



# **BILL NO. 70**

*Government Bill*

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*1st Session, 63rd General Assembly  
Nova Scotia  
67 Elizabeth II, 2018*

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

CHAPTER 7  
ACTS OF 2018

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
APRIL 18, 2018**

The Honourable Labi Kousoulis  
*Minister responsible for the Apprenticeship and Trades Qualifications Act*

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*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** Subsection 2(1) 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 Chapters 3 and 41 of the Acts of 2014, is further amended by

**(a)** relettering clauses (a) and (aa) as clauses (aa) and (ab) and adding immediately before those clauses the following clause:

(a) “accredited training provider” means a training provider accredited by the Director in accordance with the general regulations to deliver technical training or pre-apprenticeship training;

**(b)** striking out “pre-employment apprenticeship” in the first line of sub-clause (d)(iii) and substituting “pre-apprenticeship”;

**(c)** striking out “pre-employment apprenticeship” in the last line of clause (e) and substituting “pre-apprenticeship”;

**(d)** adding “trade” immediately after “the” in the last line of clause (i);

**(e)** striking out clause (m) and substituting the following clause:

(m) “employer” means any person, firm, association or public authority that employs a person in a designated trade;

**(f)** adding immediately after clause (nba) the following clauses:

(nbb) “general regulations” means regulations made pursuant to Section 29;

(nbc) “interprovincial red seal endorsement” means an interprovincial red seal endorsement issued under the authority of the Canadian Council of Directors of Apprenticeship Interprovincial (Red Seal) Program with respect to a trade;

**(g)** adding “general” immediately after “the” in the last line of clause (o);

**(h)** adding immediately after clause (r) the following clause:

(ra) “pre-apprentice” means a person undertaking pre-apprenticeship training;

**(i)** striking out “pre-employment apprenticeship” in the first line of clause (s) and substituting “pre-apprenticeship”;

**(j)** striking out “pre-employment apprenticeship-training” in the first and second lines of clause (sa) and substituting “pre-apprenticeship-training”;

**(k)** striking out “pre-employment apprenticeship” in the sixth and seventh lines of clause (sa) and substituting “pre-apprenticeship”;

**(l)** adding “, journeypersons and other persons” immediately after “apprentices” in the second line of clause (t);

**(m) striking out clauses (vb) and (vc) and substituting the following clauses:**

(vb) “trade regulations” means regulations made under Section 17A or 17B;

(vc) “Utility and Review Board” means the Nova Scotia Utility and Review Board established under the *Utility and Review Board Act*;

**and**

**(n) adding “general” immediately after “the” in the last line of clause (w).**

**2 (1) Subsection 3(1) of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by**

**(a) striking out “and the” in the second line and substituting “, the general regulations and the trade”; and**

**(b) adding “general” immediately after “the” the second time it appears in the last line.**

**(2) Subsection 3(2) of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by**

**(a) adding a comma immediately after “designate” in the first and second lines; and**

**(b) adding “general” immediately after “the” the second time it appears in the third line.**

**3 Section 5 of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by adding “general” immediately after “the” the first time it appears in the last line.**

**4 Subsection 6(2) of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by adding “general” immediately after “the” the first time it appears in the last line.**

**5 Section 7 of Chapter 1, as enacted by Chapter 3 of the Acts of 2014 and amended by Chapter 41 of the Acts of 2014, is further amended by adding “general regulations, the trade” immediately after “the” the first time it appears in the second line.**

**6 Section 8 of Chapter 1, as enacted by Chapter 3 of the Acts of 2014 and amended by Chapter 41 of the Acts of 2014, is further amended by**

**(a) adding “general regulations, the trade” immediately after “the” the second time it appears in the second line;**

**(b) striking out “pre-employment apprenticeship” in the second and third lines of clause (ab) and substituting “pre-apprenticeship”; and**

**(c) striking out “pre-employment apprenticeship training” in the fifth line of clause (ab) and substituting “pre-apprenticeship-training”.**

**7 Section 9 of Chapter 1, as enacted by Chapter 41 of the Acts of 2014, is amended by**

**(a) adding “general regulations and the trade” immediately after “the” the first time it appears in the third line; and**

**(b) striking out “pre-employment apprenticeship” in the second line of clause (b) and substituting “pre-apprenticeship”.**

**8 Section 16 of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by**

**(a) adding “general” immediately after “the” the second time it appears in the first, second and third lines;**

**(b) striking out “during regular working hours” in the first, second and third lines and substituting “at any reasonable time”;**

**(c) striking out “or the” in the last line of clause (d) and substituting “, general regulations or the trade”; and**

**(d) adding “general” immediately after “the” the first time it appears in the last line of clause (e).**

**9 Section 16A of Chapter 1 is repealed and the following Sections substituted:**

16A (1) No person shall obstruct the Director or any authorized person in the exercise of a power or the performance of a duty pursuant to this Act, the general regulations or the trade regulations.

(2) A person contravenes subsection (1) if the person

(a) wilfully delays the Director or any authorized person in the exercise of a power or the performance of a duty pursuant to this Act, the general regulations or the trade regulations;

(b) fails to comply with a written or oral order of the Director or any authorized person given pursuant to this Act, the general regulations or the trade regulations; or

(c) fails to produce any certificate or document that the person is required by this Act, the general regulations or the trade regulations to produce.

(3) No person shall knowingly furnish the Director or any authorized person with false information or neglect or refuse to furnish information required by the Director or the authorized person in the exercise of a power or the performance of a duty pursuant to this Act, the general regulations or the trade regulations.

(4) A person shall use all necessary means in that person’s power to facilitate any entry, inspection, examination, testing or inquiry by the Director or an authorized person in the exercise of the Director’s or authorized person’s powers or duties pursuant to this Act, the general regulations or the trade regulations.

16B (1) The Director or an authorized person may issue a compliance order that the Director or authorized person believes, on reasonable grounds, is necessary to ensure compliance with this Act, the general regulations or the trade regulations.

(2) A compliance order may

- (a) be given orally or in writing;
- (b) include any terms and conditions that the Director or authorized person considers reasonable; and
- (c) require that the order be carried out within such time as the Director or authorized person specifies.

(3) The Director or authorized person shall confirm an oral order issued under subsection (1) in writing as soon as practicable.

(4) For greater certainty, an oral order issued under subsection (1) is effective immediately, before it is confirmed in writing.

(5) An order issued under subsection (1) remains in place for such period as may be specified in the order or until the order is revoked by the Director or authorized person.

(6) A written order issued under subsection (1) must

- (a) name the person to whom it is addressed;
- (b) state the actions that must be taken in order to comply with the order, including, in the case of an order requiring that a person stop working, any actions that must be taken before the person may resume work or before work at the work site or premises may resume;
- (c) state the reasons for the order;
- (d) state that the person who receives the order may, in writing, appeal the order in accordance with Section 24A;
- (e) state the address for filing a notice of appeal;
- (f) be dated the day the order is made;
- (g) be served on the person to whom it is addressed by personal service or service by mail to the person's last known address; and
- (h) address any other matter that is required by the general regulations to be addressed in a written order.

(7) The Director or authorized person who issued the order under subsection (1) may amend the order, in which case subsection (6) applies to the amendment.

16C (1) A compliance order in relation to the practice of a compulsory certified trade contrary to subsection 22(2) must be issued to

- (a) the person contravening that subsection;
- (b) where subsection 22(3) is also being contravened, the employer of the person referred to in clause (a); and

(c) where subsection 22(3A) is also being contravened, the recognized association responsible for providing the person referred to in clause (a) to do work within a designated trade for others.

(2) A compliance order referred to in subsection (1) must, in addition to any other requirements set out in the order, require that the person

(a) immediately stop work in the compulsory certified trade or stop performing any task, activity or function specified in the order;

(b) where the person is claiming to be an apprentice or journey-person in the compulsory certified trade, immediately cease making such claims; and

(c) continue to refrain from performing such work, task, activity or function or making such claims during the period for which the order is in effect.

(3) The Director or authorized person shall

(a) make reasonable efforts to communicate any oral order that includes provisions set out in subsection (2) to the employer of the person to whom it was issued and to any recognized association that provided the person to the work site or premises as soon as practicable following its issuance; and

(b) provide a copy of a written order or written confirmation of an oral order that includes provisions set out in subsection (2) to the employer of the person to whom it was issued and to any recognized association that provided the person to the work site or premises within twenty-four hours of its issuance.

(4) Upon receipt of a compliance order referred to in subsection (1), the employer and the recognized association shall provide any necessary assistance to the employee in observing the order and in fulfilling its terms and conditions.

(5) A compliance order issued under clause (2)(b) or (c) must, in addition to any other requirements set out in the order,

(a) require that the employer or recognized association direct the person who is contravening subsection 22(2) to observe the requirements in subsection (2); and

(b) be provided by the employer or recognized association to the person who is contravening subsection 22(2).

16D A compliance order in relation to a breach of a requirement in the general regulations or trade regulations respecting

(a) the direct supervision of an apprentice; or

(b) the minimum ratio of journeypersons to apprentices,

may be issued to the employer of any apprentice who is the subject of the breach or the recognized association responsible for providing the apprentice to do work within a designated trade for others, and any such order must, in addition to any other requirements set out in the order, require that the employer or the recognized association direct any apprentice who is the subject of the breach to

(c) immediately stop work or stop performing any task, activity or function specified in the order; and

(d) continue to refrain from performing such work, task, activity or function or making such claims during the period for which the order is in effect,

and be provided by the employer or the recognized association to any apprentice who is the subject of the breach.

16E A compliance order may be issued to a person who

(a) contrary to Section 22A, is claiming to hold a certificate of qualification in a designated trade if the person does not hold a certificate of qualification or holds a certificate of qualification that is suspended; or

(b) contrary to Section 22B, is using any title, name, abbreviation or description implying that the person holds an interprovincial red seal endorsement to a certificate of qualification for a designated trade if the person does not hold an interprovincial red seal endorsement to a certificate of qualification of that designated trade,

and any such order must require that the person, in addition to any other requirements set out in the order,

(c) immediately cease claiming to hold a certificate of qualification or an interprovincial red seal endorsement in the trade; and

(d) continue to refrain from making such claims during the period for which the order is in effect.

16F (1) Where the Director or authorized person has reasonable grounds to believe that the person to whom a compliance order is issued under Section 16B is

(a) practising a compulsory certified trade contrary to subsection 22(2);

(b) the employer of a person referred to in clause (a) or the recognized association responsible for providing the person referred to in clause (a) to do work within the designated trade for others; or

(c) in breach of a requirement in the general regulations or trade regulations respecting the direct supervision of an apprentice or the minimum ratio of journeypersons to apprentices,

that order or a separate order issued under Section 16B may require that some or all of the work being performed at the work site or premises, other than activity required to ensure that the work site or premises are safe, must immediately stop and not start again until the Director or authorized person is satisfied that

(d) work at the work site or premises will be performed only by persons who are authorized to do so; and

(e) the persons who will be performing the work are in compliance with the Act, the general regulations and the trade regulations, including any direct supervision and minimum ratio requirements applicable to apprentices and journeypersons.



(2) Where satisfied that the circumstances that gave rise to an order under subsection (1) are no longer present, the Director or authorized person may terminate the order by giving the person to whom the order is addressed written permission to

- (a) resume the work or activity specified in the order; or
- (b) resume the work at the work site or premises.

16G (1) Where the Director believes that a person has failed to comply with a compliance order issued under Section 16B, the Director shall provide evidence of the non-compliance to the Chief Executive Officer.

(2) Where an authorized person believes that a person has failed to comply with a compliance order issued under Section 16B, the authorized person shall provide evidence of the non-compliance to the Director.

(3) Where the Chief Executive Officer or the Director, after receiving the evidence referred to in subsection (1) or (2), is of the opinion that a person has failed to comply with a compliance order issued under Section 16B, the Chief Executive Officer or the Director, as the case may be, may issue a notice in writing requiring the person to pay an administrative penalty in the amount set out in the notice.

(4) An administrative penalty issued under subsection (3) may not exceed five thousand dollars.

(5) The notice referred to in subsection (3) must state

- (a) the name of the person to whom it is addressed;
- (b) the designated trade that is the subject of the order;
- (c) the provision of this Act, the general regulations or the trade regulations that the person failed to comply with;
- (d) the amount of the penalty, determined in accordance with the general regulations;
- (e) when and how the penalty must be paid; and
- (f) that the person may apply, in accordance with Section 24B, to have the penalty reviewed by the Utility and Review Board.

(6) A notice issued under subsection (3) must be served on the person required to pay the penalty by personal service or service by mail to the person's last known address.

16H (1) Subject to an appeal under Section 24B, a person required to pay an administrative penalty shall pay it within thirty days after the notice of the penalty is served on the person.

(2) An administrative penalty becomes a debt due to Her Majesty in right of the Province if not paid

- (a) within thirty days after the notice of the penalty is served, if the penalty is not appealed; or

(b) within thirty days of the decision on the appeal, if the penalty is appealed and the Utility and Review Board confirms that a penalty is owing.

(3) The Director may certify a debt referred to in subsection (2), or any part of such debt that has not been paid, and the certificate may be filed with a prothonotary of the Supreme Court of Nova Scotia and, upon being filed, may be enforced in the same manner as a judgment of the Court.

16I A person who pays an administrative penalty issued under Section 16G for failing to comply with a compliance order issued with respect to a contravention of this Act, the general regulations or the trade regulations may not be charged with an offence respecting that contravention unless the contravention continues after the penalty is paid.

16J (1) The Director shall report the details of any notice of an administrative penalty issued by the Director under Section 16G to the Chief Executive Officer.

(2) After the period for appealing notice of an administrative penalty has expired, where no appeal has been filed with the Utility and Review Board in accordance with subsection 24B(2), the Chief Executive Officer may make public the details of the notice of administrative penalty in such manner as the Chief Executive Officer determines, and may include personal information as defined in the *Freedom of Information and Protection of Privacy Act* in the disclosure.

**10 Section 17 of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by adding “general regulations, the trade” immediately after “the” the first time it appears in the third line.**

**11 Sections 17A and 17B of Chapter 1 are repealed and the following Sections substituted:**

17A (1) Subject to subsection (3), the Board may make trade regulations designating a trade and establishing and approving objectives, standards and requirements for a trade other than a trade that is specified in the trade regulations as a compulsory certified trade.

(2) Subject to subsection (3), the Governor in Council may make trade regulations designating a trade and establishing and approving objectives, standards and requirements for a trade that is specified in the trade regulations as a compulsory certified trade.

(3) Trade regulations may

(a) designate a trade or a branch of a trade;

(b) establish and approve objectives, standards and requirements in relation to

(i) apprenticeship training and certification in the trade, and

(ii) certification in the trade without apprenticeship training; and

(c) prescribe one or more of the following matters in relation to a particular designated trade:

(i) the educational prerequisites and essential skills in relation to the designated trade that a person must have to be eligible to enter into an apprenticeship agreement as an apprentice,

(ii) the conditions that a person must meet to be eligible to enter into an apprenticeship agreement as an employer,

(iii) the term of an apprenticeship in the designated trade,

(iv) the requirement for a probationary period in relation to the designated trade and the length of the probationary period,

(v) the minimum ratio of journeypersons to apprentices and any additional terms and conditions pertaining to journeypersons and apprentices in relation to the minimum ratio,

(vi) the wage rate for an apprentice in the designated trade,

(vii) the number of documented hours specified for a level in the designated trade,

(viii) the requirements in addition to those set out in clause 21(1)(a) that must be satisfied before a certificate of qualification may be granted to an apprentice in the designated trade,

(ix) for the purpose of an application by a trade qualifier for a certificate of qualification,

(A) the practical experience that must be completed before the trade qualifier is eligible to be examined for a certificate of qualification,

(B) the period of employment in the designated trade that is required before the Director may grant the certificate of qualification, and

(C) any other applicable requirements that must be satisfied before the Director will grant the certificate of qualification,

(x) requiring a journeyperson in the designated trade to display the journeyperson's certificate of qualification at the journeyperson's place of employment,

(xi) establishing, in relation to a designated trade that is not a compulsory certified trade, the term of validity for a certificate of qualification for the trade,

(xii) establishing, in relation to a designated trade that is not a compulsory certified trade, that the certificate of qualification issued in the trade may be renewed, and indicating

(A) any applicable requirements that must be met before renewal may occur, and

(B) the applicable term for the renewal,

(xiii) where the employee performs some but not all of the tasks that come within the scope of a compulsory certified trade,

(A) permitting a joint application to be made by an employee and the employer of the employee for an exemption from the application of subsections 22(2) and (3), and

(B) setting out the terms and conditions under which the employee and employer may make joint application for the renewal of the exemption,

(xiv) establishing the term of validity for a certificate of qualification for a compulsory certified trade,

(xv) establishing, in relation to a compulsory certified trade, that a certificate of qualification issued in the trade may not be renewed,

(xvi) establishing, in relation to a renewable certificate of qualification for a compulsory certified trade,

(A) any applicable requirements that must be met before the renewal may occur, and

(B) the applicable term for the renewal.

(4) In the case of a conflict between the trade regulations and the general regulations, the general regulations prevail.

(5) Where the Board repeals trade regulations made pursuant to subsection (1) for a designated trade other than a designated trade that is specified in the trade regulations as a compulsory certified trade, the Board may, by trade regulation, revoke the designation of the designated trade that is the subject of those trade regulations.

(6) Where the Governor in Council repeals trade regulations made pursuant to subsection (2), the Governor in Council may, by trade regulation, revoke the designation of the designated trade that is the subject of those trade regulations.

(7) The exercise by the Board or by the Governor in Council of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*.

17B (1) An accredited training provider shall collect and disclose to the Director at least once a year and at such other times as the Director may request

(a) a list of all persons enrolled in any pre-apprenticeship training program offered by the accredited training provider during the previous calendar year and up to the time the list is prepared; and

(b) for each person referred to in clause (a),

(i) whether the person is, at the time the list is prepared, a pre-apprentice,

(ii) the pre-apprenticeship training program in which the person is or was enrolled,

(iii) where the person is no longer a pre-apprentice at the time the list is prepared, whether that person completed the pre-apprenticeship training program in which the person was enrolled, and

(iv) such other information as may be prescribed by the general regulations.

(2) A pre-apprentice enrolled with an accredited training provider shall register with the Director, in the manner specified in the general regulations, but may opt out of registration at any time in such manner as may be specified in the general regulations.

**12 (1) Subsection 18(2) of Chapter 1, as amended by Chapter 41 of the Acts of 2014, is further amended by adding “general” immediately after “the” the first time it appears in the second line.**

**(2) Subsection 18(3) of Chapter 1 is amended by**

**(a) adding “general” immediately after “the” in clause (a); and**

**(b) striking out “and the” in the second line of clause (b) and substituting “, the general regulations and the trade”.**

**(3) Subsection 18(5) of Chapter 1, as amended by Chapters 3 and 41 of the Acts of 2014, is further amended by adding “general” immediately after “the” the first time in appears in the first line.**

**(4) Subsection 18(5A) of Chapter 1, as enacted by Chapter 41 of the Acts of 2014, is amended by**

**(a) adding “general” immediately after “the” the first time it appears in the second line; and**

**(b) striking out “pre-employment apprenticeship-training” in the sixth and seventh lines and substituting “pre-apprenticeship-training”.**

**(5) Subsection 18(6) of Chapter 1 is amended by striking out “and the” in the last line and substituting “, the general regulations and the trade”.**

**(6) Subsection 18(11) of Chapter 1 is amended by adding “general regulations or the trade” immediately after “the” the second time it appears in the last line.**

**13 Subsection 18A(4) of Chapter 1, as enacted by Chapter 41 of the Acts of 2014, is amended by adding “general” immediately after “the” in the last line.**

**14 (1) Subsection 19(3) of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding “general regulations and the trade” immediately after “the” in the last line.**

**(2) Subsection 19(4) of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by striking out “trade regulations and other regulations respecting the trade to which the agreement relates” in the third and fourth lines and substituting “general regulations, the trade regulations”.**

**15 Section 20 of Chapter 1 is amended by adding “general regulations and the trade” immediately after “the” the first time it appears in the first line.**

**16 (1) Subsection 21(1) of Chapter 1 is amended by adding “general regulations and the trade” immediately after “the” the first time it appears in the first line.**

**(2) Subsection 21(1A) of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by adding “general regulations and the trade” immediately after “the” the first time it appears in the first line.**

**(3) Subsection 21(1B) of Chapter 1, as enacted by Chapter 3 of the Acts of 2014, is amended by adding “general” immediately after “the” in the second-last line.**

**(4) Clause 21(2)(b) of Chapter 1 is amended by adding “general” immediately after “the” in the last line.**

**17 (1) Subsection 22(1) of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding “trade” immediately after “by” in the first line.**

**(2) Subsection 22(2) of Chapter 1 is repealed and the following subsection substituted:**

**(2) A person shall not practise or claim to be authorized to practise a compulsory certified trade unless the person**

**(a) is a party to an apprenticeship agreement for which an application for registration has been made and the application is pending;**

**(b) is engaged in apprenticeship training in the trade under an apprenticeship agreement that is registered pursuant to this Act and is not suspended;**

**(c) holds, with respect to the trade,**

**(i) a certificate of qualification, or**

**(ii) a certificate of proficiency,**

**that is not suspended, and is in compliance with the general regulations and the trade regulations;**

**(d) holds a temporary permit issued by the Director pursuant to this Act with respect to the trade; or**

**(e) holds a certificate, other than a certificate referred to in clause (c), that is recognized by the Director pursuant to the general regulations and is not suspended.**

**(3) Section 22 of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding immediately after subsection (3) the following subsection:**

(3A) A recognized association shall not provide a person in a compulsory certified trade to do work within a designated trade for others if the recognized association knows, or would be reasonably expected to know, that the person is prohibited from working in the trade by subsection (2).

**(4) Subsection 22(4) of Chapter 1 is repealed and the following subsection substituted:**

(4) Subject to the general regulations and the trade regulations, the Director may exempt a person referred to in subsection (2), an employer referred to in subsection (3) or a recognized association referred to in subsection (3A) from the application of those subsections.

**18 Chapter 1 is further amended by adding immediately after Section 22 the following Sections:**

22A No person shall claim to hold a certificate of qualification in a designated trade that is not a compulsory certified trade unless the person holds a certificate of qualification in that designated trade that is not suspended.

22B No person shall use any title, name, abbreviation or description implying that the person holds an interprovincial red seal endorsement to a certificate of qualification for a designated trade unless the person holds an interprovincial red seal endorsement to a certificate of qualification for that designated trade.

**19 Subsection 23(1) of Chapter 1 is amended by adding “general” immediately after “the” the first time it appears in the first line.**

**20 (1) Clause 24(1)(g) of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding “general” immediately after “the”.**

**(2) Subsection 24(2) of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding “general” immediately after “the” in the second-last line.**

**(3) Subsection 24(5) of Chapter 1, as amended by Chapter 3 of the Acts of 2014, is further amended by adding “general” immediately after “the” the first time it appears in the first line.**

**21 Chapter 1 is further amended by adding immediately after Section 24 the following Sections:**

24A (1) A person issued a compliance order pursuant to Section 16B may appeal the order in accordance with subsection (2).

(2) An appeal from an order issued pursuant to Section 16B may be commenced by filing a notice of appeal with the Utility and Review Board within

fourteen days after the order is served on the person named in the order in accordance with clause 16B(6)(g).

(3) Subject to subsection (4), an appeal acts as a stay of the operation of the order issued under Section 16B that is under appeal until the appeal is determined.

(4) With or without notice, upon application by the Director, the Utility and Review Board, after considering

(a) primarily, the degree of risk and the potential impact of the risk on persons; and

(b) secondarily,

(i) the degree of prejudicial harm to the person to whom the order was issued if the appeal of the order does not operate as a stay, and

(ii) whether there is a strong *prima facie* case for a successful appeal of the order,

may order that the appeal of the order does not operate as a stay pending the outcome of the appeal.

(5) On an appeal from an order issued under Section 16B, the Utility and Review Board may, by order,

(a) confirm, vary or revoke the order;

(b) allow additional time for the person to whom the original order was issued to comply with the order and attach conditions to such compliance;

(c) make any order that the Director or authorized person making the order under appeal could have made; or

(d) in accordance with subsections (6) and (7), refer the matter back to the Director or authorized person for further consideration in accordance with the Board's direction.

(6) Where the Utility and Review Board refers the matter back to the Director or authorized person under clause (5)(d), the Director or authorized person shall give the matter further consideration in accordance with the Board's direction and then provide a written report to the Board.

(7) The Utility and Review Board shall, after receiving a written report from the Director or authorized person under subsection (6) and the evidence and submissions of the appellant and any other parties to the appeal, confirm, vary or revoke the order.

24B (1) A person served with notice issued under subsection 16G(3) that the person is required to pay an administrative penalty may appeal the penalty in accordance with subsection (2).

(2) An appeal from an administrative penalty issued pursuant to Section 16G may be commenced by filing a notice of appeal with the Utility and Review Board within fourteen days after the person who is required to pay the administrative



penalty is served with notice of the administrative penalty in accordance with subsection 16G(6).

(3) Where an administrative penalty is appealed pursuant to subsection (2), the requirement to pay the administrative penalty is stayed until the Utility and Review Board decides the appeal.

(4) On an appeal from an administrative penalty issued under Section 16G, the Utility and Review Board may, by order,

- (a) confirm, vary or revoke the penalty;
- (b) allow additional time for the person to whom the penalty was issued to comply with the order with respect to which the penalty was issued and attach conditions to such compliance; or
- (c) make any order that the Chief Executive Officer or the Director issuing the penalty could have made.

24C (1) The Director is a party to an appeal commenced under Section 24A or 24B.

(2) On an appeal under Section 24A or 24B, the Utility and Review Board has all the powers set out in the *Utility and Review Board Act*, including the power to establish its own processes and procedures for fulfilling its function and duties under those Sections.

(3) The Utility and Review Board shall notify the appellant, the Director and any other party to an appeal under Section 24A or 24B, in writing, of its decision.

(4) Subject to Section 30 of the *Utility and Review Board Act*, a decision of the Utility and Review Board on an appeal under Section 24A or 24B is final and binding.

**22 Section 25 of Chapter 1 is amended by adding “general regulations or the trade” immediately after “the” the second time it appears in the third line.**

**23 Clause 26(ab) of Chapter 1, as enacted by Chapter 41 of the Acts of 2014, is amended by striking out “pre-employment apprenticeship-training” in the first and second lines and substituting “pre-apprenticeship-training”.**

**24 (1) Subsection 27(1) of Chapter 1 is amended by**

**(a) adding “general regulations or the trade” immediately after “the” in clause (b);**

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

**(c) a written or oral order of the Director or authorized person;**

**and**

**(c) striking out “five” in the second-last line and substituting “ten”.**

**(2) Subsection 27(2) of Chapter 1 is amended by striking out “ten” in the second line and substituting “fifty”.**

**(3) Subsection 27(3) of Chapter 1 is amended by adding “general regulations or the trade” immediately after “the” the first time it appears in the third line.**

**(4) Subsection 27(4) of Chapter 1 is amended by**

**(a) adding “general” immediately after “the” the first time it appears in the first line; and**

**(b) adding a comma immediately after “examination” in the second line.**

**25 Subsection 28(2) of Chapter 1 is amended by striking out “or the” in the first line and substituting “, the general regulations or the trade”.**

**26 (1) Subsection 29(1) of Chapter 1, as amended by Chapter 23 of the Acts of 2006 and Chapters 3 and 41 of the Acts of 2014, is further amended by**

**(a) adding “general” immediately after “make” in the first line;**

**(b) adding “general regulations, the trade” immediately after “the” the first time it appears in the second line of clause (a);**

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

(aa) respecting administrative penalties for contravening a compliance order, including general regulations

(i) prescribing the form and content of the notice of administrative penalty,

(ii) prescribing the range of administrative penalty amounts that may be issued, and

(iii) respecting the determination of amounts of administrative penalties, which may vary according to the nature or frequency of the contravention and whether the person contravening the compliance order is an individual or a corporation;

(ab) respecting any other matter that must be addressed in a written order, including any matter referred to in Section 16B, 16C, 16D, 16E or 16F;

**(d) striking out clause (y) and substituting the following clause:**

(y) respecting training standards and certification for trades designated by the Canadian Council of Directors of Apprenticeship, including the issuance of interprovincial red seal endorsements and the recognition of interprovincial red seal endorsements issued with respect to other provinces of Canada under the Canadian Council of Directors of Apprenticeship Interprovincial Standards (Red Seal) Program;

**(e) striking out clause (ae) and substituting the following clauses:**

(ae) respecting the accreditation of training providers, including setting out prerequisites for accreditation and requiring training providers to enter into agreements with the Director and setting additional terms and conditions to be included in such agreements;

(aea) respecting additional information that must be provided to the Director by an accredited training provider pursuant to subclause 17B(1)(b)(iv);

(aeb) respecting

(i) the registration of pre-apprentices enrolled with an accredited training provider, including the issuance of identification cards to enrolled pre-apprentices, and

(ii) the opting out of registration of pre-apprentices, pursuant to subsection 17B(2);

**(f) striking out “including the specification that a trade is a compulsory certified trade,” in the first, second and third lines of clause (ai);**

**(g) striking out “pre-employment apprenticeship” in the fourth line of clause (aj) and substituting “pre-apprenticeship”; and**

**(h) striking out “pre-employment apprenticeship-training” in the sixth and seventh lines of clause (aj) and substituting “pre-apprenticeship-training”.**

**(2) Subsection 29(2) of Chapter 1 is amended by**

**(a) adding “general” immediately after “A” in the first line;**

**(b) striking out clause (b); and**

**(c) adding “sector,” immediately after “particular” in clause (d).**

**27** This Act comes into force six months after the day on which it receives Royal Assent.

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