

# Apprenticeship and Industry Training Act

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## Apprenticeship and Industry Training Administration Regulation

Alberta Regulation 257/2000

Consolidated to March 6, 2009

### NOTE

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**Government  
of Alberta** ■



**ALBERTA REGULATION 257/2000**  
**as amended by Alberta Reg. 127/2005 and Alberta. Reg 47/2009**

**Apprenticeship and Industry Training Act**  
**APPRENTICESHIP AND INDUSTRY TRAINING**  
**ADMINISTRATION REGULATION**

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- Definitions      **1** In this Regulation,
- (a) “Act” means the *Apprenticeship and Industry Training Act*;
  - (b) “Board” means the Alberta Apprenticeship and Industry Training Board;
  - (c) “Executive Director” means the Executive Director appointed under section 14 of the Act.
- Replacement of documents      **2** On receipt of an application, the Minister may replace any document issued pursuant to the Act or the regulations if the Minister is satisfied that there is a valid reason to replace the document.

**PART 1**  
**TRADES**  
**Designation of Trades**

- Application re designation, change of designation, etc.
- 3** A person may, in a form that is acceptable to the Minister, apply to the Minister to have
- (a) an occupation designated as
    - (i) a compulsory certification trade under section 21 of the Act, or
    - (ii) an optional certification trade under section 22 of the Act,
  - or
  - (b) the designation of a designated trade changed or rescinded under section 30 of the Act.
- Review by Board
- 4** On receiving an application under section 3, the Minister shall refer it to the Board for the Board's review.
- Criteria for designation of trades
- 5** In reviewing applications for the designation, the changing of the designation or the rescinding of the designation of a compulsory certification trade and an optional certification trade, the Board shall consider
- (a) the extent of industry support for the designation or the changing or rescinding of the designation,
  - (b) the need for an apprenticeship program in the proposed trade, based on consideration of the following factors, if applicable:
    - (i) the range of skills and the extent of technical knowledge required to work in the proposed trade and industry's desire to train for or recognize those skills and knowledge;
    - (ii) whether the proposed trade could provide individuals with a viable career;
    - (iii) the degree to which the skills and technical knowledge required for the proposed trade overlap with those required for existing trades, including the potential for duplication of existing training or certification in any other occupations;
    - (iv) whether the designation of the proposed trade would require authorization or approval by another government department or agency;

- (v) the impact that the designation or the changing or rescinding of the designation would have in Alberta and other provinces and territories;
- (vi) whether the estimated annual number of new apprentices entering the proposed trade could sustain a viable training program,

and

- (c) any other factor that the Board considers relevant.

Additional  
criteria for  
designation of  
compulsory  
certification  
trades

**6** In reviewing applications for the designation, the changing of the designation or the rescinding of the designation of a compulsory certification trade, the Board shall, in addition to considering the criteria under section 5, consider the following:

- (a) the degree of risk of harm to workers from the improper application of the materials and methodology of the proposed trade;
- (b) the degree of risk of harm to members of the public from
  - (i) the improper application of the materials and methodology of the proposed trade, and
  - (ii) the activity or product produced by the proposed trade;
- (c) the demonstrated need for proven competency to perform the work of the proposed trade due to the presence or use in the proposed trade of any or all of the following:
  - (i) dangerous substances;
  - (ii) dangerous or destructive equipment;
  - (iii) dangerous techniques or practices.

Consultation  
and report

**7 (1)** In reviewing applications for the designation, the changing of the designation or the rescinding of the designation of a compulsory certification trade or an optional certification trade, the Board or a person designated by the Board may, or at the direction of the Minister, shall

- (a) consult with anyone who may have an interest in or who may be affected by the designation, the changing of the designation or the rescinding of the designation of a designated trade, and
- (b) consult with
  - (i) those provincial apprenticeship committees whose trades may be affected by the designation, the changing of the designation or the rescinding of the designation of a designated trade, and

- (ii) a balance of employers and employees to determine their interest and support.
- (2) On completing its review under subsection (1), the Board shall make a recommendation to the Minister respecting the application.

### **Provisional Committees**

Establishment of provisional committee      **8** When reviewing an application for the designation of an occupation as a designated trade or before such a designation comes into effect, the Board may, or at the direction of the Minister shall, establish a provisional committee in respect of that trade.

Composition, etc. of provisional committee      **9** (1) Where a provisional committee is established, the Board shall appoint to that committee the following:

- (a) a presiding officer;
- (b) at least one person to represent the interests of employers of persons employed in the proposed designated trade;
- (c) at least one person to represent the interests of persons who are employees employed in the proposed designated trade.

(2) In making appointments under subsection (1) (b) and (c), the Board shall, to the extent that it is practicable, ensure that the number of persons appointed are equal.

[Alta. Reg. 47/2009]

(3) The persons appointed under subsection (1) must, in the opinion of the Board, be persons who are associated with and knowledgeable in respect of the relevant proposed designated trade.

(4) When a provisional committee is established, the Minister shall appoint an employee of the Government as the secretary to that provisional committee.

(5) The provisional committee may designate one or more of its members to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.

(6) Employees of the Government are not eligible to be or to act in the place of a presiding officer of a provisional committee.

(7) Members of a provisional committee other than employees of the Government may be paid one or both of the following at a rate prescribed by the Minister:

- (a) remuneration for the performance of their duties as members;

- (b) travelling and living expenses necessarily incurred in the performance of their duties as members.

Review by  
provisional  
committee

**10** Where a provisional committee is established in respect of the designation of an occupation as a designated trade, the provisional committee shall make recommendations to the Board in respect of that application, including advising the Board on the following matters:

- (a) the undertakings that would constitute the proposed designated trade;
- (b) the tasks, activities and functions that would come within the proposed designated trade;
- (c) the standards and requirements of a proposed apprenticeship program;
- (d) the availability of people to serve on the apprenticeship committees;
- (e) the potential for a continuing supply of apprentices;
- (f) the requirements that a person must meet to be granted a trade certificate under section 21(2)(b) or 22(2)(b) of the Act;
- (g) a program of transition.

### Trades Committees

General  
criteria re  
committee  
appointments

**11** In making appointments to a local apprenticeship committee under section 7 of the Act or a provincial apprenticeship committee under section 10 of the Act, the Board shall ensure that the membership of the committee reflects

- (a) the various industrial activities in which the tasks, activities and functions that come within the designated trade are performed, and
- (b) the geographic nature of the area or of the Province, as applicable.

Criterion re  
local  
apprenticeship  
committee  
appointments

**12** In making appointments to a local apprenticeship committee under section 7 of the Act, the Board shall, to the extent that is practicable, ensure that the persons representing the interests of persons who are employees employed in the designated trade hold a trade certificate in the trade.

Criteria re  
provincial  
apprenticeship  
committee  
appointments

**13** In making appointments to a provincial apprenticeship committee under section 10 of the Act, the Board shall, to the extent that is practicable, ensure that

- (a) the persons recommended by the local apprenticeship committees are appointed to the provincial apprenticeship committee,
- (b) at least one member of each local apprenticeship committee is appointed to the provincial apprenticeship committee, and

- (c) the persons representing the interests of persons who are employees employed in the designated trade hold a trade certificate in the trade.

### **Apprenticeship Training**

Contract of apprenticeship    **14 (1)** Where a person enters into a contract of apprenticeship pursuant to the *Apprenticeship Program Regulation*, that contract of apprenticeship must be in a form that is acceptable to the Executive Director.

- (2) A contract of apprenticeship does not come into effect until it is registered with the Executive Director.

Registration of contracts of apprenticeship    **15** On registration of a contract of apprenticeship with the Executive Director, the prospective apprentice becomes an apprentice.

Refusal to register    **16 (1)** The Executive Director may refuse to register a contract of apprenticeship if

- (a) the contract of apprenticeship is in a form that is not acceptable to the Executive Director; or
- (b) the application made under section 8 of the *Apprenticeship Program Regulation* is not approved.

- (2) Where the Executive Director refuses to register a contract of apprenticeship, the Executive Director shall without delay notify in writing the person who is to employ the prospective apprentice as an apprentice and the prospective apprentice of

- (a) the refusal to register the contract of apprenticeship,
- (b) the reason for refusing to register the contract of apprenticeship, and
- (c) the right of appeal provided for under Part 4 of the Act.

Transfer of contract of apprenticeship to Executive Director    **17 (1)** Where

- (a) an apprentice is a party to a contract of apprenticeship with another person, and

- (b) that other person is to cease being a party to that contract of apprenticeship,

one or both of the parties to the contract of apprenticeship may sign a written notice of release in a form that is acceptable to the Executive Director.

- (2) On the signing of a notice of release,

- (a) the person who was party to the contract of apprenticeship with the apprentice ceases to be a party to the contract of apprenticeship, and
  - (b) the Executive Director becomes a party to the contract of apprenticeship with the apprentice.
- (3) The person who signs the notice of release shall without delay provide it to the Executive Director for registration.
- (4) Where the Executive Director becomes a party to a contract of apprenticeship by virtue of this section, the Executive Director is not eligible to remain a party to that contract of apprenticeship for a continuous period of time that is greater than one year from the time that the Executive Director became a party to the contract of apprenticeship.
- (5) Notwithstanding subsection (4), if the period of time referred to in subsection (4) expires while the apprentice is engaged in technical training under the apprentice's apprenticeship program, the Executive Director shall continue to remain a party to that contract of apprenticeship for a further period of time that is not greater than 30 days from the day that the formal instruction was completed.
- (6) Where
- (a) the Executive Director is a party to a contract of apprenticeship by virtue of this section, and
  - (b) the Executive Director does not cease being a party to the contract of apprenticeship before the expiry of the period of time for which the Executive Director is eligible to be a party to the contract,
- the contract of apprenticeship ends on the expiry of that period.

Contract of apprenticeship with the Executive Director

**18** Notwithstanding that the Executive Director is a party to a contract of apprenticeship with an apprentice under this or any other regulation, that relationship must not be construed, unless the Executive Director otherwise agrees, to be a contract of employment with the Executive Director, the Minister or the Government of Alberta.

Transfer of contract of apprenticeship to another person

**19 (1)** Where

- (a) a notice of release is signed under section 17(1), and
- (b) another person is to replace the Executive Director as a party to the contract of apprenticeship with the apprentice,

that other person shall without delay provide to the Executive Director a written notice of acceptance in a form that is acceptable to the Executive Director.

- (2) On receiving a notice of acceptance, the Executive Director shall, subject to section 20, register its contents.
- (3) On registration of the notice of acceptance with the Executive Director,
  - (a) the person who provided the notice of acceptance becomes a party to the contract of apprenticeship with the apprentice, and
  - (b) the Executive Director ceases to be a party to the contract of apprenticeship.

Refusal to register a notice of acceptance

- 20** (1) The Executive Director may refuse to register a notice of acceptance if
- (a) the notice of acceptance is in a form that is not acceptable to the Executive Director, or
  - (b) the person to whom the contract of apprenticeship is to be transferred is not eligible to employ an apprentice in the trade.
- (2) Where the Executive Director refuses to register a notice of acceptance, the Executive Director shall without delay notify in writing the person who signed the notice of acceptance and the apprentice of
- (a) the refusal to register the notice of acceptance,
  - (b) the reason for refusing to register the notice of acceptance, and
  - (c) the right of appeal provided for under Part 4 of the Act.
- (3) For the purposes of an appeal under Part 4 of the Act, a refusal to register a notice of acceptance must be dealt with in the same manner as a refusal to register a contract of apprenticeship.

Ending of contract of apprenticeship

- 21** A contract of apprenticeship ends
- (a) when the apprentice becomes eligible to be granted a trade certificate under the Act,
  - (b) when the apprentice notifies the Executive Director in writing that the apprentice's contract of apprenticeship has ended,
  - (c) when the contract of apprenticeship ends under section 17(6),
  - (d) when its registration is cancelled, or
  - (e) 180 days from the day that its registration is suspended if the registration is not cancelled before the expiry of the 180-day period.

Cancellation,  
suspension re  
contract of  
apprenticeship

**22** In addition to the grounds provided for under section 39, 40 or 41 of the Act, the Executive Director may cancel or suspend the registration of a contract of apprenticeship if

- (a) the contract of apprenticeship ends,
- (b) an apprentice, in the opinion of the Executive Director, consistently fails to pass the examinations given under the apprenticeship program,
- (c) an apprentice, in the opinion of the Executive Director, fails to progress in the apprenticeship program,
- (d) the apprentice ceases to work in or perform the tasks, activities or functions in the designated trade or to participate in the apprenticeship program in that trade, or
- (e) the apprentice can no longer be located.

Provision of  
courses and  
programs

**23** The Executive Director shall arrange for the provision of the technical training that is to be provided in each apprenticeship program.

### **Authorization to Work**

Matters to be  
considered

**24** Before deciding whether to grant an authorization under section 23 of the Act, the Executive Director shall consider at least the following matters:

- (a) the degree of risk to the public, the worker and co-workers resulting from work that will be carried out or tasks, activities or functions that will be performed pursuant to the authorization;
- (b) whether persons working in the designated trade or performing the tasks, activities or functions in that trade under the authorization have, or will have, sufficient training
  - (i) to ensure proper and safe handling or application of the dangerous substances, destructive equipment or dangerous techniques or practices that the person will use, and
  - (ii) to maintain a standard of quality and skill that is satisfactory to the Executive Director;
- (c) the potential benefit, as the case may be,
  - (i) to persons authorized to work or perform tasks, activities or functions under the authorization, or
  - (ii) to persons authorized to employ persons to work or perform tasks, activities or functions under the authorization;

- (d) whether the work or the tasks, activities or functions to be performed under the authorization relate to the carrying out of warranty work;
- (e) the rationale for not employing an apprentice or the holder of a trade certificate in the designated trade;
- (f) the potential effect on the designated trade and on participation in the apprenticeship program in that trade by the granting of the authorization;
- (g) the period of time during which the authorization is to be in effect;
- (h) whether any efforts are being made or will be made to bring persons who are to work or perform tasks, activities or functions under the authorization into an apprenticeship program within a specified period of time;
- (i) any consultation that has taken place between employee or employer groups that will be affected by the authorization;
- (j) whether an industrial dispute is in progress that relates to the work or the tasks, activities or functions that are to be performed under the authorization;
- (k) the effect on the operation, productivity and economics of a plant or business operation by the granting of or the refusal to grant the authorization;
- (l) the economic effect on the Province and competitors in the industry by the granting of or the refusal to grant the authorization.

## PART 2 DESIGNATED OCCUPATIONS

- |  |   |
|--|---|
| Application re designation or rescinding designation | <p><b>25</b> A person may, in a form that is acceptable to the Minister, apply to the Minister to have</p> <ul style="list-style-type: none"> <li>(a) an occupation designated as a designated occupation under section 36 of the Act, or</li> <li>(b) the designation of a designated occupation rescinded under a regulation made under section 37(1)(c) of the Act.</li> </ul> |
| Review by Board                                      | <p><b>26</b> On receiving an application under section 25, the Minister shall refer it to the Board for the Board's review.</p>   |
| Criteria for designation of occupations              | <p><b>27</b> In reviewing applications for the designation or the rescinding of the designation of an occupation, the Board shall consider the following:</p>   |

- (a) the extent of industry support for provincially recognized standards of competency;
- (b) whether provincially recognized standards of competency result in a demonstrated benefit to workers and the Alberta workforce;
- (c) the range of skills and knowledge required to be competent in the occupation;
- (d) the degree to which the tasks of the occupation overlap with the tasks of any existing designated trade or occupation;
- (e) the impact that the designation or the rescinding of the designation would have in Alberta and other provinces and territories;
- (f) whether the proposed designated occupation could provide a viable career for its practitioners;
- (g) any other factor that the Board considers relevant.

Consultation  
and report

**28 (1)** In reviewing applications for the designation or the rescinding of the designation of an occupation, the Board or a person designated by the Board may, or at the direction of the Minister, shall

- (a) consult with anyone who may have an interest in or who may be affected by the designation or the rescinding of the designation of an occupation, and
- (b) consult with
  - (i) those provincial apprenticeship committees whose trades may be affected by the designation or the rescinding of the designation of an occupation, and
  - (ii) a balance of employers and employees to determine their interest and support.

**(2)** On completing its review under subsection (1), the Board shall make a recommendation to the Minister respecting the application.

Provisional  
committees

**29 (1)** When reviewing an application for the designation of an occupation as a designated occupation or before such a designation comes into effect, the Board may, or at the direction of the Minister shall, establish or recognize a provisional committee in respect of that occupation.

**(2)** Where a provisional committee is established under subsection (1), the Board shall appoint to that committee the following:

- (a) a presiding officer;

- (b) at least one person to represent the interests of employers of persons employed in the proposed designated occupation;
  - (c) at least one person to represent the interests of persons who are employees employed in the proposed designated occupation.
- (3) In making appointments under subsection (2) (b) and (c), the Board shall, to the extent that it is practicable, ensure that the number of persons appointed are equal.
  - (4) The persons appointed under subsection (2) must, in the opinion of the Board, be persons who are associated with and knowledgeable in respect of the relevant proposed designated occupation.
  - (5) When a provisional committee is established, the Minister shall appoint an employee of the Government as the secretary to that provisional committee.
  - (6) The provisional committee may designate one or more of its members to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.
  - (7) Employees of the Government are not eligible to be or to act in the place of a presiding officer on a provisional committee.
  - (8) Where a provisional committee is established or recognized in respect of the designation of an occupation as a designated occupation, the provisional committee shall make recommendations to the Board in respect of that application, including advising the Board on the following matters:
    - (a) the undertakings that would constitute the proposed designated occupation;
    - (b) the tasks, activities and functions that would come within the proposed designated occupation;
    - (c) standards and requirements with respect to the competency of persons in designated occupations;
    - (d) the requirements that a person must meet to be granted an occupational certificate under section 36(2) of the Act;
    - (e) the availability of people to serve on the occupational committee.

[Alta. Reg. 47/2009]

Occupational  
committees

- 30** (1) The Board may, for each designated occupations, establish or recognize an occupational committee to make recommendations to the Board in respect of any matter concerning standards and requirements with respect to the competency of persons, training and certification in a designated occupation.

- (2) Where an occupational committee is established, the Board shall appoint to that committee the following:
- (a) a presiding officer;
  - (b) at least one person to represent the interests of employers of persons employed in the designated occupation;
  - (c) at least one person to represent the interests of persons who are employees employed in the designated occupation.
- (3) In making appointments under subsection (2) (b) and (c), the Board shall, to the extent that it is practicable, ensure that the number of persons appointed is equal.
- (4) The persons appointed under subsection (2) must, in the opinion of the Board, be persons who are associated with and knowledgeable in respect of the relevant designated occupation.
- (5) When an occupational committee is established, the Minister shall appoint an employee of the Government as the secretary to that occupational committee.
- (6) The occupational committee may designate one or more of its members to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.
- (7) Employees of the Government are not eligible to be or to act in the place of a presiding officer of an occupational committee.

[Alta. Reg. 47/2009]

Remuneration  
and expenses

**31** Members of a provisional committee or an occupational committee under this Part, other than employees of the Government, may be paid one or both of the following at a rate prescribed by the Minister:

- (d) remuneration for the performance of their duties as members;
- (e) travelling and living expenses necessarily incurred in the performance of their duties as members.

### **PART 3**

#### **REPEALS, EXPIRY AND COMING INTO FORCE**

Repeals

**32** The following regulations are repealed:

- (a) *Apprenticeship Training Regulation* (AR 2/92);
- (b) *Authorization to Work Regulation* (AR 390/91);

- (c) *Designated Occupation Administration Regulation* (AR 391/91);
- (d) *Designation of Trades and Occupations Regulation* (AR 387/91);
- (e) *Trades Committees Appointment Regulation* (AR 392/91).

Expiry **33** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2019.

[Alta. Reg. 127/2005; 47/2009]

Coming into force **34** This Regulation comes into force on January 1, 2001.