



BILL NO. 58

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act to Amend Chapter 1 of the Acts of 2003, the Apprenticeship and Trades Qualifications Act

CHAPTER 41
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 20, 2014**

The Honourable Kelly Regan
Minister responsible for the Apprenticeship and Trades Qualifications Act

*Halifax, Nova Scotia
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**An Act to Amend Chapter 1
of the Acts of 2003,
the Apprenticeship and Trades Qualifications Act**

Be it enacted by the Governor and Assembly as follows:

1 (1) Section 2 of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, as amended by Chapter 23 of the Acts of 2006 and Chapter 3 of the Acts of 2014, is further amended by

(a) striking out “with an employer” in the second line of clause (b);

(b) striking out clause (c) and substituting the following clause:

(c) “apprenticeship agreement” means a written agreement, to which the Director is a party, under which an apprentice undertakes to learn a designated trade through apprenticeship training and

(i) an employer undertakes to employ the apprentice and provide the apprentice with practical experience and the opportunity to obtain technical training,

(ii) a recognized association assumes the responsibilities of an employer pursuant to subsection 19(3) and undertakes to provide the apprentice with practical experience and the opportunity to obtain technical training, or

(iii) the Director undertakes to

(A) provide the apprentice with the opportunity to obtain technical training, and

(B) record the credits earned and competencies acquired by the apprentice in technical training and practical experience in a designated trade through employment in the Province or one or more other provinces of Canada in relation to which the Minister has entered into an extra-provincial apprenticeship recognition agreement;

(c) striking out clause (k) and substituting the following clause:

(k) “Director” means the Director of Programs and Operations appointed pursuant to Section 7;

(d) adding immediately after clause (nb) the following clause:

(nba) “extra-provincial apprenticeship recognition agreement” means an agreement entered into by the Minister pursuant to clause 26(aa) with the authority responsible for apprenticeship in another province of Canada pursuant to which each province agrees to recognize some or all of the technical training and practical experience, or the equivalent thereof, acquired by an apprentice in any of the provinces that are party to the agreement, for the purpose of granting the apprentice credit toward an apprenticeship program, or the equivalent thereof, in the province in which the apprentice is ordinarily resident;

and

(e) **adding immediately after clause (s) the following clause:**

(sa) “pre-employment apprenticeship-training recognition agreement” means an agreement entered into by the Minister pursuant to clause 26(ab) with the authority responsible for apprenticeship in another province of Canada pursuant to which each province agrees to recognize some or all of the pre-employment apprenticeship training, or the equivalent thereof, acquired by a person in one or more of the provinces for the purpose of granting the person credit toward an apprenticeship program, or the equivalent thereof, in the province in which the person is ordinarily resident;

(2) Section 2 of Chapter 1, as amended by Chapter 23 of the Acts of 2006 and Chapter 3 of the Acts of 2014, is further amended by

(a) adding “(1)” immediately after the Section number; and

(b) adding the following subsection:

(2) The determination of whether a person is ordinarily resident shall be made according to the following rules:

(a) a person is ordinarily resident in the place where the person lives and to which, whenever absent, the person intends to return;

(b) a person may be ordinarily resident in only one place at a time;

(c) a person does not cease to be ordinarily resident in a place by leaving the place for a temporary purpose only; and

(d) where the rules set out in clauses (a) to (c) are not sufficient to determine the place where a person is ordinarily resident, the place where the person is ordinarily resident must be determined by the Director, with reference to all the facts of the case.

2 Subsection 6(1) of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by adding “and may be employed pursuant to the *Civil Service Act* or *Personal Services Contract Regulations* made under the *Public Service Act*” immediately after “Minister” in the second line.

3 Section 7 of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by striking out “A Director” in the first line and substituting “The Director of Programs and Operations, the Director of Partnership and Innovation”.

4 Section 8 of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by

(a) adding immediately after clause (a) the following clauses:

(aa) keeping a record of the credits earned and competencies acquired by an apprentice for technical training and practical experience through employment in the Province or another province of Canada with respect to

which the Minister has entered into an extra-provincial apprenticeship recognition agreement;

(ab) keeping a record of the credits earned and competencies acquired by a person for pre-employment apprenticeship training in the Province or another province of Canada with respect to which the Minister has entered into a pre-employment apprenticeship training recognition agreement;

(b) striking out “inquires” in the first line of clause (b) and substituting “inquiries”; and

(c) striking out clause (e).

5 Chapter 1 is further amended by adding immediately after Section 8 the following Section:

9 The Director of Partnership and Innovation shall carry out the duties and powers assigned to the Director of Partnership and Innovation under this Act, the regulations and the operating charter, including

(a) granting credit to an apprentice for technical training and practical experience acquired through employment in the Province or another province of Canada with respect to which the Minister has entered into an extra-provincial apprenticeship recognition agreement;

(b) granting credit to a person for some or all of the pre-employment apprenticeship training, or the equivalent thereof, acquired by the person in the Province or another province of Canada for the purpose of granting the person credit toward an apprenticeship program in the Province;

(c) establishing and approving curriculum standards for the technical training of apprentices and monitoring the technical training;

(d) prescribing forms for the purpose of this Act and providing for their use; and

(e) performing such other duties as may be assigned by the Chief Executive Officer or the Minister.

6 (1) Subsection 18(1) of Chapter 1 is amended by

(a) adding “jointly” immediately after “shall” in the last line; and

(b) adding “with the Director” immediately after “agreement” in the last line.

(2) Subsection 18(2) of Chapter 1 is amended by striking out “A” in the first line and substituting “Either an employer or an apprentice who is a”.

(3) Subsection 18(5) of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding “of Partnership and Innovation” immediately after “Director” in the first line.

(4) Section 18 of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding immediately after subsection (5) the following clause:

(5A) Notwithstanding subsection (5), and subject to the regulations, the Director of Partnership and Innovation shall grant credits to a prospective apprentice for previous training or experience in the designated trade that is acquired in another province of Canada in accordance with the terms and conditions of any pre-employment apprenticeship-training recognition agreement that has been entered into with respect to that province.

(5) Subsection 18(7) of Chapter 1 is repealed and the following subsections substituted:

(7) An employer who is a party to an apprenticeship agreement may withdraw from the agreement without the consent of the apprentice and shall immediately give written notice of the withdrawal to the Director.

(7A) An apprentice may terminate an apprenticeship agreement without the consent of the employer or the Director and shall immediately give written notice of the termination to the Director.

(6) Subsections 18(9) and (9A) of Chapter 1 are repealed and the following subsection substituted:

(9) An employer or a recognized association may assign an apprenticeship agreement to another employer, a recognized association or the Director, with the prior written approval of the Director and the consent of the other employer, the recognized association or the Director, as the case may be, and the apprentice.

7 Chapter 1 is further amended by adding immediately after Section 18 the following Section:

18A (1) The Director may, at the request of a prospective apprentice, enter into an apprenticeship agreement with the prospective apprentice if the prospective apprentice

- (a) is ordinarily resident in Nova Scotia;
- (b) is not employed in the Province at the time the agreement is entered into;
- (c) is or has been employed within the preceding year in a province of Canada with respect to which the Minister has entered into an extra-provincial apprenticeship recognition agreement or in which the prospective apprentice has an offer of employment from an employer;
- (d) is determined by the Director of Partnership and Innovation to be eligible to be granted credit for the equivalent of technical training or practical experience acquired in the province referred to in clause (c), in the trade in relation to which the apprenticeship agreement is proposed; and

(e) in the opinion of the Director, is likely to benefit from entering into an apprenticeship agreement with the Director.

(2) An apprenticeship agreement entered into pursuant to subsection (1) does not constitute an employment agreement.

(3) For greater certainty, subsections 18(3) to (7A) apply to an apprenticeship agreement made pursuant to subsection (1).

(4) An apprenticeship agreement entered into pursuant to subsection (1) is subject to such terms and conditions as may be prescribed by the regulations.

8 Section 26 of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by striking out clause (aa) and substituting the following clauses:

(aa) enter into and carry out extra-provincial apprenticeship recognition agreements;

(ab) enter into and carry out pre-employment apprenticeship-training recognition agreements;

9 Subsection 29(1) of Chapter 1, as amended by Chapter 23 of the Acts of 2006 and Chapter 3 of the Acts of 2014, is further amended by

(a) adding “withdrawal from and” immediately after “for” in the first line of clause (q);

(b) striking out “parties” in the second line of clause (q) and substituting “other parties, if any,”; and

(c) striking out clause (aj) and substituting the following clause:

(aj) respecting the granting of credits by the Director of Partnership and Innovation to a prospective apprentice, apprentice or other person for previous training and experience, including pre-employment apprenticeship training acquired in a province of Canada with respect to which the Minister has entered into a pre-employment apprenticeship-training recognition agreement;
