

What you need to know about *enforcement*

The Ontario College of Trades (the College) is responsible for protecting the public interest by ensuring that individuals working in a compulsory trade have the required certification to do so.

The College currently has 41 enforcement officers throughout Ontario who are on the road every day working hard to protect the public from uncertified tradespeople and create a level playing field for certified professionals.



What is the College's role when it comes to enforcement?

- Work towards establishing a level playing field – where the underground economy is diminished
- Respond to concerns and incidents reported by the public
- Ensure that anyone engaging in the practice of a compulsory trade has the proper certification and training to do the job and is a member of the College
- Investigate any complaints of professional misconduct, incompetence or incapacity that are made against the College's members
- Ensure fair and impartial treatment for its members while protecting the public

A complaint can be made via mail, fax, email, or by calling the Complaints Line. If you would like to remain anonymous, exclude your full name and contact information.

What can happen after an inspection?

- College Enforcement Officer(s) will leave a field visit report that will include details of the site visit
- Members as well as non-members may be subject to warnings, tickets and/or charges for offences
- Anyone can be held accountable for offences under the *Ontario College of Trades and Apprenticeship Act, 2009* (the Act)
- Provincial Offence Notices (tickets) carry a fine of \$195 for individuals and \$295 for employers
- Repeat offences and violation of other sections of the Act may result in charges being laid. The result of these charges could lead to fines of up to \$5,000 for a first offence and \$10,000 for a subsequent offence
- An inspection may involve looking into complaints involving allegations of professional misconduct, incompetence or incapacity against a College member
 - In this instance, a report will be created for use by the College and committees created to deal with these matters

Ontario College of Trades

655 Bay Street, Suite 600, Toronto, ON M5G 2K4

Complaints Line 1 (855) 299-0028 ext. 3

Fax 1 (866) 398-0368

Web www.collegeoftrades.ca

Email complaints@collegeoftrades.ca

Office Hours

Monday to Friday 8:30am–5:00pm

Call Centre Hours

Monday to Friday 7am–7pm

What to expect during a visit from an Enforcement Officer

Enforcement Officers are designated as either inspectors or investigators under the *Ontario College of Trades and Apprenticeship Act, 2009* (the Act). The officers will interact with tradespersons and employers in order to verify compliance with the Act and regulations.

They are also designated as Provincial Offences Officers, which gives them powers similar to other government enforcement bodies.

Enforcement Officers have the right to enter any business during normal working hours. They also have the authority to examine pertinent documents during their inspection, including but not limited to, payroll records, employee schedules and Registered Training Agreements.



What should I expect as a tradesperson?

- If you work in a compulsory trade, you may be asked to show: a valid Certificate of Qualification in the College's Journeypersons Class (including a valid Provincial Certificate of Qualification); a valid Statement of Membership in the College's Journeyperson Candidates Class; or a valid Registered Training Agreement (RTA) and/or a valid Statement of Membership in the College's Apprentices Class in that trade
- If you perform work in a voluntary trade you are not required to produce any documents
- You cannot call yourself a journeyperson, a journeyperson candidate or an apprentice in a compulsory trade, use the title of a compulsory trade or hold yourself out as being able to perform work in a compulsory trade if you are not a member of the College and do not hold a valid Certificate of Qualification, a valid Statement of Membership or a valid RTA in that trade
- You cannot call yourself an apprentice in a voluntary trade without having a valid RTA and being a member of the College
- Apprentices are required to have a valid RTA and be members of the College through the duration of their apprenticeship program
- You may be fined \$195 or charged if you perform work in a compulsory trade without a valid Statement of Membership and Certificate of Qualification or a valid RTA in that trade
- You have the right to appeal the fine or charge, or participate in an early resolution process if that option is available in the municipality in which the fine or charge was levied
- You have the right to receive and review evidence that the College has in relation to the ticket or charge

What should I expect as an employer?

- Employers are responsible for ensuring that employees doing the work of a compulsory trade have the required certification to do so, and are members of the College
- An officer has the right to enter a place of business during regular operating hours
- Officers do not as a rule make appointments
- Officers will verify that individuals working in a compulsory trade have the required certifications to do so and that individuals working in a voluntary trade have a valid RTA
- You or a representative of your company will be asked to sign a field visit report detailing the findings of the inspection. You will receive a copy of this report for your records
- Employers are not required to produce proof of College membership, but they may be required to produce records, such as payroll, to confirm compliance with journeyperson to apprentice ratio requirements, when applicable, and to confirm worker status
- Owners or managers performing work in a compulsory trade or training apprentices in a compulsory trade are required to have proof of membership with the College in that trade
- You may be fined \$295 or charged if you employ or engage individuals to perform compulsory work without a valid Certificate of Qualification, a valid Statement of Membership or a valid RTA
- You have the right to appeal the fine or charge, or participate in an early resolution process if that option is available in the municipality in which the fine or charge was levied
- You have the right to receive and review evidence that the College has relating to the ticket or charges