

April 23, 2014

Office of the Legislative Counsel  
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**Re: Submissions to Law Amendments**

These are the submissions of the Mainland Nova Scotia Building and Construction Trades Council with respect to Bill No. 45, *Apprenticeship and Trades Qualifications System Reform (2014) Act*.

The Council consists of the following unions:

- Atlantic Regional Council of Carpenters, Millwrights and Allied Workers
- International Brotherhood of Boilermakers, Lodge 73
- International Union of Bricklayers & Allied Craftworkers, Local 1
- International Brotherhood of Electrical Workers, Local 625
- International Union of Elevator Constructors, Local 125
- International Association of Heat & Frost, Local 116
- International Association of Bridge, Structural and Reinforcing Ironworkers, Local 752
- Labourers' International Union of North America, Local 615
- United Brotherhood of Carpenters and Joiners of America –Millwrights, Local 1178
- International Union of Operating Engineers, Local 721
- International Union of Painters & Allied Trades, District Council 39, Local 1439
- Sheet Metal Workers' International Association, Local 409
- United Association of Journeymen Plumbers & Pipefitters, Local 56
- United Association of Journeymen Plumbers & Pipefitters, Local 244

An estimated 14,000 tradespeople work in the industrial-commercial-institutional (ICI) sector of the construction industry. Of those 14,000, 11,000 are active members of these unions. The Building Trades proactively manages the supply of skilled craftspeople. We provide worker stability, and a skilled labour supply that responds effectively to changing labour demands for our partner owners and contractors.

The unionized Building Trades has almost half of all apprentices in Nova Scotia and the vast majority of construction apprentices. As such, we are highly vested in the success of apprenticeship in this province. We are involved in training apprentices; there are now over 2,700 apprentices in the province's Building Trades and collectively we invest over \$7 million dollars annually in training and training facilities.

The Building and Construction Trades Unions of Nova Scotia are committed to providing access to highly trained, safe working ICI tradespersons. By forging partnerships with owners and developers, we are driven to become synonymous with sound investment and growth in Nova Scotia.

The Council is supportive of the new direction for Apprenticeship in Nova Scotia and the establishment of the Special Operating Agency.

We appreciate the efforts made to receive more input from industry. The Council wishes to comment about the following provisions of the draft legislation for your consideration.

#### ***A. The Apprenticeship and Trades Qualifications Act***

1. The Council supports greater industry involvement and inclusion in the apprenticeship system. While we understand that much of the Apprenticeship Board's duties and responsibilities will be fleshed out in the Charter of Nova Scotia Apprenticeship Agency ("the Agency"), the Council encourages Government to assign significant responsibilities to the Apprentice Board in the new Charter. The more meaningful input from industry into the system, the more inclusive and popular the system will be. The Council has encouraged government to be more responsive to the stakeholders' concerns in the apprenticeship system.

2. The Council supports the expansion of the Director's powers in the new sections 16(d) and (e) and 16A and the amendments in Section 18. An important issue for the compulsory certified trades is enforcement of the present Regulations to ensure a fair playing field for both employees and employers. Any steps that increase the enforcement abilities of the Director are welcome. Often, we see employees who are not registered apprentices performing work that must, under the trade Regulations, be done by registered apprentices. Without enforcement, apprentices in compulsory certified trades become discouraged as they see non-apprentices doing their work. Why continue doing the hard work to become an apprentice if the jobs are all being done by non-apprentices? Where will the registered apprentice find work in Nova Scotia if the

work is being done by non-registered employees? If they decide to continue their apprenticeship, they will move to jurisdictions where their apprenticeship registration provides work for them.

3. The reporting structure for the CEO is unclear. The Bill assigns “general supervision of the Agency” to the Minister: s. 3(1). The Bill also assigns “general leadership, management and administration of the Agency” to the CEO: s. 6(2). We understand the intent is that the CEO reports to the Minister, but this should perhaps be made more explicit.

4. The reporting structure for the Director is also unclear. The Council understands that the intent of the new legislation is that the Director will report to the CEO and the CEO will, in turn, report to the Minister. This is not explicit in the Bill. Indeed, the new amendment (s. 8 (j)) states that the Director reports to both the Minister and the CEO, which suggests that the Director may report directly to the Minister, bypassing the CEO.

5. The Council feels it important that the duties under s. 11(2) of the old Apprenticeship Board be included in the Charter as duties of the new Apprenticeship Board.

6. The Bill should ensure that any certificates or agreements granted previously are deemed to be valid certificates and agreements after the amendments. For example, s. 2(c) (d) modifies “apprenticeship agreement” and “apprenticeship and trades qualifications system”. The previous Apprenticeship Board will be replaced by a new Apprenticeship Board under the Charter: s. 2(f). The definition of “employer” will be modified: s. 2(m). A “joint registration agreement” will be defined in s. 2(nc). To avoid any suggestion that the amendments may change the requirements for certificates or agreements, a “for greater certainty” section may be valuable.

### ***B. The Community Colleges Act***

The other statute amended by the new legislation is the Community Colleges Act. The Council supports an increased role for the Agency.

7. Section 63(1)(da) is a new provision which requires the Board of Governors to collaborate with the Agency to develop guidelines for the evaluation of a program of study that pertains to a trade within the mandate of the Agency. Section 63(1)(db), however, requires the Board to simply consult with the Agency when evaluating a program of study concerning a trade

within the mandate of the Agency. The Council suggests that the word “consult” in s. 63(1)(db) be changed to “collaborate”.

8. The new s. 63(1)(ta) requires the College Board to collaborate with the Agency on the College’s multi-year operating plan, but not the multi-year capital plan. The Council proposes that the phrase, “and multi-year capital plan” be added after the word “plan”. The Agency may have valuable input in both the operating and capital plans, as both often are interdependent.

9. The Council recognizes that the Agency Board must give consideration of balance for employer/employee; regional; gender and diversity. However, this should not be at the expense of losing the representation of the biggest contributor in investment, people and knowledge provided by the unionized Building Trades. When the Agency establishes competencies for Board members and representation it needs to reflect the unionized sector contribution to apprenticeship in Nova Scotia.

Thank you for the opportunity to present our submissions to the Committee.

Yours truly,

A handwritten signature in black ink, appearing to read "Brad Smith", written in a cursive style.

Brad Smith  
Executive Director