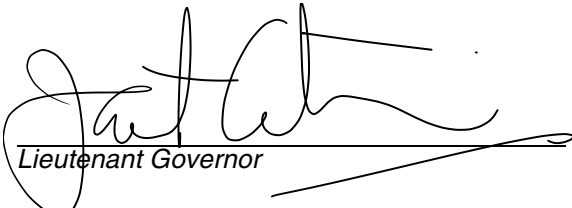


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 650

, Approved and Ordered December 1, 2022

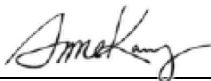


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the *Skilled Trades BC Act*, S.B.C. 2022, c. 4, is brought into force, and
- (b) the attached *Skilled Trades BC Regulation* is made.



Minister of Advanced Education and Skills Training



Presiding Member of the Executive Council

(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, ss. 49 and 76

Other: _____

R10615596

SKILLED TRADES BC REGULATION

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SCHEDULE – ADMINISTRATIVE MONETARY PENALTIES

PART 1 – DEFINITIONS AND GENERAL MATTERS

Definitions

- 1 In this regulation:
 - “**Act**” means the *Skilled Trades BC Act*;
 - “**regulated professional**” has the same meaning as “registrant” in section 1 (1) of the *Professional Governance Act*.

Prescribed supervision ratio

- 2 For the purposes of section 32 (2) [*supervision ratios*] of the Act, the supervision ratio of apprentices to journeypersons is 2:1 for all skilled trades certification trades.

Exemptions

- 3 (1) In this section, “**refrigeration mechanic**” has the same meaning as in section 2 (1) of the Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation.
(2) For the purposes of section 34 (1) [*exemptions*] of the Act, the following classes of persons are exempt from the requirements referred to in section 26 (1) [*trades*] of the Act:
 - (a) regulated professionals;
 - (b) persons who work in a skilled trades certification trade as part of a work experience component of an industry training program;
 - (c) persons who, under the *Safety Standards Act*, are authorized to carry out work in which a task, activity or function is substantially similar to one or more of the tasks, activities or functions of a skilled trades certification trade, except the following:
 - (i) persons authorized to perform work under section 4 (1) (a) to (c), (e) and (g) of the Electrical Safety Regulation;

- (ii) persons authorized to perform work under section 4 (1) (a) to (d) and (f) of the Gas Safety Regulation;
 - (iii) refrigeration mechanics;
 - (iv) persons authorized to do work when supervised by refrigeration mechanics, in accordance with section 5 (1) (b) of the Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation.
- (3) For certainty, the requirements referred to in section 26 (1) of the Act do not apply to a person performing or carrying out a task, activity or function with respect to the person's personal property.

PART 2 – ADMINISTRATIVE MONETARY PENALTIES

Prescribing schedule and amount of administrative monetary penalties

- 4** For the purposes of sections 39 [*administrative monetary penalties*], 40 [*continuing contraventions*] and 49 (1) (c) [*Lieutenant Governor in Council power to make regulations*] of the Act, the prescribed schedule of administrative monetary penalties is set out in the Schedule of this regulation for the following:
- (a) the first, second and third or subsequent contravention of a provision referred to in Column 4 of the table to the Schedule of this regulation;
 - (b) the second and third or subsequent day of a continuing contravention of a provision referred to in Column 4 of the table to the Schedule of this regulation.

Prescribing additional information for notices in relation to administrative monetary penalties

- 5** For the purposes of section 39 (2) (d) of the Act, the following additional information is prescribed in relation to a notice about a person's contravention or failure to comply that is delivered to the person by a compliance officer or another officer or employee of the corporation:
- (a) the date of the notice;
 - (b) the date of the contravention or failure to comply;
 - (c) the period of time within which the penalty must be paid;
 - (d) the accepted forms of payment;
 - (e) how a review of the decision may be requested.

Prescribing time period for payment of administrative monetary penalties

- 6** For the purposes of section 39 (3) of the Act, the prescribed period for payment of an administrative monetary penalty that is imposed under the Act is
- (a) within 31 days of the date the notice is deemed to have been received under the Act, if there is no review requested or appeal commenced,

- (b) if a review of the decision to impose the administrative monetary penalty is requested under section 43 (1) *[reviews]* of the Act, within 31 days of the date on which the review officer’s decision is deemed to be received under the Act, if there is no appeal commenced, or
- (c) if an appeal to the appeal board with respect to the review officer’s decision is commenced under section 45 (1) *[appeals]* of the Act, within 30 days of the date when the written reasons for the decision of the appeal board are deemed to be received under the Act.

PART 3 – DESIGNATION OF TRADES

Designation of trades as skilled trades certification trades

- 7 For the purposes of section 27 (1) *[designation and scope of work of skilled trades certification trades]* of the Act, each of the following trades is designated as a skilled trades certification trade, 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.

SCHEDULE ADMINISTRATIVE MONETARY PENALTIES

Definition

- 1 In this Schedule, “**contravention**” means the following contraventions under section 39 (1) of the Act that correspond to the items listed in Column 4 of the table to this Schedule:
- (a) section 26 *[trades]*, 30 (2) *[qualification record]*, 32 *[supervision ratios]* or 33 *[supervision ratio adjustment]* of the Act;
 - (b) a failure to comply with a compliance order issued under section 38 *[compliance orders]* of the Act.

Amount of administrative monetary penalty

- 2 For each contravention listed in Column 2 of the table to this Schedule, the maximum amount of the administrative monetary penalty is as follows:
- (a) the amount set out in Column 5 in relation to the contravention, for a first contravention;

- (b) the amount set out in Column 6 in relation to the contravention, for
 - (i) a second contravention, or
 - (ii) a second day of a continuing contravention;
- (c) the amount set out in Column 7 in relation to the contravention, for
 - (i) a third or subsequent contravention, or
 - (ii) a third or subsequent day of a continuing contravention.

Table

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Contravention	Person	Provision of the Act	Administrative Monetary Penalty Maximum Amount		
				1st	2nd	3rd and Subsequent
1	Unauthorized work in trade	Person	Section 26 (1)	\$500	\$1 000	\$2 000
2	Employ unauthorized person to work in trade	Employer	Section 26 (2)	\$1 000	\$2 000	\$5 000
3	Contravene requirement to maintain and produce qualification records	Employer	Section 30 (2)	\$250	\$500	\$1 000
4	Contravene supervision ratio requirement	Employer	Section 32	\$1 000	\$2 000	\$5 000
5	Contravene corporation's terms and conditions	Employer	Section 33	\$1 000	\$2 000	\$5 000
6	Failure to comply with compliance order	Person other than employer	Section 39 (1) (b)	\$500	\$1 000	\$2 000
7	Failure to comply with compliance order	Employer	Section 39 (1) (b)	\$1 000	\$2 000	\$5 000