

**MINISTER OF ADVANCED EDUCATION
AND SKILLS TRAINING**

BILL 4 – 2022

SKILLED TRADES BC ACT

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – DEFINITIONS AND INTERPRETATION

Definitions and interpretation

1 (1) In this Act:

“**accredited program**” means a program designated as an accredited program by the corporation under section 13 (a) [*powers of corporation respecting apprenticeship programs and industry training programs*];

“**appeal board**” means the Skilled Trades BC Appeal Board continued under section 42 [*appeal board*];

“**apprentice**” means, except in sections 32 [*supervision ratios*] and 33 [*supervision ratio adjustment*], a person who is registered as an apprentice in an apprenticeship program for a trade;

“**apprenticeship agreement**” means an agreement developed by the corporation under section 14 (c) [*powers of corporation respecting apprentices*];

“**apprenticeship program**” means an accredited program or a recognized program;

“**board**” means the board appointed under section 4 [*appointment of board*];

“**certificate of completion**” means a certificate of completion awarded by the corporation under section 15 (e) [*powers of corporation respecting trainees*];

“**certificate of qualification**” means a certificate of qualification awarded by the corporation under section 14 (f) or 17 (4) [*powers and duties of corporation respecting trade qualifiers*] to attest that a person is qualified for the trade for which the certificate is awarded;

“**chief executive officer**” means the chief executive officer appointed under section 6 [*appointment of chief executive officer*];

“**compliance officer**” means a compliance officer appointed under section 7 (1) [*employees and officers*];

“**corporation**” means the corporation named SkilledTradesBC continued under section 2;

“**foundation program**” means a program approved as a foundation program by the corporation under section 13 (b);

“**Indigenous peoples**” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“**industry training credential**” means any of the following:

- (a) a certificate of completion;
- (b) a certificate of qualification;
- (c) an industry training credential awarded under section 22 [*other industry training credentials*];

“**industry training program**” means any of the following:

- (a) a foundation program;
- (b) any other training program developed by the corporation that is not an apprenticeship program;

“**journeyperson**” means a person

- (a) who holds a certificate of qualification, or
- (b) who holds a certificate or other credential issued under a law similar to this Act in this or another Canadian jurisdiction to work as a journeyperson in the trade for which the certificate is issued;

“**non-skilled trades certification trade**” means a trade that is not a skilled trades certification trade;

“**personal information**” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

“**recognized program**” means a program designated as a recognized program by the corporation under section 13 (a);

“**review officer**” means the review officer designated by the board under section 7 (2);

“**scope of work**” means the scope of work for a skilled trades certification trade as set out in a regulation under section 27 (2) [*designation and scope of work of skilled trades certification trades*];

“**skilled trades certification trade**” means a trade designated under section 27 (1);

“**sponsor**” means a person who has agreed to sponsor an apprentice;

“**supervision ratio**” means a supervision ratio established under section 32 (2);

“**supervision ratio adjustment**” means a supervision ratio adjustment within the meaning of section 33;

“**temporary authorization**” means a temporary authorization issued under section 31 [*temporary authorization*];

“**trade qualifier**” means a person who has experience that provides the person with qualifications equivalent to those acquired through completed training in an apprenticeship program;

“**trainee**” means a person registered as a trainee in an industry training program under section 15 (d);

“**training provider**” means any of the following:

(a) an institution established or continued under any of the following Acts:

(i) the *College and Institute Act*;

(ii) the *Royal Roads University Act*;

(iii) the *Thompson Rivers University Act*;

(iv) the *University Act*;

(b) an institution within the meaning of the *Private Training Act*;

(c) a person or entity designated as a training provider by the corporation under section 18 (a) [*powers of corporation respecting training providers*] of this Act.

(2) For certainty, an employer may be a sponsor.

PART 2 – SKILLED TRADES BC

Skilled Trades BC

2 (1) The Industry Training Authority is continued as a corporation named Skilled Trades BC consisting of a board of directors appointed under section 4.

(2) The corporation has the power and capacity of a natural person of full capacity.

(3) The corporation is an agent of the government.

Objects of corporation

3 The objects of the corporation are as follows:

(a) to manage and support an industry training and apprenticeship system in British Columbia;

(b) to ensure that the industry training and apprenticeship system referred to in paragraph (a) meets the Province’s need for skilled workers;

(c) to work with the government to achieve the government’s objectives respecting the industry training and apprenticeship system referred to in paragraph (a);

- (d) to promote apprenticeship programs and industry training programs, including by encouraging persons to register in those programs and encouraging employers and sponsors to participate in those programs;
- (e) to promote participation of Indigenous people in the industry training and apprenticeship system, including by encouraging Indigenous people to register in and complete industry training programs and apprenticeship programs;
- (f) other objects the Lieutenant Governor in Council may prescribe.

Appointment of board

- 4**
- (1) The minister may appoint a board of directors of the corporation to consist of up to 9 directors and may appoint one of the directors as the chair.
 - (2) The minister may establish the terms of appointment for the directors appointed under subsection (1).
 - (3) In accordance with the general directives of Treasury Board, the corporation may
 - (a) pay remuneration to directors, and
 - (b) reimburse or pay an allowance to directors for reasonable travelling and out-of-pocket expenses necessarily incurred in carrying out the directors' duties.

Powers and duties of board

- 5**
- (1) The board must supervise the management of the affairs of the corporation.
 - (2) For its purposes, the board
 - (a) may exercise the powers conferred on it under this Act,
 - (b) may exercise the powers of the corporation on behalf of the corporation, and
 - (c) must supervise the delegation of any of its powers or duties.

Appointment of chief executive officer

- 6**
- (1) The board
 - (a) must appoint an individual as the chief executive officer of the corporation to carry out the powers and duties that the corporation specifies, and
 - (b) may set the remuneration of the chief executive officer.
 - (2) The chief executive officer is responsible for the management and administration of the corporation and its officers and employees and must exercise the powers and perform the duties that are specified in the resolutions and bylaws of the board.

Employees and officers

- 7 (1) The chief executive officer may appoint officers, including compliance officers, and hire employees of the corporation, and define their duties and set their remuneration.
- (2) The board may designate an employee of the corporation as the review officer.

Bylaws – general

- 8 (1) The board may make bylaws it considers necessary or advisable for the management and conduct of the affairs of the corporation and the exercise of the powers and duties of the corporation.
- (2) The corporation must publish its bylaws on an internet site maintained by, or on behalf of, the corporation.
- (3) The minister may request the board to amend or repeal an existing bylaw, or to make a new bylaw, if the minister is satisfied that this is necessary or advisable.
- (4) If the board does not comply with a request under subsection (3) within 60 days after the date of the request, the minister may, by order, amend or repeal the existing bylaw or make a new bylaw in accordance with the request.

Bylaws – committees

- 9 (1) Without limiting section 8, the board may make bylaws to establish committees of the board that the board considers necessary or advisable.
- (2) The board may, by bylaw, provide for any of the following in relation to a committee established under this Act:
- (a) the composition of the committee;
 - (b) the appointment and removal of committee members;
 - (c) the powers and duties of the committee;
 - (d) the delegation to the committee of a power or duty of the board or the corporation, other than the power to make bylaws;
 - (e) the procedures to be followed by the committee;
 - (f) the remuneration and expenses of committee members who are not board members.

Bylaws – advisory committees

- 10 (1) Without limiting section 8 or 9, the board may, by bylaw,
- (a) establish one or more advisory committees to provide advice and make recommendations to the board with respect to the objects of the corporation, and
 - (b) provide for the appointment of individuals to advisory committees.

- (2) Appointments under subsection (1) (b) need not be of directors of the board.

Financial administration, strategic plans and reports

- 11** (1) The corporation must establish and maintain an accounting system satisfactory to the Minister of Finance and, whenever required by that minister, must render detailed accounts of the corporation's revenues and expenditures for the period or to the day that minister designates.
- (2) All books or records of account, documents and other financial records of the corporation must at all times be open for inspection by the minister, the Minister of Finance or a person designated by either minister.
- (3) The Minister of Finance may direct the Comptroller General to examine, and report to the Minister of Finance on, any or all of the financial and accounting operations of the corporation.
- (4) Unless the Auditor General is appointed in accordance with the *Auditor General Act* as the auditor of the corporation, the corporation must appoint an auditor to audit and report on the accounts of the corporation at least once in each year.
- (5) The corporation must, in accordance with subsection (6), submit for approval by the minister a 3-year strategic plan that sets out the following in relation to the corporation's next 3 fiscal years:
- (a) how the corporation proposes to advance each of the objects referred to in section 3 [*objects of corporation*];
 - (b) a report on the corporation's consideration of the advice and recommendations provided to the corporation by representatives of stakeholders and of Indigenous peoples;
 - (c) other matters and information the minister may require.
- (6) A strategic plan must be submitted as follows:
- (a) with respect to the first strategic plan to be submitted under this Act, before April 1, 2023;
 - (b) with respect to all subsequent strategic plans, before the end of the fiscal year that begins 3 years after the fiscal year in which the previous strategic plan was submitted.
- (7) The minister may require the corporation to amend a strategic plan that is submitted for approval under subsection (5), and the amended strategic plan must be submitted to the minister under that subsection.
- (8) In developing and implementing a strategic plan referred to in subsection (5), the corporation must consult with representatives of stakeholders and of Indigenous peoples.

- (9) The corporation must submit to the minister, at the times specified by the minister and in a form approved by the minister,
 - (a) a report on the progress the corporation has made in advancing each of the objects referred to in section 3,
 - (b) a report on the progress the corporation has made in carrying out the matters set out in a strategic plan submitted for approval under subsection (5) of this section, and
 - (c) other information and reports the minister may require.
- (10) The corporation must prepare financial statements in accordance with generally accepted accounting principles.
- (11) The fiscal year end of the corporation is March 31 in each year.
- (12) The Minister of Finance is the fiscal agent of the corporation.
- (13) Subject to section 12 (1), money received by the corporation from any source, including administrative monetary penalties imposed under this Act, may be retained by the corporation to be used to achieve its objects.

No borrowing or deficit without approval

- 12** (1) The corporation must not borrow money without the prior approval of the minister and the Minister of Finance.
- (2) The corporation must not run a deficit without the prior approval of the minister and the Minister of Finance.

PART 3 – POWERS OF CORPORATION

Powers of corporation respecting apprenticeship programs and industry training programs

- 13** The corporation may do one or more of the following respecting apprenticeship programs and industry training programs:
 - (a) designate a training program for a trade as an accredited program or a recognized program;
 - (b) approve a training program for a trade as an industry training program;
 - (c) develop programs of training and program standards for the purposes of paragraphs (a) and (b);
 - (d) develop assessment and examination standards and procedures for apprenticeship programs and industry training programs.

Powers of corporation respecting apprentices

- 14 The corporation may
- (a) establish an application process and eligibility requirements to register a person in an apprenticeship program,
 - (b) determine, and develop a process to determine, if a person meets the applicable eligibility requirements,
 - (c) develop apprenticeship agreements for the purposes of registering a person as an apprentice under section 26 (3) (a) [*trades*] or 28 [*registration as apprentice*],
 - (d) give examinations, make assessments and provide services respecting apprenticeship programs,
 - (e) register a person in an apprenticeship program, and
 - (f) award a certificate of qualification or other industry training credential to an apprentice who has completed an apprenticeship program.

Powers of corporation respecting trainees

- 15 The corporation may
- (a) establish an application process to register a person as a trainee,
 - (b) determine, and develop a process to determine, if a person meets the applicable eligibility requirements,
 - (c) give examinations, make assessments and provide services respecting industry training programs,
 - (d) register a person in an industry training program, and
 - (e) award a certificate of completion or other industry training credential to a trainee who completes an industry training program.

Powers of corporation respecting industry training credentials

- 16 (1) The corporation may develop criteria to award industry training credentials.
- (2) In addition to the powers of the corporation under Part 7 [*Enforcement – Skilled Trades Certification Trades*], the corporation may cancel an industry training credential of a person if the corporation is satisfied that the person has provided the corporation with false or misleading information respecting the credential.

Powers and duties of corporation respecting trade qualifiers

- 17 (1) The corporation may establish a system to determine if a person is a trade qualifier and requirements that the person must meet.
- (2) A person may apply to the corporation for a determination that the person is a trade qualifier.

- (3) If satisfied that a person is a trade qualifier, the corporation must give the person, within a reasonable period, an opportunity to satisfy the requirements established by the corporation for the purposes of this section.
- (4) If a trade qualifier satisfies the requirements referred to in subsection (3), the corporation must award to the person a certificate of qualification or other industry training credential, as applicable.

Powers of corporation respecting training providers

- 18** The corporation may do one or more of the following respecting training providers:
- (a) designate persons or entities as training providers to provide apprenticeship programs and industry training programs, and define their duties;
 - (b) set requirements for training providers to provide apprenticeship programs and industry training programs and give examinations and assessments of training;
 - (c) establish standards, procedures and fees for examinations, assessments and programs provided by training providers;
 - (d) establish processes for program review to ensure that standards set by the corporation are met for apprenticeship programs and industry training programs and for examinations and assessments related to those programs.

Powers of corporation respecting fees

- 19** The corporation may charge fees for examinations, assessments and other services provided by the corporation.

Application of sections to other providers

- 20** (1) Despite sections 13 to 18 and subject to subsection (2) of this section, sections 14 (b) [*powers of corporation respecting apprentices*], 15 (b) [*powers of corporation respecting trainees*] and 18 (b) [*powers of corporation respecting training providers*] do not apply to apprenticeship programs or industry training programs delivered by an institution established or continued under the *College and Institute Act*, the *Royal Roads University Act*, the *Thompson Rivers University Act* or the *University Act*.
- (2) One or more of the sections referred to in subsection (1) may be applied to a program referred to in that subsection if the corporation and the applicable institution referred to in that subsection agree in writing that the referenced section or sections, as applicable, apply.

Delegation by corporation

- 21** The corporation may delegate, with or without conditions, any of its powers, except the powers referred to in sections 6 [*appointment of chief executive officer*], 8 [*bylaws – general*], 9 [*bylaws – committees*], 10 [*bylaws – advisory committees*] and 13 (a) and (b) [*powers of corporation respecting apprenticeship programs and industry training programs*], to the chief executive officer or an employee or officer of the corporation, other than a compliance officer or the review officer.

Other industry training credentials

- 22** (1) In addition to the industry training credentials referred to in sections 14 (f) [*powers of corporation respecting apprentices*], 15 (e) [*powers of corporation respecting trainees*] and 17 (4) [*powers and duties of corporation respecting trade qualifiers*], the corporation may award any other industry training credential recognizing completion of a program or a portion of a program.
- (2) The corporation may award an industry training credential to an individual under subsection (1) if the corporation is satisfied that the individual has completed training or apprenticeship, in another program or jurisdiction, that is equivalent to training in an industry training program or apprenticeship program.
- (3) For certainty, the corporation must award a certificate of qualification to a person who is entitled to the certificate under the *Labour Mobility Act*.

PART 4 – RECORDS AND REGISTRY

Records

- 23** The corporation must keep records as follows:
- (a) in the case of records that date to before 1990, records respecting industry training credentials that the corporation has in its possession on the date this Act receives First Reading in the Legislative Assembly;
 - (b) in the case of records that date from 1990 to the date this Part comes into force, records respecting information that was included in the register as required under section 9 (1) (a) of the *Industry Training Authority Act* as it read immediately before its repeal;
 - (c) in the case of records that date from after the date this Part comes into force, records respecting the deregistration of an individual.

Registry

- 24** (1) The corporation must, in accordance with the regulations of the minister, if any, establish and maintain a registry.
- (2) The corporation must include the following information in the registry:
- (a) the name of each person who is awarded an industry training credential and the type of industry training credential awarded;
 - (b) the name of each person registered as an apprentice in an apprenticeship program;
 - (c) any other information prescribed by the minister.
- (3) The corporation must include the information described in subsection (2) (a) for each person who was awarded an industry training credential after 1989.
- (4) The corporation may include the following information in the registry:
- (a) the name of a trainee registered in an industry training program;
 - (b) the name of the sponsor of an apprentice;
 - (c) the name of a trade qualifier;
 - (d) any other information prescribed by the minister.
- (5) Subject to the regulations of the minister, if any, the corporation may publish information in the registry.

Deregistration

- 25** (1) The corporation may cancel a person's registration in an apprenticeship program and remove the person's name from the registry
- (a) if the corporation is satisfied that the person
 - (i) is inactive in the trade, or
 - (ii) has provided false or misleading information to the corporation,or
 - (b) on a ground prescribed by the minister.
- (2) If the corporation exercises the power under subsection (1) respecting a person, the corporation must notify the person and provide the person with written reasons for cancelling the person's registration.

PART 5 – WORKING IN A TRADE

Trades

- 26** (1) A person must not work in a skilled trades certification trade unless the person is one of the following:
- (a) a person who is registered as an apprentice under section 28;
 - (b) a person who is registered as an apprentice under a law similar to this Act in another Canadian jurisdiction;
 - (c) a journeyman;
 - (d) a person who holds a temporary authorization;
 - (e) a person in a class of persons exempted under section 34 [*exemptions*].
- (2) An employer must not employ a person to work in a skilled trades certification trade if the employer knows, or reasonably ought to know, that the person is prohibited from working in the skilled trades certification trade under subsection (1).
- (3) A person who works, or intends to work, in a non-skilled trades certification trade may apply
- (a) to register as an apprentice in an apprenticeship program to obtain an industry training credential, or
 - (b) to participate in an industry training program to obtain an industry training credential.
- (4) For certainty, nothing in this Act is to be read as authorizing a person to work in a trade without complying with any other applicable enactment.

PART 6 – SKILLED TRADES CERTIFICATION TRADES

Designation and scope of work of skilled trades certification trades

- 27** (1) The Lieutenant Governor in Council may, by regulation, designate a trade as a skilled trades certification trade.
- (2) The minister may, by regulation, establish the scope of work for a skilled trades certification trade.

Registration as apprentice

- 28** (1) A person who intends to work in a skilled trades certification trade as an apprentice must
- (a) have a sponsor,

- (b) submit to the corporation an apprenticeship agreement in a form established by the corporation under section 14 (c) [*powers of corporation respecting apprentices*], which agreement must be signed by the person and the sponsor,
 - (c) satisfy the corporation that the person meets the applicable eligibility requirements, if any, established under section 14 (a),
 - (d) provide to the corporation any additional information requested by the corporation, and
 - (e) submit to the corporation any applicable registration fees.
- (2) A person who has complied with subsection (1) is registered for the purposes of this Act as an apprentice for the skilled trades certification trade.
- (3) An apprentice has a sponsor if
- (a) the apprentice and sponsor have signed an apprenticeship agreement, and
 - (b) the sponsor continues to agree, and continues to be able, to sponsor the apprentice.
- (4) If, after reviewing a person's submissions made for the purposes of subsection (1), the corporation is not satisfied that the person meets the eligibility requirements, the corporation must refuse to register the person and must provide the person and the person's sponsor with written reasons for the refusal.

No sponsor

- 29**
- (1) If an apprentice ceases to have a sponsor, the apprentice may not work in the skilled trades certification trade until the apprentice has a new sponsor.
 - (2) An apprentice must cease working in the skilled trades certification trade as soon as the apprentice knows, or reasonably ought to know, that the apprentice has ceased to have a sponsor.

Qualification record

- 30**
- (1) The corporation must provide a person whose name is on the registry and who is working in a skilled trades certification trade with a means of evidencing the person's qualification to work in the skilled trades certification trade.
 - (2) An employer must
 - (a) maintain records evidencing, for each of the employer's employees working in a skilled trades certification trade, the employee's qualification to work in the skilled trades certification trade, and
 - (b) be able to produce the records on request.

Temporary authorization

- 31** (1) Subject to subsection (2), the corporation may issue to a person a temporary authorization that authorizes the person to work in the specified skilled trades certification trade.
- (2) The corporation may issue a temporary authorization only in accordance with the regulations of the minister.
- (3) The corporation may impose terms and conditions on any temporary authorization that it issues.

Supervision ratios

- 32** (1) In this section and section 33:
- “**apprentice**” means a person who is registered as an apprentice in an apprenticeship program for a trade or a person who is registered as an apprentice under a law similar to this Act in another Canadian jurisdiction;
- “**supervise**”, in relation to an apprentice and a journeyman, means that the journeyman
- (a) has been assigned supervision of the apprentice, and
- (b) is in one of the following locations or is otherwise available to provide guidance and assistance to the apprentice:
- (i) on the business premises of the employer;
- (ii) in the location where work described in a scope of work of the skilled trades certification trade is being carried out by the apprentice.
- (2) The Lieutenant Governor in Council may, by regulation, establish a supervision ratio for a skilled trades certification trade that is the maximum number of apprentices in the skilled trades certification trade that may be supervised by one journeyman in the skilled trades certification trade.
- (3) Subject to section 33, an employer of employees in a skilled trades certification trade must comply with the supervision ratio established under subsection (2) of this section.

Supervision ratio adjustment

- 33** (1) An employer may apply, in accordance with requirements established by the corporation, for a supervision ratio adjustment that authorizes an employer to have a greater number of apprentices supervised by one journeyman than is indicated by the supervision ratio established for the skilled trades certification trade.
- (2) The corporation may grant a supervision ratio adjustment only in accordance with the regulations of the minister.

- (3) The corporation may impose terms and conditions on any supervision ratio adjustment granted, and the employer must comply with those terms and conditions.

Exemptions

- 34** (1) The Lieutenant Governor in Council may, by regulation,
 - (a) exempt a class of persons from the requirements referred to in section 26 (1) (a), (b) or (c) [*trades*] respecting a skilled trades certification trade, and
 - (b) exempt a class of employers from the supervision ratio established under section 32.
- (2) An exemption under subsection (1) of this section may be subject to conditions specified by the Lieutenant Governor in Council in the regulation.

PART 7 – ENFORCEMENT – SKILLED TRADES CERTIFICATION TRADES

Division 1 – Inspections

Inspections

- 35** (1) A compliance officer may, on the compliance officer’s own initiative or on information provided by a third party, conduct an inspection to monitor compliance with sections 26 [*trades*], 30 (2) [*qualification record*], 32 [*supervision ratios*] and 33 [*supervision ratio adjustment*].
- (2) For the purposes of an inspection, a compliance officer may, without a warrant, do any of the following during business hours:
 - (a) enter
 - (i) a business premises of an employer of a person or persons working in a skilled trades certification trade, or
 - (ii) a location where work described in a scope of work is being carried out;
 - (b) inspect, audit or examine a record or any other thing, or observe the tasks, activities or functions described in a scope of work that are being performed or carried out;
 - (c) require any person who has possession or control of any records or other things to produce the records or things;
 - (d) remove from the premises a record or any other thing for the purpose of making copies;
 - (e) remove and retain a record or any other thing that may be required as evidence;

- (f) make a record, including a record on film, audio tape, video tape or otherwise, of the premises or location and any person or thing in or on the premises or location;
 - (g) question a person.
- (3) In addition to the powers under subsection (2), a compliance officer may, for the purposes of an inspection, require a person working in a skilled trades certification trade or an employer of a person or persons working in a skilled trades certification trade to produce records or provide information respecting compliance with section 26, 30 (2), 32 or 33.
 - (4) A compliance officer may apply to the Supreme Court for an order directing a person to comply with a requirement under subsection (2) (c) or (3).
 - (5) If a record or thing is removed from a premises under subsection (2), or produced under subsection (3), the compliance officer
 - (a) may make copies of, take extracts from or otherwise record it, and
 - (b) must give a receipt to the person from whom it is taken.

Identification and assistance

- 36 (1) The corporation must provide a compliance officer with written credentials of the compliance officer's appointment.
- (2) On request, a compliance officer must produce the credentials provided under subsection (1) when exercising or seeking to exercise any of the powers conferred on the compliance officer under this Division.
- (3) On request of the corporation or a compliance officer, a peace officer may assist a compliance officer in carrying out an inspection.

**Division 2 – Warnings, Compliance Orders
and Administrative Monetary Penalties**

Warnings

- 37 (1) A compliance officer may issue a written warning to a person who is contravening or has contravened section 26 *[trades]*, 30 (2) *[qualification record]*, 32 *[supervision ratios]* or 33 *[supervision ratio adjustment]*.
- (2) If a compliance officer issues a warning under subsection (1), the compliance officer must provide a copy of the warning to
 - (a) the person to whom the warning is issued, and
 - (b) that person's employer, if any.

Compliance orders

- 38** (1) If satisfied that a person is contravening or has contravened section 26 [trades], 30 (2) [qualification record], 32 [supervision ratios] or 33 [supervision ratio adjustment], a compliance officer may order the person to comply with the applicable section.
- (2) A compliance order under this section must
- (a) name the person in respect of whom the order is issued,
 - (b) describe the act or omission by which the person is contravening or has contravened section 26, 30 (2), 32 or 33,
 - (c) identify which of section 26, 30 (2), 32 or 33 is being contravened or has been contravened, and
 - (d) be dated and signed by the compliance officer.
- (3) Without limiting subsection (1), the compliance officer may, in a compliance order, order that
- (a) a person immediately stop work in the skilled trades certification trade or stop performing any task, activity or function specified in the order, or, if the person is an employer, have the work, task, activity or function stopped, and
 - (b) a person immediately cease claiming to be an apprentice or journeyperson in a skilled trades certification trade.
- (4) A compliance order may include a period of time for the purposes of subsection (3) (a).
- (5) The compliance officer must provide a copy of a compliance order to the person named in the order and to the person's employer, as applicable.
- (6) A compliance order stays in effect until the earlier of the following:
- (a) the end of the period of time referred to in subsection (4), if any;
 - (b) the date the compliance order is cancelled by a compliance officer.

Administrative monetary penalties

- 39** (1) A compliance officer or another officer or employee of the corporation may take the actions authorized under subsection (2) in accordance with the regulations of the Lieutenant Governor in Council, if the corporation is satisfied on a balance of probabilities that a person has
- (a) contravened section 26 [trades], 30 (2) [qualification record], 32 [supervision ratios] or 33 [supervision ratio adjustment], or
 - (b) failed to comply with a compliance order.

- (2) In the circumstances referred to in subsection (1), a compliance officer or another officer or employee of the corporation may deliver to the person a notice
 - (a) identifying the person's contravention or failure to comply as determined by the corporation,
 - (b) imposing an administrative monetary penalty in an amount not greater than the amount prescribed by the Lieutenant Governor in Council,
 - (c) requiring the person to pay the administrative monetary penalty as specified in the notice, and
 - (d) setting out any additional information prescribed by the Lieutenant Governor in Council.
- (3) An administrative monetary penalty under this section must be paid to the corporation within the period prescribed by the Lieutenant Governor in Council and in accordance with any other requirements prescribed by the Lieutenant Governor in Council.
- (4) If an administrative monetary penalty is imposed on a person that is a corporation, an officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the contravention is also liable under this section for the administrative monetary penalty if the corporation fails to pay the administrative monetary penalty in accordance with this section.

Continuing contraventions

- 40** If a contravention under section 39 (1) continues for, or occurs on, 2 or more consecutive days, separate administrative monetary penalties, each not exceeding the administrative monetary penalty for the contravention, may be imposed for each day the contravention continues or occurs.

Recovery of penalties

- 41** (1) An administrative monetary penalty constitutes a debt payable to the corporation by the person on whom the penalty is imposed.
- (2) If a person fails to pay an administrative monetary penalty as required under this Act, the corporation may file a certificate in the Supreme Court or the Provincial Court and, on filing, the certificate has the same force and effect, and all proceedings may be taken on the certificate, as if it were a judgment of the court with which it is filed.

- (3) A certificate under subsection (2) must be signed by the chief executive officer and must contain
 - (a) the name of the person who is liable for the administrative monetary penalty,
 - (b) particulars of the administrative monetary penalty, and
 - (c) the amount of the administrative monetary penalty.

PART 8 – REVIEWS AND APPEALS

Appeal board

- 42** (1) The Industry Training Appeal Board is continued as the Skilled Trades BC Appeal Board consisting of the following members appointed after a merit-based process:
 - (a) a member appointed and designated as the chair by the Lieutenant Governor in Council;
 - (b) other members appointed by the Lieutenant Governor in Council after consultation with the chair.
- (2) The following provisions of the *Administrative Tribunals Act* apply to the appeal board:
 - (a) Part 1 [*Interpretation and Application*];
 - (b) Part 2 [*Appointments*];
 - (c) Part 3 [*Clustering*];
 - (d) section 27 [*staff of tribunal*];
 - (e) Part 8 [*Immunities*];
 - (f) section 59.1 [*surveys*];
 - (g) section 59.2 [*reporting*].

Reviews

- 43** (1) A person who is the subject of any of the following decisions or orders may request, within 30 days of receiving written notice of the decision or order, a review by the review officer of the decision or order:
 - (a) a refusal by the corporation to award a person an industry training credential;
 - (b) a refusal by the corporation to determine that a person is a trade qualifier;
 - (c) the suspension or cancellation by the corporation of a person's industry training credential;
 - (d) a refusal by the corporation to register a person as an apprentice;
 - (e) the cancellation by the corporation of a person's registration as an apprentice;

- (f) an examination or assessment by the corporation of a person's training;
 - (g) a refusal by the corporation to issue a person a temporary authorization under section 31 [*temporary authorization*];
 - (h) a refusal by the corporation to grant a supervision ratio adjustment under section 33 [*supervision ratio adjustment*];
 - (i) the issuance by a compliance officer of a warning under section 37 [*warnings*] or a compliance order under section 38 [*compliance orders*];
 - (j) the imposition by a compliance officer or another officer or employee of the corporation of an administrative monetary penalty under section 39 [*administrative monetary penalties*];
 - (k) a decision or order prescribed by the minister.
- (2) A review requested under subsection (1) may be made only on the grounds prescribed by the minister.
- (3) The review officer may
- (a) dismiss the request for review if the review officer determines that the request is frivolous, vexatious or trivial or gives rise to an abuse of process,
 - (b) hear the request for review, or
 - (c) refer the matter directly to the appeal board if the corporation and the person requesting the review agree to the referral, in which case the request for review is to be treated as if it were an appeal.
- (4) The review officer may confirm or vary a decision or order referred to in subsection (1).
- (5) The review officer's decision must
- (a) be made within the period prescribed by the minister,
 - (b) be in writing,
 - (c) include the reasons for the decision, and
 - (d) include a notification of the person's right to appeal the decision or order to the appeal board.

Correction or clarification of decisions

- 44 (1) The review officer may, with or without a hearing,
- (a) correct typographic, grammatical, arithmetic or other similar errors in the review officer's decision,
 - (b) clarify the decision, and
 - (c) deal with an obvious error or inadvertent omission in the decision.

- (2) The review officer may take the steps described in subsection (1)
 - (a) on the review officer’s own initiative, or
 - (b) at the request of the person subject to the decision, which request, for subsection (1) (b) and (c), must be made within 15 days after the decision is received by the person.
- (3) The review officer must not act under this section unless the review officer considers it just and reasonable to do so in the circumstances.

Appeals

- 45**
- (1) A person who is dissatisfied with a decision under section 43 (3) (a) or (b) may commence an appeal to the appeal board by filing a notice of appeal within 30 days of receiving written notice of the decision.
 - (2) The appeal board may, by order, do one or more of the following in respect of an appeal under this section:
 - (a) dismiss the appeal;
 - (b) allow the appeal and give directions, if any, that the appeal board considers appropriate in the circumstances;
 - (c) vary a decision or order referred to in section 43 (1) or a decision under section 43 (3) (a) or (b);
 - (d) set terms and conditions to which the order is subject.
 - (3) The following sections of the *Administrative Tribunals Act* apply to an appeal to the appeal board:
 - (a) sections 11 to 20;
 - (b) section 22;
 - (c) sections 24 to 26;
 - (d) sections 28 to 33;
 - (e) section 34 (3) and (4);
 - (f) sections 35 to 42;
 - (g) section 44;
 - (h) section 46.2;
 - (i) sections 48 to 54;
 - (j) sections 57 and 58;
 - (k) sections 60 (1) (a) to (c) and (g) to (i) and (2) and 61.
 - (4) The appeal board has exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined in an appeal under subsection (1) and to make any order permitted to be made.

- (5) Subject to the *Labour Mobility Act*, an order of the appeal board on a matter in respect of which the appeal board has exclusive jurisdiction is final and conclusive and is not open to question or review in any court.

PART 9 – GENERAL

Division 1 – Personal Information

Collection, use and disclosure of personal information

- 46** (1) The corporation may collect personal information
- (a) for the purposes of monitoring the progress of trainees and apprentices in industry training programs and apprenticeship programs and of awarding industry training credentials,
 - (b) for the purpose of ensuring compliance with this Act and the regulations,
 - (c) that is in the possession of the minister responsible for public post-secondary institutions for the purposes of research, statistical analysis and policy development.
- (2) If collection is authorized under another enactment, the corporation may disclose personal information for the purpose of ensuring compliance with that enactment.
- (3) Subsections (1) and (2) do not affect any right to collect, use or disclose personal information under the *Freedom of Information and Protection of Privacy Act* or any other enactment.

Post-contravention publication

- 47** Subject to the regulations of the minister, if the corporation takes action against an employer under section 38 [*compliance orders*] or 39 [*administrative monetary penalties*], the corporation may publish any of the following information in respect of the action:
- (a) the name of the employer;
 - (b) the contravention of the employer or the term or condition that the employer failed to comply with;
 - (c) the action taken by the corporation under section 38 or 39 and the reasons for taking the action;
 - (d) any information prescribed by the minister.

Division 2 – Delivery

Delivery

- 48** Delivery of a notice or document under this Act may be effected as set out in the regulations of the minister, and a notice or document delivered in accordance with the regulations is deemed to be received as set out in the regulations.

Division 3 – Regulations

Lieutenant Governor in Council power to make regulations

- 49** (1) The Lieutenant Governor in Council may make regulations, other than regulations for which the minister has authority under section 50, as follows:
- (a) regulations referred to in section 41 of the *Interpretation Act*;
 - (b) respecting any matter for which regulations are contemplated by this Act to be made by the Lieutenant Governor in Council;
 - (c) respecting administrative monetary penalties, including prescribing a schedule of administrative monetary penalties and prescribing when an administrative monetary penalty must be paid;
 - (d) for the purposes of section 52, directing that provisions of the *Business Corporations Act* apply to the corporation.
- (2) For the purpose of making a regulation under subsection (1), the Lieutenant Governor in Council may
- (a) establish different classes of persons, programs, trades, circumstances, places or things, and
 - (b) make different regulations for different persons, programs, trades, circumstances, places or things or for different classes of persons, programs, trades, circumstances, places or things.

Minister power to make regulations

- 50** (1) The minister may make regulations, other than regulations for which the Lieutenant Governor in Council has authority under section 49, as follows:
- (a) respecting any matter for which regulations are contemplated by this Act to be made by the minister;
 - (b) respecting the publication of information in the registry, including prescribing what information may be published, establishing a period of time of publication and establishing a process for ceasing publication of information;
 - (c) for the purposes of section 27 (2) [*designation and scope of work of skilled trades certification trades*], establishing the scope of work for a skilled trades certification trade, including prescribing exclusions from a scope of work;

- (d) respecting temporary authorizations, including establishing the period of time for which a temporary authorization may be issued, prescribing classes of persons to whom a temporary authorization may be issued and prescribing circumstances in which temporary authorizations may be issued;
 - (e) respecting supervision ratios, including, for the purpose of determining compliance with an applicable supervision ratio for a skilled trades certification trade, excluding classes of apprentices or specifying classes of apprentices that may be counted as journeypersons;
 - (f) respecting supervision ratio adjustments, including establishing the period of time for which an adjustment may be granted, prescribing classes of persons to whom an adjustment may be granted and prescribing circumstances in which adjustments may be granted;
 - (g) for the purposes of section 47 (d), in relation to information, including personal information, prescribing what information may be published, establishing a period of time of publication, prescribing when information may be published and establishing a process for ceasing publication of information.
- (2) For the purpose of making a regulation under subsection (1), the minister may
- (a) establish different classes of persons, programs, trades, circumstances, places or things, and
 - (b) make different regulations for different persons, programs, trades, circumstances, places or things or for different classes of persons, programs, trades, circumstances, places or things.

Division 4 – Application of Other Enactments

Offence Act

51 Section 5 of the *Offence Act* does not apply to this Act.

Business Corporations Act

52 The *Business Corporations Act* does not apply to the corporation except to the extent provided in the regulations of the Lieutenant Governor in Council.

**PART 10 – TRANSITIONAL PROVISIONS, REPEAL
AND CONSEQUENTIAL AMENDMENTS**

Division 1 – Transitional Provisions

Definitions

53 In this Division:

“**former Act**” means the *Industry Training Authority Act*, S.B.C. 2003, c. 34;

“**former appeal board**” means the Industry Training Appeal Board established under the former Act;

“**former authority**” means the Industry Training Authority established under the former Act;

“**former board**” means the board of the Industry Training Authority established under the former Act.

Transition – appointments

- 54** (1) The appointments of the directors to the former board continue and are deemed to have been made under section 4 [*appointment of board*] of this Act.
- (2) The appointment of the chief executive officer under the former Act continues and is deemed to have been made under section 6 [*appointment of chief executive officer*] of this Act.
- (3) The appointments of employees and officers of the former authority continue and are deemed to have been made under section 7 [*employees and officers*] of this Act.
- (4) The appointments of members to the former appeal board continue and are deemed to have been made to the Skilled Trades BC Appeal Board under section 42 [*appeal board*] of this Act.

Transition – bylaws

55 The bylaws of the former board continue and are deemed to have been made by the board appointed under section 4 [*appointment of board*] of this Act.

Transition – trainees and apprentices

56 An individual who is registered in an industry training program or an apprenticeship program under the former Act continues to be registered in the program and is deemed to be registered in an industry training program or apprenticeship program under this Act.

Transition – agreements

- 57 An industry training agreement under the former Act continues and is deemed to be an apprenticeship agreement under this Act.

Transition – credentials

- 58 An industry training credential awarded under the former Act is deemed to be an industry training credential awarded under this Act.

Transition – reconsiderations and appeals

- 59 (1) If, on the date this section comes into force, a person has requested a reconsideration under the former Act, the reconsideration is deemed to be a review under section 43 [reviews] of this Act.
- (2) If, on the date this section comes into force, an appeal has been commenced under the former Act, the appeal continues and is deemed to have been commenced under this Act.

Division 2 – Repeal

Repeal

- 60 The *Industry Training Authority Act*, S.B.C. 2003, c. 34, is repealed.

Division 3 – Consequential Amendments

College and Institute Act

- 61 *Section 1 of the College and Institute Act, R.S.B.C. 1996, c. 52, is amended in the definition of “post secondary education or training” by striking out “the Industry Training Authority Act” and substituting “the Skilled Trades BC Act”.*

Financial Information Act

- 62 *Schedule 2 of the Financial Information Act, R.S.B.C. 1996, c. 140, is amended by striking out “Industry Training Authority” and substituting “SkilledTradesBC”.*

Freedom of Information and Protection of Privacy Act

- 63 *Schedule 2 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by striking out the following:*

Public Body: Industry Training Appeal Board
Head: Chair

Public Body: Industry Training Authority
Head: Chair .

64 *Schedule 2 is amended by adding the following:*

Public Body: SkilledTradesBC
Head: Chair

Public Body: Skilled Trades BC Appeal Board
Head: Chair .

Income Tax Act

65 *Section 116 of the Income Tax Act, R.S.B.C. 1996, c. 215, is amended by repealing the definition of “industry training agreement” and substituting the following:*

“**apprenticeship agreement**” has the same meaning as in the *Skilled Trades BC Act*; .

66 *Section 119.1 (1) (c) is amended by striking out “a Certificate of Qualification from the Industry Training Authority” and substituting “a certificate of qualification from SkilledTradesBC”.*

67 *Section 122 (1) is amended in paragraph (a) of the definition of “eligible period” by striking out “industry training agreement” and substituting “apprenticeship agreement”.*

68 *Section 124.1 (1) is amended*

(a) in the definition of “eligible apprentice” by striking out “as “industry training agreement”” and substituting “as “apprenticeship agreement””, and

(b) in paragraph (a) of the definition of “eligible period” by striking out “industry training agreement” and substituting “apprenticeship agreement”.

69 *Section 124.1 (2) (a) (ii) is amended by striking out “industry training agreement” and substituting “apprenticeship agreement”.*

70 *Section 126.2 (1) is amended*

(a) in paragraph (b) of the definition of “eligible industry program” by striking out “Industry Training Authority Act” and substituting “Skilled Trades BC Act”, and

(b) in paragraph (a) of the definition of “eligible period” by striking out “industry training agreement” and substituting “apprenticeship agreement”.

- 71 ***Section 130 is amended by striking out “Industry Training Authority Act” and substituting “Skilled Trades BC Act” and by striking out “the Industry Training Authority” and substituting “SkilledTradesBC”.***
- 72 ***Section 131 (1) (b) and (c) are repealed and the following substituted:***
- (b) prescribing as an eligible recognized program a program that is a recognized program as defined in the *Skilled Trades BC Act*;
 - (c) prescribing as an eligible training program a program that is an accredited program or a recognized program, as both are defined in the *Skilled Trades BC Act*;
- 73 ***Section 131 (2) (c) is amended by striking out “the Industry Training Authority” and substituting “SkilledTradesBC”.***

Public Sector Employers Act

- 74 ***The Schedule to the Public Sectors Employers Act, R.S.B.C. 1996, c. 384, is amended by striking out “Industry Training Appeal Board” and substituting “Skilled Trades BC Appeal Board”.***

School Act

- 75 ***Section 82.2 (1) of the School Act, R.S.B.C. 1996, c. 412, is amended by striking out “for students registered with the Industry Training Authority under the Industry Training Authority Act” and substituting “for students registered with SkilledTradesBC under the Skilled Trades BC Act”.***

Commencement

- 76 This Act comes into force by regulation of the Lieutenant Governor in Council.