

APPRENTICESHIP, TRADE AND OCCUPATIONS CERTIFICATION ACT

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APPRENTICESHIP, TRADE AND OCCUPATIONS CERTIFICATION REGULATIONS, amendment

The Commissioner, on the recommendation of the Minister, under section 19 of the *Apprenticeship, Trade and Occupations Certification Act* and every enabling power, makes the annexed amendment to the *Apprenticeship, Trade and Occupations Certification Regulations*.

1. These regulations amend the *Apprenticeship, Trade and Occupations Certification Regulations*.

2. Section 1 is amended by adding the following definitions in alphabetical order:

"level examination" means an examination of an apprentice that

- (a) relates to a particular level of an apprenticeship program, and
- (b) has as its objective the confirmation that the apprentice has acquired the theoretical knowledge required for that level; (*examen de niveau*)

"progressive examination" means an examination to determine if an applicant has sufficient technical knowledge in a designated trade, equivalent to the technical knowledge that an apprentice would have after completing a level of an apprenticeship program; (*examen progressif*)

"qualification examination" means the examination for the purposes of subparagraph 10(1)(a)(i) of the Act; (*examen d'aptitude*)

"supplemental", in reference to an examination, means a version of the examination that is different from the one taken by a person in the first instance; (*supplémentaire*)

3. The following is added after subsection 11(3):

(3.1) An applicant passes a progressive examination if they achieve a grade of at least 70%.

4. Section 27.1 is repealed.

5. Section 28 is repealed and replaced by:

28. (1) An apprentice who fails to pass a trade instruction course must repeat the course, regardless of the result they obtain on the associated level examination.

(2) In order to pass a trade instruction course, an apprentice must achieve the required pass marks for all elements of the course.

(3) Subject to subsection (4), an apprentice is limited to two attempts at passing the trade instruction course at each level.

(4) The Supervisor may, at the request of an apprentice, authorize the apprentice to attempt to pass the trade instruction course for a third time.

6. Section 40 is amended by adding "level" before each occurrence of "examinations".

7. Sections 41 to 43 are repealed and replaced by:

41. (1) Subject to section 12, an apprentice shall take a level examination after they complete all trade instruction courses required for that level of their apprenticeship program.

(2) The Supervisor shall determine the structure and content of a level examination in accordance with section 36.

(3) The results of a level examination are evaluated as follows:

- (a) if an apprentice achieves a grade of at least 70%, they pass the examination;
- (b) if an apprentice achieves a grade of at least 68% but less than 70%, they pass the examination only if
 - (i) the Supervisor confirms that the apprentice has
 - (A) completed the full scope of on-the-job training for the level, and
 - (B) passed each section of the trade instruction course required for the level, and
 - (ii) the apprentice's employer submits to the Supervisor a written statement, in a form acceptable to the Supervisor, that
 - (A) the apprentice has the skills and competencies required for the level,
 - (B) the apprentice is functioning on the job at or above the level of the examination, and
 - (C) the employer approves of the apprentice passing the examination;
- (c) in any other case, they do not pass the examination.

(4) If an apprentice does not pass a level examination at the first attempt but obtains a grade of at least 50%, they may take a supplemental level examination once after a waiting period of 14 days.

(5) Subject to section 28, an apprentice may repeat a trade instruction course and then retake a level examination, if

- (a) they obtain a grade of less than 50% on the first attempt at the level examination for the course; or
- (b) they do not pass the supplemental level examination permitted under subsection (4).

8. The following is added after section 44:

44.1. (1) A person taking an examination under these regulations is deemed to receive a grade of 0% where the Supervisor determines that the person has knowingly

- (a) before the examination, acquired or attempted to acquire any information respecting the contents of the examination;
- (b) during the examination,
 - (i) used or attempted to use unauthorized materials, prepared answers, written notes or concealed information,
 - (ii) communicated or attempted to communicate answers with another person,
 - (iii) copied or attempted to copy answers from another person;
- (c) allowed another person to take the examination in their name.

(2) Despite any other provision of these regulations, where the Supervisor makes a determination under subsection (1), the person subject to the determination may not write any other examination under these regulations for a period of one year beginning on the date of the determination.

(3) Prior to making a determination under subsection (1) with respect to a person, the Supervisor must

- (a) inform the person of the potential determination and its potential consequences;
- (b) provide the person with any relevant evidence;
- (c) provide the person a reasonable opportunity to make representations verbally, in writing and by the submission of documentary evidence.

(4) When the Supervisor makes a determination under subsection (1), the Supervisor must inform the person of the determination and its consequences.

9. Section 45 is repealed and replaced by:

45. In order to be issued a certificate of completion of apprenticeship under paragraph 10(1)(b) of the Act, an apprentice must have

- (a) completed and passed all trade instruction courses for each level of the apprenticeship program;
- (b) passed the level examination for each level of the apprenticeship program;
- (c) completed the required apprenticeship time for each level; and
- (d) submitted to the Supervisor
 - (i) their record book,
 - (ii) a signed statement of competence from their employer, in a form acceptable to the Supervisor, that indicates that
 - (A) the apprentice is performing at an acceptable level of competence in the designated trade, and
 - (B) the employer recommends that the apprentice be issued a certificate of completion of apprenticeship, and
 - (iii) a request, in a form acceptable to the Supervisor, for a certificate of completion of apprenticeship.

10. Paragraph 46(2)(d) is repealed.

11. Paragraph 47(3)(b) is repealed.

12. (1) Paragraph 47.1(1)(c) is repealed.

(2) Subsection 47.1(7) is repealed.

13. Section 51 is repealed and replaced by:

51. (1) A person other than an apprentice may apply to take a qualification examination by submitting the following to the Supervisor:

- (a) a completed application in a form acceptable to the Supervisor;
- (b) proof satisfactory to the Supervisor that the person has engaged in the designated trade
 - (i) in a manner that demonstrates sufficient variety in the designated trade to establish competence, and
 - (ii) for a period that is not less than the term of the apprenticeship program for the designated trade, plus 1,800 hours.

(2) Where the Supervisor determines that an application submitted under subsection (1) fulfils the requirements of that subsection, the person who submitted the application may write a qualification examination.

(3) The Supervisor shall determine the structure and content of a qualification examination in accordance with section 36.

(4) A person who takes a qualification examination passes if they obtain a grade of at least 70%.

(5) If a person does not pass a qualification examination at the first attempt but obtains a grade of at least 50%, they may take a supplemental qualification examination once after a waiting period of three months.

(6) Prior to allowing further attempts at the qualification examination, the Supervisor shall require a person to successfully complete a program of study determined by the Supervisor, if

- (a) they obtain a grade of less than 50% on the first attempt at the qualification examination; or
- (b) they do not pass the supplemental qualification examination permitted under subsection (5).

(7) A person who completes and passes a program of study referred to in subsection (6) may retake a qualification examination.

14. Subsection 51(4) is repealed.

15. The following is added after section 52:

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53. A person who holds a certification in a designated trade under the laws of a province or another territory that is comparable to a certificate of qualification is eligible to receive a certificate of qualification in that designated trade under subparagraph 10(1)(a)(iii) of the Act.

16. Schedule B is repealed.