

## Bill 67

### BILL BACKGROUND

#### Summary

- Repeals the *Apprenticeship and Industry Training Act*
  - New act for regulating training and education for trades - replaces old act
  - Creates enabling legal framework
  - Less prescriptive and detailed requirements set in legislation
  - Provides authorities to set detailed requirements in regulation
  - Maintains transparency and accountability
  - Clarifies authorities aligned with expertise
- Defines apprenticeships and establishes a governance framework
- Removes compulsory designated trades from the Act
- Allows for apprenticeships beyond previously designated professions
- Currently apprenticeships cannot earn credits - this act will allow them to do so. This will allow apprentices to also move to other degrees or use their education in more ways

#### Potential issues with the proposed Legislation:

- We have heard concerns that the removal of the compulsory designated trades in this legislation could be moving towards a system similar to BC, where trades have not been compulsory since 2003
  - This system has resulted in lower completion rates and reduced wages in the trades.
  - Worksite injuries in BC also outpace other jurisdictions.
  - Recent polls show the majority of residents favour a return to compulsory designation
- The changes in BC should give us some idea of what to expect: “The establishment of the Industry Training Authority in 2003 ushered in a BC model that modularized trades training, decreased training time requirements, deregulated trades certification requirements, and increased the role of industry (and diminished the role for labour organizations) in determining certification and training standards”
  - Under Bill 67, industry would have their own training stream - outside of the apprenticeship model
- The Minister may now determine Board composition, which risks creating a system where certification requirements are determined without input from the professions.
  - Under the current legislation(PT1), input and oversight from the employer and employee perspectives is equal throughout the Board, and provincial and local apprenticeship committees.
  - We should bring forward one amendment that would guarantee input from a workers perspective.
- Until the regulations are published, the true impact of this legislation is unknown

## **Sectional Analysis:**

### **Part 1 - Deals with the educational programs regarding apprenticeships**

#### Section 1: Definitions

#### Section 2: Definitions specific to Part 1

- Introduces sponsors that can be other entities beyond normal employers to provide apprenticeships, one example being unions - exact definition will be in regulation.
- Designated trades will be defined in the regulations

#### Sections 3 and 4: Sets out the Ministers powers as it related to act 1

- Gives the minister the ability to create apprenticeships and industry programs and the related credentials
- **Noteworthy:** The Minister may disestablish a program at any time;
  - In the Post-secondary Learning Act, Cabinet has rather wide-ranging powers as well

#### Sections 5-7: Dictates the appointment of a Registrar and deputy Registrars, and their functions and powers

- In accordance with *Public Service Act*
- Gives the Registrar the ability to establish the criteria for the programs and examinations and a wide range of powers with regard to program development that previously were handled by the Board
- Transfers several powers from the Alberta Apprenticeship and Industry Training Board to the Department.
  - For example, it is currently the board that is responsible for establishing the requirements to complete a program, but under this bill that becomes the responsibility of the Registrar

#### Section 8: States that a person may request that the Registrar reconsider their decision to refuse, suspend, or cancel as laid out in section 7

- This is in place of a robust appeal process that exists in the current legislation

#### Section 9: Sets out the general administrative responsibilities of the Minister

- The *Regulations Act* does not apply to documentation of the Minister in this section recognizing education equivalents etc
- Boards role is much more advisory than administrative (see part 2)

#### Section 10: Further regulation making power for the Lieutenant Governor and the Minister for part 1

### **Part 2 - Deals with designated Trades**

#### Section 11: Definitions specific to part 2 of the Act

- Only two words, one of which “endorsement” is undefined pending regulations, and work of a trade now called “undertaking”

Section 12: Regulations able to be made by Minister designating trades

Sections 13-14: Establishes the Alberta Board of Skilled Trades

- Explains their powers and functions, which are reduced
- Consultation with the industry and advice to the Minister

Section 15-16: Allows for the establishment of board committees and explains their role

Sections 17-20: Dictates the appointment of an Administrator and deputy Administrators and sets out their functions

- Advice regarding designated trades and duties regarding trade certificates
- Administrators have the power to revoke certifications
- States that a person may request that the Administrator reconsider the decision to revoke certification as laid out in section 19

Section 21: Sets out general responsibilities of the Minister in regards to administrative matters

Section 22: Sets out regulation making powers for Cabinet and the Minister

### **Part 3 - Prohibitions and Enforcement**

Sections 23-27: Prohibitions in regards to designated trades and their penalties

- Makes clear that it is not allowed to claim to have a trade designation if they have not been awarded such a designation
- False information, disciplinary action, cheating, impeding officers are also prohibited

Section 28: Sets out penalties for offences under 23-27

Sections 29-30: Sets out appointment of officers and what they can do during inspections

- Seems like they can do a lot without necessarily having a reason

Sections 31-33: information on court orders and compliance orders

- Helps to deal with refusals under 29-30

Section 34: Presentation of evidence in event of a prosecution under this Act

Section 35: Protection from liability

- Protects any person from damages that acting in good faith within its powers under the act

Section 36: Lieutenant Governor regulations for part 3

### **Part 4 - General Information**

Section 37: Sending and service of documents

Section 38: Definitions in regards to sections 39 to 41

- (a) “former Act” refers to the *Apprenticeship and Industry Training Act*
- (b) “former Board” refers to the Board appointed under the *AIT Act*

Sections 39-41: Transitional provisions

- Apprenticeship program under the former Act is now an apprenticeship education program
- “Designated occupation” under former Act is now included in “designated trades” in this Act

Sections 42-47: Amends various Acts

- Mainly adding in this Act and removing instances of the *AIT Act*
- Section 45 Removes “designated occupation” wherever it occurs in the *Fair Registration Practices Act*
  - “designated occupation” in *FRP Act* is any occupation designated for this Act that is not already a “designated trade”
  - “designated trade” in *FRP Act* is either a compulsory certificate trade or an optional certificate trade designated by the Lieutenant Governor
  - In the new Act they are now all “designated trades”
  - Does this change have any repercussions for people who were in those “designated occupations”?
- Section 47 amends the *Workers’ Compensation Act* to say that instead of just “being qualified in a trade” a person has to “complete the education program or received certification”
  - Will this have issues for people who have been working in their trade for years but may not have the specific certifications?

Section 48: Repeals the *Apprenticeship and Industry Training Act*

Section 49: Coming into force - on proclamation

## Bill 74

### BILL BACKGROUND

#### Summary

- **Changes 2 Acts**
  - **Post-Secondary Learning Act (PSLA)**
    - Establishes the Minister's Advisory Council on Higher Education and Skills (MACHES)
    - Extends the Preamble of the Act to include more language around the role of post-secondaries
    - Ends 6 sector model and introduces categories of post-secondary institutions
    - Limits terms of board members to 6 years (two terms).
    - Transfers authority to set apprenticeship tuition from the Minister to the boards of governors or institutions
  
  - **Amends Skilled Trades and Apprenticeship Education Act**
    - The Apprenticeship and Industry Act (Bill 67 from last session) removed the the authority for the Minister to set apprenticeship wage rates. Bill 74 restores the Minister's authority to set wages as well as the wage schedule for apprentices.
      - The AB-NDP caucus had raised concerns that Bill 67 appeared to facilitate wage-less apprenticeships. This change appears to address that concern.
    - Provides authority to make regulations to set apprentice-to-mentor ratios.
    - Amends the Act to allow for the designation of new trades under the act
      - Allows for apprenticeships for professions that are regulated under other acts
        - One example, is the Skilled Trades and Apprenticeship Education Act
        - For example, Supply Chain Managers fall under that act
      - This still excludes professions under the Health Professions Act
      - This may extend the amount of professions the act applies to significantly
      - Professions included through this change do follow the same process

### **Minister's Advisory Council on Higher Education and Skills (MACHES)**

- Mandate to provide advice to the Minister on strategic goals and direction of post-secondary education in Alberta as well as on metrics for measuring the performance of our post-secondaries
  
- Given that the Government just published the Alberta 2030 strategy this will likely be focused on a strategy beyond 2030
  
- Individuals that serve on a
  - governing board of a post-secondary institution,
  - are presidents or Vice presidents of a post-secondary institutions
  - a voting member of an executive member of a staff association, student association, or other bargaining agent representing
  - can't be appointed for at least a year until their term ended