

Apprenticeship and Industry Training Act

Apprenticeship Program Regulation

Alberta Regulation 258/2000

Consolidated to March 6, 2009

NOTE

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**Government
of Alberta** ■



Alberta Regulation 258/2000
as amended by Alta. Reg. 128/2005, 102/2006, 270/2006 and 46/2009
Apprenticeship and Industry Training Act
APPRENTICESHIP PROGRAM 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) “certified journeyman” means a person who holds a trade certificate under the Act;

[Alta. Reg. 270/2006]

(d) “Executive Director” means the Executive Director appointed under the Act;

(e) “on the job training” means the training provided to an apprentice by the apprentice’s employer or supervisor and includes those circumstances under which an apprentice acquires skill and knowledge by means of work experience gained during the apprentice’s apprenticeship program;

(f) “record book” means a record book issued in respect of an apprenticeship program in which the progress of an apprentice is to be documented and includes the material or documentation known as the “blue book”;

(g) “supervisor” means,

(i) in the case of a compulsory certification trade, a person who is

(A) a certified journeyman in that compulsory certification trade, or

(B) a certified journeyman or an uncertified journeyman in another designated trade where the task, activity or function that is being carried out by an apprentice in that compulsory certification trade is the same task, activity or function that is also carried out by a certified journeyman or uncertified journeyman in that other designated trade;

[Alta. Reg. 270/2006]

(ii) in the case of an optional certification trade, a person who is

(A) a certified journeyman or an uncertified journeyman in that optional certification trade, or

(B) a certified journeyman or an uncertified journeyman in another designated trade where the task, activity or function that is being carried out by an apprentice in that optional certification trade is the same task, activity or function that is also carried out by a certified journeyman or uncertified journeyman in that other designated trade;

[Alta. Reg. 270/2006]

(h) “technical training” means the formal instruction and technical courses, or any combination of them, that are part of an apprenticeship program;

(i) “trade regulation” means, in respect of a designated trade, the regulation under the Act that prescribes the undertakings and the tasks, activities and functions that come within that designated trade;

(j) “uncertified journeyman” means a person who is not a certified journeyman but

[Alta. Reg. 270/2006]

(i) who, in the opinion of that person’s employer, possesses the skills and knowledge in an optional certification trade that are expected of a certified journeyman in that trade, or

[Alta. Reg. 270/2006]

(ii) who

(A) is self-employed, and

(B) in respect of that self-employment primarily works in or performs one or more tasks, activities or functions in an optional certification trade.

2 Repealed.

[Alta. Reg. 46/2009]

Content of an apprenticeship program

3 (1) An apprenticeship program in a designated trade consists of the technical training and the on the job training provided for under the applicable trade regulation.

(2) The content of the technical training and of the on the job training of an apprenticeship program consists of those matters approved by the Board after consulting with the applicable provincial apprenticeship committee.

Term of apprenticeship

4 (1) The term of an apprenticeship program consists of the number of periods that are prescribed for that program by the applicable trade regulation.

(2) The length of each period of an apprenticeship program is the length of time that is set out in the applicable trade regulation during which the prescribed number of hours of on the job training and the required technical training are to be completed.

Requirements to become an apprentice

5 To be an apprentice a person and that person’s employer must have entered a contract of apprenticeship that is registered with the Executive Director under the *Apprenticeship and Industry Training Administration Regulation*.

Requirements of employer re compulsory certification trade

6 A person shall not employ an apprentice in a compulsory certification trade, unless

(a) that person is a certified journeyman or employs a certified journeyman in that trade, and

[Alta. Reg. 270/2006]

- (b) subject to section 16, that person is able to provide to the apprentice supervision and training in the tasks, activities and functions that are carried out in that trade.

Requirements of employer re optional certification trade

7 A person shall not employ an apprentice in an optional certification trade, unless

(a) that person

- (i) is a certified journeyman or employs a certified journeyman in that trade, or
- (ii) is an uncertified journeyman or employs an uncertified journeyman in that trade,

[Alta. Reg. 270/2006]

and

- (b) subject to section 16, that person is able to provide to the apprentice supervision and training in the tasks, activities and functions that are carried out in that trade.

Application for apprenticeship

8 (1) If a person is working in a designated trade in circumstances under which that person

- (a) is receiving training, instruction, guidance or direction, or
- (b) is engaging in some other form of a learning process not referred to in clause (a)

with respect to the carrying out of tasks, activities or functions in that trade, that person and that person's employer must without delay apply to the Executive Director to enter an apprenticeship program in that trade and pursuant to that application enter into a contract of apprenticeship.

- (2) During the time that a person is working in a designated trade pursuant to a subsisting application made under subsection (1), that person is to work under the same conditions and be subject to the same supervision as that of an apprentice in that trade.
- (3) This section does not apply in those circumstances where a person who is carrying out work in a designated trade is doing so in accordance with Part 2, Division 1 of the Act.

Apprenticeship re Executive Director

9 (1) Where

- (a) a prospective apprentice is eligible to be granted or has been granted credit for previous training or experience,
- (b) the prospective apprentice is unemployed, and

- (c) in the opinion of the Executive Director, entering into a contract of apprenticeship between the Executive Director and the prospective apprentice will be of benefit to the prospective apprentice,

the Executive Director may at the request of the prospective apprentice enter into a contract of apprenticeship with the prospective apprentice.

- (2) A contract of apprenticeship that is entered into under subsection (1) may not remain in force for more than one year from the day that the contract of apprenticeship is entered into unless within that year the contract of apprenticeship is transferred from the Executive Director to a person who is eligible to employ an apprentice.

Apprenticeship
re self-
employment

10 Notwithstanding section 8, where

- (a) a prospective apprentice is self-employed, and
- (b) the prospective apprentice's self-employment primarily involves working in or performing tasks, activities or functions in an optional certification or compulsory certification trade,

[Alta. Reg. 46/2009]

the prospective apprentice may, with respect to that optional certification or compulsory certification trade, enter into a contract of apprenticeship with another person if the prospective apprentice has made arrangements for supervision and training under section 16.

[Alta. Reg. 46/2009]

Employee's
responsibilities
re granting of
credit

11 (1) Where a person who is an apprentice or a prospective apprentice advises that person's employer that the person has had previous experience with respect to tasks, activities or functions in a designated trade, it is the responsibility of the employer to recommend to the Executive Director that credit for some or all of the previous experience be granted to that person if

- (a) the employer is satisfied that the person has had previous experience in respect of tasks, activities or functions that are carried out in that trade, and
- (b) in the opinion of the employer, that person is able to carry out those tasks, activities or functions in a satisfactory manner.

(2) If

- (a) at a time that a person is granted credit for previous experience that person is not working in a designated trade,
- (b) subsequent to the granting of credit for the previous experience, that person became employed to work as an apprentice in the designated trade,

- (c) the apprentice's employer is of the opinion that the amount of credit that was granted for the previous experience is greater than the apprentice's skills actually warrant, and
- (d) the employer referred in clause (c) is the first person to employ the apprentice to work in the designated trade subsequent to the credit being granted for the previous experience,

it is the responsibility of that employer to advise the Executive Director that the amount of credit granted to that person for the previous experience should be reduced to an amount that the employer considers appropriate.

Responsibilities
of an employer

12 It is the responsibility of a person who employs one or more apprentices in a designated trade to do the following with respect to each apprentice:

- (a) to provide for on the job training for the apprentice in those tasks, activities and functions in that trade that are carried out by the person employing the apprentice;
- (b) to ensure supervision of the apprentice as required by section 16;
- (c) to pay wages to the apprentice in accordance with section 13;
- (d) to encourage and enable the apprentice to regularly attend the technical training that is required under the apprentice's apprenticeship program;
- (e) to ensure that the appropriate entries are made in an apprentice's record book;
- (f) to submit to the Executive Director the forms and other documents that are required by the Executive Director.

[Alta. Reg. 46/2009]

Wages

13 (1) Where a trade regulation prescribes the percentage of wages to be paid to apprentices in a trade, a person employing an apprentice in that trade must, subject to the *Employment Standards Code*,

- (a) pay wages to the apprentice at a rate that is not less than the percentage prescribed by the trade regulation, and
- (b) ensure that the apprentice is paid the required increment commencing on the date that the apprentice's record book is approved by the Executive Director.

[Alta. Reg. 46/2009]

- (2) Nothing in this Regulation is to be construed so as to require a person to pay wages or prohibit a person from paying wages to an apprentice during the period of time that the apprentice is attending the technical training.

Wages re
approved
programs

- 14 (1)** In this section, “approved program” means a program approved by the Board under which persons are provided with an opportunity to engage in apprenticeship programs who may not otherwise have an opportunity or be able to engage in an apprenticeship program.
- (2)** Notwithstanding sections 12(c) and 13 but subject to the *Employment Standards Code*, where an apprentice is employed in a designated trade under an approved program, an employer employing that apprentice may, while the apprentice is participating in the approved program, pay to that apprentice wages at a rate approved by the Board that are less than the rate provided for under the applicable trade regulation.

Employment of
apprentices

- 15 (1)** Except where the applicable trade regulation does not provide for the number of apprentices that may be employed by a person in a designated trade, the number of apprentices that a person may employ in a designated trade is that number as determined in accordance with the applicable trade regulation.
- (2)** Subject to subsection (2.1) where
- (a) a person who is a certified journeyman or an uncertified journeyman or who employs a certified journeyman or an uncertified journeyman in a designated trade is eligible to employ an apprentice in the trade, and
- (b) the number of additional apprentices that the person may employ is based on the number of additional certified journeymen or uncertified journeyman employed by that person,

that person, in determining the number of additional apprentices that may be employed, is to take into account only those certified journeymen or uncertified journeymen who will be providing supervision with respect to the work of the apprentices.

[Alta. Reg. 270/2006]

- (2.1)** Subsection (2) does not apply to an apprentice who is engaged in an apprenticeship program that has 3 or more periods and has completed all requirements required or approved by the Board for advancement into the final period of the apprenticeship program.

[Alta. Reg. 102/2006]

- (3)** Notwithstanding subsections (1) and (2), if
- (a) a person carries on business in respect of which the person must use the services of, as the case may be, a certified journeyman or an uncertified journeyman in a designated trade,
- (b) at a location at which the person carries on that business there is an insufficient number of, as the case may be, certified journeymen or uncertified journeymen in that trade to provide those services, and

- (c) due to that lack of a sufficient number of certified journeypersons or uncertified journeypersons in the trade the person is unable to carry out the work to which the person is committed,

[Alta. Reg. 270/2006]

the Executive Director may, subject to any conditions that the Executive Director considers appropriate, permit the person to employ, in addition to the number of apprentices authorized under the applicable trade regulation, extra apprentices so as to enable the person to carry out the work to which the person is committed.

- (4) A person shall not employ an apprentice except in accordance with the applicable trade regulation and this Regulation.

Supervision
and training

16 In order for a person to be able to provide to an apprentice the supervision and training for the purposes of this or an applicable trade regulation,

- (a) the supervision must be provided by a supervisor who
 - (i) is the employer of the apprentice,
 - (ii) is an employee of the employer of the apprentice, or
 - (iii) if not employed by the employer of the apprentice, is a person with whom that employer has made arrangements for the supervision of the apprentice,
- (b) the supervision must, to the satisfaction of the Executive Director, be of such a nature that
 - (i) the apprentice being supervised has access to the supervisor and is able to communicate with the supervisor in respect of the task, activity or function being supervised, and
 - (ii) the supervision provided to the apprentice by the supervisor is sufficient so that the supervisor supplies to the apprentice the technical information, knowledge and guidance that is necessary for the apprentice to develop skills in the task, activity or function that is being supervised to a standard of skill and competence that is expected of a journeyman in the trade or of a person who has reached the apprentice's level in the apprenticeship program, as the case may be,

and

- (c) the training must, to the satisfaction of the Executive Director, be provided to the apprentice in such a manner that the apprentice is able to
 - (i) acquire the technical information and knowledge, and

- (ii) develop the skills

in the tasks, activities and functions that are expected of a journey person in the trade or of a person who has reached the apprentice's level in the apprenticeship program, as the case may be.

[Alta. Reg. 270/2006]

Entries in
record book

17 To the extent possible in the circumstances, the apprentice's direct supervisor is to make the appropriate entries in the apprentice's record book

- (a) on the completion by the apprentice of each period of the apprenticeship program;
- (b) in the case where the apprentice's contract of apprenticeship is transferred, at the time of the transfer;
- (c) in the case where the supervision has been provided by someone other than the apprentice's employer or an employee of the apprentice's employer, on completion of the training in the tasks, activities and functions for the trade.

Responsibilities
of an apprentice

18 It is the responsibility of an apprentice to do the following:

- (a) to complete the required on the job training in the tasks, activities and functions for the trade as assigned by the person employing the apprentice;
- (b) to meet any additional training requirements relating to the trade that the person employing the apprentice or the applicable local apprenticeship committee or, where there is not a local apprenticeship committee, the applicable provincial apprenticeship committee considers appropriate;
- (c) to attend regularly the technical training that is required in order for the contract of apprenticeship to be completed;
- (d) to plan for and make any necessary arrangements to meet financial needs while attending the technical training;
- (e) to acquire the text books and other supplies that are required for the apprentice to engage in the technical training;
- (f) to successfully complete in a timely manner all requirements required pursuant to the technical training and all the examinations required by the Board;
- (g) to successfully complete the term of apprenticeship;
- (h) to review with the apprentice's direct supervisor, at the completion of each period of apprenticeship, the hours worked and the on the job training completed during that period;

- (i) to ensure that the apprentice's record book is kept up to date;
- (j) to send the apprentice's record book, or otherwise ensure that it is sent, to the Executive Director on the successful completion of the requirements set out in clauses (a) to (c) and (f) to (i);

[Alta. Reg. 46/2009]

- (k) to complete the documentation required to transfer the contract of apprenticeship should the apprentice become unemployed or employed by another person;
- (l) to immediately notify the Executive Director of any change in address or in employment;
- (m) to carry the apprentice's identification card at all times while at work and to produce it on request.

Resolution of
disagreement

- 19** (1) Where a disagreement arises between an employer and an employee in respect of an apprenticeship program or a contract of apprenticeship and the parties to the disagreement are unable to settle the matter, both or either of the parties may refer the matter to the presiding officer of the applicable local apprenticeship committee for settlement.
- (2) Notwithstanding subsection (1), in the event that a local apprenticeship committee does not exist to which a disagreement may be referred under subsection (1), both or either of the parties to the disagreement may refer the matter to the presiding officer of the applicable provincial apprenticeship committee for settlement.
- (3) If the presiding officer of the local apprenticeship committee is unable to effect a settlement of the matter,
- (a) the presiding officer of the local apprenticeship committee, or
 - (b) both or either of the parties to the disagreement,
- may refer the matter to the presiding officer of the applicable provincial apprenticeship committee for settlement.
- (4) If a matter is referred to the presiding officer of a provincial apprenticeship committee under subsection (2) or (3) and the presiding officer is unable to effect a settlement of the matter,
- (a) the presiding officer of the provincial apprenticeship committee, or
 - (b) both or either of the parties to the disagreement,
- may refer the matter to the presiding officer of the Board for settlement.

- (5) Where the presiding officer of the Board renders a decision on a matter referred to the presiding officer under subsection (4), the decision is binding on the parties to the disagreement.
- (6) Where the subject-matter of the disagreement or the contents of the decision of the presiding officer of the Board is a matter that may be appealed under Part 4 of the Act, an appeal of that matter under Part 4 of the Act is not to be commenced until the process provided for by subsections (1) to (4) of this section is completed and the presiding officer of the Board has rendered a decision.
- (7) For the purposes of Part 4 of the Act, the 30-day appeal period commences on the day after the day that the decision of the presiding officer of the Board is served on the party wishing to appeal that decision.
- (8) Where a matter is referred to a presiding officer under subsection (1), (2), (3) or (4), the following apply:
 - (a) the presiding officer must, unless the parties to the disagreement otherwise agree, convene one or more meetings between the parties and the presiding officer for the purpose of resolving the disagreement;
 - (b) with the consent of the parties to a disagreement, a meeting convened under clause (a) may be conducted by means of electronic communications equipment if that equipment enables all the persons attending the meeting to communicate with each other;
 - (c) the presiding officer may proceed to review the matter and consider representations made, if any, notwithstanding that a party to the disagreement fails to attend a meeting convened under clause (a);
 - (d) the presiding officer must commence the review of the matter within 21 days from the day that the matter was referred to the presiding officer;
 - (e) if a matter referred to the presiding officer of a committee is not resolved within 45 days from the day that the matter was referred to the presiding officer, the matter may be treated by the presiding officer or a party to the disagreement as if the presiding officer was unable to effect a settlement of the matter;
 - (f) for the purposes of subsection (6), if the presiding officer of the Board does not render a decision within 45 days from the day the matter was referred to the presiding officer, a party to the disagreement may proceed as if the process provided for by subsections (1) to (4) had been completed and a decision had been rendered;
 - (g) the presiding officer of the local apprenticeship committee may authorize a member of that committee to act under this section in the place of the presiding officer;

- (h) the presiding officer of the provincial apprenticeship committee may authorize a member of that committee to act under this section in the place of the presiding officer;
- (i) the presiding officer of the Board may authorize a member of the Board to act under this section in place of the presiding officer.

Repeal **20** The *Apprenticeship Program and Certification Regulation* (AR 1/92) is repealed.

Expiry **21** 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. 128/2005, 46/2009]

Coming into force **22** This Regulation comes into force on March 6, 2009.