

The Apprenticeship and Trade Certification Act, 1999

being

Chapter A-22.2 of the *Statutes of Saskatchewan, 1999* (effective October 1, 1999) as amended by the *Statutes of Saskatchewan, 2001, c.8; 2002, c.2; 2013, c.S-15.1; and 2014, c.E-13.1 and c.S-32.21.*

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.

Table of Contents

	PART I		PART IV
	Short Title, Interpretation and Application		Compliance and Enforcement
1	Short title		
2	Interpretation		DIVISION 1
3	Application of Act		Records and Inspections
	PART II		32 Interpretation of division
	Commission		33 Records
	DIVISION 1		34 Demand for records and inspection of training
	Establishment		35 Inspection of work sites, buildings, structures or premises
4	Commission established		36 Copies of records
5	Agent of the Crown		
6	Ability to contract		DIVISION 2
7	Liability in tort		Non-compliance and Enforcement
8	Head office		37 Non-compliance notices
9	Exemption from taxation		38 Offences and penalties
	DIVISION 2		39 Examination prohibitions
	Mandate, Purposes and Powers		40 Limitation on prosecution
10	Mandate and purpose of commission		
11	Responsibilities of the commission		PART V
12	Minister's powers		General Matters Affecting the Commission
13	Commission's general powers		DIVISION 1
14	Delegation of powers		Administrative
	PART III		41 Board
	Regulation and Certification		42 Chairperson and vice-chairperson
	DIVISION 1		43 Responsibilities and powers of the board
	Designated Trades and Designated Sectors		44 Chief executive officer
15	Apprenticeship – general		45 Employees
16	Designation or removal of designation by regulation		
17	Designation of trades and sectors		DIVISION 2
18	Removal of designation of a trade or sector		Financial
	DIVISION 2		46 Budget
	Compulsory Apprenticeship Trades and Sectors		47 Audit
19	Compulsory apprenticeship		48 Fiscal year
20	Removal of designation of a trade or sector as a compulsory apprenticeship trade or sector		49 Inspection of financial records
	DIVISION 3		50 Borrowing
	Trade Boards and Joint Training Committees		51 Financial and annual reports
21	Trade boards		
22	Joint training committees		PART VI
	DIVISION 4		General
	Apprenticeship		52 Act to prevail
23	Plans of apprenticeship		53 Limitation of liability
24	Contracts of apprenticeship		54 Regulations – Lieutenant Governor in Council
25	Certificates for apprentices, journeypersons and tradespersons		
	DIVISION 5		PART VII
	Commission Regulations		Review and Administrator
26	Commission regulations		55 Review of commission
	DIVISION 6		56 Appointment and duties of administrator
	Appeals		
27	Interpretation of division		PART VIII
28	Request for review of refusal or suspension		Repeal, Transitional, Consequential and Coming into force
29	Commission review		57 S.S. 1984-85-86, c.A-22.1 repealed
30	Appeal to court		58 Transitional – former Act
31	Effect of appeal to court		59 Repealed
			60 Transitional – offences
			61 Transitional – contracts signed with the director
			62 Transitional – other transfers
			63 S.S. 1988-89, c.E-7.2, section 2 amended
			64 S.S. 1996, c.S-25.2, section 4 amended
			65 Coming into force

CHAPTER A-22.2

An Act to establish the Saskatchewan Apprenticeship and Trade Certification Commission and to provide for the Regulation and Training of Apprentices, Tradespersons and Journeypersons and the Qualifications Necessary for Certificates, Permits, Endorsements and Identification Cards

PART I

Short Title, Interpretation and Application

Short title

1 This Act may be cited as *The Apprenticeship and Trade Certification Act, 1999*.

Interpretation

2 In this Act:

- (a) **“apprentice”** means a person who enters into a contract of apprenticeship that is registered with the commission;
- (b) **“board”** means the board of the commission mentioned in section 41;
- (c) **“certificate”** means a valid certificate issued pursuant to this Act and includes any certificate continued in force pursuant to this Act;
- (d) **“commission”** means the Saskatchewan Apprenticeship and Trade Certification Commission established pursuant to section 4;
- (e) **“compulsory apprenticeship sector”** means a sector that the Lieutenant Governor in Council has prescribed as a compulsory apprenticeship sector pursuant to clause 19(1)(b);
- (f) **“compulsory apprenticeship trade”** means a trade that the Lieutenant Governor in Council has prescribed as a compulsory apprenticeship trade pursuant to clause 19(1)(a);
- (g) **“contract of apprenticeship”** means a written agreement described in section 24 that is registered with the commission;
- (h) **“Crown”** means the Crown in right of Saskatchewan;
- (i) **“department”** means the department over which the minister presides;
- (j) **“designated sector”** means a sector that is designated in the regulations made by the commission as a cluster of trades, industries, occupations or services that have compatible labour market needs;
- (k) **“designated trade”** means a trade that is designated in the regulations made by the commission;

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

(l) “**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:

- (i) designated trade or work incidental to that trade; or
- (ii) designated sector or work incidental to that sector;

(m) “**industry sector**” means a specific group of designated trades and designated sectors prescribed by the Lieutenant Governor in Council;

(n) “**joint training committee**” means a committee recognized pursuant to subsection 22(3);

(o) “**journeyperson**” means a tradesperson who holds a journeyperson’s certificate issued to that person pursuant to the regulations;

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

(q) “**plan of apprenticeship**” means the plan described in section 23 for a designated trade or designated sector that sets out the training requirements for apprentices;

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

(s) “**trade**” means an area of skilled work in which specific tasks or duties are performed by an identifiable group of individuals and includes subtrades of a trade;

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

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

(v) “**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.

1999, c.A-22.2, s.2; 2013, c.S-15.1, s.10-14.

Application of Act

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

1999, c.A-22.2, s.3.

PART II
Commission

DIVISION 1
Establishment

Commission established

- 4(1) The Saskatchewan Apprenticeship and Trade Certification Commission is established as a corporation.
- (2) The commission consists of not more than 20 members appointed by the Lieutenant Governor in Council in accordance with subsections (3) to (6).
- (3) A majority of members of the commission must be individuals described in clauses (5)(d) and (e).
- (4) 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 (5)(d) must equal the number of members of the commission selected to represent employers pursuant to clause (5)(e).
- (5) The commission must include the following members:
- (a) one employee of the department, to be recommended by the minister;
 - (b) one employee of the Department of Education, to be recommended by the minister responsible for *The Education Act, 1995*;
 - (c) one representative from the and by 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.
- (6) The minister shall recommend to the Lieutenant Governor in Council the name 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.
- (7) 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)(d);
 - (b) at least three members mentioned in clause (5)(e); and
 - (c) at least half of the members mentioned in clauses (5)(a), (b), (c) and (f).

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

(8) Subject to subsection (9), a member holds office for a term not exceeding three years and until his or her successor is appointed, and is eligible for re-appointment.

(9) The Lieutenant Governor in Council may remove a member:

(a) after receiving a recommendation from the minister for the member's removal, if the member fails to attend three consecutive regular meetings of the board without the prior approval of the board and the board makes a recommendation, with reasons, to the minister requesting the member's removal; or

(b) where the Lieutenant Governor in Council considers it to be in the public interest to remove the member.

(10) 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.

(11) 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.

1999, c.A-22.2, s.4; 2002, c.2, s.3; 2014, c.S-32.21, s.34.

Agent of the Crown

5(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 money 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.

1999, c.A-22.2, s.5.

Ability to contract

6(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.

1999, c.A-22.2, s.6.

Liability in tort

7 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*.

1999, c.A-22.2, s.7.

Head office

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

1999, c.A-22.2, s.8.

Exemption from taxation

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

1999, c.A-22.2, s.9.

DIVISION 2 Mandate, Purposes and Powers

Mandate and purpose of commission

10 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, remove a designated trade's designation, recognize former designated trades and regulate designated trades;
- (d) to designate sectors, remove a designated sector's designation and regulate designated sectors;
- (e) to develop approaches in apprenticeship training and certification that support increased access, participation and completion by members of under-represented groups;
- (f) to administer and issue certificates, permits, endorsements and identification cards respecting the training, certification and registration of apprentices, tradespersons and journeypersons;
- (g) 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.

1999, c.A-22.2, s.10.

Responsibilities of the commission

11 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;

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

- (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 or designated sector based on the needs of the designated trade or designated sector;
- (d) provide for the designation, regulation and certification of trades, sectors and individuals working in those designated trades and designated sectors;
- (e) consult with apprenticeship trainers and with employers, employees and workers in any designated trade or designated sector, or employers' and employees' organizations directly involved in the designated trade or designated sector;
- (f) regulate the registration, training and certification of individuals in designated trades;
- (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.

1999, c.A-22.2, s.11.

Minister's powers

12(1) The minister may:

- (a) enter into agreements with the commission to share staff and facilities of the department that may be required by the commission for the purposes of this Act;
- (b) approve any request made by the commission pursuant to clause 13(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.

(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.

1999, c.A-22.2, s.12.

Commission's general powers

13 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 department 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 services;
- (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;
- (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 or designated sector;
 - (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;

- (j) manage, insure, maintain, repair, alter or improve any of its property;
- (k) subject to section 50, 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.

1999, c.A-22.2, s.13; 2002, c.2, s.4.

Delegation of powers

14(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.

1999, c.A-22.2, s.14.

PART III
Regulation and Certification

DIVISION 1
Designated Trades and Designated Sectors

Apprenticeship – general

15 Every apprentice must serve a period of apprenticeship in the apprentice's designated trade or designated sector.

1999, c.A-22.2, s.15.

Designation or removal of designation by regulation

16 Subject to sections 17 and 18, the commission may, by regulation, designate or remove the designation of a trade or a sector.

1999, c.A-22.2, s.16.

Designation of trades and sectors

17(1) The commission, when considering the designation of a trade or the designation of a sector, shall require employers and employees working in that trade or sector or their respective representatives to develop a human resource plan.

(2) Every human resource plan for the designation of a trade or sector 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 or sector support the request for designation;
- (d) an estimate of the number of persons actively engaged in the work of the trade or sector;
- (e) an estimate of the number of apprentices that will annually enrol in the program;
- (f) any other matter the commission requests.

(3) The commission may designate a trade or sector 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. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

- (c) contains written verification that a majority of employers and a majority of persons working in the trade or sector support the request for designation.
- (4) A human resource plan must be reviewed by the commission and the designated trade or designated sector at least once every five years.

1999, c.A-22.2, s.17.

Removal of designation of a trade or sector

18 The commission may remove the designation of a trade or sector if:

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

1999, c.A-22.2, s.18.

DIVISION 2
Compulsory Apprenticeship Trades and Sectors

Compulsory apprenticeship

19(1) The Lieutenant Governor in Council may prescribe:

- (a) a designated trade as a compulsory apprenticeship trade; and
- (b) a designated sector as a compulsory apprenticeship sector.

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

(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 or designated sector support the recommendation to make the designated trade or designated sector a compulsory apprenticeship trade or a compulsory apprenticeship sector;
- (b) be satisfied that the work of the designated trade or designated sector to be prescribed is clearly defined;
- (c) be satisfied that no overlap or duplication with the work of an existing designated trade or designated sector 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 or a new compulsory apprenticeship sector;
- (g) consult, in any manner that the commission considers appropriate, with employers and persons working in the designated trade or designated sector;
- (h) hold any public meetings that it considers necessary; and
- (i) meet any other requirements the minister may require.

1999, c.A-22.2, s.19.

Removal of designation of a trade or sector as a compulsory apprenticeship trade or sector

20 The Lieutenant Governor in Council may remove the designation of a designated trade or designated sector as a compulsory apprenticeship trade or a compulsory apprenticeship sector if:

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

1999, c.A-22.2, s.20.

DIVISION 3

Trade Boards and Joint Training Committees

Trade boards

21(1) After consulting with employers and employees in designated trades and designated sectors in any manner that the commission considers appropriate, the commission may appoint a trade board in any designated trade or designated sector.

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

- (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.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

- (3) The commission shall:
- (a) consider the recommendations made by a trade board pursuant to subsection (2); and
 - (b) inform the trade board of the commission's decision.

1999, c.A-22.2, s.21.

Joint training committees

22(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 or designated sector, or their representatives, and employees in the designated trade or designated sector, or their representatives;
- (b) is formed to facilitate the training of apprentices in the designated trade or designated sector; 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 or designated sector 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) Where the commission considers it appropriate, the commission:

- (a) may withdraw recognition of a committee as a joint training committee for a designated trade or designated sector and, on the commission's withdrawal of recognition, the committee ceases to be a joint training committee for the designated trade or designated sector; 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.

1999, c.A-22.2, s.22.

DIVISION 4
Apprenticeship

Plans of apprenticeship

23(1) The commission, in consultation with the appropriate trade board, must ensure that there is a plan of apprenticeship for every designated trade and designated sector.

(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) a wage scale that provides for increases at fixed intervals, but, where 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 in which the training is to be given or for the designated sector in which the training is to be given; and
- (e) any other matter the commission may prescribe.

1999, c.A-22.2, s.23.

Contracts of apprenticeship

24(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.

(2) Every contract of apprenticeship must conform with:

- (a) the plan of apprenticeship for the designated trade or designated sector, as the case may be;
- (b) the regulations made by the Lieutenant Governor in Council; and
- (c) the regulations made by the commission.

1999, c.A-22.2, s.24.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

Certificates for apprentices, journeypersons and tradespersons

25(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 or designated sector shall work at that designated trade or in that designated sector, 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 or any designated sector 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 or designated sector to work at that designated trade or in that designated sector, unless that person has a registered contract of apprenticeship or holds the required certificate, permit, endorsement or identification card.

1999, c.A-22.2, s.25.

DIVISION 5
Commission Regulations

Commission regulations

26 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 sectors as designated sectors for the purposes of this Act;
- (c) respecting training and certification in designated trades and designated sectors;
- (d) 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 or designated sector;
- (e) respecting time credits to be allowed for previous experience in the designated trade or designated sector or for appropriate training and the manner of proof of that experience or training;
- (f) subject to section 24, respecting the requirements for and the terms and conditions of contracts of apprenticeship in designated trades or designated sectors;
- (g) respecting the signing of contracts of apprenticeship;
- (h) respecting the conditions necessary for a contract of apprenticeship to be suspended or cancelled and exemptions to those conditions;
- (i) 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;
- (j) respecting the conditions pursuant to which the commission may refuse to register or transfer a contract of apprenticeship;

- (k) respecting the circumstances pursuant to which employment prior to a contract of apprenticeship may be included as a portion of the time required to complete the full period of apprenticeship;
- (l) 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;
- (m) providing for the inspection of the training of apprentices, tradespersons and journeypersons;
- (n) respecting tests and examinations for apprentices, tradespersons and journeypersons;
- (o) respecting the issue, use, suspension and cancellation of certificates, endorsements, identification cards and permits to apprentices, tradespersons and journeypersons in a designated trade or designated sector, 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;
- (p) respecting the issue, use, suspension and cancellation of identification cards;
- (q) 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 or a designated sector is carried on;
- (r) 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;
- (s) 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;
- (t) appointing or providing for the appointment of trade boards for designated trades or designated sectors, and prescribing the duties of trade boards and determining the remuneration of members of trade boards;
- (u) 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;
- (v) respecting eligibility to write any examination required pursuant to the regulations;
- (w) respecting the use of a record book for each apprentice in a designated trade or designated sector;
- (x) respecting the duties of joint training committees;
- (y) respecting the hearing of complaints against, and the re-examination of, persons holding certificates issued pursuant to this Act;
- (z) respecting interprovincial standards examinations, interprovincial seals and recognition of certificates issued outside Saskatchewan.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

DIVISION 6
Appeals

Interpretation of division

27 In this division:

- (a) **“commission”** includes a committee of the commission established for the purpose of hearing appeals;
- (b) **“court”** means the Court of Queen’s Bench;
- (c) **“decision”** means 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.

1999, c.A-22.2, s.27.

Request for review of refusal or suspension

28(1) A person who is the subject of a decision described in clause 27(c) may request that the decision be reviewed by the commission.

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

1999, c.A-22.2, s.28.

Commission review

29(1) On receipt of a notice for a review, 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 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 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 decision or substitute its own decision for the decision reviewed.

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

1999, c.A-22.2, s.29.

Appeal to court

30(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) a decision described in subclauses 27(c)(i) to (iv) that was made by resolution of the commission;
 - (b) an order of the commission following a review pursuant to section 29.
- (2) Within 30 days after the date that the person receives the written reasons for the decision or order to be appealed, the person shall:
- (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.
- (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 review or 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.

1999, c.A-22.2, s.30.

Effect of appeal to court

31 The commencement of an appeal pursuant to section 30 does not stay the effect of the decision or order appealed from, but on five days' notice to the commission, the appellant may apply to the court for a stay of the decision or order on any terms and conditions that the court considers necessary pending the disposition of the appeal.

1999, c.A-22.2, s.31.

PART IV
Compliance and Enforcement

DIVISION 1
Records and Inspections

Interpretation of division

32 In this division:

- (a) “**property**” includes computer hardware and any other electronic equipment used to store information;
- (b) “**records**” includes books, papers, documents, information, computer software and electronic records;
- (c) “**social insurance number**” means a social insurance number assigned to an individual pursuant to the authority of any Act of the Parliament of Canada.

1999, c.A-22.2, s.32.

Records

33(1) Every employer carrying on business in any designated trade or designated sector shall keep records showing, in the case of every apprentice, tradesperson and journeyperson 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 or designated sector:

- (a) the name, address and social insurance number of the apprentice, tradesperson, journeyperson, or other person;
- (b) the name of the designated trade or designated sector in which the apprentice, tradesperson, journeyperson 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, journeyperson or other person pursuant to the regulations and the number of any interprovincial seal issued to the apprentice, tradesperson, journeyperson or other person by any province or territory of Canada;
- (d) the date of the commencement of the apprentice’s, tradesperson’s, journeyperson’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 or designated sector shall keep records showing, in the case of every apprentice, tradesperson and journeyperson who is an employee:

- (a) the apprentice’s, tradesperson’s or journeyperson’s regular rate of wages; and
- (b) the number of hours the apprentice, tradesperson or journeyperson 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.

1999, c.A-22.2, s.33.

Demand for records and inspection of training

34(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 or designated sector 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 journeypersons;
 - (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;
 - (d) require any person to furnish, 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 36.
- (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.

1999, c.A-22.2, s.34.

Inspection of work sites, buildings, structures or premises

35(1) 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.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

- (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 videotape 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.
- (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 person considers necessary for the purpose of the entry; and
 - (b) take any person who or thing that the person considers necessary to assist him or her to fulfil the purpose of the entry.
- (4) Where 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

36(1) Where any records are removed pursuant to section 33, 34 or 35, 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 with reasonable dispatch; and
- (b) promptly return the originals of the records 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 furnished them or from whom they were seized.

(3) The copy of a record certified by the commission 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.

1999, c.A-22.2, s.36.

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

37(1) The commission may issue a notice of non-compliance to a person where the commission 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; and
- (d) the date by which compliance should be effected.

(3) The commission may establish a public register of notices of non-compliance and, where 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) Where 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 publish all or any part of the public register.

1999, c.A-22.2, s.37.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION**Offences and penalties**

38(1) No person shall work in a compulsory apprenticeship trade unless that person:

- (a) has a registered contract of apprenticeship in that compulsory apprenticeship trade;
- (b) has a journeyperson's certificate to work in that compulsory apprenticeship trade;
- (c) has a special permit to work in that compulsory apprenticeship trade;
- (d) intends to become indentured in that compulsory apprenticeship trade after working in the trade for the period prescribed by the Lieutenant Governor in Council; 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) No person shall work in a compulsory apprenticeship sector unless that person:

- (a) has a registered contract of apprenticeship in that compulsory apprenticeship sector;
- (b) has a journeyperson's certificate to work in that compulsory apprenticeship sector;
- (c) has a special permit to work in that compulsory apprenticeship sector;
- (d) intends to become indentured in that compulsory apprenticeship sector after working in the sector for the period prescribed by the Lieutenant Governor in Council; 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.

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

- (a) is a journeyperson, special permit holder or apprentice in that designated trade;
- (b) is an individual who intends to become indentured in that designated trade pursuant to clause (1)(d); or
- (c) is exempted in accordance with clause (1)(e).

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

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

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

- (a) is a journeyperson, special permit holder or apprentice in that designated sector;
- (b) is an individual who intends to become indentured in that designated sector pursuant to clause (2)(d); or
- (c) is exempted in accordance with clause (2)(e).

(6) In a compulsory apprenticeship sector, no person shall engage the services of a business to perform work in that designated sector unless the business only employs:

- (a) journeypersons, special permit holders or apprentices in that designated sector;
- (b) persons who intend to become indentured in that designated sector pursuant to clause (2)(d); or
- (c) persons exempted in accordance with clause (2)(e).

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

(8) 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.

(9) 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.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION**Examination prohibitions**

39(1) Where the regulations provide for the issue of certificates, permits or endorsements based on the results of tests or examinations in a designated trade or a designated sector, 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) Where the regulations provide for the issue of certificates, permits or endorsements based on the results of tests or examinations in a designated trade or a designated sector, no person who is an applicant for a certificate, permit or endorsement shall knowingly acquire, prior to 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.

1999, c.A-22.2, s.39.

Limitation on prosecution

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

1999, c.A-22.2, s.40.

PART V
General Matters Affecting the Commission

DIVISION 1
Administrative

Board

41 The board of the commission is composed of the members of the commission appointed pursuant to section 4.

1999, c.A-22.2, s.41.

Chairperson and vice-chairperson

42 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.

1999, c.A-22.2, s.42.

Responsibilities and powers of the board

43(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:
 - (i) in the case of the first commission appointed pursuant to section 4, within 45 days of the date mentioned in subsection 59(1); and
 - (ii) in every following year, before September 30;
 - (c) hold at least six 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 or any committee of the commission or 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) prescribe 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.
- (3) A member of the executive committee is to be appointed annually 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

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

(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.

1999, c.A-22.2, s.43.

Chief executive officer

44(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 his or her 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 five 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 him or her 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.

1999, c.A-22.2, s.44.

Employees

45(1) In this section:

(a) **“Department”** means department as defined in clause 2(h) of *The Public Service Act, 1998*;

(b) **“public service”** means public service as defined in clause 2(n) of *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 Department and the officers and employees are deemed to be members of the public service.

(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.

1999, c.A-22.2, s.45.

DIVISION 2
Financial

Budget

46(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.

1999, c.A-22.2, s.46.

Audit

47 The Provincial Auditor or any auditor or firm of auditors appointed by the Lieutenant Governor in Council 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.

1999, c.A-22.2, s.47.

Fiscal year

48 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.

1999, c.A-22.2, s.48.

Inspection of financial records

49(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.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

(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.

1999, c.A-22.2, s.49.

Borrowing

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

1999, c.A-22.2, s.50.

Financial and annual reports

51(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).

1999, c.A-22.2, s.51; 2001, c.8, s.3; 2014, c.E-13.1, s.62.

PART VI
General

Act to prevail

52(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.

1999, c.A-22.2, s.52.

Limitation of liability

53 No action lies or shall be instituted against the minister, the Crown, the commission or any officer or employee of the commission or agent of the minister, the Crown 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.

1999, c.A-22.2, s.53.

Regulations – Lieutenant Governor in Council

54(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 and designated sectors are in each industry sector;
- (d) designating organizations or groups of organizations for the purposes of subsections 4(5) and (6) and respecting the process and criteria to be followed by those organizations in selecting employee and employer representatives for the purposes of subsection 4(5);
- (e) prescribing a designated trade or designated sector as a compulsory apprenticeship trade or compulsory apprenticeship sector;
- (f) respecting any requirements that the commission must consider when deciding whether to recommend that a designated trade or a designated sector be prescribed as a compulsory apprenticeship trade or a compulsory apprenticeship sector;
- (f.1) prescribing periods for the purposes of clauses 38(1)(d) and 38(2)(d);
- (f.2) exempting persons or categories of persons for the purposes of clauses 38(1)(e) and 38(2)(e);
- (g) subject to clause (g.1), requiring that, in any designated trade or designated sector:
 - (i) all apprentices, tradespersons and journeypersons hold a certificate, permit, identification card or endorsement in that designated trade or designated sector 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);

- (g.1) exempting any apprentice, tradesperson, journeyperson or employer in any designated trade or designated sector, or category of apprentices, tradespersons, journeypersons or employers in any designated trade or designated sector, from meeting the qualifications required pursuant to clause (g);
 - (h) respecting the registration of employers in designated trades or designated sectors and of all other persons carrying on business in designated trades or designated sectors, and requiring periodic renewal of registration;
 - (i) respecting the maximum ratio of apprentices or tradespersons to journeypersons or certificate holders that an employer shall employ:
 - (i) in a designated trade or in a designated sector; and
 - (ii) at the normal place of work of an apprentice;
 - (j) prescribing the maximum number of apprentices that may be employed in any designated trade or designated sector based on the number of journeypersons, certificate holders, endorsement holders or permit holders engaged in that designated trade or designated sector, and prohibiting the employment of apprentices in excess of the number prescribed;
 - (k) requiring that, in any designated trade or designated sector, at least one person who holds a prescribed certificate, endorsement or permit is engaged in the designated trade or designated sector at any place of business at which one or more persons are engaged in the work of the designated trade or designated sector;
 - (l) 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;
 - (m) respecting the responsibilities of the commission;
 - (n) respecting any procedures necessary for the commission to fulfil its mandate as set out in this Act;
 - (o) respecting the procedures for and the hearing of reviews by the commission and respecting appeals to court;
 - (p) prescribing the fiscal year of the commission;
 - (q) respecting any 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 VII
Review and Administrator

Review of commission

55(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.

(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.

1999, c.A-22.2, s.55.

Appointment and duties of administrator

56(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 where:

- (a) the commission has contravened section 50;

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

- (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 his or her responsibilities, the chief executive officer is subject to any instructions or directions given to him or her 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.
- (9) If the office of the chief executive officer is or becomes vacant, the requirement of subsection 44(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.

1999, c.A-22.2, s.56.

PART VIII

Repeal, Transitional, Consequential and Coming into force

S.S. 1984-85-86, c.A-22.1 repealed

57 *The Apprenticeship and Trade Certification Act* is repealed.

1999, c.A-22.2, s.57.

Transitional – former Act

58 Notwithstanding the repeal of *The Apprenticeship and Trade Certification Act*:

- (a) any certificate, permit, identification card or other document that was valid on the day before this Act comes into force remains in force until its expiry date, if any, as if issued pursuant to this Act and may be amended, suspended, cancelled or substituted pursuant to this Act and the regulations;

(b) any contract, as defined in that Act, made and registered pursuant to that Act that was valid on the day before section 1 of this Act comes into force continues in force as if made pursuant to this Act and may be amended, suspended, canceled, substituted or otherwise dealt with pursuant to this Act and the regulations;

(c) any advisory boards appointed pursuant to clause 21(v) of that Act continue as boards and the members of those boards continue as members, as if appointed pursuant to this Act until replaced or otherwise dealt with pursuant to this Act and the regulations;

(d) any joint committees recognized by the Director of Apprenticeship and Trade Certification pursuant to the authority of that Act continue as joint training committees, and members of those joint committees continue as members of the joint training committee, until replaced or otherwise dealt with pursuant to this Act and the regulations.

1999, c.A-22.2, s.58.

59 Repealed. 2002, c.2, s.7.

Transitional – offences

60 Notwithstanding the coming into force of this Act, every proceeding or prosecution that was commenced pursuant to *The Apprenticeship and Trade Certification Act*, as that Act existed on the day before the coming into force of this Act, is continued and may be dealt with in accordance with the provisions of *The Apprenticeship and Trade Certification Act*, as that Act existed on the day before the coming into force of this Act.

1999, c.A-22.2, s.60.

Transitional – contracts signed with the director

61 Every contract of apprenticeship that was signed by the Director of Apprenticeship and Trade Certification pursuant to *The Apprenticeship and Trade Certification Act*, as that Act existed on the day before the coming into force of this Act, is continued pursuant to this Act and is deemed to have been registered with the commission.

1999, c.A-22.2, s.61.

Transitional – other transfers

62 Notwithstanding any other Act or law or any provision of any contract:

(a) the Lieutenant Governor in Council may, by order, transfer to and vest in the commission any assets, liabilities and contracts of the Crown in right of Saskatchewan, subject to any terms and conditions that may be prescribed;

(b) the Public Service Commission continued pursuant to *The Public Service Act, 1998* may transfer any employees in the public service within the meaning of *The Public Service Act, 1998* to, and cause them to become employees of, the commission; and

(c) any transfer described in clause (b) is deemed not to constitute an abolition of any position or job for the purposes of any collective bargaining agreement.

1999, c.A-22.2, s.62.

c. A-22.2 APPRENTICESHIP AND TRADE CERTIFICATION

63 to 64 **Dispensed.** This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Coming into force

65 This Act comes into force on proclamation.

1999, c.A-22.2, s.65.