

**CONSOLIDATION OF APPRENTICESHIP, TRADE AND
OCCUPATIONS CERTIFICATION ACT**
R.S.N.W.T. 1988,c.A-4

(Current to: May 2, 2011)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

S.N.W.T. 1995,c.1

In force May 1, 1995: SI-003-95

S.N.W.T. 1997,c.8

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2010,c.4,s.3

s.3 in force March 23, 2010

S.Nu. 2011,c.11,s.1

s.1 in force March 10, 2011

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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APPRENTICESHIP, TRADE AND OCCUPATIONS CERTIFICATION ACT

INTERPRETATION

Definitions

1. In this Act,

"appeal panel" means an appeal panel established under section 7; (*comité d'appel*)

"apprentice" means a person who has entered into a contract under this Act; (*apprenti*)

"Board" means the Apprenticeship, Trade and Occupations Certification Board established by subsection 5(1); (*Commission*)

"certificate of competence" means a certificate issued to a person who has achieved the prescribed level of expertise in a designated occupation; (*certificat de compétence*)

"certificate of qualification" means a certificate issued to a person who has achieved the prescribed level of expertise in a designated trade; (*certificat d'aptitude*)

"contract" means a contract of apprenticeship referred to in section 11; (*contrat*)

"designated occupation" means an occupation designated by the Minister under subsection 10(5); (*profession désignée*)

"designated trade" means a trade designated by the Minister under subsection 10(4); (*métier désigné*)

"Supervisor" means the Supervisor of Apprenticeship, Trade and Occupations Certification appointed under subsection 3(1). (*surveillant*)
S.N.W.T. 1995,c.1,s.2,3; S.N.W.T. 1997,c.8,s.2(2).

APPLICATION

Application

2. This Act applies to all designated trades and designated occupations.
S.N.W.T. 1995,c.1,s.4.

ADMINISTRATION

Appointment of Supervisor

3. (1) A Supervisor of Apprenticeship, Trade and Occupations Certification shall be appointed by the Minister.

Duties of Supervisor**(2) The Supervisor shall**

- (a) register all apprentices;
- (b) file all contracts and keep a record of all cancellations, terminations, transfers and completions of contracts;
- (c) provide courses of instruction for training within the scope of this Act;
- (d) provide for periodic trade tests for apprentices and final examinations for apprentices or candidates for certificates of qualification;
- (e) supervise the training of all apprentices;
- (f) inspect and approve facilities being used for the training of apprentices under this Act;
- (f.1) perform prescribed duties respecting the
 - (i) establishment of standards for the training and examination of persons seeking certificates of competence in designated occupations, and
 - (ii) issuance of certificates of competence in designated occupations;
- (g) provide such information and make such investigation as is required by the Board;
- (h) make such examination and inquiry as the Supervisor considers necessary to ascertain whether this Act is being complied with; and
- (i) perform such other duties as the Minister may impose for carrying out the provisions of this Act.

S.N.W.T. 1995,c.1,s.5; S.N.W.T. 1997,c.8,s.2(3).

Appointment of officials

4. The Minister may appoint such officials as the Minister considers necessary for the purposes of this Act.

Board

5. (1) A board called the Apprenticeship, Trade and Occupations Certification Board is established.

Appointment of members

(2) The Board shall be composed of seven members appointed by the Minister of which

- (a) not less than two employer representatives, and
- (b) a number of employee representatives equal to the number of employer representatives

shall be appointed from among those people the Minister finds suitable for appointment.

Term

(3) A member shall be appointed for a term of two years.

Chairperson

(4) One member of the Board shall be designated by the Minister as the chairperson.

Meetings

(5) The chairperson shall convene a minimum of one meeting and a maximum of six meetings of the Board each year. S.N.W.T. 1995,c.1,s.6; S.Nu. 2010,c.4,s.3(2).

Duties of Board

- 6.** (1) The Board shall
- (a) receive and review all appeals made under this Act; and
 - (b) perform such duties as the Minister may impose with respect to any matter within the scope of this Act.

Powers of Board

- (2) The Board may
- (a) recommend that the Minister designate a trade and may recommend regulations respecting the training and certification of persons in a designated trade;
 - (b) recommend that the Minister designate an occupation that is not a designated trade, and may recommend regulations respecting the certification of persons in a designated occupation;
 - (c) issue a certificate of competence in a designated occupation to a person who
 - (i) qualifies for certification in a designated occupation, and
 - (ii) files the prescribed application and pays the prescribed fee;
 - (d) recommend to the Minister that an appeal panel be established; and
 - (e) recommend to the Minister a person the Board considers suitable for appointment to an appeal panel under paragraph 7(2)(c).
S.N.W.T. 1995,c.1,s.7.

Appeal panel

7. (1) The Minister may, on the recommendation of the Board, establish an appeal panel to hear one or more appeals, as considered necessary by the Board.

Membership of panel

(2) An appeal panel shall be composed of three members appointed by the Minister as follows:

- (a) one representative of employers;
- (b) one representative of employees;
- (c) one member recommended by the Board.

Chairperson

(3) The members of the appeal panel shall elect one of their members to be chairperson of the panel.

Duties of panel

(4) In accordance with the regulations, an appeal panel shall consider such appeals as the Board considers necessary.

Natural justice

(5) An appeal panel shall conduct all proceedings in accordance with the principles of natural justice.

Decision of the panel final

(6) A decision of an appeal panel is final. S.N.W.T. 1995,c.1,s.7.

Local apprenticeship advisory committees

8. The Supervisor may appoint local apprenticeship advisory committees composed of such persons as are recommended by the Board to advise and assist the Supervisor in matters relating to apprenticeship training in any area.

Allowances and expenses

9. The members of the Board, examiners and members of committees who are not full-time employees in the public service shall be paid

- (a) an allowance per day fixed by the Minister; and
- (b) reasonable and necessary expenses incurred by them in the performance of their duties.

CERTIFICATION

Certificates of qualification and completion of apprenticeship

10. (1) The Minister shall

- (a) issue a certificate of qualification in a trade to a person who
 - (i) has passed the prescribed examination,
 - (ii) has successfully completed an apprenticeship program under this Act, or
 - (iii) files the prescribed application, pays the prescribed fee and is the holder of a certificate of qualification that bears the Canadian Interprovincial Standards Examination Seal or a certificate from a province or territory that has been recognized by regulation; and
- (b) issue a certificate of completion of apprenticeship to an apprentice who has successfully completed an apprenticeship program under this Act.

Delegation

(2) The Minister may delegate the duties set out in subsection (1).

Certificate of status

(3) The Minister may issue a certificate of status that indicates the level of progress achieved by an apprentice or tradesperson.

Designation of trade

(4) The Minister may, by order, designate a trade as being appropriate for apprenticeship or as one for which a person may receive a certificate of qualification, or both.

Designation of occupation

(5) The Minister may, by order, designate an occupation that is not a designated trade as being one for which a person may receive a certificate of competence.
S.N.W.T. 1995,c.1,s.8; S.Nu. 2010,c.4,s.3(2).

APPRENTICESHIP

Contracts of apprenticeship

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

Age

(2) A person must be at least 16 years of age to enter into a contract.

Supervisor may require information

12. The Supervisor may require from the parties to a proposed contract such information as the Supervisor considers necessary.

Form of contract

13. Every contract must be in a form approved by the Supervisor.
S.N.W.T. 1997,c.8,s.2(4).

Certification

14. (1) No contract is binding on the parties to the contract and no termination, cancellation, transfer or completion of a contract is valid unless certified by the Supervisor.

Refusal to certify

(2) The Supervisor may refuse to certify a contract or a termination, cancellation, transfer or completion of a contract unless the Supervisor is satisfied that it is for the benefit of the apprentice.

Appeal

(3) Where the Supervisor refuses to certify a contract or termination, cancellation, transfer or completion of a contract, either of the parties to the contract may appeal to the Board.

(4) **Repealed, S.N.W.T. 1995,c.1,s.9.**
S.N.W.T. 1995,c.1,s.9.

Termination and cancellation

15. (1) Subject to the approval of the Supervisor, a contract may be terminated with the consent of all the parties to the contract, and a contract may be cancelled by the Supervisor on good cause being shown to the satisfaction of the Supervisor by the employer or by the apprentice.

Appeal

(2) Either party to a contract may appeal a decision of the Supervisor under subsection (1) to the Board.

(3) Repealed, S.N.W.T. 1995,c.1,s.10.

S.N.W.T. 1995,c.1,s.10.

Board to review appeals

15.1. (1) Where the Board receives an appeal under subsection 14(3) or 15(2), the Board shall review the appeal.

Frivolous and vexatious appeals

(2) Where the Board is of the opinion that the appeal received under subsection (1) is frivolous or vexatious, the Board shall reject the appeal and advise the appellant, in writing, of the rejection.

Appeal panel

(3) Where the Board is of the opinion that the appeal received under subsection (1) is not frivolous or vexatious, the Board shall recommend to the Minister that an appeal panel be established under section 7. S.N.W.T. 1995,c.1,s.11.

Labour dispute

16. An apprentice shall not be required to do any work in a place of employment where there is a lawful cessation of work arising out of a labour dispute.

GRANTS AND LOANS

Grants and loans

17. The Minister may make grants and loans of money and provide goods or services to apprentices or to other persons employed in designated trades, on such terms and conditions as are prescribed.

OFFENCE AND PUNISHMENT

Offence and punishment

18. Every person who contravenes or fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 and, in default of payment, to imprisonment for a term not exceeding 30 days.

REGULATIONS

Regulations

19. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing the qualifications necessary for apprenticeship in any designated trade;
- (b) respecting the duration and content of the practical and theoretical training to be received by an apprentice in a designated trade;
- (c) providing for the recognition of experience and training in a designated trade gained before becoming an apprentice;
- (d) prescribing the duties and obligations of parties to a contract;
- (e) providing for the appointment of examining boards and prescribing the duties and remuneration of members of those boards;
- (f) providing for the examination of apprentices, persons wishing to become apprentices and persons employed in designated trades, and establishing the standards for such examinations;
- (g) respecting the issuance of certificates of qualification, certificates of completion of apprenticeship and certificates of status and prescribing the conditions for the issuance of these certificates;
- (h) providing for compulsory registration, compulsory certification and compulsory participation in apprenticeship programs, of tradespersons working in all or any of the designated trades in Nunavut;
 - (h.1) providing for the examination of persons who wish to become certified in a designated occupation, and establishing the standards for such examinations;
 - (h.2) respecting the issuance of certificates of competence in designated occupations and prescribing the conditions for the issuance of such certificates;
- (i) providing for the issuance of identification cards and requiring production of identification cards under certain conditions;
- (j) respecting the recognition of a certificate of qualification issued by a province or territory;
- (k) prescribing, subject to the *Labour Standards Act*, the working conditions, hours of labour and rates of wages for apprentices;
- (l) providing for inspection of the training of apprentices and the powers and duties of the persons making inspections;
- (m) providing for a system for recording the progress of the training of apprentices;
- (n) respecting eligibility for grants and loans of money, the amount of such grants and loans and the manner of repayment of such loans to apprentices or to other persons employed in designated trades;
- (o) prescribing the terms and conditions on which the Minister may make grants and loans of money and provide goods or services to apprentices or to other persons employed in designated trades;

- (p) requiring payment of fees and prescribing the amount of fees to be paid in respect of an agreement, examination, search of records, certificate or other service provided under this Act or the regulations;
- (q) respecting the ratio of apprentices to persons who hold a certificate of qualification issued under paragraph 10(1)(a) who may be employed by an employer in a designated trade;
- (q.1) prescribing the procedures to be followed for an appeal; and
- (r) **repealed, S.N.W.T. 1997,c.8,s.2(5);**
- (s) for carrying out the purposes and provisions of this Act. S.N.W.T. 1995,c.1,s.12; S.N.W.T. 1997,c.8,s.2(5); S.Nu. 2010,c.4,s.3(2).

SAVING

Continuance of certificates

20. Certificates of status, certificates of completion of apprenticeship and certificates of competency or proficiency that were continued in force under section 19 of the *Apprentices and Tradesmen Act*, S.N.W.T. 1982(3),c.1, and that were subsisting on November 25, 1982, continue in force as though this Act had not been enacted.