

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF
ADVANCED EDUCATION AND SKILLS TRAINING

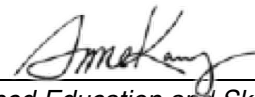
Skilled Trades BC Act

Ministerial Order No. M362

I, Anne Kang, Minister of Advanced Education and Skills Training, order that the attached Minister's Skilled Trades BC Regulation is made.

December 1, 2022

Date



Minister of Advanced Education and Skills Training

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Skilled Trades BC Act*, S.B.C. 2022, c. 4, s. 50

Other:

R10619396

APPENDIX

MINISTER'S SKILLED TRADES BC REGULATION

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SCHEDULE – SCOPE OF WORK

PART 1 – INTERPRETATION

Definition

- 1 In this regulation, “Act” means the *Skilled Trades BC Act*.

Designation of trades

- 2 For certainty, the skilled trades certification trades referred to in this regulation are designated in the Skilled Trades BC Regulation in accordance with section 27 (1) [*designation and scope of work of skilled trades certification trades*] of the Act.

PART 2 – REGISTRY

Registry information

- 3 (1) The following information is prescribed for the purposes of section 24 (2) (c) [*registry – other information that must be included*] of the Act in respect of each person referred to in paragraphs (a) and (b) of that subsection:
- (a) address;
 - (b) phone number;
 - (c) email;
 - (d) if provided, fax number.
- (2) The following information is prescribed for the purposes of section 24 (4) (d) [*registry – other information that may be included*] of the Act:
- (a) in respect of each person referred to in section 24 (4) (a) to (c) of the Act,
 - (i) address,
 - (ii) phone number,
 - (iii) email, and
 - (iv) if provided, fax number;
 - (b) in respect of each person referred to in section 24 (2) (a) to (b) and (4) (a) to (c) of the Act,
 - (i) birthdate,
 - (ii) gender, and
 - (iii) if provided, Indigenous identity.
- (3) For the purposes of section 50 (1) (b) [*minister power to make regulations*] of the Act, information in the registry that may be published is subject to the following limitations:
- (a) the information is limited to the information prescribed in subsection (4) of this section;
 - (b) the information included in the registry may be published as long as the person holds the certificate of qualification for a trade.
- (4) The following information is prescribed for the purposes of section 50 (1) (b) of the Act in respect of each person who is awarded a certificate of qualification for a trade:
- (a) the person's name;
 - (b) the trade for which the certificate of qualification is awarded;
 - (c) the confirmation of the status of the person's certificate of qualification.

PART 3 – SCOPE OF WORK

Scope of work established

- 4** For the purposes of section 27 (2) [*designation and scope of work of skilled trades certification trades*] of the Act, the scope of work for each of the skilled trades certification trades is established as set out in the Schedule of this regulation, effective December 1, 2023.

Application

- 5** (1) Subject to subsection (2), the scope of work of a skilled trades certification trade applies to a person who carries out any of the tasks, activities or functions listed in a scope of work as part of the person's work.
- (2) If there are one or more overlaps in a task, activity or function that is included in the scope of work of more than one skilled trades certification trade, a person may perform the task, activity or function if the person meets the requirements set out in Part 5 [*Working in a Trade*] of the Act for one or more of the skilled trades certification trades.

PART 4 – TEMPORARY AUTHORIZATIONS

Requirements

- 6** The corporation may only issue a temporary authorization to a person if the corporation is satisfied that the person has met all application requirements for
- (a) an uncertified experienced worker, in accordance with section 8, or
 - (b) a trade qualifier, in accordance with section 9.

Effect of temporary authorizations

- 7** For certainty, the issuance by the corporation of a temporary authorization is for the purpose of authorizing a person to work in British Columbia in a skilled trades certification trade under the Act and does not constitute evidence of a person being qualified for the skilled trades certification trade.

Uncertified experienced workers

- 8** (1) Subject to subsection (2), the corporation may issue a temporary authorization to a person if the person demonstrates to the satisfaction of the corporation that the person is an uncertified experienced worker with at least 36 000 hours of work experience in a skilled trades certification trade.
- (2) The corporation may not issue more than one temporary authorization to a person under this section for each of the skilled trades certification trades.
- (3) Subject to subsection (4), a temporary authorization in respect of an uncertified experienced worker may be issued for a term determined by the corporation of up to 5 years after the date of issue.
- (4) There may not be a term for a temporary authorization in respect of a skilled trades certification trade for an uncertified experienced worker that extends after December 1, 2028.

Trade qualifiers

- 9**
- (1) The corporation may issue a temporary authorization to a trade qualifier.
 - (2) A temporary authorization for a trade qualifier may be issued in respect of each skilled trades certification trade for
 - (a) an initial term of 24 months after the date of issue, and
 - (b) one additional term of 12 months after the expiry of the initial term.
 - (3) A request for the additional temporary authorization referred to in subsection (2) (b) for the same skilled trades certification trade must be made at least 30 days before the date of the expiry of the initial term of the temporary authorization.

PART 5 – SUPERVISION RATIOS

Supervision ratio adjustments

- 10**
- (1) A supervision ratio adjustment may be granted by the corporation to an employer if the corporation is satisfied that the employer has demonstrated that
 - (a) the employer is not able to comply with the established supervision ratio due to either of the following:
 - (i) there is an insufficient number of journeypersons to provide the services required by the employer in addition to the supervision of apprentices;
 - (ii) the employer is unable to carry out the work committed to when complying with the established supervision ratio,
 - (b) the employer is otherwise meeting the employer's requirements under the Act, and
 - (c) the employer confirms its commitment to the advancement of apprenticeship training.
 - (2) A supervision ratio adjustment may only be granted to an employer for the following:
 - (a) an initial period of up to 12 months;
 - (b) one additional period for the same matter with respect to which the original supervision ratio adjustment was granted, for a period of up to 12 months after the expiry of the initial period.
 - (3) Despite subsection (2), in the case of an employer in a rural or remote community,
 - (a) subsection (2) (b) does not apply, and
 - (b) additional periods for the same matter with respect to which the original supervision ratio adjustment was granted may be granted for periods of up to 12 months each.
 - (4) A request for an additional supervision ratio adjustment that relates to the same matter as the first supervision ratio adjustment must be made at least 30 days before the date of the expiry of the applicable supervision ratio adjustment period.

Calculation of supervision ratios

- 11** (1) In this section, “**level 4 apprentice**” means an apprentice registered with the corporation who has successfully completed all level 3 requirements for the apprenticeship program in which the apprentice is registered.
- (2) The following are not to be included for the purpose of calculating a supervision ratio of persons employed in a skilled trades certification trade:
- (a) subject to subsection (3), a level 4 apprentice;
 - (b) a person who is working under a temporary authorization as a trade qualifier;
 - (c) a person who is participating in an industry training program that includes a work experience component.
- (3) The exclusion for a level 4 apprentice referred to in subsection (2) only applies if the apprentice is registered in a 4-year program for the skilled trades certification trade.
- (4) The following may be included as a journeyman for the purpose of calculating a supervision ratio of persons employed in a skilled trades certification trade:
- (a) an employer who is a journeyman;
 - (b) a person working under a temporary authorization as an uncertified experienced worker.

PART 6 – REVIEWS AND OTHER MATTERS

Reviews

- 12** (1) For the purposes of section 43 (2) [*reviews*] of the Act, a person may only request a review under section 43 (1) of the Act on one or more of the following grounds:
- (a) an error in a matter of fact or law;
 - (b) new evidence;
 - (c) a failure to observe the principles of natural justice and procedural fairness in making the decision.
- (2) New evidence may only be considered in a review if the review officer is satisfied that the new evidence
- (a) is substantial and material to the review, and
 - (b) did not exist when the decision or order was made or did exist at that time but was not discovered and could not, through the exercise of reasonable diligence, have been discovered.
- (3) For the purposes of section 43 (5) of the Act, the review officer’s decision must be made within 120 days from the date of the receipt of the request.

Post-contravention publication

- 13** (1) For the purposes of section 47 (d) [*post-contravention publication*] of the Act, information on enforcement actions taken against employers under the Act must not be published until all applicable periods for review and appeal under the Act have expired.

- (2) If a request for review is made by an employer who is subject to enforcement under section 38 [*compliance orders*] or 39 [*administrative monetary penalties*] of the Act in the period specified in section 43 (1) of the Act, the publication of the enforcement action under section 47 of the Act must not occur until
 - (a) the period when an appeal may be commenced under section 45 (1) [*appeals*] of the Act has expired, or
 - (b) the appeal board has made its decision.
- (3) If a request for review is not made by an employer who is subject to enforcement under section 38 or 39 of the Act within the period specified in section 43 (1) of the Act, the corporation may publish information, as set out in section 47 of the Act, on or after the date that is one day after the period for requesting a review expires.
- (4) Information that is published under section 47 of the Act must be published for a period of at least one year and not longer than 2 years.

Delivery

- 14** (1) For the purposes of section 48 [*delivery*] of the Act, delivery of a notice or document may be effected
 - (a) by personal service of a copy of the notice or document, or
 - (b) by sending a copy by ordinary mail, email or fax to the address, email address or fax number of the person contained in the registry of the corporation.
- (2) If the copy of the notice or document is sent by ordinary mail, it is deemed to be received on the date that is the 5th business day after the day it is mailed.
- (3) If the copy of the notice or document is sent by email or fax, it is deemed to be received on the date that is the first business day after it was sent.

PART 7 – TRANSITIONAL PROVISIONS

Definition for this Part

- 15** In this Part, “**effective date**” means December 1, 2023.

Transitional – applications for temporary authorization

- 16** If a person applies before the effective date for a temporary authorization under section 31 (1) [*temporary authorization*] of the Act, the corporation may consider the application before the effective date, but may only issue the temporary authorization on or after the effective date.

Transitional – applications for supervision ratio adjustment

- 17** If an employer applies before the effective date for a supervision ratio adjustment under section 33 (1) [*supervision ratio adjustment*] of the Act, the corporation may consider the application before the effective date, but may only grant the supervision ratio adjustment on or after the effective date.

SCHEDULE SCOPE OF WORK

Definition

- 1 In this Schedule, “**general trade activities**”, as applicable to a skilled trade certification trade and the specified relevant equipment, item, appliance or system, means the following tasks, activities or functions:
 - (a) planning;
 - (b) designing;
 - (c) commissioning;
 - (d) inspecting;
 - (e) verifying;
 - (f) testing;
 - (g) adjusting;
 - (h) troubleshooting;
 - (i) maintaining;
 - (j) servicing;
 - (k) repairing;
 - (l) altering;
 - (m) decommissioning.

Effective date

- 2 The applicable scope of work set out in this Schedule applies in respect of each of the skilled trade certification trades set out in this Schedule, effective December 1, 2023:
 - (a) construction electrician;
 - (b) industrial electrician;
 - (c) powerline technician;
 - (d) sheet metal worker;
 - (e) gasfitter – Class A;
 - (f) gasfitter – Class B;
 - (g) steamfitter/pipefitter;
 - (h) refrigeration and air conditioning mechanic.

Construction electrician

- 3 (1) In this section, “**electrical system**” means a type of residential, commercial, institutional, industrial, transportation, marine or entertainment electrical system.
(2) The prescribed scope of work for a construction electrician consists of the following:
 - (a) general trade activities in respect of electrical systems;
 - (b) installing and operating electrical systems.

Industrial electrician

- 4 The prescribed scope of work for an industrial electrician consists of the following:
- (a) general trade activities, other than decommissioning, in respect of industrial electrical equipment and associated electrical and electronic controls;
 - (b) installing and operating industrial electrical equipment and associated electrical and electronic controls.

Powerline technician

- 5 (1) In this section, “**associated equipment**” means insulators, conductors, lightning arrestors, switches, metering systems, transformers and lighting infrastructure.
- (2) The prescribed scope of work for a powerline technician consists of
- (a) general trade activities, other than decommissioning, in respect of powerlines, cables and associated equipment that are overhead, underground or underwater;
 - (b) installing and operating powerlines, cables and associated equipment that are overhead, underground or underwater.

Sheet metal worker

- 6 (1) In this section:
- “**integral equipment**” means components that are integral to the functioning of a blowpipe, air pollution, heating, ventilating or air-conditioning system, which only a sheet metal worker can fabricate or install and which are essential for the system to operate;
- “**sheet metal items**” means ducting, spouting, fittings, cabinets, copings, flashings, supporting devices, wall systems, building envelope and other custom fabricated objects, constructed from sheet metal.
- (2) Subject to subsection (3), the prescribed scope of work for a sheet metal worker consists of the following:
- (a) general trade activities in respect of
 - (i) sheet metal items and installing sheet metal items other than cabinets, and
 - (ii) integral equipment;
 - (b) laying out, fabricating, assembling, connecting, installing and welding sheet metal items and installing sheet metal items other than cabinets;
 - (c) fabricating, assembling, connecting, installing and welding integral equipment.
- (3) The scope of work prescribed in subsection (2) of this section does not apply to a person carrying out the tasks, activities or functions described in that scope of work, if carried out for the following:
- (a) work related to gutters, fascia or metal studs;

- (b) work related to the installation of siding, roofing or appliance air supply, breeching or venting systems;
- (c) work performed by mass production;
- (d) an artistic purpose.

Gasfitter – Class A

- 7 (1) In this section:
- “**equipment**” includes boilers, burners, makeup air units, furnaces, process burners and other gas-fired equipment;
 - “**fuel**” means a liquid or gas fuel or a fuel oil;
 - “**gas**”, in respect of fuel, has the same meaning as in section 2 of the Gas Safety Regulation.
- (2) The prescribed scope of work for a gasfitter – Class A consists of the following:
- (a) general trade activities in respect of gas lines, appliances, equipment and accessories of any Btuh (British Thermal Units per hour) or wattage;
 - (b) assembling, connecting and installing gas lines, appliances, equipment and accessories of any Btuh (British Thermal Units per hour) or wattage;
 - (c) installing wiring to connect components to an electrical power supply and calibrating related controls, including gas utilities.

Gasfitter – Class B

- 8 (1) In this section, “**equipment**”, “**fuel**” and “**gas**” have the same meaning as in section 7 (1) of this Schedule.
- (2) The prescribed scope of work for a gas fitter – Class B consists of the following:
- (a) general trade activities, other than designing, in respect of gas lines, appliances, equipment and accessories that do not exceed 400 000 Btuh (British Thermal Units per hour) or 120 kW (kilowatts);
 - (b) assembling, connecting and installing gas lines, appliances, equipment and accessories that do not exceed 400 000 Btuh (British Thermal Units per hour) or 120 kW (kilowatts);
 - (c) installing wiring to connect components to an electrical power supply and calibrating related controls, including gas utilities.

Steamfitter/pipefitter

- 9 The prescribed scope of work for a steamfitter/pipefitter consists of the following:
- (a) general trade activities in respect of equipment and piping systems that carry water, steam, fluids, gases, chemicals or fuel for heating, cooling, lubricating and process piping systems;
 - (b) laying out, assembling, fabricating, connecting and installing equipment and piping systems that carry water, steam, fluids, gases, chemicals or fuel for heating, cooling, lubricating or process piping systems.

Refrigeration and air conditioning mechanic

- 10** (1) Subject to subsection (2), the prescribed scope of work for a refrigeration and air conditioning mechanic consists of the following:
- (a) general trade activities in respect of ventilation, air conditioning and refrigeration units and systems;
 - (b) connecting to air delivery systems for refrigeration or air conditioning units;
 - (c) installing ventilation, air conditioning and refrigeration units and systems;
 - (d) installing hydronic and secondary refrigerant systems and associated controls.
- (2) The scope of work prescribed in subsection (1) of this section does not apply to a person carrying out the tasks, activities or functions described in that scope of work, if carried out for the following:
- (a) work on refrigerated appliances manufactured primarily for residential use;
 - (b) work on reefer units and other refrigerated shipping containers, or the manufacture of those types of units and containers;
 - (c) work on residential humidifying and air exchange systems.