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PART 1 – INTRODUCTION**Definitions****1** In this Act:

“**apprentice**” means a person who, to receive training, enters into an apprenticeship agreement or a registered apprenticeship agreement;

Section 2

- “**apprenticeable trade**” means a trade designated as an “apprenticeable trade” in the regulations;
- “**apprenticeship agreement**” means an apprenticeship agreement not registered under this Act;
- “**board**” means the Provincial apprenticeship board;
- “**certificate of apprenticeship**” means a certificate of apprenticeship issued by the board;
- “**certificate of qualification**” means a certificate of qualification issued by the board;
- “**designated trade**” means a trade designated as a “designated trade” in the regulations;
- “**institution**” means an institution designated under the *College and Institute Act*;
- “**registered apprenticeship agreement**” means an apprenticeship agreement registered by the director of apprenticeship;
- “**trade**” includes a skill, trade or occupation designated by order of the minister;
- “**training**” means training for employment that is not excluded by the minister in writing or provided under the *University Act* or the *College and Institute Act*;
- “**training program**” means a training program for an apprenticeable trade or designated trade.

Powers of minister

- 2 In the name of the government, the minister may make agreements with
- (a) the Commission under the *National Training Act* (Canada) relating to a training program, or
 - (b) a person, including Canada or a province, for training, job creation or employment, apprenticeship or the preparation of persons for it, occupational counselling, forecasting employment and training needs, industrial training or a matter determined by regulation.

Employment opportunity programs

- 3 (1) The minister or the minister’s nominee designated in writing may make an agreement to facilitate the employment of persons and in the agreement may obtain the commitment of another party to the agreement to do the following:
- (a) employ persons under stated terms of employment;
 - (b) provide the minister with information and reports;
 - (c) establish and maintain an accounting system, satisfactory to the minister, for the employment;
 - (d) allow records relating to the employment to be inspected by or on behalf of the minister.

- (2) Unless otherwise provided, the minister and the government are not employers of a person employed under this section.

Staff

- 4 (1) The director of apprenticeship and other persons necessary for the administration of this Act must be appointed under the *Public Service Act*.
- (2) The minister may designate the responsibilities of persons appointed under this section.

Prohibition on agreements without authorization

- 5 Subject to the *College and Institute Act*, without the written approval of the minister, a person may not make an agreement described in section 2 with the Commission or with a province.

Powers of inspection and inquiry

- 6 (1) For the purposes of this Act and during normal business hours, the minister or the minister's nominee authorized in writing may
- (a) enter and inspect the premises, equipment and training facilities of an employer, and
 - (b) inspect employer records and inquire into matters that, in either case, relate to wages, hours of work, conditions of employment or training.
- (2) A person acting under this section has the power, privileges and protection of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*.
- (3) A person must not obstruct or impede a person acting under this section or withhold from the person or conceal or destroy a record relevant to the inspection or inquiry.

Allocation of funds by minister

- 7 (1) The minister may allocate operational funds, training allowances, capital and other grants, and other money received for the purposes of this Act from any person, including Canada, or a province.
- (2) By regulation, the Lieutenant Governor in Council may assess employers or employees in a trade for the cost of maintaining an apprenticeship or training program in the trade.
- (3) The money assessed under subsection (2) must be collected from the employer or employee and paid into the consolidated revenue fund.

PART 2 – APPRENTICESHIP**Designated trades and apprenticeable trades**

- 8 The Lieutenant Governor in Council by regulation may designate trades
- (a) as designated trades, or
 - (b) as apprenticeable trades.

Section 9

Provincial apprenticeship board

- 9 (1) The Provincial apprenticeship board is continued.
- (2) The minister
- (a) must appoint the members of the board and designate the chair, and
 - (b) may appoint a vice chair.

Duties of the board

- 10 The board must determine its procedure and issue directives on the following:
- (a) the qualifications for entrance to or certification in a designated or apprenticeable trade;
 - (b) the terms for a registered apprenticeship agreement;
 - (c) the form of a registered apprenticeship agreement;
 - (d) the fee to be paid by an applicant
 - (i) to be examined by a board of examiners,
 - (ii) to receive a certificate of apprenticeship or of qualification, or
 - (iii) to receive a permit indicating that exemption under section 22 (2) is granted.

Further duties

- 11 The board must do the following:
- (a) establish trade advisory committees and examining boards and specify their duties and rules of procedure;
 - (b) hear and decide appeals from decisions of the director of apprenticeship or an examining board;
 - (c) carry out duties directed by the minister.

Duties of director

- 12 The director of apprenticeship must do the following:
- (a) establish and maintain a system of apprenticeship registration and certification;
 - (b) issue certificates of apprenticeship and certificates of qualification to persons who qualify;
 - (c) monitor the quality of apprenticeship training;
 - (d) appoint the members of examining boards and trade advisory committees and forward reports on their activities to the board;
 - (e) advise the board on the needs of registered apprentices for instruction by institutions;
 - (f) develop and review course content and apprentice examinations;
 - (g) establish an apprentice information and counselling system;

- (h) on application by a party to a registered apprenticeship agreement, decide any question respecting the rights and duties of the parties under the agreement;
- (i) carry out other duties directed by the minister or the board.

Apprenticeship agreement

- 13 (1) An apprenticeship agreement may be filed with the director of apprenticeship who may register it.
- (2) An apprenticeship agreement relating to a designated trade has no effect unless registered by the director.

Parties to apprenticeship agreement

- 14 An apprenticeship agreement for registration under this Act may be entered into by the person to be an apprentice and, as the person's principal, the person's employer or a person authorized in writing by the minister.

Termination of agreement

- 15 (1) The director of apprenticeship may refuse to register or may cancel registration of an apprenticeship agreement that, in the director's opinion, is not in the best interests of the apprentice.
- (2) A party to an apprenticeship agreement, registered or not, may terminate it without the consent of the other parties.
- (3) If a registered agreement is terminated, the apprentice and the principal must each notify the director in writing.
- (4) With the prior written approval of the director and agreement of the parties, a registered agreement may be assigned to another principal.

Further training

- 16 If a registered agreement is terminated or assigned or an agreement is registered after designation of the trade, the director must determine what further training or experience the apprentice must complete to qualify for a certificate of apprenticeship.

Limit on number of apprentices

- 17 An employer must not employ more apprentices than allowed by order of the director.

Minors

- 18 On registration a minor's apprenticeship agreement is binding on all the parties as if the minor were an adult.

Registration does not validate agreement

- 19 Subject to section 18, registration does not make binding an apprenticeship agreement or a provision in it which, for any reason, is not binding on a party.

Section 20

Agreement before designation of trade

- 20 (1) The principal in an apprenticeship agreement made before the trade is a designated trade must file a copy of the agreement with the director within 3 months after the date of designation.
- (2) The director must register the agreement unless it is not in the best interests of the apprentice.

Application of Act to scheduled trade

- 21 (1) This Act does not apply to an apprenticeship in a designated or apprenticeable trade until 3 months after the regulation comes into force.
- (2) The director may give credit to a person for the period of employment or training served in a trade before this Act applies to the trade.

Employment in certain designated trades

- 22 (1) The Lieutenant Governor in Council may, by regulation, designate trades and require that in a specified designated trade persons hold a certificate of qualification to practise or be employed in that trade.
- (2) On application of a person primarily affected by a regulation made under subsection (1), the director of apprenticeship may investigate the applicability of the regulation to the person in the particular circumstances of the person's practice or employment and may grant the person an exemption from the regulation on terms the director may specify.

PART 3 – GENERAL**Review of decision**

- 23 (1) On application by a person primarily affected by a decision of the board, the minister may review the decision and decide the matter.
- (2) A decision of the minister must not be challenged, reviewed or called into question by a court, except on the ground of lack or excess of jurisdiction.

Liability

- 24 Proceedings may not be taken against a person for anything done or omitted in good faith by the person acting or purporting to act under this Act.

Technical defects

- 25 (1) A person or board acting under this Act may correct a defect, irregularity or error on terms the person or board considers just and reasonable.
- (2) A proceeding under this Act is not invalid because of a defect in form, a technical irregularity or an error of procedure that does not result in a denial of natural justice.

Expenses and remuneration of board

- 26 A person appointed under this Act or a member of a board or committee established under this Act may be
- (a) reimbursed by the government for travelling and out of pocket expenses necessarily incurred by the person or member in the discharge of the person's or member's duties, and
 - (b) paid the remuneration for the person's or member's services set by the Lieutenant Governor in Council.

Offences

- 27 It is an offence to contravene any of the following:
- (a) a commitment described in section 3;
 - (b) section 6 (3);
 - (c) a regulation under section 22.

Power to make regulations

- 28 The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

APPRENTICESHIP — HISTORICAL TABLE

Legislative History

APPRENTICESHIP ACT

RSBC 1996, chapter 16

Section	History
1	RS1979-17-1; 1983-3-25; 1983-10-21; 1985-51-2; 1989-61-196; 1990-64-38.
2	RS1979-17-2; 1985-51-3; 1990-21-9; 1990-64-39.
3	RS1979-17-3.
4	RS1979-17-4; 1985-51-3; 1990-64-40.
5	RS1979-17-5.
6	RS1979-17-6; 1985-51-4; 1990-64-41.
7	RS1979-17-7.
8	RS1979-17-9.
9	RS1979-17-10.
10	RS1979-17-11; 1985-13-2; 1992-14-2.
11	RS1979-17-12; 1983-3-27.
12	RS1979-17-13; 1983-3-28.
13	RS1979-17-14.
14	RS1979-17-15.
15	RS1979-17-16.
16	RS1979-17-17.
17	RS1979-17-18.
18	RS1979-17-19.
19	RS1979-17-20.
20	RS1979-17-21.
21	RS1979-17-22.
22	RS1979-17-23.
23	RS1979-17-29; 1983-3-30; 1985-51-3; 1990-64-43.
24	RS1979-17-30.
25	RS1979-17-31.
26	RS1979-17-32; 1983-10-21.
27	RS1979-17-33; 1990-64-44.
28	RS1979-17-34; 1983-10-22.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The "Section" column identifies the affected provisions of the Act. The "Citation" column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The "Section" column identifies all sections of the Act in force on December 31, 1996. The "History" column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of "year-chapter-section".