



**Proposed Amendments to the**  
***Apprenticeship, Trade and Occupations Certification Act***

**A Consultation Paper**

## Introduction

The *Apprenticeship, Trade and Occupations Certification Act* provides the legal framework for the apprenticeship and occupations certification programs operated by the Department of Education, Culture and Employment (the “Department”). The legislation sets out the duties and powers of the Minister, the Supervisor and the Apprenticeship, Trade and Occupations Certification Board (the “Board”) in the administration of the *Act*. It also addresses apprenticeship contracts, and provides for the detailed administration of the apprenticeship and occupations certification programs by regulations enacted under the *Act*.

The Department is proposing amendments to the *Act* to:

- (a) clarify and update the duties and powers of the Minister, Supervisor and the Board,
- (b) to update provisions of the *Act* dealing with appointments to the Board, and
- (c) to provide greater regulation-making authority with respect to occupational certification.

The Department will also be reviewing and revising the regulations under the *Act* to reflect the proposed amendments to the *Act*.

This consultation paper is part of the Department’s review and consultation process to identify possible changes to the *Apprenticeship, Trade and Occupations Certification Act* to strengthen the apprenticeship and occupations certification programs offered by the Government of the Northwest Territories. For more background on the Department’s review and consultation process, please refer to the publication entitled *Apprenticeship and Occupational Certification: Program Review and Action Plan* at <http://www.ece.gov.nt.ca/Divisions/Apprenticeship/index.htm>.

## Scope

The purpose of this review is to identify your concerns and preferences with respect to the amendments proposed to the *Apprenticeship, Trade and Occupations Certification Act*. Although there is no intention to propose legislative amendments outside those set out in this paper, the Department will consider all comments and suggestions.

## **Roles and Responsibilities under the Act**

### The Minister and the Board

Under the *Act*, the Minister has a duty to issue certificates of qualification in a trade to persons who meet the prescribed requirements, and to issue certificates of completion to persons who successfully complete the Northwest Territories apprenticeship program. The Board has a duty to issue certificates of competence in a designated occupation to a person who qualifies for certification in a designated occupation.

The Department has determined that there is no valid policy rationale for having the Minister issue certificates in the apprenticeship program, but not the occupational certification program. This divided duty to issue certificates may also contribute to confusion respecting the respective roles of the Minister and the Board under the *Act*.

The Department is proposing that the *Act* be amended to provide that the Minister has a duty to issue certificates of qualification, certificates of completion and certificates of competence.

#### **QUESTION:**

What concerns, if any, do you have respecting the proposed transfer of responsibility for the issuance of certificates of competence from the Board to the Minister?

### The Supervisor

The Supervisor is responsible under the *Act* for the general administration of the apprenticeship and occupational certification programs. None of the changes proposed will significantly alter the role of the Supervisor from that office's current role. The Department is proposing the following changes to the office of the Supervisor:

- (a) the title "Supervisor" will be changed to "Director" to more clearly identify this role's function as being the statutory authority vested with responsibility for the administration of the apprenticeship, trades and occupations certification program;
- (b) a provision will be added to allow the Director to delegate any of his or her duties and powers under the *Act* to more clearly identify the Director's accountability for decisions made by Departmental staff under the apprenticeship, trades and occupational certification program;
- (c) a number of minor changes to the provision setting out the duties of the Director will be made to better express the Director's role in the administration of the *Act* and the apprenticeship, trade and occupations certification program; and
- (d) other minor amendments.

**QUESTION:**

What concerns, if any, do you have respect the proposed changes to the *Act* respecting the role of the Supervisor?

**Appointment of Board Members**

The *Act* currently provides that the Minister is to appoint seven Board members comprised of at least two employer representatives and an equal number of employee representatives. This has been determined to be problematic because it does not seem to allow for the required seven members to be appointed. For example, the wording of the appointment provision suggests that if the Minister appoints three employer representatives than he is compelled to appoint three employee representatives for a total of six rather than seven members comprised of a chair and six regular members.

The Department is proposing to amend the appointment provisions to clarify the original intention of this provision that there be seven members on the Board, comprised of a chairperson and six regular members.

The Department is also proposing an amendment to the term of appointment for Board members. This change would result in members being appointed for a period not exceeding three years, instead of the existing requirement that members be appointed for two years. The Department anticipates that this change will allow the Minister to stagger appointments on the Board to ensure continuity of membership over time, and to allow for longer terms of appointment where appropriate.

**QUESTIONS:**

1. What concerns, if any, do you have respecting the proposal to amend the *Act* to provide that the Board is to be comprised of seven members, including a chairperson and an equal number of employer and employee representatives?
2. What concerns, if any, do you have respecting the proposal to amend the *Act* to provide for terms of appointment of Board members for a period not exceeding three years?

**Occupations Certification**

The Program Review identified that many stakeholders expressed a need to better integrate the occupations certification program into the legislative framework under the *Act* to address a perceived imbalance between the apprenticeship and occupations certification programs. The Department is proposing amendments to the *Act* that will allow greater regulation making authority with respect to occupations certification. This amendment will permit regulations, similar to those in existence for the apprenticeship program, that better outline the process and requirements for occupations certification.

**QUESTIONS:**

1. What concerns, if any, do you have respecting the proposal to amend the *Act* to allow greater regulation making authority with respect to occupations certification?
2. What aspects of occupations certification should be regulated more comprehensively than is the case presently?

**Other Minor Amendments**

The Department is also proposing a number of amendments to update the *Act* and better reflect how the apprenticeship, trade and occupations certification program is administered by the Department. These amendments include, but may not be limited to:

- (a) Replacing the provisions respecting local apprenticeship advisory committees with a broader provision that allows for the appointment of advisory committees that can provide advice to the Director on both apprenticeship and occupations certification matters;
- (b) Repealing the provision that requires parties to a proposed apprenticeship contract to provide information required by the Supervisor, and replacing it with a regulation-making authority that will allow regulations to be made requiring parties within either the apprenticeship program or the occupations certification program to provide specified information when required by the Director; and
- (c) Replacing references to “Yukon Territory” with references to “territory” to reflect the establishment of Nunavut.

**QUESTIONS:**

1. Do you have any concerns respecting the above-mentioned amendments to the *Act*?
2. Do you have any suggestions respecting other amendments that should be made to the *Act* to promote the apprenticeship and occupations certification programs?

The Department of Education, Culture and Employment welcomes your comments and suggestions on the proposed amendments to the *Apprenticeship, Trade and Occupations Certification Act*. Please send your comments and suggestions by February 1, 2009 to:

Senior Advisor, Program Development  
College and Career Development  
Department of Education, Culture and Employment  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Fax: (867) 873-0200