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Apprenticeship and Certification Act, 1998

S.O. 1998, CHAPTER 22

Notice of Currency:* This document is up to date.

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No Amendments.

General

Purposes

1. The purposes of this Act are,

- (a) to support and regulate the acquisition of skills for trades and other occupations through workplace-based apprenticeship programs that lead to formal certification;
- (b) to promote quality training for trades and other occupations; and
- (c) by the means set out in clauses (a) and (b), to expand opportunities for Ontario workers, increase the competitiveness of Ontario businesses and ensure public and worker protection. 1998, c. 22, s. 1.

Definitions

2. In this Act,

“apprentice” means an individual who has entered into a registered training agreement under which the individual is to receive workplace-based training in a trade, other occupation or skill set as part of an apprenticeship program approved by the Director; (“apprenti”)

“certificate” means a certificate of qualification or other certificate issued under subsection 9 (1); (“certificat”)

“certificate of qualification” means a certificate of qualification for a trade or other occupation issued under clause 9 (1) (a) and does not include a certificate for a skill set issued under clause 9 (1) (b); (“certificat de qualification professionnelle”)

“Director” means the Director of Apprenticeship; (“directeur”)

“letter of permission” means a letter of permission issued under section 10; (“permission intérimaire”)

“Minister” means the Minister of Education and Training; (“ministre”)

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

“registered training agreement” means an agreement registered under this Act under which an individual is to receive workplace-based training in a trade, other occupation or skill set as part of an apprenticeship program approved by the Director; (“contrat d’apprentissage enregistré”)

“regulations” means the regulations made under this Act; (“règlements”)

“restricted skill set” means a skill set that is designated as a restricted skill set by the regulations; (“ensemble restreint de compétences”)

“skill set” means one or more skills; (“ensemble de compétences”)

“sponsor” means a person that has entered into a registered training agreement under which the person is required to ensure that an individual is provided with workplace-based training in a trade, other occupation or skill set as part of an apprenticeship program approved by the Director. (“parrain”) 1998, c. 22, s. 2.

Application

3. This Act does not apply to a trade to which the *Trades Qualification and Apprenticeship Act* applies. 1998, c. 22, s. 3.

Director of Apprenticeship

4. (1) A Director of Apprenticeship shall be appointed under the *Public Service Act*. 1998, c. 22, s. 4 (1).

Functions

(2) The functions of the Director are:

1. To approve apprenticeship programs for trades, other occupations and skill sets, including curricula, training standards, examinations and the persons and institutions that will provide training.
2. To approve other forms of training for trades, other occupations and skill sets.
3. To issue guidelines for the purposes of this Act.
4. To work with other governments in Canada to promote the interprovincial standards program for apprenticeship and the qualifications required for trades, other occupations and skill sets.
5. To advise the Minister with respect to apprenticeship programs and the qualifications required for trades, other occupations and skill sets.
6. To exercise and perform such other powers and duties as are provided for in this Act or prescribed by the regulations. 1998, c. 22, s. 4 (2).

Consideration of recommendations

(3) If a committee established under section 5 makes recommendations to the Minister relating to an apprenticeship program, the Director shall consider the recommendations before approving the apprenticeship program under paragraph 1 of subsection (2). 1998, c. 22, s. 4 (3).

Collection of personal information

(4) The Director may collect personal information in accordance with the *Freedom of Information and Protection of Privacy Act* for the purposes of this Act. 1998, c. 22, s. 4 (4).

Delegation

(5) The Director may in writing authorize any person or class of persons employed in the public service of Ontario to exercise any power or perform any duty of the Director, subject to any conditions or restrictions set out in the authorization. 1998, c. 22, s. 4 (5).

Industry committees

5. (1) The Minister may establish a committee for any trade, other occupation or group of trades or other occupations to perform the following functions:

1. To advise the Minister with respect to apprenticeship programs and the qualifications required for trades, other occupations and skill sets.
2. To develop and revise apprenticeship programs and to recommend them to the Minister, including curricula, training standards, examinations and the persons and institutions that will provide training.
3. To promote high standards in the delivery of apprenticeship programs.
4. To promote apprenticeship as a method of acquiring skills for trades and other occupations.
5. To consider recommendations from employers in the trade, other occupation or group of trades or other occupations and from apprentices and other persons who work in the trade, other occupation or group of trades or other occupations.
6. To perform such other functions as may be assigned by the Minister or the Director. 1998, c. 22, s. 5 (1).

Composition

(2) The Minister shall appoint at least six people to each committee, made up of equal numbers of representatives of,

- (a) employers in the trade, other occupation or group of trades or other occupations; and
- (b) employees in the trade, other occupation or group of trades or other occupations. 1998, c. 22, s. 5 (2).

Same

(3) The Director is also a member of each committee. 1998, c. 22, s. 5 (3).

Training Agreements

Registration of training agreements

6. (1) On application and on payment of the required fee, the Director may register an agreement under which an individual is to receive workplace-based training in a trade, other occupation or skill set as part of an apprenticeship program approved by the Director. 1998, c. 22, s. 6 (1).

Minimum age

(2) An agreement shall not be registered unless the individual who is to receive the training is at least 16 years of age. 1998, c. 22, s. 6 (2).

Academic qualifications

(3) An agreement shall not be registered unless the individual who is to receive the training,

- (a) has successfully completed the academic standard prescribed by the regulations for the trade, other occupation or skill set; or
- (b) if no academic standard has been prescribed by the regulations for the trade, other occupation or skill set, has successfully completed Grade 12 in Ontario or has successfully completed an academic standard that the Director considers equivalent to Ontario Grade 12. 1998, c. 22, s. 6 (3).

Suspension or revocation

7. (1) The Director may suspend or revoke the registration of a registered training agreement if,

- (a) the apprentice requests;
- (b) the sponsor requests;
- (c) the agreement is not being complied with;
- (d) a party to the agreement submitted false information to the Director as part of the application for registration of the agreement; or
- (e) a party to the agreement is dead or no longer exists. 1998, c. 22, s. 7 (1).

Notice

(2) The Director shall not suspend or revoke the registration of an agreement under clause (1) (b), (c) or (d) unless the Director has given the parties to the agreement written notice of his or her intention to do so and has held any hearing that may be required under subsection (3). 1998, c. 22, s. 7 (2).

Hearing

(3) A party to the agreement may, within 30 days after receiving a notice under subsection (2), require the Director to hold a hearing to determine whether the registration of the agreement should be suspended or revoked. 1998, c. 22, s. 7 (3).

Completion of Apprenticeship Program

Completion of apprenticeship program

8. The Director shall provide every person who successfully completes an apprenticeship program approved by the Director with a statement confirming the successful completion of the program. 1998, c. 22, s. 8.

Certificates and Letters of Permission

Certificates

9. (1) On application and on payment of the required fee, the Director may issue,

- (a) a certificate of qualification for a trade or other occupation; or
- (b) a certificate, other than a certificate of qualification, for a skill set. 1998, c. 22, s. 9 (1).

Qualifications

(2) A certificate may be issued under subsection (1) only to a person who,

- (a) has successfully completed an apprenticeship program approved by the Director for the trade, other occupation or skill set; and
- (b) achieves a grade satisfactory to the Director on an examination approved

by the Director. 1998, c. 22, s. 9 (2).

Same

(3) Clause (2) (b) does not apply to a trade, other occupation or skill set if the Director is of the opinion that no examination is necessary for that trade, other occupation or skill set. 1998, c. 22, s. 9 (3).

Equivalent qualifications

(4) Despite subsection (2), the Director may issue a certificate if the person,

(a) has qualifications that the Director considers equivalent to the qualifications required by clause (2) (a); and

(b) achieves a grade satisfactory to the Director on an examination approved by the Director. 1998, c. 22, s. 9 (4).

Same

(5) Clause (4) (b) does not apply to a trade, other occupation or skill set if the Director is of the opinion that no examination is necessary for that trade, other occupation or skill set. 1998, c. 22, s. 9 (5).

Letters of permission

10. (1) On application and on payment of the required fee, the Director may issue a letter of permission for a trade or other occupation or for a skill set. 1998, c. 22, s. 10 (1).

Period of validity

(2) A letter of permission is valid for a period of three months or for such shorter period as may be specified by the Director in the letter. 1998, c. 22, s. 10 (2).

No renewal

(3) A letter of permission is not capable of renewal, but the Director may issue a new letter of permission. 1998, c. 22, s. 10 (3).

Suspension, revocation, refusal to renew

11. (1) The Director may suspend, revoke or refuse to renew a certificate, and may suspend or revoke a letter of permission, if,

- (a) the holder of the certificate or letter submitted false information to the Director as part of an application made under this Act;
- (b) the holder of the certificate or letter has been convicted of an offence under this Act;
- (c) the holder of the certificate or letter has not maintained acceptable standards of competence in the trade, other occupation or skill set to which the certificate or letter relates; or
- (d) the holder of the certificate or letter does not have qualifications that would be required for the issuance of a new certificate for the trade, other occupation or skill set. 1998, c. 22, s. 11 (1).

Other grounds for refusal to renew

(2) The Director may also refuse to renew a certificate if the refusal is authorized or required by the regulations. 1998, c. 22, s. 11 (2).

Notice

(3) The Director shall not suspend, revoke or refuse to renew a certificate, or suspend or revoke a letter of permission, unless the Director has given the holder of the certificate or letter written notice of his or her intention to do so and has held any hearing that may be required under subsection (4). 1998, c. 22, s. 11 (3).

Hearing

(4) The holder of the certificate or letter of permission may, within 30 days after receiving a notice under subsection (3), require the Director to hold a hearing to determine whether the certificate should be suspended or revoked, whether renewal of the certificate should be refused or whether the letter of permission should be suspended or revoked. 1998, c. 22, s. 11 (4).

Non-payment of fees

(5) The Director may refuse to renew a certificate on the grounds that the appropriate fee for renewal of the certificate has not been paid, and subsections (3) and (4) do not apply to the refusal. 1998, c. 22, s. 11 (5).

Restricted Skill Sets

Restricted skill sets

12. (1) An individual shall not perform a skill that is part of a restricted skill set unless,

- (a) the individual holds a certificate for the restricted skill set or for a trade or other occupation that includes the restricted skill set;
- (b) the individual is an apprentice under a registered training agreement under which the individual is to receive workplace-based training in the restricted skill set as part of an apprenticeship program approved by the Director; or
- (c) the individual holds a letter of permission for the restricted skill set or for a trade or other occupation that includes the restricted skill set. 1998, c. 22, s. 12 (1).

Overlapping skill sets

(2) An individual who is authorized to perform a skill that is part of a restricted skill set may perform that skill even if the skill is also part of another restricted skill set or of a trade or other occupation that includes the restricted skill set. 1998, c. 22, s. 12 (2).

Employment

13. A person shall not employ or otherwise engage an individual to perform a skill that is part of a restricted skill set unless the individual is authorized to perform that skill. 1998, c. 22, s. 13.

Miscellaneous

Strikes and lock-outs

14. An apprentice's failure to perform work required by a registered training agreement does not constitute non-compliance with the agreement if the failure to perform work is a result of a lock-out or lawful strike. 1998, c. 22, s. 14.

Notice

15. A notice under this Act that is sent by mail shall be deemed to have been received on the fifth day after it was mailed, unless the person to whom it was sent establishes that, acting in good faith, the person did not receive the notice or did not receive it until a later day. 1998, c. 22, s. 15.

Inspections

16. (1) The Director may enter any premises, and may examine any documents or other things on the premises, for the purpose of determining,

- (a) whether apprentices are receiving training in accordance with registered training agreements;
- (b) whether a person or institution that has been approved to provide training as part of an apprenticeship program is providing training in accordance with the program; or
- (c) whether subsection 12 (1) or section 13 is being complied with. 1998, c. 22, s. 16 (1).

Dwellings

(2) Subsection (1) does not authorize entry of a dwelling without the consent of the occupier. 1998, c. 22, s. 16 (2).

Time for entry

(3) The power to enter premises under subsection (1) may be exercised at any reasonable time. 1998, c. 22, s. 16 (3).

Copies

(4) A person who enters premises under subsection (1) may, on giving a receipt, remove documents or other things for the purpose of making copies, but the documents or other things shall be promptly returned. 1998, c. 22, s. 16 (4).

Identification

(5) A person who enters premises under subsection (1) shall, on request, produce identification that provides evidence of his or her authority. 1998, c. 22, s. 16 (5).

Offences

17. Every person who,

- (a) contravenes subsection 12 (1) or section 13;
- (b) submits false information to the Director as part of an application made under this Act; or
- (c) uses for the purpose of obtaining employment or business a false certificate or letter of permission or a certificate or letter of permission issued to another person,

is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.
1998, c. 22, s. 17.

Fees

18. The Minister may establish and charge fees for applications made under this Act, for examinations required under this Act, or for any other function performed in connection with this Act or the regulations. 1998, c. 22, s. 18.

Regulations: L.G. in C.

19. (1) The Lieutenant Governor in Council may make regulations,

- (a) designating a skill set as a restricted skill set for the purposes of this Act;
- (b) defining a trade or other occupation to include a restricted skill set for the purposes of section 12;

- (c) exempting a person or class of persons from any provision of this Act, subject to such conditions or restrictions as may be prescribed in the regulations;
- (d) authorizing an industry organization or other person specified by the regulations to exercise powers and perform duties of the Director, subject to such conditions and restrictions as may be specified in the regulations, including conditions and restrictions relating to freedom of information and protection of privacy. 1998, c. 22, s. 19 (1).

Regulations: Minister

(2) The Minister may make regulations,

- (a) prescribing powers and duties of the Director;
- (b) governing committees established under section 5, including giving committees additional powers and duties;
- (c) governing apprenticeship programs;
- (d) prescribing academic standards that must be successfully completed before an agreement may be registered under section 6;
- (e) governing the issuance, expiry, renewal, suspension or revocation of certificates and governing the issuance, expiry, suspension or revocation of letters of permission;
- (f) deeming a person who holds a document issued in another province or territory of Canada to hold a certificate issued under section 9 of this Act, subject to such conditions and restrictions as may be specified in the regulations;
- (g) deeming a person from another province or territory of Canada to be an apprentice under a registered training agreement under which he or she is to receive workplace-based training in a skill set as part of an apprenticeship program approved by the Director, subject to such conditions and restrictions as may be specified in the regulations;
- (h) providing for any transitional matter relating to this Act. 1998, c. 22, s. 19 (2).

Academic standards

(3) The Minister shall not make a regulation prescribing an academic standard under clause (2) (d),

(a) for a trade or other occupation, unless the standard has been recommended by a committee established under section 5 for the trade or other occupation or for a group of trades or other occupations that includes the trade or other occupation; or

(b) for a skill set, unless the standard has been recommended by a committee established under section 5 for a trade, other occupation or group of trades or other occupations that includes the skill set. 1998, c. 22, s. 19 (3).

General or particular

(4) A regulation made under this section may be general or particular in its application. 1998, c. 22, s. 19 (4).

20. Omitted (amends or repeals other Acts). 1998, c. 22, s. 20.

21. Omitted (provides for coming into force of provisions of this Act). 1998, c. 22, s. 21.

22. Omitted (enacts short title of this Act). 1998, c. 22, s. 22.

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