1960

c 17 Apprenticeship Act

Ontario
CHAPTER 17

The Apprenticeship Act

1. In this Act, (a) "apprentice" means, 
   (i) in any of the designated trades specified in or 
       added to Schedule A, a minor at least sixteen 
       years of age who enters into a contract of 
       service whereby he is to receive from or 
       through his employer in whole or in part 
       training and instruction in such designated 
       trade, and 
   (ii) in any of the designated trades specified in or 
       added to Schedule B, a person at least sixteen 
       years of age who enters into a contract of 
       service whereby he is to receive from or 
       through his employer in whole or in part 
       training and instruction in such designated 
       trade;

(b) "Board" means The Industry and Labour Board 
    established under The Department of Labour Act; 
    R.S.O. 1960, c. 97

(c) "designated trade" means a trade specified in or 
    added to Schedule A or B or any branch of any such 
    trade;

(d) "Director" means the Director of Apprenticeship;

(e) "employer" means a person, firm or corporation, 
    or municipal, provincial or other public authority 
    employing mechanics, helpers, labourers, apprentices 
    or other employees in connection with any of the 
    designated trades or work incidental to these trades;

(f) "Minister" means the Minister of Labour;

(g) "probationary period" means the time during which 
    a person eligible to be an apprentice in a designated 
    trade is by section 7 permitted to be employed in
the trade other than under a contract of apprenticeship;

\( \text{\textit{\textit{h}}} \) "regulations" means the regulations made under this Act;

\( \text{\textit{\textit{i}}} \) "trade" includes any industry, trade, craft or business and any branch of any industry, trade, craft or business;

\( \text{\textit{\textit{j}}} \) "trade school" means a school, business, institution or establishment that trains or professes to train persons for designated trades, other than a school or college that is subject to the jurisdiction of the Department of Education. R.S.O. 1950, c. 19, s. 1.

2. This Act applies in respect of every designated trade. R.S.O. 1950, c. 19, s. 2.

3.-(1) Upon receiving a petition signed by at least twenty-five employers or employees in a trade or by not less than 20 per cent of such employers or employees, where the total number in the Province does not exceed 125, asking to have such trade added to Schedule A or B as the petition sets forth, the Board shall require the Director to inquire into the matter of the petition and he shall make such investigation as is deemed necessary to determine whether or not such trade shall be added to Schedule A or B.

(2) The Lieutenant Governor in Council may from time to time add to Schedule A or B such other trades as may be deemed expedient. R.S.O. 1950, c. 19, s. 3, amended.

4.—(1) The Lieutenant Governor in Council may appoint a Director of Apprenticeship for the purpose of carrying out this Act and may also appoint such other officers, directors or clerks as may be deemed expedient.

(2) The Board shall submit an annual report to the Minister. R.S.O. 1950, c. 19, s. 4.

5. Subject to the regulations, it is the duty of the Director,

\( \text{\textit{\textit{a}}} \) to keep a register of every contract entered into by an apprentice;

\( \text{\textit{\textit{b}}} \) to make such examination and inquiry as is necessary to ascertain whether this Act is being complied with by both employer and apprentice;
(c) to rouse and promote interest in the adoption of apprenticeship in industries;

(d) to assist in establishing a permanent system of training of apprentices in any industry;

(e) to provide such information as is required by the Board;

(f) to collaborate with educational authorities in the training of apprentices; and

(g) generally to perform such other duties and exercise such powers as are prescribed by the Minister to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 19, s. 5.

6. No person shall enter into a contract of apprenticeship in a designated trade except in accordance with this Act. R.S.O. 1950, c. 19, s. 6.

7. No person who is eligible to be an apprentice in a designated trade and has not completed the period of apprenticeship prescribed for him shall be employed in such trade for a period or periods totalling more than three months except under a contract of apprenticeship, but the Director may in writing authorize the further employment of any such person for a period not exceeding one month by an employer by whom he has not been previously employed. R.S.O. 1950, c. 19, s. 7.

8.—(1) Every contract of apprenticeship shall be approved by the Board and shall be registered with the Board. R.S.O. 1950, c. 19, s. 8.

(2) A contract of apprenticeship shall not be entered into for a period of less than two years. R.S.O. 1950, c. 19, s. 8.

9. Where a person has been employed under a contract of apprenticeship in a designated trade prior to the date on which the trade was added to Schedule A or B, such contract shall be registered within three months after such date at the office of the Director, but such contract shall in other respects be regarded as if this Act had not been passed. R.S.O. 1950, c. 19, s. 9.

10. Where a person is employed as an apprentice in a designated trade, but not under a contract, this Act in relation to any unexpired period of such apprenticeship applies as from the expiry of three months after the date on which the
trade was added to Schedule A or B, and the period during which any such person was employed as an apprentice may, with the approval of the Board, be allowed as part of the time required to complete the full period of apprenticeship. R.S.O. 1950, c. 19, s. 10.

11. Every contract of apprenticeship shall be signed,

(a) by the person to be apprenticed; and

(b) if the person to be apprenticed is a minor,

(i) by the father of the minor, or

(ii) if the father is dead or legally incapable of giving consent or has abandoned his family, by the mother of the minor, or

(iii) if both the father and mother of the minor are dead or legally incapable of giving consent or have abandoned their family, by the guardian of the minor, or

(iv) if there is no parent capable of signing and no guardian, by the judge of the county or district court of the county or district in which the employer carries on business; and

(c) by the employer. R.S.O. 1950, c. 19, s. 11, amended.

12. The registration of a contract of apprenticeship shall not be regarded as a guarantee that all the provisions of the contract are valid or that any provision thereof is not in conflict with this Act. R.S.O. 1950, c. 19, s. 12.

13. Subject to the approval of the Board, a contract of apprenticeship may be terminated by mutual agreement of all parties thereto, or it may be cancelled by the Director if good and sufficient reason is adduced by the employer or apprentice or his guardian, and the fact of termination or cancellation shall be endorsed by the Director upon the copy of the contract registered in his office. R.S.O. 1950, c. 19, s. 13.

14. Where the terms of a contract of apprenticeship cannot be fulfilled, the Director may arrange for the transfer of the apprentice to another employer, but such transfer shall not be regarded as completely effected until it has been approved by the Board and registered. R.S.O. 1950, c. 19, s. 14.
Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

(a) defining any designated trade;

(b) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended, the course of training to be provided by the employer, and the period of time in each year to be completed by an apprentice in learning his trade;

(c) prescribing the form of contract of apprenticeship, assignment of contract, notice of transfer, and such other forms as may be required;

(d) providing for the registration of contracts of apprenticeship, assignments of contracts, and notices of transfer of contracts;

(e) prescribing the hours of labour and rates of wages for apprentices;

(f) providing for the issue of certificates of apprenticeship to every apprentice who serves the prescribed term of apprenticeship and completes the school training to the satisfaction of the Board, and for the issue of duplicate certificates of apprenticeship;

(g) providing for examinations for certificates of qualification, for the issue, annually or otherwise, of certificates of qualification, for their cancellation, suspension and renewal, and for the issue of duplicate certificates;

(h) requiring all persons engaged in any designated trade, other than registered apprentices and persons employed during a probationary period, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement;

(i) providing for the issue without examination of certificates of qualification, upon payment of the prescribed fee, to holders of certificates of apprenticeship;

(j) prescribing the terms and conditions upon which certificates of qualification may be issued to persons engaged in a designated trade;
(k) providing for the registration of employers and self-employed persons engaged in a designated trade;

(l) prescribing the form of certificates of qualification, applications for certificates of qualification and renewals thereof, registration of employers and self-employed persons engaged in a designated trade, and such other forms as may be required;

(m) prescribing and requiring the payment of a fee for,

(i) examination for certificates of qualification,

(ii) the issue of certificates of qualification and renewals thereof,

(iii) duplicate certificates of qualification,

(iv) duplicate certificates of apprenticeship,

(v) registration of employers and self-employed persons, and

(vi) licences for trade-schools;

(n) prescribing the purposes for which the moneys collected in registration fees may be used;

(o) requiring the holder of a certificate of qualification to keep it posted conspicuously in the shop where he is engaged in a designated trade, or, where not possible, to carry it upon his person;

(p) prescribing the terms and conditions upon which a licence may be issued to a trade-school and generally prescribing the method of training to be followed in the schools and the manner in which the schools are to be operated, and for the cancellation, suspension and renewal of such licences;

(q) fixing the rate of assessment of employers and employees in each designated trade and governing the manner of making the assessment;

(r) prescribing the constitution, powers and duties of provincial advisory committees and local apprenticeship committees and the qualifications of the members thereof and providing for the calling of meetings of such committees and the procedure to be followed at such meetings and providing for the books, records
and forms to be used and the returns to be made by such committees;

(s) prescribing the classes of persons in any designated trade to whom this Act and the regulations shall apply;

(t) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The Board has authority to hold such conferences and make such inquiries as are deemed necessary to determine the opinions and wishes of employers and employees in the designated trades regarding suggested changes in and amendments to the Act and regulations that may arise from time to time.

(3) A regulation made under clause (k) of subsection 1 does not apply to a person who within two years of the coming into force of the regulation satisfies the provincial advisory committee that at the date of the coming into force of such regulation he had been engaged in the trade for a period equal to the apprenticeship period. R.S.O. 1950, c. 19, s. 15.

16.—(1) The Board shall appoint a provincial advisory committee for each designated trade or group of trades.

(2) Every provincial advisory committee shall consist of not fewer than five members who shall be appointed annually.

(3) On every provincial advisory committee there shall be an equal number of employers and employees and an official or employee of the Department of Labour.

(4) The Lieutenant Governor in Council may direct payment, out of such sums as are appropriated therefor by the Legislature, of the travelling expenses of the members of a provincial advisory committee and a per diem allowance for the time spent by each of the members thereof in attending meetings of the committee, and of any expenses properly incurred by such committee in carrying on its duties.

(5) Subject to the approval of the Minister, the Board may appoint examiners to assist in the conduct of examinations prescribed for any designated trade, and such examiners, upon the direction of the Lieutenant Governor in Council, may be paid their travelling expenses and a per diem allowance for their services out of such sums as are appropriated therefor by the Legislature. R.S.O. 1950, c. 19, s. 16.
17.—(1) Subject to the approval of the Board and of the Lieutenant Governor in Council, each provincial advisory committee may make regulations with respect to the particular trade relating to all matters regarding which the Board may make regulations, so long as such regulations are not inconsistent with any regulations made by the Board.

(2) Without limiting the generality of subsection 1 and subject to the approval of the Lieutenant Governor in Council, each provincial advisory committee has exclusive power to make regulations with respect to the particular trade relating to,

(a) the qualifications respecting the age of apprentices;

(b) the apprenticeship period; and

(c) the number of apprentices who may be apprenticed to each employer.

(3) Subject to the approval of the Board, each provincial advisory committee may appoint local apprenticeship committees for defined areas of the Province, and it is the duty of such local apprenticeship committees to advise and assist the advisory committee on all matters relating to apprenticeship in the particular trade within the defined area. R.S.O. 1950, c. 19, s. 17.

18.—(1) No amendment shall be made to any regulations affecting any of the matters set out in subsection 2 of section 17, unless a written notice has been given to representative organizations of employers and of employees engaged in the trade affected by such amendment, or, where no organization of employers or of employees exists, to at least ten representative employers or employees, as the case may be, engaged in such trade and located in various parts of the Province, and every such notice shall state a time and place at which representatives of the employers and employees engaged in such trade may meet the provincial advisory committee for the purpose of discussing and considering such amendment.

(2) Subject to subsection 1, no amendment shall be made to any of the regulations, whether made by the Board or by a provincial advisory committee, unless a written notice has been given to representative organizations of employers and of employees engaged in the trades affected by such amendment, or, where no organization of employers or of employees exists, to at least ten representative employers or employees, as the case may be, engaged in each of such trades and located
in various parts of the Province, and every such notice shall state a time and place at which representatives of employers and employees engaged in such trades may meet the Board and the advisory committee of the trades affected for the purpose of discussing and considering such amendment.

(3) Where a suggested amendment is accompanied by a written request that it be considered, signed by not fewer than ten employers or employees engaged in the trade affected by it, the Board shall provide an opportunity for the employers and employees engaged in the trade affected, or their representatives, to confer with the Board and advisory committee for such trade, but where the suggested amendment relates to one of the matters set out in subsection 2 of section 17, the advisory committee of the trade affected shall provide an opportunity for the employers and employees in such trade, or their representatives, to confer with the advisory committee. R.S.O. 1950, c. 19, s. 18.

19. Such courses of part or full instruction in a school, college or other educational institution as are by regulation under this Act prescribed for the training of an apprentice shall conform to The Department of Education Act and the regulations made thereunder. R.S.O. 1950, c. 19, s. 19.

20. Every person who,

(a) enters into a contract of apprenticeship in a designated trade except in accordance with this Act; or

(b) except as expressly provided by this Act, employs a minor in a designated trade; or

(c) contravenes any of the provisions of this Act, or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $100. R.S.O. 1950, c. 19, s. 20.

21.—(1) To defray the cost of maintaining a system of apprenticeship in a designated trade or group of trades, subject to the approval of the provincial advisory committee or committees, the Board may assess employers and employees in the designated trade or group of trades at a rate fixed by the regulations, and may require such employers and employees to pay to the Board, at such times as the Board fixes, the amounts due under the assessment.
(2) If an assessment or any part thereof is not paid within
the specified time, the employer is liable to pay as penalty
for such default, 5 per cent of the amount for which he is in
default, and if a further month or more elapses before payment
is made, an additional charge of 1 per cent of the amount
remaining unpaid shall be made for each month or fraction of
a month during which the default continues.

(3) Where payment of an assessment or any part thereof
is overdue, the Board may issue a certificate stating that
the assessment was made, the amount remaining unpaid,
the person or corporation by whom it was payable, and such
certificate or a copy of it certified by a member of the Board
to be a true copy may be filed with the clerk of any county
or district court, or where the amount remaining unpaid does
not exceed $200, with the clerk of any division court, and
when so filed, becomes an order of the court and may be
enforced as a judgment of the court against such person or
corporation for the amount mentioned in the certificate.
R.S.O. 1950, c. 19, s. 21.

22.—(1) Subject to the regulations, the Board may issue
to any person a licence to carry on the business of a trade
school.

(2) Every person who carries on the business of a trade
school without such licence is guilty of an offence and on
summary conviction is liable to a fine of not less than $100.

(3) Where the business of a trade school is carried on by
means of offices, branches or agencies in different local munici­
palities, a separate licence shall be required for each of such
offices, branches or agencies. R.S.O. 1950, c. 19, s. 22.

23. Where a person has served as a member of any of
the forces of Her Majesty or any ally thereof and is under­tak­ing a course of training under a plan of rehabilitation
approved by the Board, the Board may exempt such person
from the operation of such provisions of this Act and the
regulations as are deemed necessary. R.S.O. 1950, c. 19, s. 23.
SCHEDULE A

DESIGNATED TRADES

1. Bricklayer.
2. Carpenter.
3. Electrician.
4. Mason.
6. Painter and Decorator.
7. Plasterer.
8. Plumber.
9. Sheet Metal Worker.
10. Steamfitter.
11. Worker in servicing and installing air-conditioning or refrigerating equipment.

R.S.O. 1950, c. 19, Sched. A.

SCHEDULE B

DESIGNATED TRADES

1. Barber.
2. Hairdresser.

R.S.O. 1950, c. 19, Sched. B.