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c 19 Apprenticeship Act

Ontario
CHAPTER 19

The Apprenticeship Act

1. In this Act,

(a) "apprentice" means,

(i) in any of the designated trades specified in or added to Schedule A hereto 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 hereto 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.A. 1937, c. 192, s. 1, cls. (a, b).

(c) "designated trade" means any trade specified in or added to Schedule A or B hereto or any branch of any such trade; 1948, c. 4, s. 1.

(d) "Director" means Director of Apprenticeship;

(e) "employer" means any 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 Minister of Labour; R.S.O. 1937, c. 192, s. 1, cls. (d-f).

(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; 1946, c. 2, s. 1 (1).
"regulations" means regulations made under this Act; R.S.O. 1937, c. 192, s. 1, cl. (g); 1946, c. 2, s. 1 (2).

"trade" includes industry, trade, craft or business and any branch of any industry, trade, craft or business;

"trade school" means any school, business, institution or establishment which trains or professes to train persons for designated trades, other than a school or college which is subject to the jurisdiction of the Department of Education. R.S.O. 1937, c. 192, s. 1, cls. (h, i).

2. This Act shall apply with respect to every designated trade. R.S.O. 1937, c. 192, s. 2.

3.—(1) Upon receiving a petition signed by at least twenty-five employers or employees in any trade or by not less than twenty per cent of such employers or employees, where the total number in the Province does not exceed one hundred and twenty-five, asking to have such trade added to Schedule A or B as the petition may set forth, the Board shall require the Director to inquire into the matter of the petition and he shall make such investigation as may be deemed necessary to determine whether or not such trade shall be added to Schedule A or B. R.S.O. 1937, c. 192, s. 3 (1); 1944, c. 6, s. 1.

2 The Lieutenant-Governor in Council upon the recommendation of the Minister, may from time to time add to Schedule A or B such other trades as may be deemed expedient. R.S.O. 1937, c. 192, s. 3 (2).

4.—(1) The Lieutenant-Governor in Council may appoint a Director of Apprenticeship for the purpose of carrying out the provisions of 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. 1937, c. 192, s. 4.

5. Subject to the regulations it shall be the duty of the Director,

(a) to keep a register of every contract entered into by an apprentice;

(b) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with by both employer and apprentice;
(c) to arouse 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 may be required by the Board;

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

(g) generally to perform such other duties and exercise such powers as may be prescribed by the Minister to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 192, s. 5.

6. No person shall enter into any contract of apprenticeship in a designated trade except in accordance with this Act. R.S.O. 1937, c. 192, s. 6.

7. No person who is eligible to be an apprentice in any 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, provided that the Director may in writing authorize the further employment of any such person for a period not exceeding one month by any employer by whom he has not been previously employed. 1946, c. 2, s. 2.

8.—(1) Every contract of apprenticeship shall be approved by the Board and shall be registered with the Board. R.S.O. 1937, c. 192, s. 8 (1); 1946, c. 2, s. 3.

(2) A contract of apprenticeship under this Act shall not be entered into for a period of less than two years. R.S.O. 1937, c. 192, s. 8 (2).

9. Where a person has been employed under a contract of apprenticeship in any designated trade prior to the date on which the trade was added to Schedule A or B such contract shall within three months after such date be registered 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. 1937, c. 192, s. 9.

10. Where a person is employed as an apprentice in a designated trade, but not under a contract, this Act shall in relation to any unexpired period of such apprenticeship apply 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. 1937, c. 192, s. 10.

11. Every contract of apprenticeship shall be signed,

(a) by the person to be apprenticed;

(b) by the father of any such person who is a minor, and if the father be dead or legally incapable of giving consent or has abandoned his family; then

(c) by the mother of such minor, and if both the father and mother are dead or legally incapable of giving consent or have abandoned their family; then

(d) by the guardian of such minor, if any; or

(e) if there be no parent or guardian with authority to sign then by the judge or junior or acting judge of the county or district court of the county or district in which the employer carries on business; and

(f) by the employer. R.S.O. 1937, c. 192, s. 11.

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. 1937, c. 192, 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, provided 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. 1937, c. 192, 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. 1937, c. 192, s. 14.

15.—(1) 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 issuance 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 issuance of duplicate certificates of apprenticeship;

(g) providing for examinations for certificates of qualification, for the issuance, annually or otherwise, of certificates of qualification, for their cancellation, suspension and renewal, and for the issuance 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 issuance 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 issuance 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;
(s) providing for the calling of meetings of such committees and the procedure to be followed at such meetings;

(t) providing for the books, records and forms to be used and the returns to be made by such committees;

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

(v) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 2, s. 4 (1); 1948, c. 4, s. 2.

(2) The Board shall have authority to hold such conferences and make such inquiries as may be 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, which may arise from time to time. R.S.O. 1937, c. 192, s. 15 (2).

(3) A regulation passed under clause h of subsection 1 shall 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. 1946, c. 2, s. 4 (2).

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 less 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. R.S.O. 1937, c. 192, s. 16.

(4) The Lieutenant-Governor in Council may direct payment out of such sums as may be appropriated by the Legislature for that purpose, 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 may be appropriated by the Legislature for that purpose. 1939, c. 2, s. 1.

17.—(1) Subject to the approval of the Board and of the Lieutenant-Governor in Council, each provincial advisory committee may make regulations in respect to the particular trade relating to all matters regarding which the Board may make regulations, providing such regulations are not inconsistent with any regulations made by the Board.

(2) Without limiting the generality of the foregoing and subject to the approval of the Lieutenant-Governor in Council, each provincial advisory committee shall have exclusive power to make regulations in 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 shall be 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. 1937, c. 192, 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 any suggested amendment is accompanied by a written request that it be considered, signed by not less than ten employers or employees engaged in any trade affected by such suggested amendment, 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, providing that 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. 1937, c. 192, s. 18.

19. Such courses of part or full instruction in a school collegiate or other educational institution as may by regulation under this Act be prescribed for the training of an apprentice shall conform to The Adolescent School Attendance Act and The Vocational Education Act. R.S.O. 1937, c. 192, s. 19.

20. Every person who,

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

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

(c) contravenes any of the provisions of this Act or any regulation made thereunder,

shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than $10 and not more than $100. R.S.O. 1937, c. 192, s. 20.
21.—(1) To defray the cost of maintaining a system of apprenticeship in any 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 such 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 may fix, the amounts due under such assessment.

(2) If an assessment or any part of an assessment is not paid within the specified time, the employer shall be liable to pay as penalty for such default, five 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 one 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 the whole or any part of the assessment 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 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, shall become 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. 1937, c. 192, 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) Any person who carries on the business of a trade school without such licence shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than $100 and in default of payment to imprisonment for a term of not more than six months.

(3) Where the business of a trade school is carried on by means of offices, branches or agencies in different municipalities a separate licence shall be required for each of such offices, branches or agencies. R.S.O. 1937, c. 192, s. 22.

23. Where a person has served as a member of any of the forces of His 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 may be deemed necessary. 1946, c. 2, s. 5; 1947, c. 101, s. 1.

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. The trade of worker in servicing and installing air-conditioning or refrigerating equipment.

R.S.O. 1937, c. 192, Sched. A; O.Reg. 13/47.

SCHEDULE B

DESIGNATED TRADES

1. Barber.
2. Hairdresser.

R.S.O. 1937, c. 192, Sched. B.