

## Draft Regulations

### Draft Regulation

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

### Apprenticeship scheme

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the apprenticeship scheme, the text of which appears below, may be approved by the Government, with or without amendment, upon the expiry of 30 days following this publication.

The purpose of this draft regulation is to establish an apprenticeship scheme. It sets the conditions under which will be implemented apprenticeship projects approved by the Société québécoise de développement de la main-d'œuvre. The apprenticeship scheme is intended to facilitate the recruiting by interest employers, notably small and medium-sized businesses, of qualified workers.

The draft regulation also stipulates the wage rates applicable to apprentices, who are protected by the Act respecting labour standards.

Additional information can be obtained by contacting Mrs. France Garon, Société québécoise de développement de la main-d'œuvre, 800, place Victoria, 29<sup>e</sup> étage, Montréal (Québec) H4Z 1B7. Telephone: (514) 873-1892.

Comments on the draft regulation should be submitted by writing, before the expiry of the 30-day period, to Diane Bellemare, President and Chief Executive Officer, Société québécoise de développement de la main-d'oeuvre, 800, place Victoria 29<sup>e</sup> étage, Montréal (Québec), H4Z 1B7.

LOUISE HAREL,  
*Minister of State for  
Employment and Solidarity*

### Regulation respecting the apprenticeship scheme

Act to foster the développement of manpower training (R.S.Q., c. D-7.1, s. 44.1 and 44.3; 1997, c. 20, s. 11)

**1.** This regulation establishes an apprenticeship scheme for the benefit of young people and adults.

**2.** To be eligible for the apprenticeship scheme, a person must have completed Secondary III.

**3.** A sector-based manpower committee recognized pursuant to section 44.5 of the Act to foster the development of manpower training (R.S.Q., c. D-7.1) introduced by section 11 of Chapter 20 of the 1997 Statutes, a parity committee governed by the Act respecting collective agreement decrees (R.S.Q., c. D-2) or any process for concerted action recognized by the Société québécoise de développement de la main-d'œuvre may, for its sector of economic activity and for each trade or profession, participate in defining the content of the apprenticeship booklet and the journeyman's handbook, in determining the length of the apprenticeship and the apportionment of the training between educational institutions and enterprises, as well as in determining special conditions for admission to the apprenticeship and to act as a journeyman.

**4.** The employer is responsible for evaluating the in-plant apprenticeship using tools to evaluate knowledge and skills adapted to in-plant training provided by the Minister of Education for the purpose of certification stipulated in section 44.1, paragraph 3<sup>o</sup>, of the Act to foster the development of manpower training.

**5.** The employer must also assume the following responsibilities:

1<sup>o</sup> provide the apprentice with in-plant training, notably by ensuring the availability of the person acting as a journeyman;

2<sup>o</sup> ensure the stability of the relationship that is established between the journeyman and the apprentice for the duration of the apprenticeship contract;

3<sup>o</sup> organize the apprenticeship in such a way that the apprentice receives the necessary training in an educational institution;

4<sup>o</sup> allow the apprentice to perform tasks that reflect the exercise of the trade or profession in question;

5<sup>o</sup> evaluate the in-plant training received by the apprentice using the assessment sheets provided by the Minister of Education and submit the completed sheets to the school board with which the apprentice is registered.

**6.** The employer and the apprentice must use the apprenticeship booklet.

The employer must ensure that the necessary attestations are recorded in the apprenticeship booklet for the in-plant evaluation of the apprentice.

The apprentice must keep his apprenticeship booklet up to date.

**7.** To act as a journeyman, a person must have eight years of experience in his trade or profession or four years of experience and a vocational school diploma in the trade or profession, or an equivalent diploma.

In addition, the person must have received 135 hours of preparatory training in the following subjects:

- 1° the journeyman's role and responsibilities;
- 2° the means of supervising an apprenticeship;
- 3° planning the apprenticeship;
- 4° in-plant teaching methods;
- 5° principles that facilitate the attainment of objectives in apprenticeship;
- 6° the tools used to evaluate the training provided.

The knowledge acquired through in-plant training in respect of the aforementioned subjects may be recognized by the Société, thereby reducing the number of hours of mandatory training.

**8.** The employer must choose an apprentice for a trade or profession to which the apprenticeship scheme applies in his enterprise from among the candidates who meet general or specific eligibility criteria.

**9.** The apprenticeship must be divided into three equal periods.

**10.** The wage rate received by the apprentice for the hours devoted to in-plant training will be:

- 1° 40 % of the wages paid by the same employer to a new employee possessing the same diploma being sought by the apprentice, for the first period of the apprenticeship;
- 2° 60 % for the second period;
- 3° 80 % for the third period.

In the absence of a qualified new employee, the wage rate received by the apprentice will be calculated according to the wages to which an employee working for

the same employer whose duties most closely resemble those of the apprentice would be entitled and, where more than one employee performs the same duties, in relation to the wages of the employee hired most recently.

**11.** The apprenticeship contract concluded between the apprentice and the employer participating in the apprenticeship scheme must indicate:

- 1° the name and address of the employer and the apprentice;
- 2° the name of the journeyman or journeymen;
- 3° the vocational school diploma being sought;
- 4° the length of the contract;
- 5° the wages the employer undertakes to pay the apprentice for each period of the apprenticeship;
- 6° the obligations of the employer;
- 7° the obligations of the apprentice;
- 8° the possibility of terminating the contract by mutual consent.

**12.** When a position for which an apprentice is trained is covered by an accreditation obtained pursuant to a statute by an association or a union to represent wage earners or a group of wage earners employed by the enterprise, the representative of the employer wishing to offer the apprenticeship corresponding to this position must fill out, personally sign and have signed by the representative of the association or the union concerned the form prescribed by the Société.

An apprentice may not be compelled to appear at the employer's premises when the employees are exercising their right to strike or during an employer's lock-out.

**13.** The employer must submit to the Société a copy of the apprenticeship contract and the form stipulated in section 12, within fifteen (15) days of the signing of the contract.

**14.** When unforeseen circumstances lead to an interruption of the in-plant portion of the apprenticeship, the Société must take the necessary steps, except when the apprentice is responsible for the interruption, to ensure that the apprentice pursues his training in order to obtain the diploma being sought.

**15.** This regulation will come into force on the day that it is approved by the government.