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Bill 288

An Act to enact the Building Opportunities in the Skilled Trades Act, 2021

The Hon. M. McNaughton
Minister of Labour, Training and Skills Development

Government Bill

1st Reading May 6, 2021
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The *Building Opportunities in the Skilled Trades Act, 2021* is enacted. The Act sets out provisions regarding the practice of trades in Ontario and apprenticeship training and certification, and provides for the continuation of the Ontario College of Trades under the name Skilled Trades Ontario (“the Corporation”).

The Act provides that trades may be prescribed for the purposes of the Act, and may be prescribed as compulsory trades. Prohibitions are specified relating to engaging in the practice of compulsory trades or the employment of persons to perform work or engage in the practice of compulsory trades.

Various types of certificates may be issued under the Act. Certificates of qualification may be issued in respect of trades for which a certifying examination is required. Certificates of apprenticeship may be issued to a person who successfully completes an apprenticeship program. If a certificate of apprenticeship is issued to a person in a trade for which a certifying examination is required, the person will also be issued a provisional certificate of qualification in the trade. The Act also sets out provisions relating to the refusal to issue certificates, the imposition of terms, conditions and limitations on certificates and the suspension and revocation of certificates.

The Act includes provisions regarding apprenticeship programs and registered training agreements and imposes certain requirements relating to the programs and agreements.

Inspectors may be appointed under the Act. Inspectors have various powers for the purposes of determining compliance with the Act and the regulations, registered training agreements, compliance orders and other matters. An inspector may issue compliance orders and notices of contravention. A notice of contravention may be reviewed by the Ontario Labour Relations Board in accordance with the process set out in the Act.

The Ontario College of Trades is continued as a corporation without share capital under the name Skilled Trades Ontario. The Act includes various provisions relating to the administration and governance of the Corporation, including the powers and duties of the Registrar of the Corporation.

The Act provides for regulation-making powers on various matters, including on transitional matters arising from the implementation of the Act and the repeal of the *Ontario College of Trades and Apprenticeship Act, 2009*. Various other miscellaneous and related provisions are also included.

An Act to enact the Building Opportunities in the Skilled Trades Act, 2021

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

GENERAL

Definitions

1 In this Act,

- “apprentice” means an individual who, pursuant to a registered training agreement, is receiving or is to receive training in a trade that is required as part of an apprenticeship program; (“apprenti”)
- “apprenticeship program” means an apprenticeship program established by the Registrar under section 14; (“programme d’apprentissage”)
- “certificate of apprenticeship” means a certificate of apprenticeship issued to an individual under section 16; (“certificat d’apprentissage”);
- “certificate of qualification” means a certificate of qualification in a trade issued to an individual under section 10; (“certificat de qualification”)
- “compliance order” means an order made under section 26; (“ordre de mise en conformité”)
- “compulsory trade” means a trade classified by a regulation as a compulsory trade; (“métier à accréditation obligatoire”)
- “Corporation” means Skilled Trades Ontario; (“Société”)
- “Deputy Minister” means the deputy minister of the Ministry; (“sous-ministre”)
- “Director” means an inspector who is designated as a Director under subsection 20 (2); (“directeur”)
- “inspector” means an individual appointed by the Deputy Minister to act as an inspector under subsection 20 (1); (“inspecteur”)
- “Minister” means the member of the Executive Council to whom responsibility for the administration of this Act or part of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)
- “Ministry” means the ministry of the Minister; (“ministère”)
- “Ontario Labour Relations Board” means the board continued under section 110 of the *Labour Relations Act, 1995*; (“Commission des relations de travail de l’Ontario”)

“person” means an individual, corporation, partnership, sole proprietorship, association or any other organization or entity; (“personne”)

“personal information” means personal information as defined in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“provisional certificate of qualification” means a provisional certificate of qualification in a trade issued to an individual under section 17; (“certificat de qualification temporaire”)

“registered training agreement” means an agreement registered under section 15 under which an individual is receiving or is to receive training in a trade required as part of an apprenticeship program; (“contrat d’apprentissage enregistré”)

“Registrar” means the Registrar of the Corporation; (“registraire”)

“regulation” means a regulation made under this Act; (“règlement”)

“sponsor” means a person who, pursuant to a registered training agreement, is required to ensure that an individual is provided with the training required as part of an apprenticeship program; (“parrain”)

“trade” means a trade prescribed as a trade for the purposes of this Act. (“métier”)

Minister’s functions

2 The functions of the Minister for the purposes of this Act are,

- (a) to prescribe trades as trades for the purposes of this Act;
- (b) to classify trades as compulsory trades;
- (c) to prescribe scopes of practice for trades;
- (d) to approve persons to provide in-class training for apprenticeship programs;
- (e) to register training agreements;
- (f) to administer examinations, including certifying examinations;
- (g) to provide those who successfully complete an apprenticeship program with a certificate of apprenticeship;
- (h) to promote trades and apprenticeship;
- (i) to conduct research in relation to trades and apprenticeship;
- (j) to work with other governments in Canada with respect to the Interprovincial Standards Red Seal Program for apprenticeship and with respect to standards, qualifications and other requirements required for trades; and
- (k) to exercise such other powers and perform such other duties and functions as are provided for in this Act or the regulations.

Other powers of Minister

Committees

3 (1) The Minister may establish committees to advise the Minister or the Registrar on any matter under this Act or the regulations.

Same

(2) A committee established under subsection (1) shall consist of one or more individuals including individuals who shall have experience in the trades and apprenticeship system.

Delegation to employee

4 (1) Where, under this Act or the regulations, any power or duty is granted to or vested in the Minister or the Deputy Minister, the Minister or Deputy Minister may, in writing, delegate that power or duty from time to time to any employee in the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister or Deputy Minister may set out in the delegation.

Regulation-making power

(2) The Minister may not delegate the power to make regulations conferred by this Act.

SCOPE OF PRACTICE AND COMPULSORY TRADES

Scope of practice

5 (1) The Minister may prescribe a scope of practice for every trade prescribed as a trade for the purposes of this Act.

Same

(2) A particular practice may be included in more than one trade's scope of practice.

Practice, compulsory trades

6 No individual shall engage in the practice of a compulsory trade unless,

- (a) the individual is an apprentice in that trade and is working pursuant to a registered training agreement that is not suspended;
- (b) the individual holds a certificate of qualification or a provisional certificate of qualification in that trade that is not suspended; or
- (c) a regulation exempts the individual from the prohibition.

Work of compulsory trades

7 No person shall employ or otherwise engage an individual to perform work or to engage in the practice of a compulsory trade unless,

- (a) the individual is an apprentice in that trade and is working pursuant to a registered training agreement that is not suspended;
- (b) the individual holds a certificate of qualification or a provisional certificate of qualification in that trade that is not suspended; or
- (c) a regulation exempts the individual from the prohibition.

Ratio

8 If a trade has been prescribed as being subject to an apprentice to journeyperson ratio,

- (a) the number of apprentices who may be sponsored or employed by a person in the trade in relation to the number of journeypersons employed or otherwise engaged by the person in the trade shall not exceed one apprentice for each journeyperson; and
- (b) no sponsor shall permit an apprentice to work except in accordance with the ratio set out in clause (a) or, if another ratio is prescribed, in accordance with the prescribed ratio.

Proof of certificate

9 (1) For the purpose of determining compliance with section 6, 7 or 8, the holder of a certificate of qualification or a provisional certificate of qualification shall carry proof of their certification and when requested to do so, shall produce the proof to an inspector or a person authorized by regulation to request such production.

Apprenticeship

(2) For the purpose of determining compliance with section 6, 7 or 8, or compliance with a registered training agreement, an apprentice shall carry proof of their apprenticeship and when requested to do so, shall produce the proof to an inspector or a person authorized by regulation to request such production.

Form of proof

(3) The proof required under subsection (1) or (2) shall be in accordance with the regulations, if any.

CERTIFICATES OF QUALIFICATION

Certificate of qualification

10 (1) A certificate of qualification in a trade may be issued in accordance with subsection (2) only in respect of a trade that has been prescribed as a trade for which a certifying examination is required.

Same

(2) The Registrar shall issue to an individual a certificate of qualification in a trade, in a form determined by the Registrar, if the individual,

- (a) holds a certificate of apprenticeship in the trade, or has experience or qualifications that the Registrar considers equivalent to those required to obtain such a certificate;
- (b) achieves a grade satisfactory to the Registrar on the certifying examination for the trade;
- (c) submits a completed application and pays any required fee for the application; and
- (d) meets any other criteria prescribed by the Minister.

Extension of certificate pending renewal

(3) If an individual who holds a certificate of qualification in a compulsory trade applies to the Registrar for the renewal of the certificate before the certificate expires or within any other prescribed time period, the term of the certificate is deemed to be extended,

- (a) until the day the Registrar grants the renewal; or
- (b) if the Registrar proposes to refuse to grant the renewal, until the period of time for requesting the hearing has expired or, if a hearing is requested, until the prescribed person or body makes a decision.

Renewal

(4) The Registrar shall renew an individual's certificate of qualification in a compulsory trade in a form determined by the Registrar, if the individual,

- (a) submits a completed application and pays any required fee for the application; and
- (b) meets any other prescribed criteria.

Term of certificate

(5) A certificate of qualification in a compulsory trade issued under subsection (2) or renewed under subsection (4) shall have the prescribed term, or if no term is prescribed, a term of three years.

Expiry

(6) A certificate of qualification in a compulsory trade expires at the end of its term.

Terms, conditions, limitations

11 (1) A certificate of qualification is subject to any terms, conditions and limitations imposed on it by the Registrar.

Same

(2) Upon issuing or renewing a certificate of qualification, or at any other time, the Registrar may impose on the certificate the terms, conditions and limitations that the Registrar considers appropriate.

Amendment of terms, conditions and limitations

(3) The Registrar may at any time amend the terms, conditions and limitations imposed on a certificate of qualification.

Subject to regulations

(4) The Registrar's authority under subsections (2) and (3) to impose or amend terms, conditions and limitations on a certificate of qualification is subject to the regulations, if any.

Suspension, revocation, other actions

12 (1) The Registrar may suspend or revoke a certificate of qualification if, in the Registrar's opinion,

- (a) any of the criteria in subsection 10 (2) or (4) were not met at the time the application for the issuance or renewal of the certificate was made;
- (b) the individual who holds the certificate made a false or misleading statement, representation or declaration in or in connection with their application for the issuance or renewal of the certificate; or
- (c) any other circumstance specified in the regulations exists.

Proposed refusal, terms, suspension, etc.

(2) If the Registrar proposes to,

- (a) impose or amend terms, conditions or limitations on a certificate of qualification;
- (b) suspend or revoke a certificate of qualification;
- (c) refuse to issue or renew a certificate of qualification; or
- (d) take any other action relating to the certificate of qualification that is set out in the regulations,

the Registrar shall notify the applicant or the individual who holds the certificate in writing of the proposed action.

Same

(3) The notice shall provide the reasons for the proposed action and shall state that the applicant or the individual who holds the certificate is entitled to a hearing before the prescribed person or body if, within 15 days after service of the notice, the applicant or individual serves a written request for a hearing on the prescribed person or body.

No hearing

(4) If the applicant or the individual who holds the certificate does not request a hearing in accordance with subsection (3), the Registrar may carry out the proposed action.

Hearing

(5) Where the applicant or the individual who holds the certificate serves a written request for a hearing under subsection (3), the prescribed person or body shall hold a hearing.

Same

(6) The hearing shall be conducted in accordance with the regulations, if any.

Other certificates

13 (1) The Registrar may issue such other certificates as may be prescribed.

Conditions, suspension, revocation

(2) Section 12 applies to other certificates issued under subsection (1), with the necessary modifications.

APPRENTICESHIP

Apprenticeship program

14 (1) The Registrar shall establish an apprenticeship program for each trade, which may include on-the-job training standards, in-class curriculum standards, examinations and other requirements.

Same

(2) An apprenticeship program for a trade shall correspond to the scope of practice prescribed for that trade.

In-class training

(3) The Minister may approve persons to provide in-class training for apprenticeship programs.

Same

(4) A person who has been approved to provide in-class training for an apprenticeship program must provide training in accordance with the requirements of the program.

Registered training agreements

15 (1) The Minister shall register a training agreement under which an individual is to receive training in a trade required as part of an apprenticeship program if,

- (a) the individual to receive the training is at least 16 years old;
- (b) if any academic standards or sponsor criteria are prescribed, the standards and criteria are satisfied;
- (c) the individual submits a completed application for registration and pays any required fee for the application; and
- (d) any other prescribed criteria are satisfied.

Revocation on request

(2) The Minister may revoke the registration of a registered training agreement on the written request of a party to the agreement.

Suspension or revocation

(3) The Minister may suspend or revoke the registration of a registered training agreement if, in the Minister's opinion,

- (a) a party to the agreement,
 - (i) has failed to comply with the registered training agreement,
 - (ii) made a false or misleading statement, representation or declaration in or in connection with their application for the registration of the agreement, or
 - (iii) is deceased or no longer exists; or
- (b) any other circumstance specified in the regulations exists.

Notice

(4) If the Minister proposes to suspend or revoke the registration of an agreement under subclause (3) (a) (i) or (ii), the Minister shall notify the parties to the agreement in writing of the proposed action.

Same

(5) The notice shall provide the reasons for the proposed action and shall state that the parties are entitled to a hearing before the prescribed person or body if, within 15 days after service of the notice, a party serves a written request for a hearing on the prescribed person or body.

No hearing

(6) If the parties do not request a hearing in accordance with subsection (5), the Minister may carry out the proposed action.

Hearing

(7) Where a party to the agreement serves a written request for a hearing in accordance with subsection (5), the prescribed person or body shall hold a hearing.

Same

(8) The hearing shall be conducted in accordance with the regulations, if any.

Fees

(9) The Minister may establish and collect fees for applications made under this Act, for examinations required under this Act, or for any other power of the Minister that is exercised or any duty or function that is performed in connection with this Act or the regulations.

Certificate of apprenticeship

16 (1) The Minister shall issue a certificate of apprenticeship, in a form determined by the Minister, to an individual who successfully completes an apprenticeship program.

Revocation of certificate

(2) The Minister may revoke an individual's certificate of apprenticeship if, in the Minister's opinion,

- (a) the individual did not successfully complete an apprenticeship program;
- (b) the individual made a false or misleading statement, representation or declaration in or in connection with the completion of their apprenticeship program; or
- (c) any other circumstance specified in the regulations exists.

Provisional certificates of qualification

17 (1) If the Minister issues a certificate of apprenticeship to an individual in a trade for which a certifying exam is required, the Registrar shall provide the individual with a provisional certificate of qualification in that trade.

Term of certificate

(2) A provisional certificate of qualification shall have the prescribed term or, if no term is prescribed, a term of one year.

Extension

(3) An individual who holds a provisional certificate of qualification may apply to the Registrar for an extension of the period in subsection (2) and the Registrar may grant an extension in accordance with the regulations.

Expiry

(4) A provisional certificate of qualification expires at the end of its term or its extended term.

Terms, conditions, limitations

18 (1) A provisional certificate of qualification is subject to any terms, conditions and limitations imposed on it by the Registrar.

Same

(2) Upon issuing or extending a provisional certificate of qualification or at any other time, the Registrar may impose on the certificate the terms, conditions and limitations that the Registrar considers appropriate.

Amendment of terms, conditions and limitations

(3) The Registrar may at any time amend the terms, conditions and limitations imposed on a provisional certificate of qualification.

Subject to regulations

(4) The Registrar's authority under subsections (2) and (3) to impose or amend terms, conditions and limitations on a provisional certificate of qualification is subject to the regulations, if any.

Suspension, revocation, other actions

- 19** (1) The Registrar may suspend or revoke an individual's provisional certificate of qualification if, in the Registrar's opinion,
- (a) the individual did not successfully complete an apprenticeship program;
 - (b) the individual made a false or misleading statement, representation or declaration in connection with the completion of their apprenticeship program; or
 - (c) any other circumstance specified in the regulations exists.

Proposed refusal, terms, suspension, etc.

- (2) If the Registrar proposes to,
- (a) impose or amend terms, conditions or limitations on a provisional certificate of qualification;
 - (b) suspend or revoke a provisional certificate of qualification;
 - (c) refuse to issue or extend a provisional certificate of qualification; or
 - (d) take any other action relating to the provisional certificate of qualification that is set out in the regulations,
- the Registrar shall notify the applicant or individual who holds the certificate in writing of the proposed action.

Same

- (3) The notice shall provide the reasons for the proposed action and shall state that the applicant or the individual who holds the certificate is entitled to a hearing before the prescribed person or body if, within 15 days after service of the notice, the applicant or individual serves a written request for a hearing on the prescribed person or body.

No hearing

- (4) If the applicant or the individual who holds the certificate does not request a hearing in accordance with subsection (3), the Registrar may carry out the proposed action.

Hearing

- (5) Where the applicant or the individual who holds the certificate serves a written request for a hearing under subsection (3), the prescribed person or body shall hold a hearing.

Same

- (6) The hearing shall be conducted in accordance with the regulations, if any.

INSPECTIONS AND INVESTIGATIONS

Inspections and investigations

- 20** (1) The Deputy Minister may appoint inspectors for the purposes of,
- (a) determining compliance with section 6, 7 or 8 or any other provision of this Act or the regulations;
 - (b) determining whether apprentices are receiving training in accordance with a registered training agreement and with any requirements of an apprenticeship program;
 - (c) determining whether a person who has been approved to provide in-class training for an apprenticeship program is providing training in accordance with the requirements of the program; and
 - (d) determining compliance with a compliance order.

Director

- (2) The Deputy Minister may designate one or more inspectors as a Director or Directors.

Certificate of appointment

- (3) The Deputy Minister shall issue a certificate of appointment, bearing his or her signature or a facsimile thereof, to every inspector.

Production of certificate

- (4) Every inspector, in the exercise of any powers or performance of any duties under this Act, shall produce his or her certificate of appointment upon request.

Powers on inspection or investigation

- (5) An inspector conducting an inspection or investigation may,
- (a) examine a document, record or other thing that is relevant to the inspection or investigation;

- (b) demand the production for inspection of a document, record or other thing that is relevant to the inspection or investigation;
- (c) on issuing a written receipt, remove for review and copying a document, record or other thing that is relevant to the inspection or investigation;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business on the premises;
- (e) take photographs, video recordings or other visual or audio recordings that are relevant to the inspection or investigation; and
- (f) question a person on matters relevant to the inspection or investigation.

Limitation re photographs and recordings

(6) A photograph or recording made under clause (5) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Powers and duties

(7) An inspector shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed.

Same, compliance and enforcement framework

(8) An inspector shall exercise their powers and perform their duties in accordance with the compliance and enforcement framework referred to in section 24, if any.

Written demand

- (9) A demand that a document, record or other thing be produced for inspection must be in writing and must state,
- (a) the nature of the document, record or other thing required; and
 - (b) when the document, record or other thing is to be produced.

Obligation to produce and assist

(10) If an inspector demands that a document, record or other thing be produced for inspection, the person having custody of the document, record or other thing shall produce it for the inspector within the time provided for in the demand, and shall, upon the inspector's demand,

- (a) provide whatever assistance is reasonably necessary to produce a document, record or other thing in a readable form, including using a data storage, processing or retrieval device or system; and
- (b) provide whatever assistance is reasonably necessary to interpret a document, record or other thing for the inspector.

Entry on premises

(11) An inspector may, at any reasonable time and without a warrant, enter and inspect any premises for the purposes referred to in subsection (1).

Dwellings

(12) Subsection (11) does not authorize entry of a dwelling without the consent of the occupier.

Entries and searches by warrant: inspections and investigations

21 (1) On the application, made without notice, of an inspector, a justice of the peace may issue a warrant authorizing the inspector to enter and search a place and examine anything that is relevant to the purposes referred to in subsection 20 (1), if the justice of the peace is satisfied that the inspector has been properly appointed and that there are reasonable and probable grounds for believing that something relevant to the inspection or investigation is at the place.

Searches by day unless stated

(2) A warrant issued under subsection (1) does not authorize an entry or search after sunset or before sunrise unless it is expressly stated in the warrant.

Assistance and entry by force

(3) An inspector entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by a peace officer and may enter a place by force.

Inspector to show identification

(4) An inspector entering and searching a place under the authority of a warrant issued under subsection (1) shall produce their identification, on request, to any person at the place.

Return of things

22 A document, record or other thing that has been removed for review and copying,

- (a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and
- (b) shall be returned to the person within a reasonable time.

Admissibility of certain documents

23 A copy of a document, record or other thing certified by an inspector to be a true copy shall be admissible in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document, record or thing itself.

COMPLIANCE

Compliance and enforcement framework

24 (1) The Minister may make regulations setting out a compliance and enforcement framework.

(2) A compliance and enforcement framework referred to in subsection (1) shall address factors to be considered when determining compliance, the measures to be taken respecting non-compliance and when such measures may be taken.

Compliance and Enforcement Committee

25 The Minister may establish a Compliance and Enforcement Committee to provide advice to the Minister on compliance and enforcement issues under this Act.

Compliance orders

26 (1) If an inspector believes on reasonable grounds that a person is not in compliance with a provision of this Act or the regulations, with a registered training agreement or with a compliance order that was previously made, the inspector, subject to the compliance and enforcement framework, if any, may make an order,

- (a) ordering the person to comply with the provision, registered training agreement or compliance order;
- (b) ordering the person to do or refrain from doing anything specified in the order in order to become compliant;
- (c) specifying dates by which the person is required to do or refrain from doing the things specified; and
- (d) ordering the person to do anything else prescribed.

Requirements

(2) Without limiting the generality of subsection (1), a compliance order may include a requirement that the person submit a plan to the Ministry specifying the steps the person shall take to come into compliance and to maintain compliance.

Content of order

(3) A compliance order shall include any prescribed information.

Service

(4) The compliance order shall be served on the person whom the inspector believes is not in compliance with this Act or the regulations.

Amendment or revocation of order

(5) If the inspector makes a compliance order under subsection (1), he or she may amend or revoke it.

Subject to regulations

(6) The inspector's authority under subsection (5) to amend or revoke a compliance order is subject to the regulations, if any.

Notice

(7) Upon amending or revoking a compliance order under subsection (5), the inspector shall give written notice of the amendment or revocation to the person to whom the order is directed.

ADMINISTRATIVE PENALTIES

Notice of contravention

27 (1) If an inspector believes that a person has contravened section 6, 7 or 8 or has failed to comply with a compliance order, the inspector, subject to the compliance and enforcement framework, if any, may issue a notice of contravention to the person, setting out their belief and requiring the person to pay the prescribed administrative penalty for the contravention in question.

Purpose of administrative penalty

(2) The following are the purposes for which a person may be required to pay an administrative penalty under this section:

1. To encourage compliance with sections 6, 7 and 8 and with compliance orders.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of section 6, 7 or 8 or of a compliance order.

Factors

(3) Prior to issuing a notice of contravention, other than a notice in respect of a failure to comply with a compliance order, the inspector appointed under section 20 shall consider,

- (a) the scope of practice of every trade that may be relevant; and
- (b) the compliance and enforcement framework referred to in section 24, if any.

Amount of administrative penalty

(4) The amount of an administrative penalty prescribed for a contravention shall reflect the purposes referred to in subsection (2).

One-year limitation

(5) A notice of contravention shall not be issued under this section more than one year after the contravention first came to the knowledge of the inspector.

Content of notice of contravention

(6) The notice of contravention shall,

- (a) contain or be accompanied by information setting out,
 - (i) the nature of the contravention, and
 - (ii) the date on which and the location where the contravention occurred;
- (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and
- (c) inform the person of their right to request a review of the notice by the Ontario Labour Relations Board and of the timelines to do so set out in section 28.

If no review requested

(7) If a person who has received a notice of contravention does not apply for a review under subsection 28 (1), the person shall pay the penalty to the Minister of Finance within 30 days after the day the notice of contravention was served.

Review

28 (1) A person who receives a notice of contravention under section 27 may apply to the Ontario Labour Relations Board for a review of the notice of contravention in a form approved by the Ontario Labour Relations Board,

- (a) within 15 days after receipt of the notice of contravention; or
- (b) if the Ontario Labour Relations Board considers it appropriate in the circumstances to extend the time for applying, within the period specified by the Ontario Labour Relations Board.

If review requested

(2) If a person who has received a notice of contravention applies for a review under subsection (1), the Ontario Labour Relations Board shall conduct the review in accordance with any rules that may be made by the Chair of the Ontario Labour Relations Board under clause (3) (a) or subsection (4).

Ontario Labour Relations Board rules

(3) The Chair of the Ontario Labour Relations Board may make rules,

- (a) governing the practices and procedures and the exercise of its powers applicable to a review of a notice of contravention; and
- (b) requiring the use of forms approved by the Ontario Labour Relations Board.

Same

(4) Without limiting the generality of clause (3) (a), the Chair may make rules to expedite any proceeding under this section, and such rules may,

- (a) provide that the Ontario Labour Relations Board is not required to hold a hearing;
- (b) limit the extent to which the Ontario Labour Relations Board is required to give full opportunity to the parties to present their evidence and to make submissions; and

- (c) authorize the Ontario Labour Relations Board to make or cause to be made such examination of records and such other inquiries as it considers necessary in the circumstances.

Conflict with the *Statutory Powers Procedure Act*

- (5) Rules made under subsection (3) or (4) apply despite anything in the *Statutory Powers Procedure Act*.

Part III of *Legislation Act, 2006*

- (6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to rules made under subsection (3) or (4).

Parties to review

- (7) The parties to a review of a notice of contravention are,
 - (a) the Director;
 - (b) the person who received the notice of contravention; and
 - (c) such other persons as the Ontario Labour Relations Board may specify.

Powers of Ontario Labour Relations Board

- (8) For the purposes of a review of a notice of contravention, the Ontario Labour Relations Board has power,
 - (a) to require any party to furnish particulars before or during a consultation or hearing;
 - (b) to require any party to produce documents or things that may be relevant to the review and to do so before or during a consultation or a hearing;
 - (c) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce the documents and things that the Ontario Labour Relations Board considers requisite to the review in the same manner as a court of record in civil cases;
 - (d) to administer oaths and affirmations;
 - (e) to accept such oral or written evidence as it in its discretion considers proper, whether admissible in a court of law or not;
 - (f) to make interim orders concerning procedural matters on such terms as it considers appropriate; and
 - (g) to determine the form in which and the time as of which any party to the review must file or present any thing, document or information and to refuse to accept any thing, document or information that is not filed or presented in that form or by that time.

Mistakes in names of parties

- (9) Where, in a review of a notice of contravention, the Ontario Labour Relations Board is satisfied that a mistake has been made in good faith with the result that the proper person has not been named as a party or has been incorrectly named, the Ontario Labour Relations Board may order the proper person to be substituted or added as a party to the review or to be correctly named on such terms as appear to the Ontario Labour Relations Board to be just.

Factors

- (10) In conducting a review, other than a review of a notice of contravention in respect of a failure to comply with a compliance order, the Ontario Labour Relations Board shall consider,
 - (a) the scope of practice of every trade that may be relevant;
 - (b) the compliance and enforcement framework referred to in section 24, if any; and
 - (c) any other factors it considers relevant, having regard to the public interest.

Ontario Labour Relations Board's decision

- 29** (1) Upon a review of a notice of contravention, the Ontario Labour Relations Board may, as appropriate under this Act,
 - (a) resolve the notice of contravention in the manner consented to by the parties;
 - (b) rescind the notice of contravention;
 - (c) affirm the notice of contravention; or
 - (d) amend the notice of contravention by reducing the amount of the penalty if it is excessive in the circumstances.

Decision final

- (2) A decision by the Ontario Labour Relations Board under this section is final and binding on the parties to the review.

Judicial review

(3) Nothing in subsection (2) prevents a court from reviewing a decision of the Ontario Labour Relations Board under this section, but a decision of the Ontario Labour Relations Board concerning the interpretation of this Act shall not be overturned unless the decision is unreasonable.

Payment after review

(4) If the Ontario Labour Relations Board affirms a notice of contravention or amends the notice by reducing the amount of the penalty, the person shall pay the penalty determined by the Ontario Labour Relations Board within 30 days after the day of the Ontario Labour Relations Board's decision.

Payment to Minister of Finance

(5) A person who is required to pay a penalty under this section shall pay the penalty to the Minister of Finance.

Testimony in civil proceedings, etc.

(6) Except with the consent of the Ontario Labour Relations Board, no member of the Ontario Labour Relations Board, its registrar, its other officers or clerks or servants can be compelled to testify in a civil proceeding, in a proceeding before the Ontario Labour Relations Board or in a proceeding before any other tribunal respecting information obtained in the course of their duties under this Act.

Settlement through labour relations officer

30 The Ontario Labour Relations Board may authorize a labour relations officer to attempt to effect a settlement of the matters raised in an application for review of a notice of contravention.

Enforcement of administrative penalty

31 (1) If a person who is required to pay an administrative penalty fails to pay it within the time required under subsection 27 (7) or 29 (4), the notice of contravention or the Ontario Labour Relations Board's decision, as the case may be, may be filed with a local registrar of the Superior Court of Justice and may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of a notice of contravention or decision filed with the Superior Court of Justice under subsection (1) of this section and, for the purpose, the date on which the notice of contravention or decision is filed under subsection (1) shall be deemed to be the date of the order that is referred to in section 129 of the *Courts of Justice Act*.

Crown debt

32 An administrative penalty imposed under subsection 27 (1) or 29 (1) that is not paid within the time required under subsection 27 (7) or 29 (4) is a debt due to the Crown and enforceable as such.

Minister may authorize collector

33 (1) The Minister may authorize any person to act as a collector for the purposes of this section and sections 34 and 35 and to exercise the powers that the Minister specifies in the authorization to collect administrative penalties owing under this Act.

Costs of collection

(2) Despite clause 22 (a) of the *Collection and Debt Settlement Services Act*, the Minister may also authorize a collector to collect a reasonable fee or reasonable disbursements or both from each person from whom the collector seeks to collect administrative penalties owing under this Act.

Same

(3) The Minister may impose conditions on an authorization under subsection (2) and may determine what constitutes a reasonable fee or reasonable disbursements for the purposes of that subsection.

Exception re disbursements

(4) The Minister shall not authorize a collector who is required to be registered under the *Collection and Debt Settlement Services Act* to collect disbursements.

Fees and disbursements

34 (1) If a collector is seeking to collect an administrative penalty owing under a notice of contravention, any fees and disbursements authorized under subsection 33 (2) shall be deemed to be owing under and shall be deemed to be added to the amount of the penalty set out in the notice of contravention.

Distribution of money collected

(2) A collector shall pay the amount collected under this section with respect to the penalty to the Minister of Finance and may retain the amount collected with respect to the collector's fees and disbursements.

Settlement by collector

35 (1) A collector may agree to a settlement with the person from whom he or she seeks to collect money, but only with the written agreement of the Minister.

Payment

(2) The person who owes money under a settlement shall pay the amount agreed upon to the collector, who shall pay it out in accordance with subsection 34 (2).

Publication

36 The Minister may publish particulars of a notice of contravention issued under subsection 27 (1) or amended under subsection 29 (1) in accordance with the regulations.

OFFENCES

Offences**Offence, false representation**

37 (1) Every person who makes a representation, knowing it to be false, for the purpose of having a certificate issued under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Offence, assist in false representation

(2) Every person who knowingly assists a person in committing an offence under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Offence, submitting false information

(3) Every person who knowingly submits false information as part of an application to register a training agreement or in any information provided in relation to a training agreement is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Offence, examinations

(4) A person is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 if a certifying examination is required to obtain a certificate of qualification in a trade and,

- (a) the person assists another person taking the examination by knowingly conveying or disclosing to that person, directly or indirectly, any information respecting the contents of the examination; or
- (b) the person is an applicant for a certificate of qualification who knowingly acquires or attempts to acquire any information respecting the contents of the examination.

SKILLED TRADES ONTARIO

Skilled Trades Ontario

38 (1) The Ontario College of Trades is continued as a corporation without share capital under the name Skilled Trades Ontario in English and Métiers spécialisés Ontario in French.

Crown agency

(2) The Corporation is an agent of the Crown in right of Ontario.

Composition

(3) The Corporation is composed of the members of its board of directors.

Application of certain Acts

(4) The *Corporations Act* and the *Corporations Information Act* do not apply to the Corporation except as prescribed in the regulations.

Powers

39 (1) Except as limited by this Act, the Corporation has the capacity, rights and powers of a natural person for the purposes of carrying out its objects.

Subsidiaries

(2) The Corporation shall not create or acquire a subsidiary.

Fees

(3) The Corporation may, subject to the review and approval of the Minister, establish and collect fees for applications made under this Act, for examinations required under this Act, or for any other power of the Corporation that is exercised or any duty or function that is performed in connection with this Act or the regulations.

Objects

40 The Corporation has the following objects:

1. To establish apprenticeship programs and other training programs for trades, including training standards, curriculum standards and certifying examinations.
2. To conduct research and evaluate whether a trade should be prescribed as a trade for the purposes of this Act and to make recommendations on these matters to the Minister.
3. To issue certificates for the purposes of this Act.
4. To assess whether the experience and qualifications obtained by applicants for a certificate of qualification who do not complete an apprenticeship are equivalent to those received through completing an apprenticeship.
5. To maintain a public register of every apprentice in a compulsory trade and every holder of a certificate of qualification in a compulsory trade or provisional certificate of qualification in a compulsory trade.
6. To promote trades and apprenticeship.
7. To conduct research in relation to trades and apprenticeship.
8. To work with other governments in Canada with respect to the Interprovincial Standards Red Seal Program for apprenticeship and with respect to standards, qualifications and other requirements required for trades.
9. Such other objects as may be prescribed.

Board of directors

41 (1) The board of directors of the Corporation shall consist of not more than 11 members appointed by the Lieutenant Governor in Council, on the recommendation of the Minister.

Remuneration

(2) The members of the board shall receive remuneration and reimbursement for reasonable expenses as determined by the Lieutenant Governor in Council.

Term of office

(3) The term of office of the members of the board shall be at the pleasure of the Lieutenant Governor in Council.

Chair

(4) The Lieutenant Governor in Council shall designate one of the members as the chair.

Vice-chair

(5) The board, in accordance with the by-laws, shall elect the vice-chair.

Acting chair

(6) If the chair is absent or unable to act, or if the office of the chair is vacant, the vice-chair shall act as the chair.

Same

(7) If the chair and vice-chair are absent, the members present shall appoint an acting chair from among themselves.

Quorum

(8) A majority of the members constitutes a quorum of the board.

Vacancies in board

(9) If one or more vacancies occur in the membership of the board, the members remaining on the board constitute the board.

Duty to meet

(10) The board shall meet at least six times each year.

Voting rights

(11) Each director, including the chair of the board, has one vote.

Powers and duties of the board

42 (1) Subject to directives issued under clause 44 (1) (b), the board of directors of the Corporation shall manage and administer the activities and affairs of the Corporation.

Committees

(2) The board may by by-law establish committees of the board and, subject to subsection (3), may delegate powers and assign duties to those committees.

Limitation on delegation

(3) The following powers cannot be delegated to a committee of the board:

1. The power to make, amend or repeal by-laws of the Corporation.
2. The power to approve the Corporation's budget.
3. The power to approve the Corporation's business plan, annual reports and financial statements.
4. The power to establish committees of the board and fill vacancies on those committees.
5. Any other prescribed power.

Employees

(4) The Corporation may employ such individuals as it determines are necessary for the proper conduct of its affairs.

Same

(5) The Corporation may establish job categories, salary ranges and conditions of employment for its officers and employees, subject to the approval of the Minister.

By-laws

43 (1) The board of directors may make by-laws and pass resolutions regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Officers

(2) Without limiting the generality of subsection (1), the board of directors may make by-laws or pass resolutions to appoint officers and assign to them such powers and duties as the board considers appropriate.

Notice to Minister

(3) The Corporation shall deliver a copy of every by-law to the Minister.

Effect of approval

(4) A by-law that is approved by the Minister becomes effective on the date the Minister approves the by-law or on such later date as the by-law may provide.

Effect of rejection

(5) A by-law that is rejected by the Minister does not become effective.

Effect of return for further consideration

(6) A by-law that is returned to the Corporation for further consideration does not become effective until the Corporation amends the by-law as directed by the Minister, returns it to the Minister and the Minister approves it.

Expiry of review period

(7) If the Minister does not approve, reject or return the by-law for further consideration within 60 days after it is delivered to the Minister, the by-law becomes effective on the 75th day after it is delivered or on such later date as the by-law may provide.

Financial by-laws

(8) The following apply with respect to a by-law relating to borrowing, investing or managing financial risks:

1. Subsections (4) to (7) do not apply.
2. The by-law does not take effect unless it is approved by the Minister and the Minister of Finance.
3. The by-law becomes effective upon being approved under paragraph 2 or on such later date as the by-law provides.

Publication

(9) The Corporation shall publish each by-law on its website as soon as practicable after the by-law becomes effective.

Part III of *Legislation Act, 2006*

(10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to by-laws or resolutions made by the Corporation.

Minister's powers and duties re board

44 (1) The Minister may,

- (a) review the activities of the Corporation and require it to provide reports and information; and
- (b) issue directives in writing to the board of directors in respect of the operations of the Corporation.

Board to comply

(2) If the Minister issues a directive under clause (1) (b), the board shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report to the Minister respecting the compliance.

Part III of *Legislation Act, 2006*

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to directives issued by the Minister under clause (1) (b).

Chief executive officer

45 (1) The Lieutenant Governor in Council, on the recommendation of the Minister, shall appoint a chief executive officer of the Corporation who shall be an employee of the Corporation.

Remuneration and benefits

(2) The Corporation shall pay remuneration and benefits to the chief executive officer as is determined by the Lieutenant Governor in Council.

Responsibilities

(3) The chief executive officer is responsible for the operations of the Corporation, subject to the supervision and direction of the board of directors, and for such other functions as may be assigned by the board.

Industry advisory committees

(4) The chief executive officer may establish industry advisory committees to advise the chief executive officer on any matter relating to the objects of the Corporation.

Same

(5) The chief executive officer may establish terms of reference for the industry advisory committees.

Board meetings

(6) The chief executive officer is entitled to attend and participate at any board meeting but cannot vote.

Exception

(7) Despite subsection (6), the board may exclude the chief executive officer from attending any meeting if a matter to be discussed at the meeting involves the position, performance or functions and duties of the chief executive officer.

Registrar

46 (1) The chief executive officer of the Corporation is the Registrar of the Corporation.

Duties and functions

(2) The Registrar may exercise the powers and shall perform the duties and functions conferred or imposed on the Registrar by or under this Act.

Registrar's functions

(3) The functions of the Registrar for the purposes of this Act are,

- (a) to issue, renew and amend certificates of qualification and issue and extend provisional certificates of qualification;
- (b) to establish apprenticeship programs for trades;
- (c) to exercise such other powers and perform such other duties and functions as are provided for in this Act or the regulations.

Register

47 Subject to any regulation respecting the removal of information from the register, the Registrar shall establish and maintain a public register which shall contain,

- (a) the name of each apprentice working in a compulsory trade pursuant to a registered training agreement that is not suspended, and the name of the trade in which the apprentice is receiving or is to receive training as part of an apprenticeship program;
- (b) the name of each individual who holds a certificate of qualification in a compulsory trade and each compulsory trade for which the individual holds a certificate of qualification;
- (c) the name of each individual who holds a provisional certificate of qualification in a compulsory trade and each compulsory trade for which the individual holds a provisional certificate of qualification;
- (d) any terms, conditions and limitations imposed on an individual's certificate of qualification or provisional certificate of qualification;
- (e) a notation of every suspension or revocation of a certificate of qualification or provisional certificate of qualification;

- (f) any Red Seal endorsements for the trade issued by the Interprovincial Standards Red Seal Program, if applicable; and
- (g) any other information that is prescribed as information to be kept in the register.

Reports

Annual report

48 (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

Same

- (2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report;
 - (b) when to provide it to the Minister; and
 - (c) when and how to make it available to the public.

Same

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

Tabling of annual report

(4) The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

Other reports

(5) The Corporation shall promptly give the Minister such other reports and information as the Minister may require.

Revenue and assets

49 (1) Despite Part I of the *Financial Administration Act*, the revenue and assets of the Corporation do not form part of the Consolidated Revenue Fund.

Exceptions

(2) Despite subsection (1), and subject to the regulations made under this Act, the Corporation shall pay into the Consolidated Revenue Fund all money received by the Corporation from administrative penalties.

Use of revenues

(3) The Corporation shall apply its revenues to carry out the objects of, and the powers conferred and duties imposed on, the Corporation under this Act.

Approval

(4) The Corporation shall not acquire, hold or dispose of any interest in real property, except for renting office space, without the approval of the Lieutenant Governor in Council.

Expenses, expenditures and borrowing

50 (1) The Corporation may borrow money with the approval, in writing, of the Minister and the Minister of Finance.

Same

(2) An approval under subsection (1) may be subject to such conditions as any minister granting the approval considers advisable.

Co-ordination of certain financial activities

(3) The Ontario Financing Authority shall co-ordinate and arrange all borrowing, investing of funds and managing of financial risks of the Corporation.

Same

(4) The Minister of Finance may, in writing, direct a person other than the Ontario Financing Authority to perform the functions referred to in subsection (3).

Direction of Minister of Finance

(5) A direction of the Minister of Finance under subsection (4) may be general or specific and may include terms and conditions that the Minister of Finance considers advisable.

Non-application of *Legislation Act, 2006, Part III*

(6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction issued under subsection (5).

Payment of judgments against Corporation

51 The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgment against the Corporation that remains unpaid after the Corporation has made reasonable efforts, including liquidating assets, to pay the amount of the judgment.

Budget and other financial statements

52 (1) On or before March 31 in each year, or another date specified by the Minister, the Corporation shall submit its budget for the following fiscal year, or for any other period of time specified by the Minister, to the Minister for his or her approval.

Form and content of budget

(2) The budget shall be in the form required by the Minister.

Annual financial statements

(3) The Corporation shall prepare audited financial statements annually for the previous fiscal year.

Fiscal year

(4) The fiscal year of the Corporation begins on April 1 in a year and ends on March 31 in the following year.

Audit

53 (1) The Corporation's board of directors shall select one or more licensed public accountants to audit the accounts and transactions of the Corporation for the previous fiscal year.

Auditor General

(2) The Auditor General may also audit the accounts and transactions of the Corporation for any fiscal year.

Minister-appointed auditor

(3) The Minister may at any time appoint a licensed public accountant, other than the person selected under subsection (1), to audit the accounts and transactions of the Corporation for any period of time specified by the Minister.

Same

(4) If the Auditor General conducts an audit under subsection (2) or the Minister appoints an auditor under subsection (3), the Corporation shall give the Auditor General or auditor and employees of the Auditor General or auditor access to all records and other information required to conduct the audit.

Provincial funding of Corporation

54 (1) The Lieutenant Governor in Council may raise by way of loan in the manner provided by the *Financial Administration Act* such sums as the Lieutenant Governor in Council considers necessary for the purposes of this Act.

Province may make loans

(2) The Lieutenant Governor in Council may by order authorize the Minister of Finance to make loans to the Corporation, including loans of the sums raised under subsection (1), on the terms and conditions that the Minister of Finance may determine.

Payment from Consolidated Revenue Fund

(3) The Minister of Finance shall pay from the Consolidated Revenue Fund any amount required for the purpose of subsection (2).

Limits

(4) The total of the amounts of loans made under subsection (2) shall not exceed the amount that may be specified by the Lieutenant Governor in Council as the maximum principal amount that may be advanced, purchased or outstanding at any time and shall be subject to any other terms and conditions that may be specified by the Lieutenant Governor in Council.

MISCELLANEOUS

No personal liability, Crown officials

55 (1) No cause of action arises against any of the following individuals as a result of any act done in good faith in the exercise or performance or intended exercise or performance of their duties or powers under this Act, the regulations or directives made under this Act or any alleged neglect or default in the performance in good faith of such duties or powers:

1. A member of the Executive Council, including the Minister.
2. The Deputy Minister.
3. An employee, officer or agent of the Crown.

Crown liability for Crown officials

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability to which it would otherwise be subject.

Loss of status as Crown official

(3) A person mentioned in subsection (1) who accepts employment in or assignment to the Corporation, including appointment as a director of the Corporation, is deemed not to be an employee, officer or agent of the Crown for the purposes of this Act during the period of the employment or assignment, as the case may be, in respect of any act or omission relating to the employment or assignment.

No Crown liability, individuals other than Crown officials

56 No cause of action arises against the Crown, or any person mentioned in subsection 55 (1), as a direct or indirect result of any act or omission of a person who is not a person mentioned in subsection 55 (1) if the act or omission is related, directly or indirectly, to the exercise or performance or intended exercise or performance of a duty or power under this Act, the regulations or directives made under this Act.

No personal liability, Corporation officials

57 (1) No cause of action arises against any of the following individuals as a result of any act done in good faith in the exercise or performance or intended exercise or performance of their duties or powers under this Act, the regulations or directives made under this Act or the Corporation's by-laws or any alleged neglect or default in the performance in good faith of such duties or powers:

1. The chief executive officer of the Corporation.
2. The chair or vice-chair of the board of directors of the Corporation.
3. A director or an officer of the Corporation.
4. A person whom the Corporation employs or whose services the Corporation retains in accordance with this Act.
5. An agent of the Corporation.

Liability of corporation for corporation officials

(2) Subsection (1) does not relieve the Corporation of liability to which it would otherwise be subject in respect of the acts or omissions of a person mentioned in subsection (1).

Proceedings barred

58 (1) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be instituted against,

- (a) any person mentioned in subsection 55 (1) in respect of a matter referred to in that subsection;
- (b) any person, including the Crown, mentioned in section 56 in respect of a matter referred to in that section; or
- (c) any person mentioned in subsection 57 (1) in respect of a matter referred to in that subsection.

Application

(2) Without limiting the generality of subsection (1), that subsection applies to any proceeding, including a court, administrative or arbitral proceeding, claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including loss of revenue and loss of profit, or any other remedy or relief, and includes a proceeding to enforce a judgment, order or award made by a court, tribunal or arbitrator outside of Canada.

Same

(3) Subsection 57 (1) and subsection (2) of this section do not relieve the Corporation of any liability to which it would otherwise be subject in respect of the acts or omissions of a person mentioned in subsection 57 (1).

Same

(4) This section does not apply to prevent an application for judicial review.

Interpretation, former officials

59 Except for the purposes of subsection 55 (3), a reference in sections 55, 56, 57 and 58 to an officer, employee, agent or other official includes reference to a former officer, employee, agent or other official in relation to the exercise of powers and the performance of duties and functions in his or her capacity as an officer, employee, agent or other official.

Conflict with *Statutory Powers Procedure Act*

60 If there is a conflict between this Act or the regulations and the *Statutory Powers Procedure Act*, the provisions of this Act or the regulations prevail.

Service of notice or document

61 (1) A notice or document to be given or served under this Act is sufficiently given or served if it is,

- (a) delivered personally;
- (b) sent by mail;
- (c) sent or delivered by another method, if the sender can prove receipt; or
- (d) sent by any other prescribed manner.

Deemed service

(2) If a notice, order or request is served by mail, the service is deemed to be made on the fifth day after the day of mailing unless the person on whom the document is served establishes that he, she or it did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive it until a later date.

Personal information

Collection of information by Minister

62 (1) The Minister may collect personal information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes:

1. Administering this Act and the regulations.
2. Ensuring compliance with this Act and the regulations.
3. Planning or delivering programs or services in relation to trades and apprenticeship that the Ministry provides or funds, in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring and preventing fraud or any unauthorized receipt of services or benefits related to any of them.
4. Risk management, error management or activities to improve or maintain the quality of the programs or services in relation to trades and apprenticeship that the Ministry provides or funds, in whole or in part.
5. Any other prescribed matters related to apprenticeship or trades, whether or not the trades are prescribed as trades for the purposes of this Act.

Collection of information by Corporation

(2) The Corporation may collect personal information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes:

1. Administering this Act, the regulations and the Corporation's by-laws.
2. Planning or delivering programs or services in relation to trades and apprenticeship, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring and preventing fraud or any unauthorized receipt of services or benefits related to any of them.
3. Risk management, error management or activities to improve or maintain the quality of the programs or services in relation to trades and apprenticeship that the Corporation provides.
4. Any other prescribed matters related to apprenticeship or trades, whether or not the trades are prescribed as trades for the purposes of this Act.

Disclosure

(3) The Minister may require any of the following to disclose to the Minister such personal information as is reasonably necessary for the purposes described in subsection (1):

1. Persons approved by the Minister to provide in-class training for apprenticeship programs.
2. Sponsors.
3. Employers of apprentices and individuals who hold a certificate issued under this Act.
4. The Corporation.
5. Other prescribed persons.

Same

(4) The Minister may specify the time at which, and the form in which, the information must be provided.

Limits on collection, use and disclosure

63 (1) The Minister and the Corporation shall not collect, use or disclose personal information under section 62 if other information will serve the purpose of the collection, use or disclosure.

Same

(2) The Minister and the Corporation shall not collect, use or disclose more personal information than is reasonably necessary to meet the purpose of the collection, use or disclosure.

Notice required by s. 39 (2) of FIPPA

(3) If the Minister or the Corporation collects personal information indirectly under subsection (1), without limiting the ability to give notice in other ways, the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* may be given by a public notice posted on the Ministry's website.

Same

(4) A notice given in the manner described in subsection (3) is deemed to comply with subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*.

Disclosure, Minister

(5) The Minister may disclose personal information that is collected under the authority of or for the purposes of the Act.

Disclosure, Corporation

(6) With the approval of the chief executive officer, the Corporation may disclose personal information that is collected under the authority of or for the purposes of the Act.

Reports and information

64 The Minister may require the following persons to provide reports and information and may specify the time at which, and the form in which, the reports and information must be provided:

1. Persons approved by the Minister to provide in-class training for apprenticeship programs.
2. The Corporation.
3. Other prescribed persons.

Regulations, Minister

65 (1) The Minister may make regulations governing anything the Minister considers necessary or advisable for the effective administration and implementation of this Act, including regulations,

- (a) prescribing a trade as a trade for the purposes of this Act;
- (b) classifying a trade as a compulsory trade for the purposes of this Act;
- (c) prescribing the criteria and the process to be used to determine whether or not a trade should be classified or continue to be classified as a compulsory trade;
- (d) prescribing the scope of practice for a trade;
- (e) prescribing what constitutes engaging in the practice of a trade or a compulsory trade;
- (f) prescribing trades for which a certifying examination is required;
- (g) governing what constitutes proof of certification for the purposes of subsection 9 (1) or proof of apprenticeship for the purposes of subsection 9 (2);
- (h) designating persons by name, job title or otherwise who are authorized to request proof of a certificate of qualification, provisional certificate of qualification or proof of apprenticeship;
- (i) governing certificates of qualification and provisional certificates of qualification, including,
 - (i) applications for certificates, the issuance, renewal and extension of certificates, and criteria for obtaining a certificate or a renewal or extension of a certificate,
 - (ii) the term for which a certificate may be issued, renewed or extended, including providing for different terms depending on the trade,
 - (iii) the imposition of terms, conditions and limitations on certificates,
 - (iv) the suspension and revocation of certificates, including the circumstances in which certificates may be suspended or revoked,
 - (v) other actions that may be taken in relation to certificates of qualification and provisional certificates of qualification;
- (j) prescribing other certificates that may be issued by the Registrar;
- (k) governing apprenticeship programs, including with respect to on-the-job training standards, in-class curriculum standards, examinations and other requirements;

- (l) governing certificates of apprenticeship, including the revocation of certificates of apprenticeship and the circumstances in which they may be revoked;
- (m) governing registered training agreements and the registration of training agreements, including prescribing academic standards, sponsor criteria and any other criteria that must be satisfied in order to register a training agreement, and the suspension and revocation of a registered training agreement, including the circumstances in which an agreement may be suspended or revoked and the process for suspension or revocation;
- (n) deeming an individual from another province or territory of Canada to be an apprentice under a registered training agreement under which he or she is to receive training in a trade required as part of an apprenticeship program, subject to such conditions and restrictions as may be specified in the regulations;
- (o) governing apprentice to journeyperson ratios, including,
 - (i) prescribing a trade as being subject to an apprentice to journeyperson ratio,
 - (ii) prescribing that a different apprentice to journeyperson ratio applies for a trade than the ratio set out in section 8,
 - (iii) governing when individuals shall be deemed to be apprentices or journeypersons for the purposes of the apprentice to journeyperson ratio applicable to a trade,
 - (iv) governing the determination of compliance with an apprentice to journeyperson ratio set out in section 8 or in a regulation,
 - (v) establishing and governing processes by which the Minister may grant a person an exemption from an apprentice to journeyperson ratio or specify a different ratio for that person;
- (p) setting out a compliance and enforcement framework;
- (q) governing the public register;
- (r) prescribing alternative methods for serving a notice or document;
- (s) providing that a different time period or deadline shall apply instead of a time period or deadline specified in this Act;
- (t) exempting any person from any provision of this Act or the regulations;
- (u) prescribing or otherwise providing for anything required or permitted under this Act to be prescribed or otherwise provided for in the regulations, other than anything referred to in section 66, including governing anything required or permitted to be done in accordance with the regulations.

Regulations, transitional

- (2) The Minister may make regulations providing for any transitional matters relating to the implementation of this Act and the repeal of the *Ontario College of Trades and Apprenticeship Act, 2009* or relating to amendments to this Act, including,
- (a) deeming certificates of qualification, statements of membership and statements of completion of an apprenticeship program under the *Ontario College of Trades and Apprenticeship Act, 2009* to be certificates under this Act and providing for any related processes;
 - (b) providing that terms, conditions and limitations on a certificate or statement issued under the *Ontario College of Trades and Apprenticeship Act, 2009* continue to apply or apply with modifications to a certificate or statement deemed to be a certificate issued under this Act;
 - (c) deeming registered training agreements under the *Ontario College of Trades and Apprenticeship Act, 2009* to be registered training agreements under this Act and providing for any related processes;
 - (d) providing for any transitional matter that may arise in connection with a trade no longer being prescribed as a trade for the purpose of this Act or no longer being classified as a compulsory trade;
 - (e) governing proceedings under Part V of the *Ontario College of Trades and Apprenticeship Act, 2009* or relating to administrative penalties under Part VIII.1 of that Act that are outstanding on the day subsection 38 (1) of this Act comes into force.

Conflict

- (3) In the event of a conflict between a regulation made under subsection (2) and this Act or the *Ontario College of Trades and Apprenticeship Act, 2009*, the regulation prevails.

Regulations, Lieutenant Governor in Council

66 The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional powers, duties or functions of the Minister for the purposes of clause 2 (k);

- (b) governing hearings under sections 12, 15 and 19, including prescribing the person or body who shall conduct hearings, the process for conducting hearings and the period within which a hearing must be requested;
- (c) governing inspections and investigations under this Act, including prescribing additional powers and duties of inspectors;
- (d) governing compliance orders, including governing their content and when they may be amended or revoked;
- (e) governing administrative penalties and all matters necessary and incidental to the administration of a system of administrative penalties under this Act;
- (f) prescribing additional objects of the Corporation;
- (g) respecting the application of the *Corporations Act* and the *Corporations Information Act* to the Corporation;
- (h) prescribing powers of the board of the Corporation that cannot be delegated to a committee of the board;
- (i) prescribing additional powers, duties or functions of the Registrar for the purposes of clause 46 (3) (c);
- (j) prescribing matters for the purposes of paragraph 5 of subsection 62 (1) and paragraph 4 of subsection 62 (2);
- (k) prescribing persons who may be required by the Minister to disclose information to the Minister under subsection 62 (3);
- (l) governing reports and information that may be required under section 64, including prescribing persons to whom section 64 applies;
- (m) defining, for the purposes of this Act and the regulations, any word or expression used in this Act that has not already been expressly defined in this Act;
- (n) delegating to the Minister the power to make regulations with respect to any matter that may be the subject of a regulation under this subsection.

AMENDMENTS TO THIS ACT, REPEAL, COMMENCEMENT AND SHORT TITLE

Amendments to this Act

67 (1) Clauses 2 (e), (f) and (g) of this Act are repealed.

(2) Sections 15 and 16 of this Act are repealed and the following substituted:

Registered training agreements

15 (1) The Registrar shall register a training agreement under which an individual is to receive training in a trade required as part of an apprenticeship program if,

- (a) the individual to receive the training is at least 16 years old and has successfully completed the prescribed academic standard, if any, for the trade;
- (b) the sponsor to the agreement meets the prescribed criteria, if any;
- (c) the individual submits a completed application for registration and pays any required fee for the application; and
- (d) any other prescribed criteria are satisfied.

Revocation on request

(2) The Registrar may revoke the registration of a registered training agreement on the written request of a party to the agreement.

Suspension or revocation

(3) The Registrar may suspend or revoke the registration of a registered training agreement if, in the Registrar's opinion,

- (a) a party to the agreement,
 - (i) has failed to comply with the registered training agreement,
 - (ii) made a false or misleading statement, representation or declaration in or in connection with their application for the registration of the agreement, or
 - (iii) is deceased or no longer exists; or
- (b) any other circumstance specified in the regulations exists.

Notice

(4) If the Registrar proposes to suspend or revoke the registration of an agreement under subclause (3) (a) (i) or (ii), the Registrar shall notify the parties to the agreement in writing of the proposed action.

Same

(5) The notice shall provide the reasons for the proposed action and shall state that the parties are entitled to a hearing before the prescribed person or body if, within 15 days after service of the notice, a party serves a written request for a hearing on the prescribed person or body.

No hearing

(6) If the parties do not request a hearing in accordance with subsection (5), the Registrar may carry out the proposed action.

Hearing

(7) Where a party to the agreement serves a written request for a hearing in accordance with subsection (5), the prescribed person or body shall hold a hearing.

Same

(8) The hearing shall be conducted in accordance with the regulations, if any.

Certificate of apprenticeship

16 (1) The Registrar shall issue a certificate of apprenticeship, in a form determined by the Registrar, to an individual who successfully completes an apprenticeship program.

Revocation of certificate

(2) The Registrar may revoke a certificate of apprenticeship if, in the Registrar's opinion,

- (a) the individual did not successfully complete an apprenticeship program;
- (b) the individual made a false or misleading statement, representation or declaration in or in connection with the completion of their apprenticeship program; or
- (c) any other circumstance specified in the regulations exists.

(3) Subsection 17 (1) of this Act is amended by striking out "if the Minister" and substituting "if the Registrar"

(4) Subsection 38 (4) of this Act is amended by striking out "*Corporations Act*" and substituting "*Not-for-Profit Corporations Act, 2010*".

(5) Section 40 of this Act is amended by adding the following paragraphs:

- 1.1 To register training agreements.
- 1.2 To administer examinations, including certifying examinations.

(6) Subsection 46 (3) of this Act is amended by adding the following clauses:

- (b.1) to register training agreements;
- (b.2) to administer examinations, including certifying examinations;
- (b.3) to provide those who successfully complete an apprenticeship program with a certificate of apprenticeship;

Infrastructure for Jobs and Prosperity Act, 2015

68 (1) Subsection 9 (1) of the *Infrastructure for Jobs and Prosperity Act, 2015* is repealed and the following substituted:

Requirements re apprentices**Definitions**

9 (1) In this section,

"apprentice" means an apprentice as defined in section 1 of the *Building Opportunities in the Skilled Trades Act, 2021*; ("apprenti")

"registered training agreement" means a registered training agreement as defined in section 1 of the *Building Opportunities in the Skilled Trades Act, 2021*; ("contrat d'apprentissage enregistré")

"trade" means a trade as defined in section 1 of the *Building Opportunities in the Skilled Trades Act, 2021*. ("métier")

(2) Subsection 9 (7) of the Act is repealed and the following substituted:

Obligations regarding ratios

(7) For greater certainty, information included in a commitment or plan provided for the purposes of this section must conform to any applicable requirements respecting apprentice to journeyman ratios set out under the *Building Opportunities in the Skilled Trades Act, 2021*.

Ontario College of Trades and Apprenticeship Act, 2009

69 (1) Clauses 87.0.3 (1) (e) and (f) of the *Ontario College of Trades and Apprenticeship Act, 2009* are repealed.

(2) Subsection 87.0.3 (2) of the Act is repealed.

Modernizing the Skilled Trades and Apprenticeship Act, 2019

70 The *Modernizing the Skilled Trades and Apprenticeship Act, 2019* is repealed.

Protecting What Matters Most Act (Budget Measures), 2019

71 Section 63 of Schedule 40 to the *Protecting What Matters Most Act (Budget Measures), 2019* is repealed.

Commencement

72 (1) Subject to subsections (2) and (3), this Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Subsection 67 (4) comes into force on the later of the day subsection 38 (4) of this Act comes into force and the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

(3) Sections 69 and 71 come into force on the day this Act receives Royal Assent.

Short title

73 The short title of this Act is the *Building Opportunities in the Skilled Trades Act, 2021*.