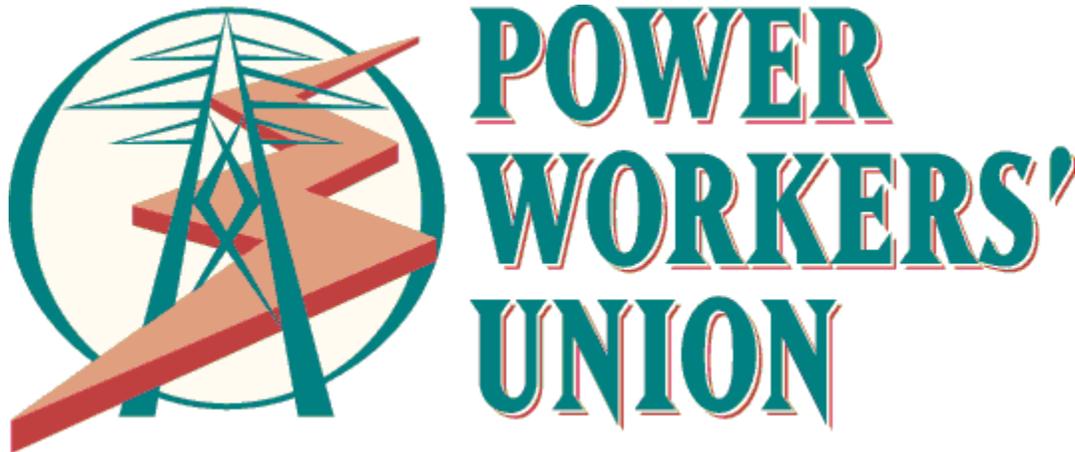


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Special PWU Newsletter, June 2013
Update on the Ontario College of Trades

In the May newsletter, we included an article on the newly-formed Ontario College of Trades (OCOT). This new system for regulating the trades in Ontario has some serious implications for some PWU members, not least of which are the costs of renewing a licence in a certified trade. The PWU raised a number of questions with the OCOT and we have provided the answers we received below.

Based on the answers received and the language from the various Collective Agreements, **the PWU continues to strongly advise all members to obtain their Certificate of Qualification (C of Q) in their prescribed trade and to register with the College as required in order to keep their certification valid.**

It is also imperative that all apprentices in registered apprenticeship programs maintain their membership in the OCOT. Failure to maintain membership in the College will result in their removal from

the apprenticeship program by the College and will mean they will not be eligible for trade school, apprenticeship grants or a trade licence through the federal or provincial governments. **Failure to maintain your membership in the College and complete your trade licence could affect your employment.**

The PWU advises Hiring Hall members with a C of Q to maintain membership in that trade as required by the OCOT to maintain the ability to accept any job within that trade. **Failure to maintain your membership in the College could affect your employment.**

The answers provided by the OCOT raise concerns with some of the College's new rules. The PWU will request a meeting with the Ministry of Training, Colleges and Universities (MTCU) to discuss our concerns and the potential for revisions to College rules.

PWU Questions and OCOT Answers:

- 1. What are the penalties/fines for failing to belong to the OCOT but holding oneself out as a journeyman in either a compulsory trade or a non-compulsory trade? Does the penalty increase for additional offenses?**

If an individual chooses not to pay their College membership fee when it is due and works in a compulsory trade, they will not be able to legally practice their trade or call themselves a journeyman. The individual will be given notice of the intention to suspend and the College's public register will show them as 'suspended due to non-payment of fees' until they pay their fees.

If you continue to work in a compulsory trade without being a member of the College, you will be breaking the law under the

Ontario College of Trades and Apprenticeship Act, 2009 (OCTAA), and will be subject to enforcement action, a fine or charges by the College.

The College will be able to issue tickets--\$195 for workers; \$295 for employers--to those not in compliance with the compulsory certification requirements, and will be able to lay charges and, if the party is convicted, the party would be subject to a fine as per the Act (up to \$10,000).

2. **Is an employer penalized/fined for hiring a person into a trade who is not a member of the OCOT in either a compulsory trade or a non-compulsory trade? How much is the penalty and does it increase for additional offenses?**

In addition to the College's enforcement of the OCTAA, the Ministry of Labour (MOL) will continue its current scope of enforcement of training requirements for compulsory construction and motive power trades under the Occupational Health and Safety Act (OHS) for a one-year transition period from April 2013 to April 2014.

Staff of the MOL enforces rules that ensure the work of compulsory trades is done by certified journeypersons and registered apprentices. MOL staff can fine (called issuing a ticket) employers and individuals who are not complying with the requirements for compulsory certification. Fines are \$195 for a worker and \$295 to the employer.

3. **If a holder of a C of Q does not apply for membership or pay the OCOT fee can they apply at a later date? If so, do they do so by paying a fee or do they have to complete a test?**

For voluntary trades, membership in the College is not mandatory for those who held a valid C of Q before April 8, 2013. *Should an individual wish to become a member of the College, they must apply and meet registration requirements set out for their class (i.e., paying membership fees). All holders of valid C of Qs in compulsory trades and active apprentices should have been deemed into the College on April 8th. The deeming period lasts for one year. Before the year is over, the individual has to take action to maintain membership (i.e., pay fees). If the individual has not done the above and the deeming expires, the individual has to apply as a new member and meet registration requirements set out for their membership class.*

4. **If an OCOT member stops paying the annual fee how does he/she reinstate his/her membership? Are there testing/examination requirements?**

If a member does not pay their annual membership fee, their Statement of Membership and/or C of Q will be suspended. Their Statement of Membership and/or C of Q will be reinstated once the membership fee has been paid.

5. **Do Hydro One, Ontario Power Generation and other electrical utilities qualify as "Industrial Plants" for purposes of the exemption for compulsory trade practice?**

The previous definition of Industrial Plant used by MTCU has been carried over by the College until further review. Any employers previously included under the exemption continue to be exempt from compulsory trade certification requirements.

Individuals performing work "in the maintenance and repair of motor vehicles, trailers, or conversion units registered for use on a highway under the Highway Traffic Act" (i.e., truck and coach technicians) are in a compulsory trade and are required to become members of the College.

6. Are membership fees tax deductible?

Yes. According to Canada Revenue Agency (CRA) rules, professional fees are tax deductible. Upon payment of the membership fee, a receipt of payment will be available for tax purposes. Separate tax receipts are not issued for membership fees paid. CRA does not require a receipt to be attached to your tax return.

7. If an apprentice ceases payment during the apprenticeship is he/she eligible to attend trade school?

If an apprentice fails to pay their annual membership fee, their Statement of Membership and their Registered Training Agreement (RTA) will be suspended until the membership fee is paid.

8. If an apprentice completes their apprenticeship but does not write the C of Q examination will they be eligible to write the examination at a later date? Are there any time limits?

A completed apprentice is not required to write their C of Q examination right away and will continue to be eligible to write it at a later date. There are no time limits in this regard. However, if a completed apprentice in a compulsory trade wishes to be able to practise their compulsory trade while they prepare to write their C of Q examination, they must join the

College's Journeyperson Candidates Class. Membership in this class is limited to 12 months. At the end of these 12 months, if the individual has not yet passed their C of Q examination, they will no longer be permitted to practise their compulsory trade until after they have passed their C of Q examination and joined the College's Journeypersons Class.

9. **If a trade becomes "compulsory" through the review process will persons without a C of Q practicing the trade be "grand parented"?**

While no grand parenting provisions exist under OCTAA, such provisions are not required because our legislation contains other mechanisms for ensuring that individuals in this situation can obtain a C of Q from the College and become members of the Journeypersons Class.

The path these individuals would have to follow will depend on whether their trade has a C of Q examination:

(a) Individuals in voluntary trades without a C of Q examination:

They are eligible to apply for membership in the Journeypersons Class of the College and can obtain a C of Q. They may want to become members of the College before the reclassification of their trade takes effect in regulations if they want to avoid having to meet any additional requirements that might be put into place as a result of the reclassification (e.g., an exam).

(b) Individuals in voluntary trades with a C of Q examination:

They may want to become members of the Journeypersons Class and get their C of Q before the reclassification of their trade takes effect in regulations as their membership and certification will continue to be honoured if the trade is made compulsory. They can do this in one of two ways:

Option 1 : Meet the eligibility requirements for the Journeypersons Class, which includes passing the available C of Q examination; or

Option 2: A Trade Board representing a voluntary trade may ask the College's Board of Governors to issue a resolution exempting all individuals in that trade from having to pass the C of Q examination in order to obtain a C of Q and become members of the College's Journeypersons Class. Please note that if a resolution is passed for a trade, people in that trade will have to demonstrate that they have been practising that trade for the minimum period of time specified in the resolution; and complete any alternative assessment to an examination that the College may require (yet to be determined).

- 10. If a member with the "Red Seal" designation ceases membership in the OCOT does the trade certification continue to be recognized in different provinces?**

This question needs to be addressed to individual provinces or territories since the College cannot speak to the registration practices of other authorizing bodies. Please note that an individual who fails to renew their membership in the College will no longer be in good standing. The Agreement on Internal Trade only covers certification in good standing. The College

is currently working with MTCU and the Canadian Council of Directors of Apprenticeship (CCDA) to clarify operational requirements set out under the Agreement on Internal Trade (which references the Red Seal program).

11. Do College membership fees not create a disincentive for journeypersons in industrial settings to obtain a C of Q?

In his 2008 report [to MTCU that recommended that the College be established], [consultant Tim] Armstrong noted that union representatives were worried that skilled trades workers exempt under the Industrial Plant Exemption would be disadvantaged when trying to look for employment outside of the industrial plant (for example, if a manufacturing employer who was included under the exemption went out of business and workers were required to find employment elsewhere).

During MTCU's fall 2012 consultation on Minister's regulations (including exemptions), the College's Board of Governors made a submission noting that it intended to carry out a comprehensive review of the exemption and whether it continued to benefit Ontario workers.

12. How are such hefty fees justified?

In the past, renewal fees paid to the government did not cover the full cost of the services provided, such as managing Ontario's apprenticeship system, examination costs and issuing C of Qs. The cost of these services was previously subsidized by Ontario's taxpayers.

The College will be delivering services above and beyond those provided by the government, while also ensuring that industry needs, not politics, drive decisions about the skilled trades sector. Fees charged for membership in the College will support day-to-day operations on a self-funding model.

The College's fees are the lowest of any regulatory body in the province. Fees will be \$60 or \$120 per year + HST, depending upon membership class. If an individual has more than one C of Q or Statement of Membership, they will only pay one membership fee (\$120 plus HST).

- 13. Do holders of voluntary C of Qs need to become members of the College if they had a Certificate prior to April 8, 2013?**

Individuals that work in a voluntary trade do not require a C of Q to work legally in Ontario. A C of Q in a voluntary trade that was issued by MTCU prior to April 8, 2013, has no expiry date. A C of Q in a voluntary trade that is granted by the College after April 8, 2013 will require annual renewal and payment of the annual membership fee. The name and membership status of all holders of C of Qs in voluntary trades issued by the College (i.e., after April 8, 2013) will appear on the public register.

- 14. What is the reinstatement fee for either compulsory or non-compulsory trades who are rejoining the College after an absence? Take, for example, a construction and maintenance electrician who starts to work in an industrial plant and does not require a C of Q because of the "industrial plant" exemption but leaves that position to take a position where the C of Q is required. How much is the reinstatement fee and are there any other requirements?**

If a member does not pay their annual membership fee, their Statement of Membership and/or C of Q will be suspended. Their Statement of Membership and/or C of Q will be reinstated once the membership fee has been paid. In short, there is no reinstatement fee – reinstatement requires only payment of the membership fee, which is currently \$60 or \$120 + HST.

- 15. As we understand it, non-compulsory trades who had a C of Q prior to April 8, 2013 are not required to join the College. Why do non-compulsory trades who receive their C of Q after April 8, 2013 need to join the College?**

The OCTAA states that the Minister of Training, Colleges and Universities may make regulations exempting individuals from College membership. Ontario Regulation 421/12 outlines these Minister-approved exemptions for several groups. On April 8, 2013, the Minister amended this regulation to include those who held a C of Q in voluntary trades prior to April 8, 2013. There are many tradespeople in the voluntary trades who were certified by MTCU with the understanding that their C of Q would remain valid throughout their careers. The Minister's regulation was amended to ensure that this is still true and their status will not change.

However, as of April 8, 2013, the OCOT is responsible for regulating Ontario's 156 trades. The College regulates the trades by setting high training and certification standards. In order to protect the public interest, individuals who become journeypersons in Ontario will need to be members and their names and qualifications will appear on the College's public register.

When members do not meet the training and professional standards expected of a journey person, the public can count on a fair and transparent complaints and discipline process that will address their concerns. Over time, this will provide journey person members with a competitive advantage over the tradespeople who do not choose to be as transparent about their qualifications or accountable to their customers and peers.

The Trade Classifications and Codes Administered by the OCOT:

Construction Sector

Architectural Glass and Metal Technician

Brick and Stone Mason

Cement (Concrete) Finisher

Concrete Pump Operator

Construction Boilermaker

Construction Craft Worker

Construction Millwright

Drywall Finisher and Plasterer

Drywall, Acoustic and Lathing Applicator

Electrician – Construction and Maintenance▲

Electrician – Domestic and Rural▲

Exterior Insulated Finish Systems Mechanic

Floor Covering Installer

General Carpenter

Hazardous Materials Worker

Heat and Frost Insulator

Heavy Equipment Operator – Dozer

Heavy Equipment Operator – Excavator

Heavy Equipment Operator – Tractor Loader Backhoe

Hoisting Engineer – Mobile Crane Operator 1▲

Hoisting Engineer – Mobile Crane Operator 2▲
Hoisting Engineer – Tower Crane Operator▲
Ironworker – Generalist
Ironworker – Structural and Ornamental
Native Residential Construction Worker
Painter and Decorator – Commercial and Residential
Painter and Decorator – Industrial
Plumber▲
Powerline Technician
Precast Concrete Erector
Precast Concrete Finisher
Refractory Mason
Refrigeration and Air Conditioning Systems Mechanic▲
Reinforcing Rodworker
Residential (Low Rise) Sheet Metal Installer▲
Residential Air Conditioning Systems Mechanic▲
Restoration Mason
Roofer
Sheet Metal Worker▲
Sprinkler and Fire Protection Installer
Steamfitter▲
Terrazzo, Tile and Marble Setter

Industrial Sector

Bearings Mechanic
Blacksmith
Cabinetmaker
Composite Structures Technician
Computer Numerical Control (CNC) Programmer
Die Designer
Draftsperson – Mechanical
Draftsperson – Plastic Mould Design

Draftsperson – Tool and Die Design
Electric Motor System Technician
Electrical Control (Machine) Builder
Electrician (Signal Maintenance)
Elevating Devices Mechanic
Entertainment Industry Power Technician
Facilities Mechanic
Facilities Technician
Fitter – Assembler (Motor Assembly)
General Machinist
Hydraulic/Pneumatic Mechanic
Industrial Electrician
Industrial Mechanic Millwright
Instrumentation and Control Technician
Light Rail Overhead Contact Systems Linesperson
Locksmith
Machine Tool Builder and Integrator
Metal Fabricator (Fitter)
Mould Designer
Mould Maker
Mould or Die Finisher
Optics Technician (Lens and Prism Maker)
Packaging Machine Mechanic
Pattern Maker
Precision Metal Fabricator
Pressure Systems Welder
Process Operator – Food Manufacturing
Process Operator – Power
Process Operator – Refinery, Chemical and Liquid Processes
Process Operator – Wood Products
Pump Systems Installer
Railway Car Technician
Relay and Instrumentation Technician

Roll Grinder/Turner
Saw Filer/Fitter
Ski Lift Mechanic
Surface Blaster
Surface Mount Assembler
Thin Film Technician
Tool and Cutter Grinder
Tool and Die Maker
Tool and Gauge Inspector
Tool/Tooling Maker
Tractor-Trailer Commercial Driver
Water Well Driller
Welder

Motive Power Sector

Agricultural Equipment Technician
Alignment and Brakes Technician▲
Auto Body and Collision Damage Repairer▲
Auto Body Repairer▲
Automotive Electronic Accessory Technician▲
Automotive Glass Technician
Automotive Painter
Automotive Service Technician▲
Fuel and Electrical Systems Technician▲
Heavy Duty Equipment Technician
Marine Engine Technician
Motive Power Machinist
Motorcycle Technician▲
Powered Lift Truck Technician
Recreation Vehicle Technician
Small Engine Technician
Tire, Wheel and Rim Mechanic

Transmission Technician▲
Truck and Coach Technician▲
Truck-Trailer Service Technician▲
Turf Equipment Technician

Service Sector

Aboriginal Child Development Practitioner
Agricultural – Dairy Herdsperson
Agricultural – Fruit Grower
Agricultural – Swine Herdsperson
Appliance Service Technician
Arborist
Assistant Cook
Baker
Baker-Pâtissier
Chef
Child and Youth Worker
Child Development Practitioner
Cook
Developmental Services Worker
Educational Assistant
Electronic Service Technician
Gemsetter/Goldsmith
Hairstylist▲
Hardware, Lumber and Building Materials Retailer
Horse Groom
Horse Harness Maker
Horticultural Technician
Information Technology – Contact Centre Customer Service Agent
Information Technology – Contact Centre Sales Agent
Information Technology – Contact Centre Technical Support Agent
Information Technology – Hardware Technician

Information Technology – Network Technician
Institutional Cook
Micro Electronics Manufacturer
Native Clothing and Crafts Artisan
Network Cabling Specialist
Parts Technician
Pool, Hot Tub and Spa – Installer
Pool, Hot Tub and Spa – Service Technician
Retail Meat Cutter
Saddlery
Special Events Coordinator
Utility Arborist
Wooden Boat Rebuilder

▲ Indicates a designated compulsory trade

Trade codes can be found at <http://www.collegeoftrades.ca/trades-names-and-codes>.