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CHAPTER A-15.2

APPRENTICESHIP AND TRADES QUALIFICATION ACT

GENERAL REGULATIONS

Pursuant to sections 7 and 24 of the *Apprenticeship and Trades Qualification Act* R.S.P.E.I. 1988, Cap. A-15.2, Council made the following regulations:

Interpretation

1. In these regulations,

Definitions

- (a) “Act” means the *Apprenticeship and Trades Qualification Act* R.S.P.E.I. 1988, Cap. A-15.2; Act
- (b) “interprovincial (Red Seal) trade” means a designated trade for which an interprovincial standards (Red Seal) endorsement may be issued; interprovincial (Red Seal) trade
- (c) “interprovincial standards (Red Seal) endorsement” means an interprovincial standards (Red Seal) endorsement issued under the authority of the Canadian Council of Directors of Apprenticeship Interprovincial Standards (Red Seal) Program. (EC666/12) interprovincial standards (Red Seal) endorsement

Compulsory Certified Trades

2. (1) The designated trades listed in Schedule A are designated as compulsory certified trades.

Compulsory certified trades

(2) For the purpose of applying for a permit for a compulsory certified trade under section 18 of the Act, the number of hours that a trades person is required to have worked in the designated trade in the 10 years immediately prior to its becoming a compulsory certified trade is the total number of hours required for the term of apprenticeship in that designated trade plus 2,000 hours.

Requirement

(3) When a designated trade is designated as a compulsory certified trade, the Manager shall, for the purpose of applications for permits under section 18 of the Act,

Manager's duties

- (a) determine in accordance with the apprenticeship plan for the designated trade whether the number of hours of work experience required for the purposes of subsection (2) is 8,000 or 10,000 hours; and

(b) make that information available free of charge to the public during regular business hours in the office of the Manager and provide it, in print or electronically, to any person who requests it.

Exception

(4) Where an applicant for a permit under section 18 of the Act has acquired the total number of hours of work experience in the designated trade required under subsection (2), but some or all of those hours are outside the 10-year period referred to in subsection (2), the Manager may assess the applicant's work experience with respect to its relevance and currency and determine whether to issue a permit to the applicant.

Fee

(5) The fee for a permit is that set out in Item 7 of Schedule B. (EC666/12)

Trade Advisory Committee

Functions of trade
advisory committee

3. A trade advisory committee shall, in respect of the designated trade or designated trades for which it is established,

- (a) advise the Board on the details of the apprenticeship plan, including technical and practical training requirements and standards;
- (b) make recommendations to the Board respecting the examinations that a candidate for each type of certificate is required to complete, and the degree of proficiency required to pass each examination; and
- (c) advise the Board on apprenticeship matters in general. (EC666/12)

Apprenticeship Agreement

Application for
registration of
apprenticeship
agreement

4. In addition to the requirements of section 9 of the Act, an application for registration of an apprenticeship agreement shall, in the case of an applicant under 18 years of age, be signed by a parent or guardian of the applicant. (EC666/12)

Inspection and Investigation

Designation

5. (1) The Manager may designate a person as an inspector for the purposes of the Act and these regulations.

Enter and inspect or
investigate

(2) For the purpose of ensuring compliance with the Act or these regulations, in order to determine whether to register or cancel an apprenticeship agreement and for the purpose of monitoring apprenticeship training, the Manager or an inspector may at any reasonable time enter and inspect

- (a) any premises where a registered apprentice is employed, or in respect of which an application for an apprenticeship agreement has been made; and
- (b) any place or vehicle in which the Manager or the inspector believes on reasonable grounds there is any record or other document relevant to the administration of the Act or these regulations.

(3) In carrying out an inspection or investigation under this section, the Manager or inspector may Manager's powers

- (a) open any container that the Manager or inspector believes on reasonable grounds contains anything referred to in clause (2)(b);
- (b) inspect anything referred to in clause (2)(b);
- (c) take photographs or recordings of the workplace and activity taking place in the workplace;
- (d) require any person to produce for inspection or copying, in whole or in part, any record or other document relevant to the administration of the Act or these regulations;
- (e) use any computer or data processing system at the place to examine any data contained in or available to the computer or data processing system;
- (f) reproduce any record from the data in the form of a printout or other intelligible output and take the printout or other output for examination or copying; and
- (g) use any copying equipment at the place to make copies of any record or other document.

(4) The owner or person in charge of any premises, place or vehicle referred to in subsection (2) and every person found there shall Assistance and information

- (a) give the Manager or inspector all reasonable assistance to enable the Manager or inspector to carry out his or her duties and functions under the Act and these regulations; and
- (b) provide the Manager or inspector with any information with respect to any activity subject to the Act or these regulations as the Manager or inspector may reasonably require. (EC666/12)

Certificates

6. (1) A person may apply to the Manager, in a form approved by the Board, to write the examination required for a certificate of qualification in a designated trade. Application for examination:
certificate of qualification

(2) A person may apply to the Manager, in a form approved by the Board, to write the examination approved by the Board for a certificate of achievement in a segment of a designated trade. Application for examination:
certificate of achievement

Proof and payment
of fee

- (3) An applicant shall provide the following with an application made under subsection (1) or (2):
- (a) proof satisfactory to the Manager that the applicant meets the requirements applicable to the applicant set out in subsection (4) or (5); and
 - (b) payment of the applicable examination fee set out in Schedule B.

Permission to write
examination

- (4) The Manager shall permit an applicant to write the examination approved by the Board for a certificate of qualification in a designated trade where the Manager is satisfied that the applicant has submitted an application in accordance with subsections (1) and (3) and
- (a) with the case of an applicant who is a registered apprentice, has successfully completed the requirements of the apprenticeship plan for the designated trade;
 - (b) in the case of an applicant who is a trades person in a designated trade that is not a compulsory certified trade, has,
 - (i) since reaching the age of 16 years, and
 - (ii) within 10 years immediately preceding the date of the application,
 worked in the designated trade for a period that is not less than the term of apprenticeship required under the apprenticeship plan for that designated trade plus 2,000 hours; or
 - (c) in the case of a trades person in a compulsory certified trade, holds or is deemed to hold a permit issued under subsection 18(3) of the Act, and has
 - (i) since reaching the age of 16 years, and
 - (ii) within the 10 years immediately preceding the date of the application,
 worked in the compulsory certified trade for a period that is not less than the term of apprenticeship required under the apprenticeship plan for that compulsory certified trade plus 2,000 hours.

Exception

- (5) Where an applicant has acquired the total number of hours of work experience required under clause (4)(b) or (c), but some or all of those hours are outside the 10-year period referred to in subclause 4(b)(ii) or (c)(ii), as the case may be, the Manager may permit the applicant to write the examination approved by the Board for a certificate of qualification if the Manager is satisfied that the applicant's work experience is sufficiently relevant and current in the circumstances.

Idem

- (6) The Manager shall permit an applicant to write the examination approved by the Board for a certificate of achievement in a segment of a designated trade where the Manager is satisfied that the applicant has submitted an application that meets the requirements of subsections (2) and (3) and has
- (a) since reaching the age of 16 years; and

(b) within the 4 years immediately preceding the date of the application,
worked in that segment of the designated trade for not less than 4,000 hours. (EC666/12)

7. (1) The Minister shall issue a certificate of apprenticeship in a designated trade to a person who successfully completes the requirements of the apprenticeship plan for the designated trade.

Certificate of apprenticeship

(2) The Minister shall issue a certificate of qualification in a designated trade and a certificate of qualification pocket card to a person who attains the grade required by the apprenticeship plan for the designated trade in an examination in respect of the designated trade referred to in subsection 6(1).

Certificate of qualification and pocket card

(3) Where a designated trade referred to in subsection (2) is an interprovincial standards (Red Seal) trade, the Minister shall affix an interprovincial standards (Red Seal) endorsement on the certificate of qualification and certificate of qualification pocket card issued under subsection (2) to a person who attains the grade required by the apprenticeship plan for the designated trade.

Interprovincial standards (Red Seal) endorsement

(4) The Minister shall issue a certificate of achievement in a segment of a designated trade to a person who attains the grade required by the apprenticeship plan for the designated trade in an examination in respect of that segment of the designated trade referred to in subsection 6(2). (EC666/12)

Certificate of achievement

Endorsements

8. (1) A person who holds a certificate of qualification in the trade of Automotive Service Technician may apply to the Manager, in a form approved by the Board, to write the examination approved by the Board for an air brake endorsement.

Application for examination: air brake endorsement

(2) An applicant shall provide the following with an application made under subsection (1):

Proof and payment of fee

- (a) proof satisfactory to the Manager that he or she meets the requirements as set out in clause (3)(b);
- (b) payment of the fee set out in Item 4 of Schedule B.

(3) The Manager shall permit an applicant to write the examination approved by the Board for an air brake endorsement where the Manager is satisfied that the applicant

Permission to write air brake endorsement examination

- (a) has submitted an application in accordance with subsections (1) and (2); and

(b) has, since his or her certificate of qualification was issued, worked in the specialty trade area of air brake systems for not less than 4,000 hours.

Air brake endorsement

(4) The Minister shall issue an air brake endorsement to a person who attains the grade required in respect of the endorsement for the designated trade in an examination referred to in subsection (1). (EC666/12)

Examinations

Second attempt at examination

9. (1) Where an applicant fails on the first attempt to attain the grade required by the apprenticeship plan for the designated trade in an examination referred to in subsection 6(1) or (2) or 8(1), the Manager may permit the applicant to write the examination a second time after a waiting period of 3 months.

Third or subsequent attempt at examination

(2) Where an applicant fails on the second or subsequent attempt to attain the grade required by the apprenticeship plan for the designated trade in an examination referred to in subsection 6(1) or (2) or 8(1), the Manager may permit the applicant to write the examination a third or subsequent time after the applicant has, in the opinion of the Manager, successfully completed additional training approved by the Manager.

Oral examination

(3) The Manager may permit a person to take an examination referred to in subsection 6(1) or (2) or 8(1) by oral examination where

- (a) the person meets the requirements for writing the examination under section 6 or 8, as the case may be; and
- (b) the Manager is satisfied that administering an oral examination is appropriate in the circumstances.

Fee

(4) The fee for a second or subsequent attempt at an examination and for an oral examination are those set out in Schedule B. (EC666/12)

Transfer Certificates and Endorsements

“extra-provincial certificate” defined

10. (1) In this section and sections 11 and 12, “extra-provincial certificate” means a certificate issued by another province or a territory.

Application for transfer certificate of qualification

(2) A person who holds an extra-provincial certificate in a designated trade may apply to the Manager, on a form approved by the Board, for a transfer certificate of qualification in the designated trade.

Proof and payment of fee

(3) An applicant shall provide the following with an application made under subsection (1):

- (a) proof satisfactory to the Manager that the applicant
 - (i) holds an extra-provincial certificate equivalent to a certificate of qualification in a designated trade, or

- (ii) holds an extra-provincial certificate with an interprovincial standards (Red Seal) endorsement in a designated trade; and
- (b) payment of the fee set out in Item 9 of Schedule B.

(4) The Minister shall issue a transfer certificate of qualification in a designated trade and a certificate of qualification pocket card to an applicant where the Manager is satisfied that the applicant has submitted an application that meets the requirements of subsections (2) and (3) in respect of the designated trade. (EC666/12)

Transfer certificate of qualification and pocket card

11. (1) A person who holds an extra-provincial certificate equivalent to a certificate of achievement in a segment of a designated trade may apply to the Manager, on a form approved by the Board, for a transfer certificate of achievement in that segment of the designated trade.

Application for certificate of achievement

(2) An applicant shall provide the following with an application made under subsection (1):

Proof and payment of fee

- (a) proof satisfactory to the Manager that he or she holds an extra-provincial certificate equivalent to a certificate of achievement in a segment of a designated trade;
- (b) payment of the fee set out in Item 10 of Schedule B.

(3) The Minister shall issue a transfer certificate of achievement in a segment of a designated trade to an applicant where the Manager is satisfied that the applicant has submitted an application that meets the requirements of subsections (1) and (2) in respect of that segment of the designated trade. (EC666/12)

Transfer certificate of achievement

12. (1) A person who holds a certificate of qualification or an extra-provincial certificate that is equivalent to a certificate of qualification in an interprovincial (Red Seal) trade may make a request in writing to the Manager to write the examination approved by the Board for an interprovincial standards (Red Seal) endorsement in respect of the trade.

Red Seal endorsement

(2) An applicant shall provide the following with an application made under subsection (1):

Proof and payment of fee

- (a) proof satisfactory to the Manager that he or she holds a certificate of qualification or an extra-provincial certificate that is equivalent to a certificate of qualification in the interprovincial (Red Seal) trade;
- (b) payment of the fee set out in Item 2 of Schedule B.

(3) The Manager shall permit an applicant to write the examination referred to in subsection (1) where the Manager is satisfied that the applicant has submitted an application in accordance with subsections (1) and (2).

Permission to write Red Seal examination

Interprovincial standards (Red Seal) endorsement

(4) The Minister shall issue a certificate of qualification with an interprovincial standards (Red Seal) endorsement to an applicant who attains the grade required by the apprenticeship plan for that designated trade in an examination referred to in subsection (1). (EC666/12)

“extra-provincial air brake endorsement” defined

13. (1) In this section, “extra-provincial air brake endorsement” means an endorsement relating to air brake systems issued by another province or a territory.

Application for air brake endorsement

(2) A person who holds an extra-provincial air brake endorsement may apply to the Manager, on a form approved by the Board, for a transfer air brake endorsement.

Proof and payment of fee

(3) An applicant shall provide the following with an application made under subsection (2):

- (a) proof satisfactory to the Manager that the applicant holds an extra-provincial air brake endorsement that is equivalent to an air brake endorsement issued under subsection 8(4);
- (b) payment of the fee set out in Item 8 of Schedule B.

Transfer air brake endorsement

(4) The Minister shall issue a transfer air brake endorsement to an applicant where the Manager is satisfied that the applicant has submitted an application that meets the requirements of subsections (2) and (3). (EC666/12)

Suspension or Cancellation

Suspension or cancellation of certificate or air brake endorsement

14. (1) The Manager may suspend or cancel a certificate or an air brake endorsement if the Manager has reasonable grounds to believe that the person holding the certificate or air brake endorsement

- (a) obtained the certificate or air brake endorsement by fraud or misrepresentation; or
- (b) has acted in a manner that is not consistent with good practice in the designated trade, the segment of the designated trade or the specialty trade area for which the certificate or air brake endorsement was issued.

Written notice and reasons

(2) Where the Manager suspends or cancels a certificate or an air brake endorsement under subsection (1), the Manager shall serve on the person holding the certificate or air brake endorsement written notice of and reasons for the suspension or cancellation.

Return of certificate and pocket card

(3) Where the Manager serves notice of the suspension or cancellation of a certificate under subsection (2),

- (a) the certificate and any pocket card issued in relation to the certificate is invalid; and

(b) the person holding the certificate shall, without delay, surrender the certificate and any pocket card issued in relation to the certificate to the Manager.

(4) Where the Manager serves notice of the suspension or cancellation of an air brake endorsement under subsection (2),

(a) the air brake endorsement is invalid; and

(b) the person holding the air brake endorsement shall, without delay, surrender the air brake endorsement and any pocket card issued in relation to it to the Manager.

Return of air brake
endorsement pocket
card

(5) Upon the expiry of the suspension of a certificate or an air brake endorsement, the Manager shall return any certificate or pocket card surrendered under subsection (3) or air brake endorsement pocket card surrendered under subsection (4). (EC666/12)

Expiry of
suspension

Fees

15. The fees set out in Schedule B are prescribed in respect of services provided under the Act and these regulations. (EC666/12)

Fees

Revocation

16. The *Apprenticeship and Trades Qualification Act Regulations* (EC712/95) are revoked. (EC666/12)

Revocation

SCHEDULE A**COMPULSORY CERTIFIED TRADES**

Automotive Service Technician

Construction Electrician

Plumber

Steamfitter / Pipefitter

(EC666/12)

SCHEDULE B**FEES**

1. The fee for examining a candidate for a certificate of qualification:
 - (a) apprentice, first attempt\$25
 - (b) apprentice, subsequent attempt50
 - (c) trades person, first attempt50
 - (d) trades person, subsequent attempt50
2. The fee for examining a candidate for a certificate of qualification with a Red Seal endorsement50
3. The fee for examining a candidate for a certificate of achievement:
 - (a) first attempt50
 - (b) subsequent attempt50
4. The fee for examining a candidate for an air brake endorsement:
 - (a) first attempt50
 - (b) subsequent attempt50
5. The fee for an oral examination:
 - (a) first attempt75
 - (b) subsequent attempt75
6. The fee for any other examination10
7. The fee for issuing a permit50
8. The fee for issuing a transfer air brake endorsement20
9. The fee for issuing a transfer certificate of qualification20
10. The fee for issuing a transfer certificate of achievement20
11. The fee for issuing a replacement certificate20

(EC666/12)