten gauge or lighter of any article or thing or the installation, maintenance, alteration or repair of any such article or thing, to be known as "sheet metal work".
7. All electric arc welding and cutting except welding in the construction, alteration or repair of any boiler, pressure vessel or pressure piping which is subject to inspection, approval or registration under *The Boiler and Pressure Vessel Act* or regulations made thereunder, to be known as "electric arc welding".
8. All oxyacetylene welding and cutting except welding in the construction, alteration or repair of any boiler, pressure vessel or pressure piping which is subject to inspection, approval or registration under *The Boiler and Pressure Vessel Act* or regulations made thereunder, to be known as "oxyacetylene welding".
9. The installing, maintaining, altering or repairing of any electrical wiring or equipment, the installation, maintenance, alteration or repair which is covered by *The Electrical Inspection and Licensing Act* or regulations made thereunder, to be known as "electrical work".
10. The repairing, improving and maintaining of cars, trucks, buses or snowmobiles except:
 - (a) any repairing, improving or maintaining of cars, trucks, buses or snowmobiles designated as another trade;
 - (b) the repairing, improving or maintaining of upholstery, radiators and tires; and
 - (c) any painting of cars, trucks, buses or snowmobiles;

11. The repairing, improving, and maintaining of the bodies, (including their metal, plastic or glass components), fenders, minor frames or bumpers of cars, trucks, trailers, buses or snowmobiles, to be known as "motor vehicle body repair".
12. The shaving of the face; the cutting, singeing, shampooing of the hair; the application of hair tonic or stimulants and the massaging or treatment of the head and face, to be known as "barbering".
13. The cutting, curling and waving of hair; the applying of facial and scalp treatments; the shampooing, dyeing or tinting of hair; and manicuring, to be known as "beauty culture".
14. The installing, maintaining, altering or repairing of any system of piping or part thereof except any installing, maintaining, altering or repairing of any system of piping or part thereof designated as the plumbing trade except the installing, maintaining, altering or repairing of any gas installation or equipment to which *The Gas Inspection and Licensing Act* applies, to be known as "pipefitting".
15. The repairing, adjusting and servicing of radio, television and two-way radio equipment, closed circuit television monitors, inter-communication sets and amplifiers, domestic record players and recording equipment to be known as "radio and television electronics".
16. The installation, service maintenance, repair or alteration of refrigeration or air conditioning systems, including brine circuits but not including chilled water circuits, to be known as "refrigeration and air conditioning".
17. The skilful operation and care of machines and hand tools required to turn, shape, bore, drill, broach, or grind either metal or plastic substances into any shape, and to a finish and tolerance as may be required, to be known as "machinist".
18. The preparing, seasoning and cooking by appropriate methods of soups, meats, fish, poultry, vegetables, desserts and other foods such as sauces, gravies and salads; meat cutting, and the fundamentals of baking and pastry cooking, to be known as "cooking".

