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CHAPTER A-15.1

APPRENTICESHIP AND TRADES QUALIFICATION ACT

- 1.** In this Act
- Definitions
- (a) “apprentice” means a person who enters into a written agreement with an employer to learn a designated trade requiring reasonably continuous employment; apprentice
- (b) “apprenticeship agreement” means a written agreement in accordance with this Act; apprenticeship agreement
- (c) “Board” means the Provincial Apprenticeship Board established under section 4; Board
- (d) “certificate” means a certificate to indicate journeyperson standing in a trade and issued to a tradesperson pursuant to the regulations; certificate
- (e) “certified trade” means a designated trade that is declared by the Lieutenant Governor in Council as a certified trade pursuant to subsection 7(1); certified trade
- (f) “designated trade” means a trade designated by the Minister as appropriate for apprenticeship training and certification; designated trade
- (g) “employer” means any person, firm, corporation, association or public authority approved by the Board to enter into an apprenticeship agreement; employer
- (h) “journeyperson” means a tradesperson who holds a certificate; journeyperson
- (i) “Manager” means the Manager of Apprenticeship appointed under section 3; Manager
- (j) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; Minister
- (k) “regulations” means the regulations made under this Act; regulations
- (l) “trade” includes an industry, craft, occupation, vocation or business or any branch thereof; trade
- (m) “tradesperson” means any person other than an apprentice who works for remuneration at any designated trade, including an employer who so works. 1995, c.3, s.1. tradesperson
- 2.** (1) Subject to subsection (3), this Act applies to all designated trades. Application

<i>Idem</i>	(2) This Act applies to apprenticeship and to the qualification of tradespersons.
Geographical or other limitation	(3) The Lieutenant Governor in Council may, on the recommendation of the Board, by order limit the application of this Act or the regulations to the area of the province or that segment of a trade specified in the order. 1995, c.3, s.2.
Manager, appointment	3. (1) There may be appointed pursuant to the <i>Civil Service Act</i> R.S.P.E.I. 1988, Cap. C-8 a Manager of Apprenticeship and such other staff as are necessary to carry out the provisions of this Act.
Responsibilities	(2) The Manager shall perform the duties conferred or imposed on the Manager by or pursuant to this Act or by the Minister. 1995, c.3, s.3.
Apprenticeship Board	4. (1) The Lieutenant Governor in Council may appoint a board which shall be known as the Provincial Apprenticeship Board which shall perform such functions as may be prescribed in the regulations.
Composition	(2) The Board shall be composed of <ul style="list-style-type: none"> (a) three persons representative of employers; (b) three persons representative of employees; (c) one person representing Holland College; (d) one or more members at large; and (e) a chairperson.
Term of office	(3) Subject to subsection (4), each member of the Board shall be appointed for a three year term and, subject to subsection (5), may be reappointed.
Initial appointments	(4) On the initial appointment of the Board members may be appointed for such term as may be specified in the instrument of appointment.
Re-appointment	(5) Where a person has served two consecutive terms that person may not be re-appointed until three years after the expiry of that person's last term of office.
Vice-chairperson	(6) The members of the Board shall appoint, from among themselves, one person to be vice-chairperson who shall act as chairperson whenever the chairperson is for any reason unable to act.
Administrative support	(7) The Minister may designate persons who are public officers to assist the Board in its duties.
Quorum	(8) A majority of members that includes one member representing employers and one member representing employees constitutes a quorum.

- (9) Each member of the Board who is not in the public service of the province may be paid Honorarium
- (a) an honorarium in such amount as the Lieutenant Governor in Council determines;
- (b) such reasonable and necessary expenses incurred in carrying out his or her duties as the Minister determines.
- (10) The Board may adopt its own rules of procedure and shall keep a record of its proceedings and decisions. 1995, c.3, s.4. Procedure
- 5.** (1) Every apprenticeship agreement shall be in the form approved by the Board. Form of agreement
- (2) The Manager may refuse to register or assign any agreement which in the Manager's opinion is not for the benefit of the apprentice. Refusal to register
- (3) An agreement may be terminated by consent of the parties to the agreement. Termination
- (4) Subject to subsection (5), the Manager may cancel an agreement upon good cause being shown by the employer or by the apprentice. Cancellation
- (5) The Manager shall not cancel an agreement by reason only of a labour dispute at the job site preventing an apprentice from working. Labour dispute
- (6) Subject to the approval of the Manager, an apprentice may for good cause and by consent of the parties be assigned from one employer to another employer in the same trade. Assignment
- (7) The Board may require from the parties to a proposed agreement such evidence, including copies of the record of birth of the apprentice, as it may consider necessary. Evidence
- (8) The Board may authorize an association or organization, whether incorporated or not, and whether or not engaged in carrying on a trade, including a trade union, an employer association or an employee association, to enter into agreements with apprentices as the Board specifies. 1995, c.3, s.5. Apprenticeship agreements
- 6.** (1) Where the Manager refuses to register an apprenticeship agreement or an assignment, cancellation, termination or completion of an agreement, either party to the agreement may appeal the decision of the Manager to the Board. Appeal from decision of Manager
- (2) An appeal pursuant to subsection (1) may be taken by filing with the chairperson of the Board a notice of appeal in written form within thirty days after the decision of the Manager was made. Notice of appeal

Hearing	(3) Where a notice of appeal is filed pursuant to subsection (1), the Board shall hear the appeal within thirty days after the notice is filed.
Powers	(4) After hearing an appeal pursuant to subsection (3), the Board may confirm, vary or reverse the decision of the Manager.
Decision	(5) A decision of the Board pursuant to this section is final. 1995, c.3, s.6.
Designation of certified trade	7. (1) The Lieutenant Governor in Council may declare any designated trade to be a certified trade.
Application	(2) An application for certification of a trade may be made by groups or organizations with an interest in the trade, and shall be in the form prescribed by the regulations.
Grandfather provision	(3) Notwithstanding subsection (5), persons who have engaged in a certified trade for any period within five years prior to the date of declaration of the certified trade, may be issued a permit without examination upon application to the Manager and upon proof that they were so engaged in the certified trade within that period, and may continue to engage in the certified trade under the authority of the permit until such time as they elect to abandon the trade.
Certification	(4) Persons holding permits referred to in subsection (3) who meet the requirements established for the trade may sit the examination for a certificate.
Registration	(5) Subject to subsection (3), where the Lieutenant Governor in Council declares under subsection (1) that a designated trade is a certified trade, from the date of that declaration <ul style="list-style-type: none"> (a) persons who enter the certified trade shall register as apprentices under an apprenticeship plan approved by the Board; (b) persons who are not registered under the provisions of clause (a) shall not engage in a certified trade; (c) no person shall employ, in a certified trade, any person who is not registered under clause (a); and (d) persons who register as apprentices under clause (a) shall qualify for a certificate within such time and in such manner as is prescribed in the regulations. 1995, c.3, s.7.
Training facilities	8. The Minister shall arrange courses of related technical instruction for the purpose of this Act and may bear the expenses, in total or in part, involved in connection with those courses. 1995, c.3, s.8.

- 9.** A person who contravenes any provision of this Act or the regulations, or an order or directive of the Board commits an offence and is liable on summary conviction to a fine not exceeding \$1,000. 1995, c.3, s.9. Offence
- 10.** The Lieutenant Governor in Council may make regulations Regulations
- (a) prescribing the form of apprenticeship agreements, the duties, responsibilities and privileges of parties to apprenticeship agreements;
 - (b) prescribing the terms and conditions upon which certificates may be issued, renewed, replaced, suspended or cancelled;
 - (c) providing for the issuing of certificates to persons from other provinces;
 - (d) prescribing forms of application and fees for examination and the issuing of certificates;
 - (e) providing for the payment of allowances to apprentices while they are attending full-time training courses in related technical training in a trade;
 - (f) prescribing the conditions of payment and the amount of allowances;
 - (g) prescribing the qualifications and minimum age of persons who may become apprentices in any designated trade;
 - (h) respecting the requirements for the designation of trades;
 - (i) prescribing the responsibilities and duties of the Manager;
 - (j) prescribing the functions of the Board;
 - (k) respecting designated trades and certification and providing for exemption of any trade, plant, or geographical area from the requirements of the regulations;
 - (l) generally for the better administration of this Act. 1995, c.3, s.10.
- 11.** Act repealed. 1995, c.3, s.11. Repeal
- 12.** An apprenticeship agreement which was registered pursuant to the *Apprenticeship and Trades Qualification Act* on the date this Act comes into force is deemed to be registered under this Act. 1995, c.3, s.12. Transitional