

College of Trades

Report of the Advisor to the Minister of Training, Colleges and Universities

Kevin Whitaker, Advisor

May 1, 2009

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The Honourable John Milloy
Minister of Training, Colleges and Universities

Dear Minister Milloy:

I am very pleased to present my report on the College of Trades.

This report sets out a number of recommendations to support the creation of a College of Trades which, if adopted by the government will, in my view, contribute to the modernization of the apprenticeship and certification system in Ontario to make it more responsive to economic needs while enhancing the status and effectiveness of apprenticeship trades in the province.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Kevin Whitaker', written in a cursive style with a long horizontal stroke extending to the right.

Kevin Whitaker
Advisor

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I***Executive Summary***

On September 16, 2008 the Government of Ontario announced its intention to establish a “College of Trades” as an arms-length self governing institution to promote the skilled trades and modernize the apprenticeship system in Ontario.

The creation of a new College of Trades was one of the key recommendations of the *Compulsory Certification Review* (Armstrong Report), released in May 2008. The proposed College would help ensure Ontario’s skilled trades sector could meet the growing needs of the economy while placing the Trades on a similar footing with teachers, doctors and nurses who have their own professional colleges.

Under Terms of Reference which are described in the next chapter I was appointed Implementation Advisor in September, 2008, responsible for developing the College’s governance structure, scope and mandate framework. In developing this framework I was asked to consult broadly with stakeholders and to consider the College’s role, responsibilities and powers as well as advise on how to establish its arms-length relationship with government and its staged introduction.

Between October 2008 and February 2009 I met with 26 key stakeholder groups to gain insight into views on the mandate and governance considerations for the College. On October 24, 2008 I released a Notice of Consultation to over 450 stakeholders inviting written submissions in response to a series of eight questions I developed to provide context and focus for responses. A total of 65 written submissions were received. Between November 28 and December 5, I conducted a series of four regional public hearings to provide interested parties with an opportunity to present their views in a public forum. I heard from 27 parties over the course of these hearings. Details of this consultation process can be found in Chapter 6.

A College of Trades is quite a unique concept in Ontario and indeed within Canada and beyond. The notion of a professional self governing institution on the other hand is not. There are a number of professional Colleges in Ontario as well as a number of trades governance models in other jurisdictions both within Canada and abroad. In developing a model for the College I also undertook research into these jurisdictions to gain insight into experiences, best practices, lessons learned, and in the case of some recent start up institutions, key considerations for implementation staging. The details of this jurisdictional review can be found in Chapter 5.

The establishment of a College of Trades presents a series of unique challenges for the Ministry of Training, Colleges and Universities. Many of the functions and responsibilities I am recommending be transferred to the College are to some extent, integrated into the ministry's Employment Ontario programs and mandate. This requires a considered and structured approach to transfer, transition and timing.

The establishment of a College of Trades will present a series of unique challenges for the institution itself and for the trades. At its maturity this will likely be the largest self governing College in Canada with over 150 distinct apprenticeable trades and upwards of well over 600,000 potential members. Critical to the success of the College will be an ongoing, collaborative and supportive relationship with government.

In developing my recommendations I have carefully considered the wealth of suggestions and viewpoints received through stakeholder consultations and submissions, the experiences in other jurisdictions and the unique challenges facing the government and the College on a go-forward basis. I have also considered and then attempted to reflect an appropriate balance between those issues which on the one hand, concern and affect all Trades, and those on the other hand that are particular to and specifically arise only in one of the four "Divisions" (Construction, Services, Industrial and Motive Power).

I believe these recommendations, if adopted, will strengthen, modernize and professionalize the apprenticeship system in Ontario, position it as a global leader and ensure its effective responsiveness to economic challenges and demands now and in the future. The following is a summary of my recommendations. Details and a discussion of these recommendations can be found in chapter 8.

Recommendation 1 – Industry Driven

It is recommended that Industry - through the College of Trades - take primary responsibility for the regulation of all Trades in Ontario through the performance of standard regulatory functions.

Recommendation 2 – The College as a “Champion” for the Trades

It is recommended that the College of Trades have primary responsibility for the promotion of the Trades, raising the profile and status of the Trades.

Recommendation 3 – Diversity and the Removal of Barriers to Access

It is recommended that the College of Trades be responsible for removing barriers to access for both foreign trained workers and those who are currently under-represented in the Trades.

Recommendation 4 – The Continuing Role of Government

It is recommended that the government through MTCU shall remain responsible for some functions currently performed, for purposes of being able to play a role in the establishment and maintenance of a broad public policy framework.

Recommendation 5 – Four Divisions; Construction, Services, Industrial and Motive Power

It is recommended that the College of Trades be organized in four Divisions; Construction, Services, Industrial and Motive Power.

Recommendation 6 – The Board Of Governors

It is recommended that the Board of Governors consist of 22 Members; two Employee and two Employer Members from each of the four Divisions, five Lay Members representing the public and the CEO as an *ex officio* non-voting member.

Recommendation 7 - Committee Composition on the Board of Governors

It is recommended that the Board of Governors will amongst themselves select a Chair. The Chair will designate an Executive Committee comprised of Deputy Chair, Treasurer and Secretary.

Recommendation 8 – Divisional Governance

It is recommended that each Division will be directed by a Divisional Board consisting of five Members.

Recommendation 9 – The Role of Trade Boards

It is recommended that each Trade or group of Trades shall be represented by a Trade Board that reports to the appropriate Division.

Recommendation 10 – Reporting Responsibilities and Lines of Authority

It is recommended that Trade Boards will report to and take direction from the Divisional Boards who will report to and take direction from the Board of Governors. The Divisional and Trade Boards should exercise appropriate decision making authority over day to day issues that are uniquely pertinent to them.

Recommendation 11 – Deciding Compulsory/Mandatory Designation and Ratios

It is recommended that both applications for compulsory/restricted status and ratio disputes, be referred to and then decided by a three person Review Panel.

Recommendation 12- Transitional Board

It is recommended that following Royal Assent, the Government will appoint by Order in Council, a Transitional Board of Governors consisting of one Chair and eight Members.

Recommendation 13 – The Appointments Council

It is recommended that during the staging in period, the Transitional Board will be responsible for making appointments to all decision making positions and will continue as the Appointments Council once the Board of Governors is installed.

Recommendation 14 – Balanced and Appropriate Appointments

It is recommended that in making appointments to the Board of Governors, the Divisional Boards, the Trade Boards and the Adjudicative Rosters, the Appointments Council shall within the College of Trades as a whole, attempt to reflect the workplace reality of the Trades and the diversity of the Province.

Recommendation 15 – Staff Structure

It is recommended that College staff shall report to a CEO with standing Departments.

Recommendation 16 - Membership

It is recommended that College of Trades membership will include all who work in the Trades and will begin by including all journeypersons, and all employers of apprentices and journeypersons. The College of Trades may create additional categories of membership.

Recommendation 17 – Fee Structure

It is recommended that the Government shall provide one time start up costs and current funding will follow the transfer of responsibilities. Members shall pay an annual fee of approximately one hundred dollars which may over time be varied by the College of Trades.

Recommendation 18 - Staging

It is recommended that staging-in should occur in three phases over the course of 27 months, beginning on the day of Royal Assent to the statutory amendments creating the College of Trades.

Recommendation 19 – Joint Transition Team

It is recommended that there will be a joint transition team consisting of MTCU and College of Trades staff that will co-ordinate the transfer of responsibilities and supervise the work of the College during the initial start up.

II

Terms of Reference

The Terms of Reference which set out my mandate can be found at Appendix 1 of this report. These terms direct me to develop a recommended governance and mandate framework for the College of Trades, in response to the Government of Ontario's announcement to "*create a College of Trades, which will contribute to the modernization of the apprenticeship and certification system to make it more responsive to economic needs, enhance the quality of apprenticeship training and expand the system*". In developing this framework I have been specifically asked to:

1. Ensure the governance framework includes the following features:

- a) It is arms-length from government;
- b) It has a board of directors or governors or governing council that comprises a balanced membership apportioned amongst employees, employers, training institutions and public members and possibly government representation;
- c) Its internal organizational structure recognizes four distinct sectors (construction, industrial, motive power and service);
- d) It has a mechanism to determine and enforce appropriate journeyman to apprenticeship ratios;
- e) It has a sub-board committee structure including panels and a process to deal with requests for compulsory certification;
- f) It is financed through a fee framework.

2. Consider whether the mandate should include some or all of the following:

- a) Encouraging and attracting individuals and employers to participate in the apprenticeship and certification system;
- b) Raising the status of the trades;

- c) Working with regulators and stakeholder groups to remove barriers/provide access to internationally trained workers;
- d) Serving and protecting the public interest; and
- e) Powers and objects which may include:
 - Setting training and certification standards;
 - Establishing standards for ongoing competence (post-certification);
 - Enforcing training standards and certification requirements in partnership with government;
 - Investigating complaints about members and dealing with discipline matters;
 - Undertaking research, public communications, and liaising with training institutions regarding certification/licensing of apprentices and journeypersons;
 - Delivery of apprenticeship and certification programs;
 - Managing associated apprenticeship programs.

3. Consider the institution's specific role and responsibilities with respect to the recommended mandate areas.

4. Identify the recommended governance approach for establishing the arms-length relationship with government.

5. In addition to developing the framework, provide a detailed implementation plan for establishing the College, which will include recommendations on:

- Implementation staging; and
- An appropriate fee framework, taking into account start-up costs to be provided by government.

The terms also direct me to conduct stakeholder consultations to ensure that all interested parties are able to participate and provide input into the development of the College of Trades model, and to take into consideration the Tim Armstrong report.

III

Apprenticeship and Certification System in Ontario

Introduction

As noted, the terms of reference for this Report direct me to consider whether the mandate of the College of Trades should include some or all of a number of responsibilities primarily within the operational authority of the Government of Ontario through the Ministry of Training, Colleges and Universities (MTCU). This requires an understanding of how the Apprenticeship and Certification System currently functions in Ontario in order for me to make recommendations on its future state under a new governance model.

What follows in this section of the Report is only a brief outline of the current system. For an historical perspective, particularly from a legislative point of view, review Tim Armstrong's "*Compulsory Certification Review*" report released May 22, 2008.

What is Apprenticeship and Certification?

Just as health professionals "intern" in order to gain supervised practical experience and other professionals such as lawyers and architects "article", people learning a trade use the "apprenticeship" learning model where an individual learns a trade from another tradesperson.

"Certification" usually follows apprenticeship training. After the completion of an apprenticeship training program an individual can then gain a recognition known as a Certificate of Qualification, usually by writing a trade exam. With a Certificate of Qualification an individual is referred to as a certified tradesperson, or more popularly is called a "journeyman".

Apprenticeship training in Ontario and most other jurisdictions is a combination of both on-the-job (workplace based) and in-school training for employment in a skilled trade or skilled occupation. On average, 90 percent of the training is hands-on, in the workplace, under the guidance and instruction of qualified or certified journeypersons.

The remaining 10% is “in-school” training and it compliments the work-place based training with both theoretical and practical elements. Although the in-school component has many options for alternative delivery this training typically takes the form of classroom instruction through a community college or other approved training delivery agent (TDA). In 2007/08, the in-school training component of the apprenticeship training programs was provided through a network of 66 training delivery agents (24 community colleges and 42 private institutional, union or employer-sponsored training centres).

Legislation

Apprenticeship training in Ontario is governed by the *Apprenticeship and Certification Act (ACA), 1998* and the *Trades Qualification and Apprenticeship Act (TQAA)* and is managed through MTCU. The ACA and TQAA also govern the process by which apprentices and non-apprentices can become certified.

The ACA governs 3 of the 4 main trade sectors - Motive Power, Industrial and Service. The TQAA governs the Construction sector (although some recent construction based trades are governed under the ACA).

The ACA governs apprenticeship training in 121 distinct trades, 11 of which are restricted.¹ The TQAA governs 33 trades in total, 10 of which are compulsory.²

¹ The ACA uses the term “restricted” to indicate that the work of the collection of skill sets that make up the trade can only be performed by a registered apprentice or a certified journeyperson. “Unrestricted” trades can be performed without an individual being required to be registered as an apprentice or obtain certification.

² The term “compulsory” is used for TQAA trades to indicate that the work of the trade can only be performed by a registered apprentice or certified journeyperson. “Voluntary” trades can be performed without an individual being required to be registered as an apprentice or obtain certification.

For many of the trades under the ACA, “Program Summaries”, approved by designated Industry Committees, provide direction and advice for MTCU staff in carrying out the administrative functions and in making decisions within each trade’s apprenticeship and certification programs. For example, it is required that an applicant applying for a Certificate of Qualification without going through a full apprenticeship program must show proof of the requisite number of hours engaged in training. In the case of the apprenticeship program, the Program Summary includes a guideline on the recommended ratio of apprentices to train under a certain number of journeypersons.

Unlike the ACA, it is the TQAA regulations that outline each trade’s apprenticeship training program requirements. Journeyperson to apprentice ratios are set out as firm regulatory requirements.

Under the ACA an apprentice and their sponsor of training (which typically is their employer but not necessarily) sign a joint training agreement which is then “registered” by MTCU. Under the TQAA an apprentice and their employer sign a joint contract of apprenticeship – it is similarly “registered” with MTCU.

While the language differs between the ACA and TQAA and there are some implications inherent in those differences, the essence of what is taking place is the same. Parties are documenting that the apprentice will receive training from a qualified journeyperson in a trade according to an industry accepted standard.

There are both certified and uncertified journeypersons in “unrestricted” and “voluntary” trades whereas in “restricted” or “compulsory” trades, journeyperson status is only achieved by becoming certified. In unrestricted ACA trades or voluntary TQAA trades uncertified journeypersons may conduct their work without a Certificate of Qualification; however, they would not be able to call themselves a certified or licensed journeyperson. The Ministry enforces certification in cooperation with the Ministry of

Labour and the Ministry of Transportation.³

A certified journeyperson is an individual who has completed all the certification requirements of a trade, and has acquired at least the Certificate of Qualification as required for that particular trade. The Certificate of Qualification usually denotes that the individual has successfully passed a trade exam.

From Registration to Completion to Certification

The apprenticeship registration process is carried out by Ministry staff in accordance with each piece of legislation's prescribed set of requirements and legislative guidelines in a particular trade. The Ministry ensures that the sponsor or employer as well as the apprentice meet all the entry requirements to the program. The requirements include an age requirement for the apprentice (minimum 16 years of age) and an academic requirement that varies by trade.⁴

In both the case of the ACA and TQAA, at the point of completion of an apprenticeship training program the apprentice must demonstrate to the Ministry that they have achieved all of the in-school training as well as the on-the-job training.

Under the TQAA at the point of completion, apprentices must prove that they worked the amount of hours as stated in their contract in order to learn the mandatory skills as set out in the regulation for their trade which are also set out in the Training Standard established by industry.

³ Ministry staff ensure compliance with the regulation specific wage and ratio provisions of the TQAA and with the hairstyling certification provisions of the ACA (Sections 12 and 13). The Ministry of Labour enforces licensing in compulsory trades upon visits to job sites as part of its responsibilities in ensuring compliance with the Occupational Health and Safety Act (OHSA). The Ministry of Transportation enforces licensing of some restricted motive power trades at the point of applications for Safety Standard Certificates. Review Tim Armstrong's Compulsory Certification Review for an assessment on Ontario's enforcement activities as it relates to apprenticeship and certification.

⁴ Under the TQAA, the minimum academic requirement ranges from grade 8 to grade 10. Under the ACA, the requirement is grade 12 unless specified otherwise.

Under the ACA at the point of completion, apprentices must prove that they have learned the mandatory skills as set out in the Training Standards established by industry.

Apprentices must complete the in-school and on-the job components of training.

In the case of the ACA, upon the completion of the apprenticeship program the apprentice obtains their Certificate of Apprenticeship. This certificate is in recognition of the fact that the individual has completed all of the requirements of a trade's apprenticeship program. Typically, these individuals successfully go on to also obtain the Certificate of Qualification where applicable, through the successful passing of the trade exam.

In the case of the TQAA, apprentices only receive their Certificate of Apprenticeship along with their Certificate of Qualification where applicable, after they write and pass the trade exam. This is one of the other differences between the two pieces of legislation.

Ministry of Training, Colleges and Universities

Ontario's apprenticeship and certification system is the largest in Canada of all the provinces and territories. For the fiscal year ending 2007/2008, over 26,000 apprentices were registered. Currently, there are approximately 115,000 active apprentices in Ontario registered to approximately 35,000 active sponsors/employers. There are approximately 470,000 active certified journeypersons.⁵

Prior to January 1, 2007, the Ministry of Training Colleges and Universities managed the apprenticeship and certification programs under the Director of Apprenticeship within the Labour Market and Training Division. The Director reported to the Assistant Deputy Minister of the Labour Market and Training Division. Reporting

⁵ Based on data from MTCU

to the Director were 4 Senior Managers with approximately 75 Ministry staff who had different responsibilities for the apprenticeship and certification system. The then Senior Manager of Program Delivery was responsible for the field network of approximately 200 Ministry staff including 4 District Managers (North, East, West and Central) who managed the 26 field and/or satellite offices spread out across the province.

On January 1, 2007, under the provincial-federal Labour Market Development Agreement (LMDA), the MTCU assumed responsibility for a number of previously federally administered programs and services (along with the revenue and staff to administer them) geared to assisting and supporting people to gain or regain employment or better employment.⁶

This development triggered a transformation process within the Ministry designed to incorporate the new responsibilities, programs, services and staff in an integrated way. The results of this transformation process, some aspects of which are still ongoing, have resulted in the Ministry's programs and services, including Apprenticeship and Certification, being delivered under the "Employment Ontario" banner within a new organizational structure.

The Current Structure

The Ministry's current organizational structure reflects two key differences from its most recent past. First, it is based on a functional model concept that relies on staff increasingly applying their particular skills and expertise to a wider range of programs and services and it includes a new regional service delivery network where each of the 4 regions is led by a Director, each of whom report to the Assistant Deputy Minister of the Employment and Training Division (ETD). The Director of the Service Delivery Branch

⁶ These services and programs include Employment Assistance Services (EAS), Targeted Wage Subsidy (TWS), Job Creation Partnership (JCP), Ontario Skills Development (OSD), Self-Employment Benefit (SEB). These, and other program/service responsibilities were added to MTCU's existing program/service responsibilities including the Job Connect (JC) program, Literacy and Basic Skills (LBS) and Academic Upgrading (AU), Apprenticeship and Certification.

(SDB) assumes the legislative title of Director of Apprenticeship and reports to the same Assistant Deputy Minister.

Today, Ministry staff who administer the Apprenticeship and Certification programs continue to be spread across the 4 regions⁷ and at head office primarily in the ETD. Some head office staff now reside in the Strategic Policy and Program Division (SPPD) – primarily in that Division’s Program Development Unit (PDU) contained within its Programs Branch (PB).

Ministry staff within PDU work with industry to develop training standards, curriculum standards (including prior learning assessment and recognition (PLAR) tools), exam standards (including managing the Red Seal Program⁸), and recognition standards as well as new trade development. PDU works with industry through the designated TQAA Provincial Advisory Committees (PACs) and ACA Industry Committees (ICs). While PDU works with PACs and ICs they are also supported through the Employment and Training Division’s Delivery Support Unit. (*See Appendix 2 for more information on how standards are set and how a new trade is created*).

PDU staff also fulfill the Ministry’s membership role on the board of the Ontario Construction Secretariat (OCS), and provide ongoing direct or indirect support and participation in initiatives such as the Canadian Apprenticeship Forum (CAF) and the Ontario Women’s Directorate’s Initiative on Skilled Trades (WIST).

⁷ The number of field offices expanded from 26 to over 80 with the signing of the LMMA agreement. Co-location activities are ongoing and this number continues to decrease. This is just one of the transformative activities that is ongoing within the Ministry to integrate its program and service delivery.

⁸ The Red Seal Program, designed to increase labour mobility of journeypersons across Canada, is led by the Canadian Council of Directors of Apprenticeship (CCDA). Ontario participates in 46 of the 50 Red Seal Trades - 20 under the TQAA; 26 under the ACA. The federal government takes the lead in developing a national occupational standard from which a certification exam can be developed. Exam development is the responsibility of the provinces. Ontario is the lead for the development/maintenance for 9 red seal exams. Ontario participates in the Interprovincial Standards Examination Committee (ISEC) – a subcommittee of the CCDA with representatives from the provinces and territories and it contributes to the maintenance of the Interprovincial Computer Examination Management System (ICEMS) which is the database that houses the Red Seal exam questions

Through the regional office network field staff register agreements and contracts for apprentices and sponsor/employers, manage the school scheduling for apprentices, complete apprentices, approve candidates to write certification exams, invigilate and mark the exams according to the certification exam and exam standards, collect fees and manage revenue, respond to public inquiries and work with stakeholders including other Ministries, TDAs, school boards, employer/employee groups and the public.⁹

Regional and Head Office staff within the Service Delivery Unit work collaboratively on the annual seat plan negotiations with the TDA network. When apprentices are first registered they indicate their schooling preference – where and when they wish to attend in-school training and the type of training they wish based on what is available (eg. full time, part-time). These preferences are recorded on the Ministry’s database called the EOIS-APPR (Employment Ontario Information System for Apprenticeship). Based on these preferences, notices for school are generated by staff or automatically by the system and sent to both the apprentice and employer from the Ministry’s Head Office.

The Notice for in-school training directs the apprentice to contact the TDA to pay the classroom fee and confirm their seat in the class. Although the Ministry provides significant funds to TDA’s for in-school training, apprentices pay a classroom fee to additionally offset the cost of in-school training.¹⁰

Regional staff are responsible for processes to maximize the seat utilization at the TDA. While non-community college TDA’s are only paid based on the number of

⁹ The apprenticeship and certification stakeholder base is both broad and deep. By way of example, within a school board interested individuals include co-operative education teachers, guidance counsellors, parents, students and Ontario Youth Apprenticeship Program Coordinators; within employers it can include direct employer contact, sector councils, Chambers of Commerce, employer based associations either local, provincial or national; employee related groups include unions and employee associations; service providers in the community that provide services related to employment are also key stakeholders in the process of communication and promotion of the programs to the public.

¹⁰ In some circumstances apprentices also qualify for Employment Insurance while in school – yet another benefit of this learning model as compared to others.

people that actually attend a class, the community colleges receive a guaranteed amount. In all cases, it is important to ensure that a class is full.

All TDA's sign a contract with the Ministry with the details of the planned expenditures and/or minimum and maximum expenditures. The contract is signed at the end of the annual seat plan negotiation process conducted by regional staff with their local TDA's. The details of these negotiations are communicated to Head Office staff and recorded on the Ministry database and this information then forms the basis of the contract. In year changes can be negotiated based on either increased or decreased demand.

Regional and Head Office staff work collaboratively on approving new training delivery agents (TDA) and programs. (*Appendix 3 provides detailed information on how TDA's are certified and approved*).

Regional and Head Office staff also work collaboratively on the nomination and recognition of employers through the Employer Recognition Awards, on the funding and participation of events such as the Skills Ontario competition within Skills Canada's mandate, and to create and distribute promotional materials such as "Trade Fact Sheets". These program funds support different stakeholders such as employers, apprentices, TDA's and school boards in their ongoing participation in the apprenticeship and certification program.

Within the Service Delivery Branch, staff in the Centralized Service Delivery Unit's (CSDU) Operations Unit issue Certificates and other documents (Apprenticeship Wallet cards, Notices of Cancellation of contracts of apprenticeship and training agreements, Schooling Notices, Notices for Certificate Renewal) in accordance with the recognition standards, and manage the Loan for Tools Program.¹¹

¹¹ Loans for Tools program - the Ministry offers a loan to new apprenticeship clients upon registration of their initial Training Agreement or Contract of Apprenticeship for TOSS-specific workplace-based training. The loan offers new apprentices financial help to offset the initial cost of the tools and equipment they need during the early years of their training. The loan is interest-free as long as the client remains active in the apprenticeship program.

The Business Systems Management Branch (BSMB) through its Business Support Unit (BSU) maintain the apprenticeship and certification IT system known as EOIS-APPR (Employment Ontario Information System for Apprenticeship and Certification). This system is used directly by Ministry staff, other Ministries such as the Ministry of Labour and the Ministry of Transportation, community colleges, journeypersons (who have the option of accessing it in order to complete the renewal of their Certificates) and, in a pilot stage, by employers in the Modular Training Sector.¹²

With respect to apprenticeship and certification, the Ministry's key priority is to increase registrations toward realizing the publicly stated goal of 32,500 annual apprenticeship registrations by fiscal 2011/12.

Provincial Advisory Committees (PAC) and Industry Committees (IC)

Provincial Advisory Committees and Industry Committees are established and mandated under Section 3 of the *Trades Qualifications and Apprenticeship Act*, and Section 5 of the *Apprenticeship and Certification Act, 1998*, respectively, to advise the Minister on matters relating to the establishment and operation of apprentice training programs and qualifications. There are currently 48 such committees representing individual trades, each headed by a Chairperson. Their mandates are set out in individual Terms of Reference and commonly include the following responsibilities:

- Advising the Minister with respect to apprenticeship programs and the qualifications required for trades;
- Developing and revising apprenticeship programs including training standards, curriculum standards, examinations and other related training and certification material and recommending them to the Minister;

¹²Modular training is workplace-based skills training with no in-school component, and is usually short in duration. Training is funded by industry and is delivered in incremental units (i.e. modules) and accredited at each step. It is focused on the mining, forestry, construction and transportation sectors. Most programs are compulsory in Ontario under the Occupational Health and Safety Act administered by the Ministry of Labour. As with Apprenticeship training, MTCU develops Training Standards, working in conjunction with industry, and also manages Modular training programs.

- Promoting high standards in the delivery of apprenticeship programs;
- Promoting apprenticeship as a method of acquiring skills for trades;
- Considering recommendations from employers in the trades and from apprentices and other persons who work in a trade;
- Performing such other functions as may be assigned by the Minister or Director.

The Ministry (MTCU) provides secretariat support functions to each of these committees and acts as a liaison between the committee and the Minister.

IV

The Armstrong Report

In May, 2007, Tim Armstrong, a public policy advisor, legal counsel, former Deputy Minister of the ministries of Labour and (then) Industry Trade and Technology, as well as former Chair of the Ontario Labour Relations Board was appointed to undertake a review of the impact of expanding compulsory/restricted certification under the *Trades Qualification and Apprenticeship Act* and the *Apprenticeship and Certification Act, 1998*, with particular reference to the ramifications for health and safety, the registration of new apprentices, the rates of completion, consumer protection, economic impact and any other factors he considered relevant. He was also asked to recommend a framework for dealing with and advising on applications for compulsory trade status.

Mr. Armstrong conducted broad stakeholder consultations, engaged external advisors, labour market economists and federal government agencies. His report was released on May 22, 2008.

Mr. Armstrong found that the benefits of compulsory/restricted status might generally outweigh voluntary/unrestricted status with respect to registration and completion rates, health and safety performance, consumer protection and economic impact. He also found that there were counterbalancing factors to consider, including limitations on labour supply that could result if journeyperson/apprenticeship ratios were too stringent, situations where the merits of compulsory/restricted status might have adverse consequences on worker mobility, and whether existing enforcement mechanisms were so deficient that adding more compulsory/restricted trades would be an exercise in futility, amongst other considerations.

Mr. Armstrong concluded that it was difficult to effectively deal with the issue of compulsory/restricted certification without addressing broader issues within the apprenticeship and certification process, and that there was “substantial potential to

improve and enhance the standing and effectiveness of apprenticeship trades and their continued, strengthened contribution to the growth of the Ontario economy.”

The report included six recommendations. The most significant recommendation, and in response to a key feature of his mandate for a “decision framework”, was to *“consult with stakeholders with the objective of establishing a new, all-trades governance institution – the College of Trades – whose functions would include the establishment of expert panels to consider applications for compulsory certification and provide advice to the Minister; to engage in certification enforcement; to raise the profile and status of the trades; and provide for periodic review(s) of ratio provisions.”*

Mr. Armstrong also offered structural suggestions for consideration in establishing the College of Trades, including:

- A Board of Governors with balanced membership;
- An accreditation role that, together with the “College” name would enhance trade status and prestige;
- Membership that should include all apprentices and journeypersons covered by the TQAA and the ACA, as well as employer stakeholders;
- Provision for funding – public and/or private;
- Complaint mechanisms;
- Consideration for appropriate internal divisions within the college administration to deal with the distinct requirements of the members of each of the four sectors;
- The ability to establish expert panels to consider applications for the compulsory certification of individual trades, based upon pre-established criteria;
- The establishment of a joint enhanced enforcement unit with statutory enforcement powers, in collaboration with TCU, MOL, industry, labour and management.

- A standing industry advisory panel to review the issue of ratios at regular intervals in response to cyclical labour market demands;
- Potentially assuming responsibility for accrediting graduating apprentices and journeypersons, research, inter-sectoral trade communications, liaising with TDA's and other functions aimed at providing the trades with an institutional structure to enhance their image.

This recommendation and these structural suggestions formed the basis of, and starting point for my mandate and Terms of Reference.

In recommending panels to consider applications for compulsory/restricted certification and to review ratios at regular intervals, Mr. Armstrong noted the controversy surrounding these important issues and the difficulty in resolving them within the current decision making framework. Mr. Armstrong found that other jurisdictions across Canada had unique processes to deal with compulsory certification.

V

Jurisdictional Review

An understanding of the other “College” models in Ontario is helpful and informative. These include the 21 Health Regulatory Colleges (although that number is growing), the Ontario College of Teachers (OCT) and the newest College in Ontario, the Ontario College of Early Childhood Educators (CECE), which by the issuance of this report will be concluding its transition period toward full start-up of operations.

Other related models within Ontario that were reviewed included the Professional Engineers of Ontario (PEO) and two of the seven designated administrative authorities in Ontario – the Technical Standards Safety Authority (TSSA) and the Electrical Safety Authority (ESA).

With respect to trades governance models within Canada I reviewed the provincial and territorial models with some emphasis on those in British Columbia, Alberta and Saskatchewan. Outside of Canada I reviewed trades governance in Australia, Ireland and the United Kingdom and to a lesser degree, New Zealand.

Each model is created to address a particular set of variables and challenges at the time of its creation. The scope of this section represents an attempt to identify key trends, best practices and lessons available. Encouragingly, it appears that all models have done their best at the time of their creation to learn from each other so some common themes have surfaced, both with respect to governance and in particular, trades governance.

What follows is an overview of the findings and key considerations resulting from this inter-jurisdictional review that when taken into account with the submissions and consultations as outlined in this report will help in understanding my recommendations for the College of Trades. *(A detailed comparison of self-regulating bodies in other jurisdictions can be found in Appendix 4).*

Scope of Concern

Self regulating Colleges usually have a narrow occupational scope of concern; responsible for a range of between one to a few distinct occupations. There are over 150 different apprenticeable trades in Ontario, 46 of which are Red Seal trades, and there are over 470,000 active certified journeypersons and 115,000 apprentices and up to 35,000 active sponsors/employers. The Ontario College of Trades at its largest incarnation would become the largest self regulating body in the country. However, the number of occupations administered by an organization is only one perspective of its scope.

For example, in Ireland, the National Apprenticeship Advisory Committee (NAAC) with its 23 members, oversees the development of the standards based process for trades and advises “Foras Áiseanna Saothair” (FÁS) - Ireland's National Training and Employment Authority - on all matters pertaining to apprenticeship. This committee is made up of representatives of the social partners in industry, the educational sector and FÁS. While apprenticeship and certification is a small part of the overall workforce development mandate of FAS, the NAAC takes on a strong leadership role.

The United Kingdom is currently undergoing an overhaul of its apprenticeship system in terms of skills training governance, programs, services and targets. In January 2008, "World-Class Apprenticeships: Unlocking Talent, Building Skill for All", was published which set out the UK's plans to enhance and expand apprenticeships. Chapter 4 of that report outlines how by April 2009 the National Apprenticeship Service (NAS) will be created because of a clear case *“for making a single organisation responsible for delivery of the programme. Given the free-standing and respected brand of Apprenticeships, and the propensity of Apprenticeships to get ‘lost’ among other skills initiatives, there is also a case for this organisation to be separately branded and customer-facing. The Government will create a new National Apprenticeship Service and assign to it the end-to-end responsibility for the Apprenticeship programme, including ultimate accountability for the national delivery of targets.”*

Recent changes to trades governance in British Columbia and Saskatchewan have similarly moved to place trades training under an arms-length body.

Membership Fees

One advantage of a narrower scope of occupational responsibility for a self regulating College is that membership fees can be set by keeping in mind a manageable mandate for a defined membership. However, even with this premise, the amount of annual fees and the fee structure itself varies among self regulating Colleges in Ontario.

For example the annual fee for the newly established CECE is \$150.00 with a size of membership as yet to be determined. The annual fee for the Ontario College of Physicians and Surgeons, with a membership of about 25,000, is \$1,200.00. The Ontario College of Nurses charges an initial fee of \$171.00 with an annual fee of \$122.00 thereafter for its 145,000 members. Ontario College of Teachers (OCT) charges \$120.00 for its membership of over 212,000. In the case of the Ontario College of Chiropractors the fees range depending on the type of member - the annual fee is \$850 for a member who holds a general certificate of registration, \$475 for a member who holds an inactive certificate of registration and \$100 for a member who holds a retired certificate of registration. Finally, PEO which licenses Ontario's 70,000 professional engineers has an annual fee of approximately \$230.00 per member.

Two of the financial strengths of the OCT, established July 1996, are its size of membership (212,000 according to the 2007 annual report) and its ability to locate its membership. The College of Teachers is able to work with school boards to collect membership fees through payroll deductions.

The quicker that an organization can get to revenue certainty the quicker it can get on with the business of being a College.

The Ontario government is funding the transition period for CECE, funds which are due to be paid back at some point in the future. The Ministry of Children and Youth Services was able to provide some information to the fledgling College, subject to privacy legislation, to help in its membership drive and to secure its permanent financial base. However, the CECE Transitional Council undertook a multi-faceted marketing and communications strategy to help in finding its members. A marketing firm was engaged and a web site was created. There were a number of extensive mail outs of information about the College and registration packages were sent to every licensed program in the province. Most importantly, Members of the Council attended numerous public meetings to discuss the College and its benefits. This was a key part of its 18 month transition period ending February 2009.

Because so much of the success of a new self-regulating body lies in the ability of securing its fee-paying membership as soon as possible, this becomes a key factor in choosing its initial leadership. Models reviewed showed that initial leaders with experience in how to set up an arm's length regulatory body, is a definite asset. A new CEO's entrepreneurial experience becomes essential. So much of the initial College agenda such as outreach, raising its profile, raising funds, achieving membership targets and meeting a high profile communication and public relations challenge are similar to creating a new business venture.

The TSSA¹³ is also instructive in that it is completely self funding. Though it is not a self regulating body with members, it funds its operations by charging its industry clients a fee for the services it provides on a cost recovery basis.

¹³ The Ministry of Small Business and Consumer Services, Consumer Protection Branch oversees the mandates of the Delegated Administrative Authorities (DAAs) in Ontario. There are "Consumer Protection" DAAs and "Health/Safety" DAAs. The Health and Safety DAAs are TSSA (Technical Standards and Safety Authority) and ESA (Electrical Safety Authority).

Transition Period

According to interviews conducted as part of this review, all proponents involved in the start-up of their respective governance structures noted that there “never seemed to be enough time” to get everything done. This was stated regardless of the actual length of time of each implementation period and is likely the result of the challenge presented with any start-up.

With respect to the Health Colleges, prior to the enactment in 1991 of the *Regulated Health Professions Act, 1991* (RHPA), there was a period of years of research that was undertaken, for obvious safety reasons, before the Health College institutions were set up.

Today, there are number of new Health Colleges that have started or are in the process of getting started. Transitional Councils of new health regulatory Colleges have been established by the *Homeopathy Act, 2007*, *Kinesiology Act, 2007*, *Naturopathy Act, 2007* and *Psychotherapy Act, 2007* to regulate the practice of homeopathy, kinesiology, naturopathy and psychotherapy in the public interest. There is also an existing Transitional Council for the Ontario College of Traditional Chinese Medicine. The *Traditional Chinese Medicine Act, 2006* allowed for the Minister to appoint the council (currently 15 members). This council, and the profession, is in a transitional phase which will last approximately two to three years. During this time, the transitional Council will develop registration requirements and register members, develop practice standards including what are considered acts of professional misconduct, and other necessary work that will allow the College to fully operate. Once the transitional Council completes its work, the College will have the tools to fully regulate the practice of TCM in the public interest.

CECE was provided with an 18-month transition period. A nine-member transitional Council (8 plus a Chair) was appointed by the Minister of Children and

Youth Services on August 13, 2007 for an eighteen-month period ending February, 2009. The Transitional Council was asked to:

- Draft regulations, for review by the Minister of Children and Youth Services and approval by the Lieutenant Governor in Council, and establish by-laws of the College;
- Establish the College as an operational entity;
- Appoint a transitional Registrar and implement a registration process to register members;
- Prepare for and hold the first election for Council members;
- Prepare for the implementation of the objects of the College;
- Communicate with practitioners.

At the end of the transitional period, the balance of the *Early Childhood Educators Act 2007* will be brought into force.

The Ontario College of Teachers had closer to a six-month start from the time of the hiring of its initial Registrar to the point at which it was necessary to be operational (July 1996). It was almost a year after that (May 1997) that its first elected Council met. In this case there was no transitional council. The initial registrar provided the leadership until the first Board was elected.

In the case of the College of Chiropractors, an existing Board of Regents acted as the Transitional Council.

In the case of British Columbia's Industrial Training Authority (ITA), its early days were consumed with much needed policy work. It also had to address a number of

transition issues caused by an 18 month gap between the demise of the former Industry Training Advisory Commission and the creation of the ITA.

Another instructive example is the Agency for Health Protection and Promotion. Established by special legislation with an independent Board of Directors, it has a mandate to protect and promote the health of all Ontarians. In time, the Agency will serve as a central hub, linking researchers, public health practitioners and front-line health workers.

While the Board is to have 13 members, an initial board of 7 members were appointed in the summer of 2007. This followed a formal search process that was used to generate a list of candidates for the Minister's consideration. The Agency Implementation Task Force recommended a required set of skills and competencies. The members were chosen as matched to the skills and competencies and appointed by Order In Council.

A CEO was not appointed by the Board until July 1, 2008. The Agency is in the process of developing its initial organizational structure; transferring of staff from the Ontario Public Health Laboratories, recruiting up to 200 additional research and technical staff in its areas of specialization and working to establish a network of affiliate scientists and researchers.

Depending on the circumstances, it appears that the keys to a successful transition are to set an appropriate transition period, choose an appropriate leadership group and more importantly recognize that this period will be a challenging one for those entrusted with carrying it out.

Labour Mobility

European nations have long used the concept of professional Colleges. Currently, they are committed to a harmonization process for each designated profession across Europe in order to remove barriers, real or perceived, that national professional Colleges have or may have created. There is a tendency to increase “credential requirements” over time as a self-regulating agency works to define and refine its scope of practice, its membership and the requirements for membership.

Similar to Europe, self governance in Canada also has a long standing history. The Law Society of Upper Canada, the largest of all Canadian law societies, which regulates Ontario lawyers and paralegal licensees, was founded in 1797. It has grown to become the largest bar in Canada with 38,000 members.

PEO has been increasingly self regulating since 1937 with the most recent amendment to the Professional Engineers Act being made in 1984. The Ontario Colleges in the Health sector have been in place since 1991; Ontario teachers have been self regulating since 1996; early childhood educators just recently. In all these cases, just as in the European circumstance, Canada’s self regulating professions also concern themselves with labour mobility issues as a result of their requirement to have processes to assess individuals for membership based on their training or certification in other jurisdictions.

In Canada, where trades are concerned, labour mobility is currently achieved most significantly through participation in the Red Seal Program. This is also managed through the Agreement on Internal Trade (AIT) Chapter 7 (labour mobility)¹⁴, and

14 Chapter 7 of the AIT - the Labour Mobility Chapter - says that any qualified worker in an occupation in one province or territory must be granted access to similar employment opportunities in any other Canadian jurisdiction. Chapter 7 of the AIT targets three main barriers that prevent or limit the interprovincial movement of workers: residency requirements; practices related to occupational licensing, certification and registration; and differences in occupational standards.

additionally, in the case of Ontario through the Ontario-Quebec Economic Partnership Agreement.¹⁵

In Ontario, self-regulating agencies also have to have regard for the Office of the Fairness Commissioner (OFC) which was established in April 2007 and which ensures that Ontario's regulated professions have registration practices that are transparent, objective, impartial and fair. This office requires the professions to review their registration practices, submit reports about them and undergo audits to make sure they are meeting their obligations under the *Fair Access to Regulated Professions Act, 2006*. Currently 14 non-health professions are covered including architects, foresters and land surveyors along with 21 health professions by the *Regulated Health Professions Act, 1991*, as amended.

The College of Trades, like other self regulating bodies, will need to complete an assessment of foreign credentials in order to determine whether a candidate can become a member of the College and may be subject to the OFC.

Industry-driven Governance

Perhaps the most important and common thread among all governance models and in particular the trades governance models reviewed is that each strives to ensure that their governance is "industry driven".

Some of the models looked at had what could best be described as a "Leadership" Board. These were typically smaller in size, 5-15 people, with a series of "sub-boards" for different sectors or sub-sectors. A leadership board tends to focus on

¹⁵ In November 2007 Premiers McGuinty and Charest met in Toronto to announce they would cooperate to eliminate trade barriers and improve labour mobility between their two provinces. They signed a joint declaration to begin negotiating a comprehensive agreement to strengthen the economies of Ontario and Quebec.

policy frameworks and macro issues such as competitiveness, the economy, labour mobility, productivity or wealth creation. A leadership board sets parameters by which the other sub-boards operate and there is a reporting structure back to the leadership board.

One example of this is the Industry Training Authority (ITA) in British Columbia which has a nine (9) member board. Appointments to the Board are made by government. Board vacancies are advertised and shortlisted candidates are interviewed by a Governance Committee with recommendations made with reference to a Skills Matrix identifying personal, general and specific attributes.

The province of Alberta has a very similar trade governance model to Ontario's. The Alberta apprenticeship and industry training system is about half the size of Ontario but still significant in size with over 60,000 registered apprentices and occupational trainees and more than 20,000 employers. There similarly exists a network of industry committees, as in Ontario, to set standards. Alberta's Ministry of Advanced Education and Technology, manages apprenticeship and certification in a way similar to Ontario's Ministry of Training, Colleges with respect to registration activities, supporting in-school training, setting standards. The key difference between the two provinces is the existence of the Alberta Apprenticeship and Industry Training (AIT) Board.

The AIT 13-member board consists of a chair and an equal number of employer and employee members reflecting its apprenticeship and industry training system (58 designated trades), industrial sectors, large and small business, men and women and geographic locations. A public member shares with the Chair and other members of the Board the responsibilities of advising government on matters relating to apprenticeship and occupational training. The Board has a direct role in the appointments to local and provincial industry advisory committees and it is the Board that first approves/rejects standards before making its recommendations to government. The Board has a public profile so its recommendations are regarded in that light.

Saskatchewan's apprenticeship and certification system is much smaller than Ontario's with about 1200 registrations per year and about 9000 registered apprentices in total. Their *Apprenticeship and Trade Certification Act 1999* established the Saskatchewan Apprenticeship and Trade Certification Commission. Their model has all the elements of managing the system under one roof in an arms-length agency. This involved a transfer of responsibilities, staff and revenue to the Commission. This model replaced a then existing provincial board with trade advisory panels.¹⁶

The Commission is a Corporation and Agent of the Crown. A Board of 20 members are appointed by the Provincial Government. The majority of the members of the Board are selected by industry, equally representing employers and employees; a minority come from equity groups, a representative from the Saskatchewan Institute of Applied Science and Technology (the training provider for the majority of Saskatchewan's apprentices) and government representatives given that the Commission reports to the Minister of Advanced Education and Employment.

In Australia it is the Department of Education, Employment and Workplace Relations (DEEWR) that is the lead government agency on workplace training. The apprenticeship program is managed within the "Tertiary, Youth and International Division" under a Deputy Secretary. In 1992, as part of a major reform of their vocational education and training (VET) system DEEWR developed a coordinated system of stakeholders and lead agencies to promote and implement the system including 11 national Industry Skills Councils (ISCs) to better involve industry.

The ISCs are privately registered companies run by industry-based boards of directors of various sizes. Under the "Skilling Australia for the Future" initiative they work to identify skills needs, complete e-scans for workforce development and broker training. They broker training through the development of Training Packages that

¹⁶ On questions of trade ratios and compulsory certification the Commission remains advisory to government but on all other matters the Commission has direct control.

training deliverers use to develop in-school curriculum. These packages are reviewed and updated regularly and they represent a common national standard for skills.

ISCs develop networks and approaches to enable them to perform their roles under the Skilling Australia for the Future initiative. For example, Industry Advisory Committees (IACs) have been established to provide industry intelligence and advice on the skills needs, directions and significant trends within industry sectors and they develop research projects focusing on the industry skill and labour requirements for their sector.

Australia uses the “Australian Apprenticeships Roundtable” – 31 members selected from across trades and non-trades; large, medium and small enterprises; school-age, post-school, mid-career and mature-age people at different stages in their training; urban, regional and remote areas of Australia plus apprentices and trainees undertaking their training – to provide a forum for apprentices to inform governments about issues affecting their training and careers.

The key to all of these jurisdictions is that industry, in one way or another, exercises leadership for the trades.

Board Elections and/or Appointments

CECE’s Board has 14 members of the College that are elected by their peers and 10 members of the public appointed by government. Of the Health Colleges reviewed in Ontario there is a split between elected and appointed representatives with board size ranging from 16 to 39 members. The Ontario College of Teachers has a 37 member board – 23 elected and 14 appointed. Terms of 3 years seems to be the most common.

In British Columbia, the 9 ITA Board members are all appointed by government and operate in a fiduciary rather than a representative capacity – members serve for terms of 2 to 6 years and choices are based on the skills of the candidates to compliment the balance of the existing board.

In Alberta, all members are appointed by government for 3 year terms. In Saskatchewan, Commission Board members are selected by sector stakeholders and subsequently appointed by government for 3 year terms.

TSSA has a 13 member board as per its bylaws. This model is interesting in that the Minister *can* appoint up to half the Board – currently only about 25% (3 members) are appointed - but this can change as the Minister can increase the number of appointments as elected members’ terms end.

Self Regulating Colleges Protect the Public Interest.

The success or failure of a board is largely dependant on the individuals involved. Some board members have a difficult time separating a personal or professional agenda from their duty to make decisions in the public's interest or in the interest of the organization. Boards try to counter this through the use of a selection process/orientation program to ensure that boards act in a responsible, collective way.

All College models reviewed share a “public interest protection” mandate. There is an inherent tension, whether real or perceived, between a College’s duty to protect the public’s interest while also having a duty to its membership and to its profession.

A recent instructive example of this kind of tension stems from changes made at the Ontario College of Teachers. In 2006, the Ontario Ministry of Education amended the *Ontario College of Teachers Act* and regulations in part to create a Public Interest Committee: This is a new College committee of non-OCT members to advise the College Council on matters relating to the Council's duty to serve the public interest. According to the Ontario government news release of the time, the Ontario government took this step as one of a number to “depoliticize” the Ontario College of Teachers.¹⁷

¹⁷ June 1, 2006, Ontario Government News Release, www.edu.gov.on.ca

This review has revealed a number of opinions that led to emphasize a key lesson learned - that representatives on a board, whether elected or appointed, are there to represent the organization first and not any particular stakeholder constituency. In addition, the orientation to working within a board structure is a key success factor to a professionally run board.

In 2007, amendments to the Regulation Health Professions Act and Regulations were made that will be enacted in 2009 and will require all Health Colleges to have a publicly accessible College registry through a public website. Some have this already and others do not. Freedom of Information legislation does not apply to the Colleges in the same way as it does to government which allows this information to be shared with the public in this manner.

A public registry allows the public to view the certification of its members. Members of the public can also make complaints against a member based on a standard of conduct set by the respective College. Self regulating colleges investigate complaints, hold public hearings and render discipline

Enforcement and Discipline

In Ontario, with respect to trades, enforcement of certification is carried out in several ways. The Ministry of Transportation checks applications for an Ontario Safety Standard Certificate (SSC) to ensure that the applicant has a valid and up to date certificate. The Ministry of Labour has approximately 450 inspectors province-wide enforcing a full list of legislation from the point of view of health and safety. About a third of this number focuses on the Construction industry.

The Jobs Protection Office (JPO) at the Ministry of Labour in Ottawa is unique in its specific enforcement of the TQAA by proactively verifying the certification of apprentices and journeypersons.

MTCU Employment and Training Consultants (ETCs) enforce ratios and the licensing of journeypersons at the point of registering an apprentice in a compulsory/restricted trade.

There also exists the Inspections, Investigations and Enforcement Secretariat to which 13 government ministries belong including partners under these ministries like the Technical Standards Safety Authority (TSSA), Electrical Standards Authority (ESA) and the Workplace Safety Insurance Board (WSIB). In place since 1999, it initially served a facilitative role. Since 2004 it has strived to take a lead on several regulatory compliance modernization projects. The main thrust of the organization is to implement the Regulatory Modernization Act, 2007 (RMA) through better information sharing, coordinated inspections and joint projects.

Ontario Health Colleges have always had the ability to make a regulation that would set out the criteria for them to do proactive inspections of work sites as a measure of enforcement. To date they have not exercised this ability to any great extent. Quality assurance checks are done and all outcomes including remedial ones, are kept confidential. However, in response to recent criticism of the quality of plastic surgery at some health clinics, the Ontario government amended the regulatory making powers that Health Colleges have so that they (in particular the College of Physicians and Surgeons) can observe the provision of medical procedures.

Enforcement and discipline are interconnected. All self regulating Colleges are responsible for setting standards for their particular scope of practice and also a standard of practice. A number of typical objects for self regulating Colleges flow from this:

- To regulate the profession to govern its members;
- To develop, establish and maintain qualifications for membership;
- To establish and enforce professional standards and ethical standards applicable to members of the College;

- To issue, renew, amend, suspend, cancel, revoke and/or reinstate certificates of qualification and registration;
- To provide for the ongoing education of its members;
- To accredit education programs and courses for post-certification;
- To receive and investigate complaints against members of the College and to deal with discipline and fitness to practise issues;
- To investigate complaints of misconduct or incompetence made against members – to subsequently hold disciplinary hearings that are open to the public and to publish the outcomes.

As noted, all self regulating Colleges are responsible for setting standards for their particular scope of practice and also a standard of practice. They are also then responsible for holding their membership accountable to those standards. Each of the self regulating Colleges has a transparent strategic and operational infrastructure and protocols to investigate complaints and render judgments in response to those complaints.

Arms Length and Accountability Tools

A self regulating College is independent of government, is not bound by the same rules of conduct and may have a desire to push the boundaries of its profession as much as possible. This can result in challenges for government who may not wish to have those boundaries expanded or expanded as rapidly.

Different governance models have been chosen with different methods to counter these tensions and to keep the lines of communication open as much as possible.

In the Ministry of Small Business and Consumer Services, Consumer Protection Branch, legislation enables delegation of some responsibilities to the TSSA and ESA but

there is still an administrative agreement in place – essentially a Memorandum of Understanding – that sets out the DAAs’ responsibilities and any consumer protection aspect. This agreement outlines how government wants the DAA to operate. While government retains a significant measure of persuasion because it owns the legislation, this is very much a negotiated agreement.

The ITA in British Columbia has a Letter of Shareholder’s Expectations that clearly sets out the role of the ITA and government.

In Australia there exists a highly integrated training governance model with a prominent role for the privately established Industry Skills Councils (ISCs). The government conducts evaluations of the ISCs and reports on its findings.

The key trend is that even in arms length relationships a collaborative relationship between government and the agency is both possible and desirable through the creative use of agreements, contracts, or memorandums of understanding that can assist in the functioning of the relationship.

VI

The Consultation Process

Consultations were undertaken with a broad range of stakeholders and interested parties to help inform the findings and recommendations contained in this report.

These consultations were undertaken under compressed timelines and with a focused purpose. The recommendations contained in the Armstrong Report as they related to the establishment of a “College of Trades” formed a notional starting point from which I developed a series of questions to pose to stakeholders for comment.

These questions attempted to address all of the considerations raised in the Terms of Reference including all of the mandatory College features set out therein as well as those identified as optional features for consideration.

A three-stage approach was developed to ensure an open, focused and inclusive consultation process, including:

- Preliminary, informal meetings with key stakeholders;
- A public invitation to respond to a Notice of Consultation through written submission;
- A series of four regional public hearings.

Eight questions were developed to provide a context for these consultations and to focus discussions and responses during all stages.

These questions were:

- 1. Having specific regard to the Terms of Reference, what are the appropriate duties and responsibilities of the *College of Trades*?**

2. **What is the appropriate governance model for the *College of Trades*?**
3. **How should the *College of Trades* process, deal with and decide applications for compulsory status?**
4. **How should the *College of Trades* process, deal with and decide appropriate ratios between journeypersons and apprentices?**
5. **What should the membership of the *College of Trades* be?**
6. **How should the *College of Trades* be funded?**
7. **Under what timetable and staging should the *College of Trades* be established?**
8. **What should the relationship be between the *College of Trades* and the government of Ontario?**

Preliminary Consultations

From October 2008 through February 2009, I met and informally consulted with 26 key stakeholders to gain insight into views on the mandate and governance considerations for the College of Trades. I was able to meet with employer and employee representatives from all four sectors; Construction, Industrial, Motive Power and Services.

Finally, in addition to regular meetings with representatives from MTCU, I had the benefit of regular meetings with an Interministry Committee with representatives from the Ministries of Labour, Government Services, Education, Transportation, Small Business and Consumer Services, and Citizenship and Immigration.

I also met with organizations representing the specific interests of women, francophone and aboriginals/first nations with a view to gaining insight into current barriers to Trades access for these groups.

Notice of Consultation and Written Submissions

On October 24, 2008, a Notice of Consultation (*Appendix 5*) was released and sent to over 450 stakeholders. The Notice was also posted on the MTCU website, with links to further reference material including the Terms of Reference and the Armstrong Report.

Written submissions addressing the eight questions were invited by November 21, 2008. Those interested in making oral submissions in one of the four regional hearings were asked to identify their interest in their written submissions.

A total of 65 written submissions were received, of which 47 substantially addressed all of the questions posed. The balance of submissions offered either general comments, support for other submissions, or support/non-support for the College generally.

A number of joint submissions were also received from parties with collective, mutual interests in and views on the College.

We received 31 submissions identifying an interest in participating in the regional public hearings.

Regional Public Hearings

Four regional public hearings were scheduled across the province to provide interested parties with an opportunity to present their views in a public forum.

Participants were selected based on a review of the relevance of their written submissions to the Terms of Reference and the questions posed in the Notice of Consultation, with a view to ensuring a balanced representation of views and positions.

As it turned out, all parties who expressed an interest in participating were invited to make an oral submission in one of the four hearings. Four subsequently declined and we heard from a total of 27 participants over the four hearing days. Individual oral submissions were consistent with respective written submissions.

The hearings were held in Toronto (November 28), Ottawa (December 2), London (December 3) and Sudbury (December 5).

Summary of Submissions

The vast majority of submissions (52 out of 65) supported the creation of a College of Trades generally, while eight submissions were opposed and five offered no views. A complete listing of all written submissions received can be found in *Appendix 6*.

Those that supported the creation of a College of Trades offered divergent views primarily on the scope of mandate, governance structure and Board composition, membership scope, funding/fee structure and ongoing relationship with the government.

The following sets out the range of views for each of the eight questions posed, as well as general themes which emerged:

1. **Having specific regard to the Terms of Reference, what are the appropriate duties and responsibilities of the College of Trades?**

The majority of submissions which addressed this question favour a fully self governing/regulating institution that is “industry driven” to the extent of its mandate, while a small number of submissions support a body that acts only in an advisory

capacity to government and within a narrow mandate. The range of views run from the College of Trades replacing the MTCU Employment and Training Division and assuming all mandatory and optional features as set out in the Terms Of Reference - to the College of Trades assuming only an advisory role, restricted to compulsory certification and ratio reviews, standards compliance and enforcement.

A common theme in these submissions was the need for an open, systematic and transparent process to address the various issues around ratios, compulsory/restricted certification and (particularly amongst construction unions) the need for an adequate and effective enforcement mechanism to support these outcomes.

Other commonly supported outcomes include raising the status and profile of the Trades, increasing apprenticeship registrations and completion rates and removing barriers/improving access to the Trades for underrepresented groups. A number of submissions also referenced the need to effectively address and plan for current and anticipated future Skilled Trades shortages.

2. What is the appropriate governance model for the College of Trades?

Amongst those submissions that support a College of Trades, there are divergent views on certain details related to numbers and membership on a governing board (as an example). There was a fairly consistent set of views on what the organizational structure and decision making framework for the College of Trades ought to look like. Many submissions offer helpful, detailed organizational model suggestions.

Most suggest that a Board of Governors be established with balanced representation from the four sectors and the public. Although views are mixed on whether members should be elected, appointed by government or a proportional mix of the two, many comment that board members must have an overriding fiduciary interest in and responsibility for representing the interests of the Trades as a whole, while the

organization should provide for the expression of particular interests unique to union and non-union, large and small, and regionally diverse workplaces.

Subordinate to the Board, there is a great deal of consistency in recommending that each sector (Construction, Industrial, Motive Power and Service) have it's own Divisional Board to represent the interests of and oversee the activities within that sector (though a few submissions suggest that the construction sector be further split into 2 separate divisions representing compulsory vs. non-compulsory).

There is also some consistency of views that within each division each Trade should be represented by a "Trade Board" that would function in an enhanced PAC / IC type role.

A key theme in many submissions is that the College of Trades should have an effective decision making framework that is able to address and make final decisions on issues for which it is responsible in a timely way and at the appropriate level within the College of Trades hierarchy.

3. **How should the College of Trades process, deal with and decide applications for compulsory status?**

The majority of submissions suggest that the College of Trades should be responsible for making final decisions on applications for compulsory/restricted status while a minority suggest that the College of Trades should act in an advisory capacity to the Minister.

A consistent theme within most submissions is the need for a policy framework, clear criteria and a transparent process to deal with applications that result in timely and final decisions. Many submissions support an adjudicative model with review panels that make decisions supported by written reasons.

A number of submissions note that the application process should start at the individual trade level through the enhanced “Trade Boards” referenced in the governance model above.

4. How should the College of Trades process, deal with and decide appropriate ratios between journeypersons and apprentices?

Similar to compulsory/restricted certification applications, the majority of submissions suggest that the College of Trades should be responsible for undertaking regular ratio reviews and making final decisions regarding ratio changes, while the minority suggest that the College act in an advisory capacity to the Minister.

Many submissions again support an adjudicative model with review panels making final decisions, taking into account economic and industry conditions, trade demographics and regional variances (amongst other circumstance appropriate considerations), supported by written reasons.

5. What should the membership of the College of Trades be?

A range of views are expressed regarding appropriate membership, from only certified journeypersons, through mandatory membership for journeypersons and apprentices in compulsory/restricted Trades and voluntary membership for voluntary/unrestricted Trades, to mandatory membership for all employees and their employers performing work in compulsory/restricted and voluntary/unrestricted Trades.

A few submissions make the point that restricting membership within the broad Trades sector would deprive those excluded from the benefits inherent in College of Trades membership, while others suggest a model of graduated membership levels or classes.

6. How should the College of Trades be funded?

A broad range of views were expressed in response to this question depending on the mandate of the College of Trades in relation to ongoing government related programs, and whether respondents were affiliated with employer associations or employee associations.

Some suggest that the government should continue to fund programs that are transferred to the College of Trades, augmented by membership, license/renewal fees and enforcement/compliance fines. Some employer associations suggest funding through tradesperson membership fees while some employee associations suggest funding through an employer levy type system.

A number of submissions suggest that start up funding should be provided by government with the College of Trades eventually becoming self funding through a fee based framework, including membership fees, and the transfer of service based fees currently collected by MTCU, including registration, license and renewal fees.

Many submissions suggest that a reasonable membership fee based model would be sustainable provided that the College of Trades is able to demonstrate added value to the Trades.

7. Under what timetable and staging should the College of Trades be established?

Those submissions that support the creation of a College of Trades have a range of views on timing and staging its implementation from “as soon as possible” to a staged, cautious and well planned multi-year transfer of responsibilities from MTCU to the College with an appropriate transition and planning phase to ensure that it is properly set up and effectively functional.

Some suggest a transfer by functions with compulsory/restricted certification applications and ratio reviews as the first “business” priorities. Others suggest sector based transfer phases starting with the construction sector.

8. **What should the relationship be between the College of Trades and the government of Ontario?**

Responses here are generally tied to views on the mandate and functions of the College of Trades as described in responses to question 1. Those that subscribe to the College of Trades role as being an advisory one to government within a narrow scope see the Minister/Ministry as retaining overall primary decision making authority and accountability.

The majority of submissions support a College of Trades with a true arms-length relationship with government similar in scope and authority to other self regulating colleges that exist in the province, including accountability for the conduct of its membership, with the government retaining legislative, public policy and public interest protection responsibilities. A number of these submissions noted that an effective delivery of functions by the College of Trades will require an ongoing collaborative relationship with government in a number of areas of joint responsibility. These include as an example, a partnership with current ministries responsible for enforcement (such as the Ministries of Labour, Transportation, MTCU), and more generally, ongoing collaboration on policy/legislative review and overall development of the Trades in the province.

Barriers to Trades Access

One of my objectives in undertaking broad consultations was to identify barriers to Trades access for under-represented groups, including women, francophone and first nations/aboriginals, amongst other groups. I met with several organizations representing

the interests of these groups and the following brief summary highlights some key barrier points raised in these discussions.

Women

- Lack of acceptance generally by industry and resistance by employers to women working in the Trades;
- Outdated apprenticeship model that is not conducive to women entering the Trades;
- Those that enter the Trades are often discouraged by employers from completing apprenticeships;
- Lack of financial assistance to women seeking reemployment opportunities in the Trades;

First Nations/Aboriginals

- Statutorily mandated minimum academic requirements for entry into apprenticeship programs;
- Lack of local / on-reserve training opportunities;
- Limited financial, personal and cultural supports to participate in out-of-territory, main-stream programs.

Francophone

- Lack of local access to French language Trades training programs and lack of French language Trades training generally;
- Apprenticeship in-school curriculum standards are not widely available in French;
- Apprenticeship exemption tests and certification examinations are not widely available in French.

VII

Key Organizing Principles

Over the course of my consultations with stakeholders and research into self-regulating bodies in other jurisdictions, a number of key themes and organizing principles emerged which have helped to guide and inform my thinking in developing recommendations for a model for the College of Trades. What follows are what I would consider to be a “short list” of key organizing principles that seem to be widely shared and accepted – amongst Ontario stakeholders and in other jurisdictions:

1. *The College of Trades should be at “arms-length” from government;*
2. *The College of Trades should be responsible for raising the status and prestige of the trades;*
3. *The College of Trades should be “industry driven” unless the public interest requires government oversight of and policy direction on particular issues or functions;*
4. *The College of Trades should be organized so as to reflect the four current divisions (construction, service, industrial and motive power) and to permit each division to act autonomously on issues that are unique to the division;*
5. *The College of Trades should have an internal decision making structure and framework that is able to address issues at the appropriate level and provide for final decisions for which it will be accountable;*

6. *The College of Trades governance structure should appropriately permit the expression of divergent interests as between workplaces and industries that are;*
 - (a) *union and non-union;*
 - (b) *large and small;*
 - (c) *regionally different.*
7. *The College of Trades should be responsible for reducing barriers to the participation of foreign trained workers;*
8. *The College of Trades should redress the under-representation in the trades of women, francophone, visible minorities, first nations/aboriginals and persons with disabilities;*
9. *The College of Trades should be responsible for addressing current and future skilled trades shortages through timely and thorough advance planning;*
10. *The College of Trades should be accountable to the public and government for the conduct of its membership and the quality of its work;*
11. *The College of Trades should work with government to ensure the cultivation and development of the Trades and the protection of the public interest;*
12. *The College of Trades should over time, become self funded.*

VIII

The College of Trades – Recommendations

The Recommendations which follow reflect what I have described earlier as the “Key Organizing Principles”. These incorporate what we have learned from the experience of other colleges and from other jurisdictions- in addition to the consensus views that have emerged from our consultation process.

Recommendation 1 – Industry Driven

It is recommended that Industry - through the College of Trades - take primary responsibility for the regulation of all Trades in Ontario through the performance of standard regulatory functions.

Stakeholders have consistently suggested that the management and supervision of Trades and Apprenticeship must be driven by industry. Further, that the primary responsibilities for this role should move from the government to an arms-length agency.

There is a general consensus that those who work in and with the Trades, should exercise primary control and direction over the Trades and Apprenticeship system. The College of Trades as an industry led vehicle for this control and direction will ensure that Ontario’s skilled trades are modernized to the benefit of employees and employers.

Journeypersons, apprentices and their employers are best situated to know what needs to be done to make the system of apprenticeship more responsive to the needs of Ontario’s consumers and investors. Through the College of Trades, those who work in industry will help ensure that Ontario workers have the skills and training to succeed in the new economy, to the benefit of the entire Province.

The College of Trades will control, direct and manage the trades through the administration of the more specific tasks commonly undertaken by the vast majority of self regulating bodies. The appropriate tasks include the following:

- I. The issuance of licences and certificates of membership;
- II. Continuing education and training;
- III. The establishment of scope of practice;
- IV. The determination of training standards;
- V. The determination of curriculum standards;
- VI. The determination of examination standards;
- VII. The responsibility of ensuring that Trades training is responding to the specific needs of the Ontario economy;
- VIII. The direction and co-ordination of research;
- IX. The publication and distribution of available data and information to support future policies;
- X. The determination of appropriate apprentice to journey person ratios;
- XI. The management and determination of applications for compulsory/restricted certification.

Many of the duties described in this recommendation currently reside with MTCU. Continuing education, discipline and complaints are currently not part of the administration of the trades in Ontario.

The College of Trades along with the MCTU will be jointly responsible for the following tasks:

- I. The protection of the public interest including complaints, discipline and enforcement;

- II. The management of inter-jurisdictional qualifications (in this case including Red Seal management and acting as the representative of Ontario on national and inter-provincial Red Seal committees);
- III. Finding solutions for anticipated skills shortages and succession planning in response to these shortages;

Setting a scope of practice and determining performance standards go directly to the heart of how the particular work of journeypersons and apprentices is performed. Decisions in these areas determine the nature of the work that falls within the jurisdiction of the College of Trades, who can perform it, how and to what standard the work is to be performed.

Control over certificate issuance is critical if the College of Trades is to maintain its membership, manage a complaints and discipline process, provide for ongoing education of its members and be held accountable to government and the public for the conduct of its membership and the quality of work.

For good reason, these particular duties and responsibilities, including research, and public interest protection typically fall to self regulating bodies, regardless of subject matter, industry or jurisdiction.

It is fair to say that there was almost unanimous support amongst stakeholders for the assignment of these duties and functions to the College of Trades. The only issue was the extent to which MTCU would retain some form of supervisory responsibility at a high level, over significant policy decisions in these areas.

With respect to complaints, discipline and enforcement, the College of Trades should be able to determine for itself, how these traditional self regulating functions can

be appropriately met given the particular and unique needs in the area of Trades and Apprenticeship.

Aside from the widespread stakeholder support for this recommendation, it is consistent with an “industry driven” model that these core self regulating functions fall within the key responsibilities of the College of Trades. It would be difficult for the College of Trades to truly operate at arms-length from the MTCU if it did not assume primary responsibility for these described functions and duties.

Recommendation 2 – The College as a “Champion” for the Trades

It is recommended that the College of Trades have primary responsibility for the promotion of the Trades, raising the profile and status of the Trades.

The Trades are a key building block of Ontario’s economy and critical for our future prosperity. Currently, skilled Trades make up almost ten per cent of the provincial labour force and are a tremendously important asset in making us globally competitive.

This will change over time as the overall workforce will age with most new workers coming from immigration. In these circumstances, Ontario needs to become more productive. We have been told repeatedly by stakeholders that workplace based training is a critical and necessary feature of a more competitive and productive economy.

We must find ways of bringing more young workers into the Trades, following secondary and post-secondary education. The status and profile of the Trades must be enhanced so as to facilitate recruitment, retention and completion.

As an industry driven agency, the College of Trades will assist Ontario to move to the forefront of approaches taken by other jurisdictions. We must find ways to modernize the Apprenticeship and Trade certification system to meet the skilled labour requirements of a globally competitive, knowledge- based economy.

Over time, the College of Trades will be understood to “stand behind” the quality of work performed by skilled tradespersons. This “branding” of the College’s certification will add to the value and prestige of the Trades, which should in turn, increase enrolment and the status of the Trades.

Recommendation 3 – Diversity and the Removal of Barriers to Access

It is recommended that the College of Trades be responsible for removing barriers to access for both foreign trained workers and those who are currently under-represented in the Trades.

As the workforce in Ontario ages, we will become increasingly dependent on foreign trained workers who currently experience barriers when attempting to enter the Trades. In many cases, similar barriers exist which preclude women, visible minorities and other under-represented groups from entering the Trades.

We live in one of the most diverse societies in the world and over time, it has become part of the fabric of our society to celebrate our cultural richness. While improvements have been made, we still have a distance to go to ensure that women, francophone, visible minorities, first nations/aboriginals and persons with disabilities can easily enter the Trades. There was a general consensus amongst stakeholders that the Trades do not currently reflect the diversity of Ontario society and that steps should be taken to ensure that under-represented groups do not encounter barriers to entry into the Trades.

To assist in meeting these objectives, two strategies are proposed.

Firstly, it is suggested that the Fairness Commissioner (under the *Fair Access to the Regulated Professions Act*) shall carry out her mandate under that Act with respect to the College of Trades. Under this legislation, the Fairness Commissioner is responsible for assisting identified Colleges in the removal of barriers for foreign trained workers. This work is done in co-operation with the Colleges and includes review, audit, direction and if necessary, compliance orders.

The second strategy is to create the senior staff position of Chief Diversity Officer (“CDO”). The creation of such an office at the senior management level is increasingly seen as an effective tool to remove barriers to diversity in large organizations both public and private. See for example the recent creation of a CDO in the Ontario Public Service and similar appointments in other large commercial enterprises.

By working with the CEO and the Board of Governors, the Fairness Commissioner and the CDO will assist to develop long term strategies and structural improvements, designed to facilitate in the recruitment and retention of foreign trained workers and others who are currently under-represented in the Trades.

Reporting to the CEO, the CDO will work with the Board of Governors, the Divisional Boards, the Trade Boards and College staff to provide insight, expertise and direction into recruitment, retention, completion, and continuing education initiatives. The CDO will also be able to provide advice concerning training providers.

Recommendation 4 – The Continuing Role of Government

It is recommended that government through MTCU shall remain responsible for some functions currently performed, for purposes of being able to play a role in the establishment and maintenance of a broad public policy framework.

With few exceptions, stakeholders agreed that the government through MTCU should retain some of its current responsibilities so as to participate in and manage the broader public interest in the Trades without necessarily interfering with the arms-length management of the Trades by the College of Trades.

There was a broad acceptance that MTCU should retain functions supporting the apprenticeship system, the pre-certification and training phase, the registration of apprentice and employer contracts, school scheduling, the administration of exams and the funding and recognition of Training Delivery Agents.

In particular, there was a strongly expressed preference to have MTCU retain the ability to approve, certify and fund TDA's. It is appropriate that government as funder, continue to exercise responsibility over the way and manner in which training funds are disbursed.

More particularly, those tasks are as follows:

- I. The registration of apprentices;
- II. The scheduling of apprentices for school;
- III. The approval, certification and funding of TDA's;
- IV. The administration of examinations;
- V. The creation, alteration or abolition of specific Trades;
- VI. The decision to move specific Trades from one statutory scheme to another (e.g. TQAA to or from the ACA).

Through this redistribution of responsibilities, the College of Trades and the government will be able to collaborate on how best to achieve mutually agreed upon policy objectives. Each will have their own role in what will be the new industry driven system.

Recommendation 5 – Four Divisions; Construction, Services, Industrial and Motive Power

It is recommended that the College of Trades be organized in four Divisions; Construction, Services, Industrial and Motive Power.

The terms of reference direct that the College of Trades be organized into the four divisions which currently exist; Construction, Services, Industrial and Motive Power. Nonetheless, some of those consulted proposed a different form of model and we have reviewed those submissions.

There was a minority view that there should be some other divisional structure. One suggestion was to collapse Services with Motive Power. Another was to distinguish between compulsory and voluntary trades in Construction.

The clear majority of stakeholders expressed the view that the College of Trades should reflect the existing four divisions. It was felt that this structure has worked well in the past and that it best reflected the appropriate alignment of interests within the Trades.

The Divisional structure reflects the reality that some issues are pertinent only to those trades that fall within a particular Division. For these issues, the concerned Division should be able to act and govern itself in an autonomous fashion.

Recommendation 6 – The Board of Governors

It is recommended that the Board of Governors consist of 22 Members; two Employee and two Employer Members from each of the four Divisions, five Lay Members representing the public and the CEO as an *ex officio* non-voting member.

Most self regulating agencies have Boards that number between 10 and 40 with an odd number of voting Members. The Board should be large enough to permit an appropriately broad representation of interests, while small enough to facilitate the efficient and expeditious conduct of business. The number of 21 voting Members is the appropriate balance point for these two considerations.

Based on other governance models for professional colleges and industry authorities, the size of the Board is not extraordinary. The College of Trades will be responsible for regulating over 150 Trades. These include employees and employers from a very diverse and broad spectrum; unionized and non-unionized workers, small and large businesses, regionally different settings in voluntary/unrestricted and compulsory/restricted trades in four (4) trade sectors. It will be important that the governing Board for the College of Trades be apportioned to represent these various stakeholders, including laypersons, in order to provide appropriate and adequate direction and governance for the mandate.

There should be equal employer/employee representation from each Division. Two would be insufficient while six would result in a significantly larger Board of Governors.

The public interest should be represented by a group of Lay Members which is at least as large as one of the Divisions. There should be an odd number of voting Members.

Board members will operate in a fiduciary capacity as opposed to a representative capacity and will be chosen on the basis of the skills and experience they can bring to the collective structure.

The participation of the CEO as an *ex officio* member of the Board of Governors will provide an ongoing and effective way to ensure that there is a direct and meaningful line of communication between the staff and the Board.

Recommendation 7 - Committee Composition on the Board of Governors

It is recommended that the Board of Governors will amongst themselves select a Chair. The Chair will designate an Executive Committee comprised of Deputy Chair, Treasurer and Secretary.

There is no specific direction on this point from the terms of reference and there was very little input from the stakeholders. The Chair of the Board of Governors will chair the Executive Committee.

The Executive Committee may create standing and *ad hoc* Committees of the Board of Governors. The Chair of the Board of Governors will determine the composition of Committees and their respective Chairs.

The recommended delegation of responsibility within the Board reflects the usual practice in most self regulating authorities. This structure permits the Board amongst themselves to take responsibility for determining the leadership structure.

Recommendation 8 – Divisional Governance

It is recommended that each Division will be directed by a Divisional Board consisting of five Members.

The Chair of each Divisional Board shall be a Member of the Board of Governors and the other four shall consist of two employer and two employee representatives.

This configuration provides for each Division to be led by a strong leadership committee with the Chair being tied back directly to the Board of Governors as a member. Aside from the Chair, the Divisional Board members should be equally representative of employee and employer interests.

The challenge here is to balance the Divisional Board's ability to take responsibility for decisions that reflect the unique and/or distinct needs and interests of their Division, while providing that the Board of Governors is able to direct and supervise the work of the College of Trades on all significant broad policy questions.

Recommendation 9 – The Role of Trade Boards

It is recommended that each Trade or group of Trades shall be represented by a Trade Board that reports to the appropriate Division.

Trade Boards shall consist of two employer and two employee representatives. Trades may be clustered into Trade Boards as deemed appropriate by the College.

The Trades Boards will exercise many of the functions currently performed by the PAC's and IC's. These may be modified or changed by direction from the Divisional Board.

The existing PAC's and IC's will be wound down and discontinued during the transition period. The Transition Board and the Appointments Council shall be responsible for appointing persons to the new Trade Boards.

Recommendation 10 – Reporting Responsibilities and Lines of Authority

It is recommended that Trade Boards will report to and take direction from the Divisional Boards who will report to and take direction from the Board of Governors. The Divisional and Trade Boards should exercise appropriate decision making authority over day to day issues that are uniquely pertinent to them.

The reporting structure and lines of responsibility must be clearly set up with the Board of Governors retaining ultimate control and supervision of decision making at all three levels.

There is some current dissatisfaction with the difficulties some PAC's and IC's face in moving issues to a decision making point. It was suggested by some stakeholders that there be express provisions to move decisions to a higher level of authority if decision making stalls or becomes deadlocked.

The Board of Governors must be responsible generally for the direction and governance of the College, while at the same time permit both Divisional Boards and Trade Boards to exercise appropriate decision making authority over day to day issues that are uniquely pertinent to the work of individual Trades and Divisions.

Divisional Boards should be given a breadth of responsibilities so as to permit a significant degree of divisional independence. Responsible for issues of general policy, the Board of Governors should be reluctant to interfere with Divisional Boards decisions that affect only divisional interests.

Undoubtedly there will be some change over time as the appropriate balance point is struck which will insure an effective distribution of authority as between the three decision making levels. At the outset however, the Board will have to take the lead in deciding how authority is to be partitioned.

While Divisional Boards shall report to and take direction from the Board of Governors, they shall deal with issues that affect and concern all Trades in their Division and any other issues referred to them by the Board of Governors.

If an issue or decision cannot be made or is deadlocked with a Divisional Board , the issue or decision shall be referred to the Board of Governors for determination.

Trade Boards shall report to and take direction from the Divisional Boards. The Trade Boards shall deal with issues that affect and concern their particular Trade or Trades, issues currently being dealt with by the PAC's and IC's and any other issues referred to them by the Divisional Board.

If an issue or decision cannot be made or is deadlocked before a Trade Board, the issue or decision shall be referred to the Divisional Board for determination.

Recommendation 11 – Deciding Compulsory/Restricted Designation and Ratios

It is recommended that applications for compulsory/restricted status and ratio disputes, be referred to and then decided by a three person Review Panel.

The College will be able to refer applications for compulsory/restricted status and ratio reviews to Review Panels. These Panels will consist of three members capable of neutral and impartial adjudication. The Appointments Council will appoint persons to a roster of adjudicators, from which they will be assigned to sit on Panels as the need arises. Roster adjudicators should be drawn from the existing pool of professional labour and employment law arbitrators who work in Ontario. Arbitrators appointed will have proven their impartiality and neutrality and possess the necessary hearing management and adjudicative skills.

The Divisional Board which will be principally affected or interested in the particular review will be entitled to appoint two of the three adjudicators for each panel. The Board of Governors will appoint one of the three adjudicators.

This appointment ratio of two to one (as between the Divisional Board and the Board of Governors) permits the Division who will be most significantly affected by the

Review outcome to participate appropriately in the selection of the Review panel. This should add to and enhance the legitimacy of the process and outcome of the review, for those who will be most affected. The Board of Governors also participates to a degree which recognizes that outcomes of the Review process will in some ways go beyond the particular interests of the Division involved. These outcomes may address broader issues of public policy which will concern and affect all Trades and the public interest.

During the consultation, we repeatedly heard that the processes of determining applications for compulsory/restricted status and ratio disputes were unclear, opaque and overly politicized. These criticisms were consistent with the information provided to Tim Armstrong during the period of his earlier review and report.

Stakeholders consulted were almost unanimous in the view that neutral, objective and impartial adjudication processes were the appropriate and fair way to decide and resolve compulsory/restricted applications and ratio disputes.

Many stakeholders were already very familiar (and comfortable) with the use of neutral and impartial professional arbitrators to adjudicate and decide labour relations disputes more broadly.

The process of adjudication will occur with clear guidelines and principles for the consideration and disposition of these applications. It is anticipated that this model of neutral decision making will address all of the significant procedural concerns and criticisms that presently exist.

Review Panels may request assistance and information from the Research Department and may commission economic or other expert reports to assist in adjudication.

Decisions will be provided with reasons and will be final and binding with no right of appeal or review. This is to ensure as in labour arbitration, certainty of outcome and that there will be an end to the dispute.

Principles of adjudication will be described generally in the statute and specific criteria and processes for the adjudication will be established by the Transitional Board in the first start-up phase.

For compulsory/restricted applications and at the discretion of the adjudicating panel, a “bar” against bringing another application may be applied for a period of time following adjudication. This is a common labour relations device to allow for a “period of repose” after a significant decision has been made. No one is well served by an endless series of applications seeking to overturn previous decisions or determinations.

As directed by the Board of Governors and no later than every four years, the College will undertake a ratio review of each trade for which there are prescribed ratios. Ratio reviews will be referred to a Review Panel for adjudication.

Recommendation 12- Transitional Board

It is recommended that following Royal Assent, the Government will appoint by Order in Council, a Transitional Board of Governors consisting of one Chair and eight Members.

Experience with the establishment and creation of other self regulating organizations is that the Transitional Board model permits the recruitment and use of particular expertise that is necessary to establish the organization, but which might vary from the skill set needed for the ongoing steady state Board of Governors.

The Transitional Board should be smaller than the permanent Board so as to enable a faster pace of work and decision making. It should also be large enough so that the membership may reflect the significant range of interests which converge in the trades.

The Transitional Board will exercise the powers of the permanent Board of Governors for the staging-in period following Royal Assent until such time as the permanent Board of Governors can be established.

Recommendation 13 – The Appointments Council

It is recommended that during the staging-in period, the Transitional Board will be responsible for making appointments to all decision making positions and will be continued as the Appointments Council once the Board of Governors is installed.

The Transitional Board will make the initial appointments to the Board of Governors, Divisional Boards, Trade Boards and to the Roster of adjudicators for the Review Panels.

Following the start-up period and once the Board of Governors is installed, the Transitional Board will continue as the Appointments Council responsible on a permanent basis for making appointments to the Rosters and the three levels of decision making authority.

Once the College is running in a steady state, it will be necessary to populate and fill a few hundred positions of authority including those at the three decision making levels and the adjudicative Rosters. An Appointments Council model has been used successfully in the community college sector to appoint members to the Boards of Governors for Community Colleges.

The Appointments Council will consist of part-time appointments made by Order in Council with staggered terms of appointment. A small secretariat will provide support for the Council.

An Appointments Council allows for the development and cultivation of the knowledge and expertise necessary to make appropriate sector specific appointments. This model also avoids the “politicization” (or the appearance thereof) of the appointments process when managed by government directly.

Recommendation 14 – Balanced and Appropriate Appointments

It is recommended that in making appointments to the Board of Governors, the Divisional Boards, the Trade Boards and the Adjudicative Rosters, the Appointments Council shall within the College of Trades as a whole, attempt to reflect the workplace reality of the Trades and the diversity of the Province.

It is apparent that the College governance model must reflect Ontario society generally and the College membership more specifically. The terms of reference expressly contemplate that measures must be taken to meet these objectives.

Stakeholders uniformly suggested that the College of Trades should be structured so as to ensure a broad participation from groups who may be currently under-represented in the Trades.

It was a strongly expressed view that appointments should reflect the different workplace realities across the entire range of Trades. This means in particular, having regard to the appropriate proportions of unionized and non-unionized employers and employees, small and large businesses, rural and urban settings.

Appointments by the Council will have to occur with specific attention to groups that have been historically under-represented in the Trades. This past under-representation must be redressed through the appointment process, targeting francophones, first nations/aboriginal, women, visible minorities and persons with disabilities.

Appointments made by the Council shall be for fixed and staggered terms so as to be able to cultivate, develop and pass on institutional knowledge and expertise.

Staggered terms of appointment will ensure that there remains continuity from year to year and is a common device in governance models.

Recommendation 15 – Staffing Structure

It is recommended that College staff shall report to a CEO with standing Departments.

The College of Trades shall initially consist of the following departments; Enforcement, Education, Training, Research, Discipline, Complaints, and Government Relations.

This is a typical and representative administrative structure for a self regulating body. These seven standing departments are sufficient to manage the work that is being moved from the MTCU to the College of Trades. The College of Trades may over time and once a steady operational state has been obtained, wish to reorganize the administrative structure.

Recommendation 16 – Membership

It is recommended that College of Trades membership will include all who work in the Trades and will begin by including all journeypersons, and all employers of apprentices and journeypersons. The College of Trades may create additional categories of membership.

Membership will include those voluntary and unrestricted tradespeople who are uncertified/unregistered journeypersons and employers of journeypersons and apprentices. While this expansive scope of membership will certainly present significant obstacles to registration, over time, the College of Trades will be perceived as a “brand” of quality.

Those in the voluntary/unrestricted trades who are uncertified/unregistered will come to understand that membership in the College of Trades is “value added”. Potential Members will conclude that they are better served through participation in the College of Trades, rather than continuing on the outside.

The College of Trades should be able to decide whether other categories of membership are either appropriate or necessary and then have the ability to create the type of membership which responds to particular circumstances. Membership should be cast as broadly as possible with the long term objective of capturing all trades. A large and comprehensive representation will ensure that all may participate fully in the work of the College.

Recommendation 17 – Fee Structure

It is recommended that the Government shall provide one time start up costs and current funding will follow the transfer of responsibilities. Members shall pay an annual fee of approximately one hundred dollars which may over time be varied by the College.

Current funding for programming provided by the Government will follow the transfer of the programming to the College for a period of time to be determined.

There will be minimal initial start up costs and then funds currently devoted to work by Government that is being transferred to the College of Trades, should follow the work.

Although there were few stakeholders who eagerly proposed a membership fee structure, most understood that this would inevitably be an appropriate feature of the College of Trades. Most thought that there would be widespread tolerance of a fee in the range of one hundred dollars annually. This fee range is in keeping with other similar self regulatory Colleges in Ontario.

Currently, there are a variety of payments that journeypersons and/or apprentices must make in connection with their Trade. These payments could be replaced by a simpler single membership fee at the option of the College of Trades.

After the transition period, The College of Trades would take responsibility for establishing an ongoing fee structure. Any new fee structure should not add an additional burden to employers or journeypersons.

Like other regulating colleges in Ontario, a membership fee structure is necessary to effectively fund the College of Trades. In return, membership will provide a number of benefits typically associated with being a member of a professional self regulating “College”. For the skilled trades sector these benefits will include a direct, industry driven role in governing, enhancing and modernizing the sector while raising the professional status of trades generally. The College will be able to provide its members with high levels of professional support, ongoing training and advice.

More specifically, members who are *journeypersons* would see the following benefits:

- A voice to raise issues and concerns, and a role as part of the decision-making process;
- A direct role in setting training standards (skills and competencies required) for their trades;
- A raised profile for the trades, adding value to certification and giving it a professional status;
- Membership as a useful tool for individuals to market themselves to the public and employers.

Members who are *employers* would see the following benefits:

- An opportunity to participate in trades' governance;
- Outreach and promotion of apprenticeship as a postsecondary career pathway and direct input into the training of the workforce;
- An industry driven mechanism to address apprentice to journeyperson training ratios and requests for compulsory certification;
- A mechanism to directly address skill shortages and undertake outreach to underrepresented groups;
- Research and improved data collection, informing future directions for improving the apprenticeship and certification system;
- A centralized place to access apprentices;
- Membership as a useful tool for employers to market themselves to the public.

If, in the future, *apprentices* become members, they would see the following benefits:

- An industry driven mechanism to address apprentice to journeyperson ratios and requests for compulsory certification;

- A raised profile for the trades, adding value to apprenticeship training and giving it a professional status similar to training and education programs for other professions;
- A centralized place to access a registry of employers;
- Membership as a useful tool to help apprentices market themselves to employers.

Recommendation 18 - Staging

It is recommended that staging-in should occur in three phases over the course of 27 months, beginning on the day of Royal Assent to the statutory amendments creating the College.

Phase One shall run for the first 12 months. This phase will include establishing the Transition Board, establishing processes and detailed criteria for the determination of appropriate journeyman to apprenticeship ratios, applications for compulsory/restricted status, and establishing adjudicative panels to begin ratio reviews. Appointments to the Board of Governors will also begin. PAC's and IC's will be dissolved and appointments to Divisional Boards and Trade Boards will begin.

Phase Two shall run for the following fifteen months. This phase will include the Transition Board developing a fee framework and processes to deal with Member registration, processes and systems for the enforcement of registration, ratios and compulsory/restricted designations as well as a complaints and discipline framework.

Adjudicative panels will begin to deal with applications for compulsory/restricted status that are currently being held in abeyance.

Phase Three will be the official start up of the College of Trades.

Recommendation 19 – Joint Transition Team

It is recommended that there will be a joint transition team consisting of MTCU and College of Trades staff that will co-ordinate the transfer of responsibilities and supervise the work of the College of Trades during the initial start-up.

The legislative amendments will include the creation of a permanent bipartite committee with MTCU and College representatives to work collaboratively on areas of joint responsibility. A particular focus here should be in the areas of inspection and investigation, so as to permit a simplification of what are currently perceived to be overlapping statutory schemes. This will be an opportunity for industry to participate directly through the College in a collaborative exercise designed to reduce administrative burdens to employers and employees. The government should retain the ability to make Regulations so as to ensure that powers of inspection and investigation are appropriately exercised over time and for these purposes.

MTCU and the College of Trades will enter into a Memorandum of Understanding to clarify and describe their ongoing relationship.

During the initial staging period, a special joint transition team will be struck so as to supervise and manage the shift of work from MTCU to the College of Trades.

IX

Implementation Staging

I have considered the suggestions provided through stakeholder consultations and the experiences / “lessons learned” through review of the start up of professional self governing agencies in other jurisdictions. With these in mind and given the substantial challenges that the Ministry will face in “detangling” functions and programs to be transferred to the College from its broad Employment Ontario mandate, I am recommending that the College of Trades be implemented in three distinct phases.

These phases and their associated proposed timelines will help to address industry priorities while ensuring that the College is established in an effective and manageable way moving towards its successful introduction and ongoing operation. The proposed timelines start on the day of Royal Assent to the statutory amendments creating the College.

Phase 1 – Transition Board and Adjudicative Review Panels - (12 months)

- The Transition Board is established as the temporary Board of Governors;
- The Transition Board establishes and appoints the roster of adjudicators to Review Panels;
- Regulation drafting, including the establishment of processes and criteria for ratio reviews, applications for compulsory/restricted status, membership and fees;
- Adjudicative panels begin ratio reviews;
- Commence the search and recruitment process for a CEO for the College of Trades;
- The organizational structure of the College of Trades is developed;
- The dissolution of Provincial Advisory Committees and Industry Committees to the College of Trades as Trade Boards, begins;

- Appointments to the Board of Governors, Divisional Boards and Trade Boards begins;
- Apprenticeship research and data collection begins.

Phase II – Transition Board with some operations - (15 months)

- Adjudicative Panels begin to deal with applications for compulsory/restricted certification;
- The Transition Board completes appointments to the Board of Governors and continues with appointments to Divisional Boards and Trade Boards;
- A bipartite committee with MTCU and the College of Trades is established to begin working collaboratively on areas of joint responsibility;
- A fee framework is established;
- Standards development responsibility is assumed by the College of Trades;
- A complaints, enforcement and discipline system and framework is developed;
- Membership outreach and registration begins.

Phase III – Start-up of the College of Trades

- The governance structure is fully established;
- The Transition Board becomes the Appointments Council;
- Membership fees collection begins;
- Additional required college staff are recruited;
- Enforcement, complaints and discipline mechanisms and processes are implemented.

Ongoing collaboration and support between the Ministry and the College throughout the start-up phases will be critical to properly managing the transition period and to ensuring that the College of Trades establishes itself as an effective entity that is supported by the Trades.

*X**Concluding Comments*

This Review has been driven by a concern that the Trades and Apprenticeship system in Ontario must now be modernized if our provincial economy is to flourish and prosper.

As noted in some detail by Tim Armstrong in his earlier Report, there is widespread dissatisfaction with a number of aspects of our current model. In particular, the processes of determining whether Trades should become compulsory/restricted and the determination of appropriate ratios of journeypersons to apprentices - have been singled out for special criticism.

Aside from these more focused concerns, there is also a widely shared complaint that the composition of the Trades does not reflect the diversity of Ontario. Foreign trained workers face barriers to entry. Others - women, francophones, visible minorities, first nations/aboriginals and the persons with disabilities - are seriously under-represented in the Trades. This must change.

After a thorough and extensive consultation and review, Tim Armstrong recommended that the best way to ensure that the current difficulties are redressed, would be to create a self governing body – the College of Trades.

Tim Armstrong's vision of a self regulating professional body has been adopted by the government and remitted to me through the Terms of Reference.

With the creation of an industry led agency, those that know the work of the Trades from first-hand experience, will take responsibility for leading the way through the significant challenges that lie ahead. At the same time, government will retain control

over those few elements of the system that permit appropriate input and supervision on issues of broad social policy.

While the idea of a College of Trades is novel, the notion of a self governing profession is not. With the benefit of significant stakeholder input and a comparative analysis of what has been done elsewhere, this Report recommends a series of measured steps to take place over a period of years. If successful, this initiative will place Ontario at the international forefront of Trades administration. This will help to ensure that our province will succeed in the new economy.

While the views, findings and recommendations expressed in this Report are mine only, I would like to thank all the institutional parties and individuals who participated in the consultation process.

I would also like to thank the Ministry of Training, Colleges and Universities for support and assistance. I would particularly like to thank Christopher Hahn for his help in providing me with a longer term historical and organizational perspective.

Finally, I wish to thank my friend and colleague Michael Uhlmann who as Project Director, worked tirelessly on this exercise, managing, organizing and directing all aspects of the Report and Review.

Appendix 1

Terms of Reference

COLLEGE OF TRADES**TERMS OF REFERENCE (TOR)
FOR THE ADVISOR ON THE IMPLEMENTATION OF A COLLEGE OF
TRADES****1. BACKGROUND:**

In 2007, Tim Armstrong was appointed to advise the Minister of Training, Colleges and Universities on the possible expansion of compulsory certification of trades under the *Trades Qualification and Apprenticeship Act* and the *Apprenticeship and Certification Act, 1998* and to recommend a framework for dealing with and advising upon applications for compulsory trade status. Mr. Armstrong's Report, released on May 22, 2008, makes the case that it is difficult to effectively deal with the issue of compulsory certification without addressing broader issues within the apprenticeship and certification system. It concludes that there is "substantial potential to improve and enhance the standing and effectiveness of apprenticeship trades and their continued, strengthened contribution to the growth of the Ontario economy."

The Report included six recommendations that, if implemented, would fundamentally alter the apprenticeship and certification system in Ontario. The most fundamental recommendation in the report specifically called for the establishment of a College of Trades.

2. MANDATE OF ADVISOR:

In response to the Armstrong report, the Government of Ontario has announced its intention to create a College of Trades, which will contribute to the modernization of the apprenticeship and certification system to make it more responsive to economic needs, enhance the quality of apprenticeship training and expand the system.

The Advisor is being appointed to support the government in the implementation of such an institution. Specifically, the Advisor will develop a recommended governance and mandate framework for the College of Trades.

In developing the framework, the Advisor will:

1. Ensure the governance framework includes the following features:
 - a. It is arms-length from government;
 - b. It has a board of directors or governors or governing council that comprises a balanced membership apportioned amongst employees,

- employers, training institutions and public members and possibly government representation;
- c. Its internal organizational structure recognizes four distinct sectors (construction, industrial, motive power and service);
 - d. It has a mechanism to determine and enforce appropriate journeyperson to apprenticeship ratios;
 - e. It has a sub-board committee structure including panels and a process to deal with requests for compulsory certification;
 - f. It is financed through a fee framework
2. Consider whether the mandate should include some or all of the following:
 - a. Encouraging and attracting individuals and employers to participate in the apprenticeship and certification system;
 - b. Raising the status of the trades;
 - c. Working with regulators and stakeholder groups to remove barriers / provide access for internationally trained workers;
 - d. Serving and protecting the public interest;
 - e. Powers and objects which may include:
 - Setting training and certification standards
 - Establishing standards for ongoing competence (post-certification)
 - Enforcing training standards and certification requirements in partnership with government
 - Investigating complaints about members and dealing with discipline matters
 - Undertaking research, public communications, and liaising with training institutions Certification/licensing of apprentices and journeypersons
 - Delivery of apprenticeship and certification programs
 - Managing associated apprenticeship programs
 3. Consider the institution's specific role and responsibilities with respect to the recommended mandate areas.
 4. Identify the recommended governance approach for establishing the arms-length relationship with government.
 5. In addition to developing the framework, the Advisor will provide a detailed implementation Plan for establishing the College, which plan will include recommendations on:
 - implementation staging; and
 - an appropriate fee framework, taking into account start-up costs to be provided by government

In developing the framework, the Advisor will:

- develop, in consultation with the Minister of Training, Colleges and Universities or Ministry staff identified by the Minister, an appropriate stakeholder engagement strategy to ensure that all interested parties are able to participate and be heard and to engage affected stakeholders in the development of the strategy;
- conduct stakeholder consultations consistent with the strategy; and
- take into consideration the Tim Armstrong report

3. Ministry Support

The Ministry of Training, Colleges and Universities will provide such administrative support to the Advisor as agreed upon by the Advisor and the Ministry.

4. Work Plans and Status Reports

The Advisor will:

- Consult with an Interministry Committee, including representatives from the Ministries of Training, Colleges and Universities; Labour; Government Services, Small Business and Consumer Services, Education, Transportation, Citizenship and Immigration and other affected ministries, on the development of a detailed work plan and timetable, including processes on how the objectives will be achieved, required resources, reporting requirements, communication protocol and a stakeholder list and engagement plan. The detailed work plan is to be submitted to the Ministry for approval within three weeks of appointment;
- Provide regular progress reports to identified Ministry staff as outlined in the approved detailed work plan. Such reports will include stakeholder engagement activities;
- Meet with the Minister of Training, College and Universities at the discretion of the Minister, or as mutually agreed, to discuss the progress of the review and emerging issues and ideas.

The Ministry will:

- Approve the detailed work plan before the Advisor commences the review; and
- Provide support as identified in the approved detailed work plan.

5. Report on Findings and Recommendations

The Advisor will submit a draft of the final report, which fully addresses the stated objectives of the review, to the identified Ministry staff by April 30, 2009, to enable the Ministry to provide any factual or editorial comments or corrections.

The Advisor will submit a final report to the Minister of Training, Colleges and Universities by May 31, 2009, unless the Minister agrees in writing to extend the deadline for submission of the report. Such extension will be to no later than August 1, 2009.

6. Ownership of Work

All work produced by the Advisor is the property of the Crown in right of Ontario.

7. Amendment of Terms of Reference

These terms of reference may be amended by a document in writing, dated and signed by the Minister of Training, Colleges and Universities and the Advisor.

8. Release of Report

The Advisor will not disclose any findings or proposed or final recommendations without prior written authorization of the Minister. The publication or disclosure of the final report will be determined by the Minister.

(Original Signed)

John Milloy
Minister of Training, Colleges, and Universities

Date

(Original Signed)

Kevin Whitaker
Advisor

Date

Appendix 2

Trade and Standards Development

Appendix 2

1. Trade Development

The following four paragraphs provide an overview of how trades are created and are reproduced in their entirety as they appeared in Tim Armstrong's Compulsory Certification Project report, Chapter 5, Paragraphs 32-35.

Part 2 of this appendix provides an overview of the standards development that supports the creation of a trade.

1. Typically, an industry group will approach MTCU requesting that a trade become apprenticeable under one or other of the two statutes and that it be categorized as either voluntary/unrestricted or compulsory/restricted. The Ministry then examines the applicant's representations to determine whether the occupation, trade or skill set is capable of receiving workplace-based training and whether there is a basis for a viable trainer/trainee relationship. When MTCU officials are satisfied that these threshold criteria are met, they then assess the needs and demands for the establishment of an apprenticeship program, including whether the request is consistent with government priorities. Some government priorities are fixed and are set out in the Purpose Clause of the ACA, s. 1(c) which refers to expanding opportunities for Ontario workers, increasing the competitiveness of Ontario businesses and ensuring public and worker protection. The TQAA contains no similar purpose clause. The Ministry, I am advised, also considers whether the application for the establishment of an apprenticeship program will contribute to reaching the apprenticeship registration goals set by the government on an annual basis. Some question the desirability of purely numerical goals, which may or may not be related to carefully researched and prioritized labour market requirements. Some also question the desirability of expanding apprenticeships in non-traditional sectors, despite the benefits of the apprenticeship model of training that others assert is extended to those sectors.
2. In making a determination to proceed with development and approval of an application for a new apprenticeship program, the Ministry requires the applicant to complete an environmental scan in order to initiate formal discussions. The industry applicant is asked to identify the following: the estimated number of employees which the sponsoring group(s) represent, the estimated number of employees currently working in the trade/occupation, the estimated number of apprentices who would be entering training each year, those groups who are not prepared to support an apprenticeship at the time of application or who have not been involved in the proposal, those groups who support and oppose the application, a detailed definition of the trade including a description of work, the major tasks of the proposed occupation as performed in Ontario, the average length of time required to ensure adequate exposure to the major tasks of the trade, and the related theoretical skills that an individual would require to be able to enter the program. I conclude from these items that the Ministry requires initial indication of broad support from employers and employees in the particular trade and also that the proposed apprenticeship program will be sustained through a sufficient number of registrations.
3. If the initial conditions are satisfied, and an assessment for suitability for development is positive, the Ministry works with industry experts - labour and management - to develop the training program. Development is guided by the sponsoring PAC or IC. If it is a trade for which a PAC or IC does not exist, an industry steering committee is established (which does not involve member appointments by the Minister). Also, the assessment and development activities may involve consulting with other regulators, other PACs or

ICs and training institutions (the latter to ensure that there are potential TDAs). During development, care is taken to identify and avoid, so far as possible, skill overlaps with compulsory trades. When the standards are finalized, the material is presented to the Director for approval. Upon approval, the program for the new trade is implemented.

4. Any trade, occupation or skill set that requires a Regulation – i.e., compulsory or voluntary, under the TQAA, or restricted under the ACA – requires the Minister’s approval prior to the regulatory process being initiated. Otherwise, under the ACA, the Director’s approval is sufficient. For ease of reference, a tabulation of all compulsory and voluntary trades under the TQAA and all restricted and unrestricted trades, occupations or skill sets under the ACA, including the dates upon which they were established, appears as Appendix 9 to this report.

2. Standards Development Overview

The Ministry’s Program Development Unit is responsible for working with industry to establish standards for training: the standards are for training, curriculum, examination and recognitions. These standards include program design, entry requirements, on-the-job skill requirements, in-school instructional content (reportable subjects), completion requirements and certification qualification method.

Apprenticeship is workplace-based training and includes an in-school training component which supports skills development and mastery on-the-job. The competency-based approach is used for standards development. Competency-based training (CBT) is a systematic approach to training which is results oriented and based on specific, precisely stated competencies.

The design process of developing the workplace or on-the-job training standard includes three major activities: occupational analysis; development of performance objectives; and in-school curriculum standards. The design process of developing the in-school component of training includes two major activities: development of the curriculum standards; and development of exemption tests.

The curriculum standard is developed from the on-the-job training standards. The exemption tests are developed from the curriculum standards. Inherent throughout the design process is meaningful and substantial participation of all stakeholders. Industry involvement is critical to standards development to ensure that skills training meet industry’s present and future needs.

The apprenticeship in-school curriculum standard represents standardized outcomes and learning content that is delivered by all approved training delivery agents (TDAs). Curriculum standards complement the workplace training standards. Learning outcomes reflect what the apprentice must be able to demonstrate upon completion of each reportable subject of in-school training. The training delivery agent (TDA) must be able to deliver the curriculum standards in support of the learning outcomes. A TDA wishing to be approved must demonstrate its ability to deliver the outcomes as grouped in the approved curriculum standard. The approved curriculum forms the basis for the development of lesson plans, and evaluation standards and criteria.

Following are some definitions within the standards development process that when read in order will give the reader a sense of what it is to “build a program”.

1. **TOSS** - Acronym for Trade, Occupation, or Skill Set.
2. **Program** - A set of workplace-based training standards, off-the-job learning outcomes, certification qualification method, and/or recognition standards associated with A TOSS.
3. **Apprenticeship Program** - A workplace-based training program established in a legislative framework and approved by the Director where training and formal instruction

are set out in a training standard and curriculum standard.

4. **Program Standards and Guidelines** - The rules and details of a training program, as set out by the ministry in consultation with industry partners and stakeholders.
5. **Program entry requirements** - The essential components that a client must have in order to enter the program (e.g., age, educational attainment, registration fee, etc.). These requirements are established by legislation and/or by government's advisory committees for entry into a program for a particular trade, occupation or skill set.
6. **National Occupational Classification (NOC)** - The Canadian National Occupational Classification system provides a standardized framework for organizing the world of work in a manageable, understandable and coherent system. It describes duties, skills, interests, aptitudes, education requirements and working settings for occupations in the Canadian labour market. Each occupation is assigned a four-digit code that identifies that occupation and the occupational unit group to which it belongs. For example, the NOC code for Plumber is 7251.
7. **Training Standard** - A document produced by Program Development and Standards Unit in consultation with an industry group, setting out the on-the-job competencies that form part of the training program for a specific TOSS.
8. **Skill** - A task or group of tasks performed under specified conditions to a specified level of competency or proficiency as identified in the Training Standard.
9. **Skill Set** - One or more skills grouped in a set as identified in the Training Standard.
10. **Optional Skill Sets** - Some skill sets within a given training standard may be designated as optional, so that completion of these skill sets is not required in order to complete the training requirements of the TOSS. In the hard copy versions of the training standard, these optional skill sets are generally denoted with shading.
11. **Competency** - The ability of an individual to perform a skill repeatedly and without assistance to the standard of competency set out in the training standard or scheduled of training.
12. **Competency Based Training** - An approach to training that: (1) focuses on the mastery of specific skills as opposed to a norm referenced training system; and, (2) focuses on the learner acquiring the skills as opposed to the trainer teaching them.
13. **On the job training** - The portion of an apprenticeship training program where apprentices work on job site(s) to acquire the competencies of the trade, occupation or skill set under the supervision of a journeyman.
14. **On the job training duration** - A period of time generally required by an apprentice to become competent in the skill set(s) of a program.
15. **Hours** - Total number of hours required to complete the TQAA contract (i.e., total hours, minus any front-end or evenly-applied credits). Any change must be initialled by both parties to the contract.
16. **Sponsor** - A person or organization that has entered into a registered ACA training agreement under which they are required to ensure that a client is provided with

workplace-based training in a trade, other occupation or skill set (TOSS) as part of an apprenticeship program approved by the Director.

17. **Sponsor or Employer Requirements** - The essential criteria that a sponsor or employer must have in order to be approved to train apprentices in a specific TOSS (e.g., number of journeypersons, located in Ontario, etc.).
18. **Curriculum Standard** – The standard of theoretical knowledge and practical application required to complete the curriculum associated with a program. This document is produced by the Program Development and Standards Unit in consultation with an industry group, setting out the off-the-job (in school) competencies that form part of the training program for a specific TOSS.
19. **Reportable Subject** - A subject within a level of schooling that has a specific learning outcome. Several reportable subjects combine to create one level of in-school training.
20. **Prerequisites** - Some reportable subjects within a curriculum standard may require successful completion of one or more other reportable subjects prior to entry.
21. **Prior Learning, Assessment and Recognition (PLAR)** - A formal process that gives recognition for previous learning that has occurred through work or other life experience. Prior learning is often referred to as experiential learning, which may have been acquired on the job, through hobbies or volunteer work. The assessment may be done through a variety of methods including portfolios, challenge tests, or demonstration of skill tests. For the on-the-job portion of an apprenticeship program, PLAR is largely done by apprentices demonstrating their skills or competencies to their trainers or sponsors. For the in-school portion of an apprenticeship program, PLAR is done either by means of an exemption test (where available) or through an informal portfolio development process (where no exemption test exists). Source: ACA Client Services Manual, Reference Section, Glossary, January 2000.
22. **Off the job training** - The portion of apprenticeship training where the apprentice attends an approved TDA to receive classroom training on the curriculum of the trade.
23. **Examination** - The standard of theoretical knowledge and practical application required to complete the curriculum associated with a program. This document is produced by the Program Development and Standards Unit in consultation with an industry group, setting out the off-the-job (in school) competencies that form part of the training program for a specific TOSS. The mark that must be obtained for an apprentice to pass an exam is 70%.
24. **Red Seal Program** - The Red Seal Program was established to provide greater mobility across Canada for skilled workers. Through the program, apprentices who have completed their training and certified journeypersons are able to obtain a "Red Seal" endorsement on their Certificates of Qualification by successfully completing an Interprovincial Standards Examination. The program encourages standardization of provincial and territorial apprenticeship training and certification programs. The "Red Seal" allows qualified trades persons to practice the trade in any province or territory in Canada where the trade is designated without having to write further examinations. To date, there are 50 trades included in the national Red Seal Program. Ontario participates in 46 of these trades.
25. **Provincial Advisory Committee** - From the Trades Qualification and Apprenticeship Act, Section 3.(1) and (2): "The Minister may appoint a provincial advisory committee in

any trade or group of trades to advise the Minister in matters relating to the establishment and operation of apprentice training programs and trades qualifications." PACs represent employers and employees in equal numbers, and companies of all sizes from different geographical areas of the province, including unionized and non-unionized sectors.

26. **Industry Committee** - A committee for a trade or group of trades, established under the ACA and appointed by the Minister of Training, Colleges, and Universities. Committees are comprised of industry representatives who provide advice on apprenticeship programs, including required qualifications and skill sets for trades, curricula, training standards, examinations, and the persons and institutions that will provide training.

Appendix 3

Training Delivery Agent (TDA) Approval

Appendix 3

Ministry Of Training, Colleges and Universities Apprenticeship Training Delivery Agent (TDA) Approval Process Guidelines

1. Objectives

The Training Delivery Agent (TDA) approval process is designed to improve and expand the apprenticeship delivery infrastructure to meet industry's requirements for a training system committed to high standards, reliability and accessibility.

The cornerstones of such a system are the following:

1. The expansion of apprenticeship training to meet emerging industry needs;
2. Quality and portable skills training delivered to industry standards as defined in ministry-approved curriculum;
3. Flexibility of training delivery format to meet varying needs of employers and apprentices;
4. Accessibility of training, including geographic accessibility and accessibility for Ontario's francophones, Aboriginal population and persons with disabilities; and,
5. The promotion of apprenticeship training among underrepresented groups.

2. Guiding Principles

The Ministry will consider applications on the basis of the following principles:

1. The approval of new programs or TDAs will be made in accordance with the Eligibility Conditions and Mandatory Criteria set out in this document including:
 - a. An applicant for a new program or TDA must notify and consult with all TDAs offering the requested program;
 - b. Existing TDAs will be given a reasonable opportunity to comment on a new application
 - c. Approval of a new program or TDA will strengthen the apprenticeship delivery system in at least one of the cornerstones enumerated in the "Objectives" section above
 - d. The approval of new programs or TDAs will not critically undermine the sustainability of existing programs at approved TDAs;
2. Approval as a TDA is **not** a commitment by the Ministry to purchase training, nor is it a commitment to an ongoing annual funding relationship or to the level of purchases made by the Ministry;
3. The Ministry will make available a complete list of currently approved TDAs and programs upon request.

3. Eligibility Conditions

Who may apply?

The applicant must be a recognized training institution that falls within one of the following categories:

1. A public educational institution recognized as such by the Ministry of Training, Colleges and Universities (MTCU);
2. A registered non-profit agency or union having demonstrated training experience;
3. A private career college registered under *The Private Career Colleges Act, 2005* with the Private Career Colleges Compliance Unit of MTCU; or
4. Other private trainers may be eligible to apply under the following conditions:
 - a. There is no available capacity for delivery of the program at public training institutions;
 - b. The applicant can demonstrate commitment and experience in successfully delivering training for the requested program;
 - c. The applicant can ensure accessibility and accommodation to any registered apprentices including persons with special needs;
 - d. The applicant can provide trainees with a credential recognized widely within the industry.

The Ministry may approve or deny an application for TDA status to an institution, agency or organization in its sole discretion.

When to apply

An institution, agency or organization must apply under the guidelines and process outlined in any of the following circumstances:

1. The first time that the program is offered by the applicant in Ontario;
2. A previously approved program that has not been offered in the last three years by the applicant.

When to re-apply

Programs will be approved by delivery location/campus, delivery format and levels of training.

In the event that a TDA intends to broaden delivery beyond the parameters under which original approval had been granted, the TDA must notify all other TDAs delivering the requested program.

- If other TDAs do not object, the Ministry may amend the conditions of the original approval.
- If other TDAs object, the requesting TDA must follow the full process.

4. Mandatory Criteria

The requesting institution must explain how their application meets **all of** the following criteria.

1. Support increased apprenticeship registrations, participation and completions;
2. Improve the apprenticeship delivery system in at least one of the key cornerstones outlined in the “Objectives” section above;
3. Indicate labour market demand for the specific program requested and provide proof of local industry support for delivery at the requesting institution;
4. Demonstrate that it has and will make available for the course all curriculum standards and equipment necessary to deliver the ministry-approved curriculum meeting all learning outcomes;
5. Outline the criteria it will use to select course instructors including, where appropriate, language and culturally sensitive skills;
6. Demonstrate the availability of academic assistance programs and accommodations for persons with disabilities or special needs;
7. Provide an explanation of how approval will impact existing TDAs;
8. Agrees to allow Ministry staff or a third party the required access to evaluate curriculum delivery, including access to the premises, their staff and apprentices;
9. Provide proof to the Ministry that it possesses liability insurance to Ministry standards;
10. Prepared to enter into a contractual agreement in a format that is prescribed by the Ministry; and,
11. State that it will comply with all applicable legislation including *The Apprenticeship and Certification Act (ACA)*, *The Trades Qualification and Apprenticeship Act (TQAA)*, *The Occupational Health and Safety Act (OHS)*, and any other laws and regulations that may apply.

5. Application and Approval Process

1. The applicant will hold preliminary feasibility discussions with the local Employment Ontario office to assess the need for a new TDA for the requested program.
2. The applicant will forward notice of intent to apply including delivery location, delivery format and levels of training and any other relevant information to all other approved TDAs for the requested program.
3. Written comments from other TDAs must be submitted to the applicant within twenty (20) business days of the date of its notice. Comments submitted after 20 business days will not be considered by the Ministry.
4. Comments and objections must be based on whether the application meets the mandatory criteria for TDA approval as outlined in Section 4.
5. Objections must be accompanied by a detailed business case of how approval of the new program will jeopardize or substantially undermine an existing program at the objecting TDA.
6. Any objections to a new program must be in a written statement signed by the TDA’s Signing Authority. The applicant must include all objections with the application.
7. Comments and objections will inform but not determine the Ministry’s decision.
8. The applicant will forward three signed copies and an electronic version of the application to the local Employment Ontario office. Any comments and objections are to be attached to the signed copy.
9. MTCU will conduct an assessment of the application.
10. Following assessments and consultation within the Ministry, the Regional Director shall respond in writing to the applicant.
11. If the application is not approved, the applicant may request a review of the decision and may provide new information to support its application.

Appendix 4

Inter-jurisdictional Comparison

Appendix 4

Foras Áiseanna Saothair (FÁS) - Ireland's National Training and Employment Authority (Ireland)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Crown Agency. • Has statutory responsibility for the organisation and control of designated apprenticeships. • Mandate is defined under the <i>Industrial Training Act, 1967</i>, and the <i>Labour Services Act, 1987</i>. • Primary funding is from government - expenditure in 2004 amounted to about €128 million. • 10,000 annual intake of apprentices. 	<ul style="list-style-type: none"> • FAS has a 15 member board appointed by the Minister for Enterprise, Trade and Employment. • Representatives - 4 Ministry Reps (one per ministry - Ministries of Finance; Education and Science; Social, Community and Family Affairs; and Enterprise, Trade and Employment); 4 Union Reps; 4 Employer Reps; 2 FAS Staff; 1 Youth Representative. • FAS exercises responsibility in consultation with the Department of Education and Science. • Employment and Training Strategy Unit within the Department of Enterprise Trade and Development in the Government of Ireland has policy responsibility for the Apprenticeship system - monitors trends and developments including costs and levels of training provision and advises the Minister on future development. 	<ul style="list-style-type: none"> • FAS established the National Apprenticeship Advisory Committee (NAAC) in 1991 to advise FAS's Board. • N AAC oversees the development of the standards based process and advises the Board of FÁS on all matters pertaining to apprenticeship. • NAAC is made up of representatives of the social partners in industry, the educational sector and FÁS. 	<ul style="list-style-type: none"> • Direct delivery is done through regional network of 66 offices and 20 training centres. • FÁS operates training and employment programmes; provides a recruitment service to jobseekers and employers, an advisory service for industry, and supports community-based enterprises.
Department of Education, Employment and Workplace Relations (DEEWR) (Australia)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Apprenticeship is managed within the Australian Government's "Tertiary, Youth and International Division" under a Deputy Secretary. • Provides national leadership in education and workplace training. • Government directs use of public revenue. • 418,000 apprentices (nationally). 	<ul style="list-style-type: none"> • DEEWR implements government policies and programs. • This division works in collaboration with the various states and territories. • DEEWR has developed a coordinated system of stakeholders and lead agencies to promote and implement the system. These include: <ul style="list-style-type: none"> ○ Australian Qualifications Framework ○ Australian Quality Council ○ National Training Forum ○ State and Territory Training Authorities ○ Industry Skills Councils ○ Registered Training Organisations (formally registered and monitored by government to ensure that they meet national quality requirements). • Internal performance management system. 	<ul style="list-style-type: none"> • Eleven (11) Industry Skills Councils (ISC) under the "Skilling Australia" initiative identify skill needs and perform e-scans for workforce development . • ISCs assist government to provide training and assist in managing apprenticeships for their particular industry sector. • ISCs are funded by government • ISC structure is based on industry-led boards of directors and standing committees. • ISCs nominate Industry Advisory Committees (IAC). • IAC members come from specified nominating organizations • (IACs) have been established to provide industry intelligence and advice on the skills needs, directions and significant trends within industry sectors. 	<ul style="list-style-type: none"> • 300 Australian Apprenticeships Centres (AAC) are contracted by the government to provide one-stop shops for those seeking apprenticeship. • AACs provide assistance to clients and TDAs; market and promote apprenticeships in the local area; administer incentive payments; assist with the signing of training contracts; refer enquiries to Job Placement and Training Organisations; also establish a network of Skills and Training Information Centres (STICs). • Training Packages, developed in accordance with Australian government guidelines, endorsed by the National Quality Council, signed off by state and territory ministers and can only be delivered by 'Registered Training Organisations' (RTO).

National Apprenticeship Service (NAS) within the Skills Funding Agency (SFA) (United Kingdom)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> NAS being created by April 2009 and then folded into SFA (a new Crown Agency) in 2010. NAS will have end-to-end responsibility for apprenticeship including ultimate accountability for national delivery of targets. The NAS will be a discrete service, led by a Director reporting to the Secretaries of State, Department of Children, Schools and Families (DCSF), Department of Innovation, Universities and Skills (DIUS), and managed within SFA. SFA's core function will be to transfer public funds to education and training. 250,000 apprentices (nationally). 	<ul style="list-style-type: none"> The SFA CEO will be the Accounting Officer - accountable directly to Parliament for the agency's budget. CEO will be a member of the DIUS Executive Board, accountable directly to the Secretary of State and the Permanent Secretary of DIUS for performance management purposes. The Executive Board of SFA will comprise the Directors of the NAS, the Adult Advancement and Careers Service (AACCS – similar to MTCU's Employment Ontario) and the National Employer Service (NES - a single point of access to help employers resolve their skills needs), together with the CEO. Other board members will be appointed as deemed necessary. SFA will operationally implement the policy decisions made by Ministers. The overall strategic leadership role will rest with Ministers. Director of NAS will report to the Prime Minister semi-annually on progress toward targets. The Director of NAS will lead apprenticeship policy and strategy within DIUS. 	<ul style="list-style-type: none"> SFA will have a regional structure and a sub-regional level. SFA will work with Employment and Skills Boards (partnerships with a range of representatives from the private and public sector) to address local employment needs. SFA will work with the 25 Sector Skills Councils; SSCs are state-sponsored, employer-led organizations that cover specific economic sectors in the UK and have four key goals: to reduce skills gaps and shortages, to improve productivity, to boost the skills of their sector workforces and to improve skills supply. SSCs define training requirement frameworks for their sector upon which apprenticeships in the UK are based. Currently, there are over 160 apprenticeship frameworks. SSCs have agreements with government to meet certain targets, board sizes and representatives vary (e.g. Construction Skills Council has approximately 30 members – including 14 employer and 2 employee members). 	<ul style="list-style-type: none"> NAS has overall responsibility for delivery of the government's apprenticeship policy and achievement of government targets. NAS will coordinate funding for apprentices, conduct national information and marketing services, establish and maintain a national 'Matching Service' for employers and apprentices, set standards, manage information flow on status of apprenticeships at the national, regional and sub-regional level. NAS sets standards as maintained through an Apprenticeship Blueprint for each trade (a knowledge-based element, a competency based element, technical learning, plus a module on employment rights and responsibilities along with personal learning and thinking skills). Field staff work with employers who have 5000 employees or less (NES works with those who have larger numbers of staff), support career guidance counsellors, Sector Skills Councils. Target - grow apprenticeships from 250,000 to 400,000 by 2020.
Industry Training Authority (British Columbia, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> Crown Agency. Has legislated responsibility to govern and develop the industry training system. Mandate is defined in the <i>Industry Training Authority Act</i>. Primary funding is from the Government of British Columbia. 30,000 apprentices. 	<ul style="list-style-type: none"> Board structure with nine (9) appointed members. 2 to 6 year terms. Board operates in a fiduciary capacity (they do not represent any particular stakeholder group). Members come from diverse sectoral backgrounds and have broad expertise regarding industry needs and training approaches. Board Reports to Government of British Columbia, Ministry of Economic Development. Key accountabilities are defined in a "Shareholder's Letter of Expectations". Performance Management System includes business plan, service plan and annual report. 	<ul style="list-style-type: none"> Finance and Audit Committee. Policy Committee. HR and Governance Committee. There are seven Industry Training Organizations (ITOs) to which the ITA gives industry lead responsibility for improving industry training in a specific sector. ITOs are not-for-profit legal entities established by industry, and are accountable to and co-funded by the ITA. 	<ul style="list-style-type: none"> ITA sets standards for training - develops training for occupations or trades. Does not set the scope of practise – industry does this - other designated bodies address health and safety issues. Registers apprentices. Provide funding to training delivery agents. Offers an assessment service that determines whether an individual is qualified to challenge a trade exam. Promotes apprenticeship training.

The Apprenticeship and Industry Training Board (Alberta, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Advisory Board. • Primary responsibility is to establish the standards and requirements for training and certification. • Mandate is defined in the <i>Apprenticeship and Industry Training Act</i>. • Funded by the Government of Alberta. • 60,000 apprentices. 	<ul style="list-style-type: none"> • Board Structure with thirteen (13) members. • 3 year terms • Twelve (12) of the members represent employers and employees in equal numbers. • Eight (8) members represent trades; four (4) members represent other industries. • Board advises the Minister of Advanced Education and Technology on labour market issues that relate to training and certification of people in designated trades and occupations. • Performance Management System includes business plan and annual report. 	<ul style="list-style-type: none"> • Labour Market Issues and Board Operations Committee. • Industry Standards Committee. • Industry Network Committee. • Nominations Review Committee. • Awards and Scholarships Committee. • Board appoints members to Local and Provincial Apprenticeship Committees and Occupational Committees. • Committees recommend to the Board on training and certification of people in trades or occupations; designation of trades and occupations; policies about recognizing training as equivalent to training, recognition of apprenticeship programs' student work training, work experience and training programs. 	<ul style="list-style-type: none"> • Similar to Ontario's Ministry of Training, Colleges and Universities, the Apprenticeship and Industry Training Division of Alberta's Ministry of Advanced Education and Technology supports the industry-driven system. • The Division acts as the registrar, advisor and monitor for apprenticeship and industry training activity. They support the Board and industry committees to develop training and certification standards, and make arrangements with the Apprenticeship Training Providers (technical institutes and colleges) for apprentices' technical training.
Saskatchewan Apprenticeship and Trade Certification Commission (Saskatchewan, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Corporation and Agent of the Crown. • Authority to make regulations to ensure the efficient and effective operation of the apprenticeship system to meet the needs of industry in a timely manner. • Mandate is defined in the <i>Apprenticeship and Trade Certification Act 1999</i>. • Primary funding is from the Government of Saskatchewan – Commission does generate and retain additional revenue through service fees. • 9,000 apprentices. 	<ul style="list-style-type: none"> • Board Structure with twenty (20) or fewer appointed members. • 3 year terms. • Equal number of employer/employee members chosen by the following industry sectors <ul style="list-style-type: none"> • Agriculture, Tourism and Service Sector - (2) • Construction Sector – (6) • Production and Maintenance Sector – (2) • Motive Repair Sector – (2). • One each from Persons with Disabilities/Racialized Canadians/Working Poor, First Nations, Métis, Northern Saskatchewan, Women In Trades, Saskatchewan Institute of Applied Science and Technology (SIASST); Ministry of Education and Ministry of Advanced Education, Employment and Labour (AEEL). • Board reports to the Minister of AEEL. • Performance Management System includes business plan and annual report. 	<ul style="list-style-type: none"> • Executive Committee. • Finance/Audit Committee. • Standards Committee. • Representative Workforce Committee. • Innovation Committee. • Trade Boards - Make recommendations about training and certification. • Curriculum and Examination Development Boards - Approve all curriculum/certification requirements for apprentices. • Trade Examining Boards - evaluate work experience in the trade to determine applicability to training and evaluate practical examinations for the purpose of certification. 	<ul style="list-style-type: none"> • Similar to Ontario's Ministry of Training, Colleges and Universities, the administration of the Apprenticeship and Trade Certification Program is done by Commission staff reporting to the CEO. • Registers apprentices and journeypeople, monitors their training, provides certification of skill levels achieved, establishes and maintains apprentice records and contracts, schedules apprentices for training, schedules and marks examinations, issues certificates, arranges upgrading and updating courses, and administers the Saskatchewan Youth Apprenticeship program in high schools.

College of Physiotherapists of Ontario (Ontario, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Self Regulating College. • Formed to regulate the practice of physiotherapists in the public interest. • Mandate is defined in the <i>Regulated Health Professions Act, 1991</i> and <i>The Physiotherapy Act, 1991</i>. • Primary funding is from membership fees – 5 levels of practicing - highest level (independent practitioner) is \$600. • Revenues \$7.5M. • 6800 members. 	<ul style="list-style-type: none"> • Board structure with thirteen to seventeen (13-17) members. • 3 year terms. • 7-8 elected professional members; 5-7 government appointed members of the public; 1-2 professional members who are appointed by physiotherapy faculties. • Produces an annual report. 	<ul style="list-style-type: none"> • Executive Committee. • Registration Committee. • Complaints Committee. • Discipline Committee. • Fitness to Practise Committee. • Quality Assurance Committee. • Governance Effectiveness Committee. • Hearings Core Group Committee. 	<ul style="list-style-type: none"> • College develops ethical guidelines and standards of practice; activities to improve the quality of physiotherapy care. • College helps registrants maintain competence throughout their professional lives; provides member education programs to prevent sexual abuse and avoid practices that could lead to complaints. • College investigates complaints of misconduct or incompetence made against members. • Ongoing monitoring of research activities and policy issues. • Maintains formal and informal partnerships with physiotherapy educators, professional associations, government, the insurance industry, other regulatory bodies and consumers.
College of Chiropractors of Ontario (Ontario, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Self Regulating College. • Formed to regulate the practice of chiropractors in the public interest. • Mandate is defined in the <i>Regulated Health Professions Act, 1991</i> and the <i>Chiropractic Act, 1991</i>. • Primary funding is from membership fees – 4 levels of practicing – fees range from \$100 to \$850 per year. • Revenues \$3.4M. • 3300 members. 	<ul style="list-style-type: none"> • Board structure with sixteen (16) members. • 3 year terms. • 9 elected professional members; 7 government appointed members of the public. • Produces an annual report (also produces "Chiropractise" publication). 	<ul style="list-style-type: none"> • Executive Committee. • Registration Committee. • Complaints Committee. • Discipline Committee. • Fitness to Practise Committee. • Quality Assurance Committee. • Patient Relations Committee. • Chiropractic Review Committee. 	<ul style="list-style-type: none"> • College develops, establishes and maintains standards of qualification and standards of practice to assure the quality of the profession; standards of knowledge, skills and programs to promote continuing competence among members; standards of professional ethics for members. • To ensure the public interest is protected, every chiropractor practicing in Ontario must be a registered member. • College investigates complaints; disciplines members who have committed acts of professional misconduct or who are incompetent or incapacitated. • Holds workshops for its members.

College of Physicians and Surgeons of Ontario (Ontario, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Self Regulating College. • Formed to regulate the practice of medicine in the public interest. • Mandate is defined in the <i>Regulated Health Professions Act, 1991</i> and the <i>Medicine Act, 1991</i>. • Primary funding is from membership fees - \$1200 per year. • Revenues \$30M. • 25,000 members. 	<ul style="list-style-type: none"> • Board structure with thirty-two to thirty-four (32-34) members • 3 year terms. • 16 elected professional members; 13-15 government appointed members of the public; 3 physicians appointed from among the six faculties of medicine. • Produces an annual report (also produces Dialogue – the College's official publication, Noteworthy – e-newsletter for the public). 	<ul style="list-style-type: none"> • Executive Committee. • Registration Committee. • Complaints Committee. • Discipline Committee. • Fitness to Practise Committee. • Quality Assurance Committee. • Patient Relations Committee. • Education Committee. • Finance Committee. • Governance Committee. • Methadone Committee. • Outreach Committee. 	<ul style="list-style-type: none"> • College issues certificates of registration to doctors to allow them to practise medicine; provides educational tools, guidelines and courses; monitors and maintains standards of practice through peer assessment and remediation; develops policy. • Under contract to the Ontario Government it carries out quality assurance assessments in all Independent Health Facilities (IHF's), which provide OHIP insured services. • Investigates complaints about doctors on behalf of the public, and conducts discipline hearings for acts of professional misconduct or incompetence. • Patient relations program prevents and addresses issues of sexual abuse of patients, by educating doctors and providing information to the public. • The College administers a fund for therapy and counselling for patients whom a physician has sexually abused.
College of Nurses Ontario (Ontario, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Self Regulating College • Formed to regulate the practice of nursing in the public interest. • Mandate is defined in the <i>Regulated Health Professions Act, 1991</i> and the <i>Nursing Act, 1991</i>. • Primary funding is from membership fees - \$122 per year. • Revenues \$23M. • 145,000 members. 	<ul style="list-style-type: none"> • Board structure with thirty-nine (39) members. • 3 year terms. • 14 registered nurses elected and 7 registered nursing practitioners elected; 18 government appointed members of the public. • Produces an annual report. 	<ul style="list-style-type: none"> • Executive Committee. • Registration Committee. • Complaints Committee. • Discipline Committee. • Fitness to Practise Committee. • Quality Assurance Committee. 	<ul style="list-style-type: none"> • Establishes requirements for entry to practice - 6 classes of registration: General, Temporary, Special Assignment, Extended, Retired, and Transitional. • Enforce standards of practice and conduct. • Receive and investigate complaints, deal with issues of discipline, professional misconduct, incompetency and incapacity. • Promote and enhance relations between the College and its members, other health profession colleges, key stakeholders and the public.

Ontario College of Teachers (Ontario, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Self Regulating College. • Formed to allow teachers to regulate and govern their own profession in the public interest. • Mandate is defined in the <i>Ontario College of Teachers Act</i>. • Primary funding is from membership fees - \$120.00 per year. • Revenues \$30M. • 212,739 members. 	<ul style="list-style-type: none"> • Board Structure with thirty-seven (37) members. • 3 year terms. • 23 elected active practicing members (can not be union officials); 14 government appointed members. • Produces an annual report. 	<p><u>Statutory Committees</u></p> <ul style="list-style-type: none"> • Executive • Public Interest Committee • Registration Appeals • Fitness to Practise • Investigation • Discipline <p><u>Standing Committees</u></p> <ul style="list-style-type: none"> • Finance • Standards of Practise & Education <p><u>Regulatory Committees</u></p> <ul style="list-style-type: none"> • Accreditation • Accreditation Appeal <p><u>Special Committees</u></p> <ul style="list-style-type: none"> • Editorial Board • Election • Human Resources • Nomination • Quality Assurance 	<ul style="list-style-type: none"> • The College regulates the profession of teaching and governs its members. • Develops, establishes and maintain qualifications for membership. • Establishes and enforces professional standards and ethical standards applicable to its members. • Issues, renews, amends, suspends, cancels, revokes and reinstates certificates of qualification / registration. • Accredits teacher education programs and courses for post certification. • Receives and investigates complaints against its members; deals with discipline and fitness to practise issues. • Conduct research; maintains a library; produces a magazine for its members. • Communicates with the public – maintains a website. • Accredits professional teacher education programs at post-secondary institutions. • Accredits ongoing education programs for teachers at post-secondary bodies. • Assesses non-Ontario applications.
Ontario College of Early Childhood Educators (Ontario, Canada)			
Mandate and Funding	Governance and Reporting Structures	Committees	Operations
<ul style="list-style-type: none"> • Self Regulating College. • Formed to protect the public interest; focused on quality and standards in the practice of early childhood education. • Mandate is defined in the <i>Early Childhood Educators Act, 2007</i>. • Primary funding is from membership fees – \$150 per year - transition phase funded by MCYS. • Membership being developed. 	<ul style="list-style-type: none"> • Board Structure with twenty-four (24) members. • 3 year terms. • 14 elected active practicing members; 10 government appointed members. • Performance Management System includes business plan and annual report. • “Sponsoring” government ministry is the Ministry of Children and Youth Services (MCYS). • Performance Management System will include an annual report. 	<ul style="list-style-type: none"> • Executive Committee. • Registration Appeals Committee. • Complaints Committee. • Discipline Committee. • Fitness to Practise Committee. 	<p>On behalf of its members;</p> <ul style="list-style-type: none"> • Regulate the practice of early childhood education and govern its members. • Develop, establish and maintain qualifications for membership. • Provide for ongoing education. • Issue certificates of registration. • Establish an appeal mechanism. • Establish and enforce standards including respect for diversity. • Receive and investigate complaints, deal with issues of discipline. • Promote high standards. • Communicate with the public.

Appendix 5
Notice of Consultation

Appendix 5

ONTARIO COLLEGE OF TRADES

All-Trades Governance Institution

Notice of Consultation

October 24, 2008

On September 16, 2008, the Minister of Training Colleges and Universities announced the intention of the government of Ontario to establish a “*College of Trades*”. In taking this step, the government has adopted the recommendation made by Tim Armstrong in his report dealing with the expansion of compulsory trade certification, which is available at <http://www.edu.gov.on.ca/eng/ccr/index.html>.

In preparation for this task, I have been appointed to conduct a public consultation and then provide a report to the Minister which will include an implementation plan for the *College of Trades*. The Terms of Reference for this consultation and implementation are available at www.edu.gov.on.ca/eng/tcu/collegeoftrades/whenconsultations.html.

The *College of Trades* is envisioned to be a self regulating body that will take responsibility for the supervision and administration of the practice of all designated skilled trades in Ontario. The consultation will focus on the structure, responsibilities, funding and implementation of the College within the context of the Terms of Reference, and not on the merits of compulsory certification or on changes to the current ratios between journeypersons and apprentices.

I wish to invite written submissions which address the following questions:

1. **Having specific regard to the Terms of Reference, what are the appropriate duties and responsibilities of the *College of Trades*?**
2. **What is the appropriate governance model for the *College of Trades*?**
3. **How should the *College of Trades* process, deal with and decide applications for compulsory status?**
4. **How should the *College of Trades* process, deal with and decide appropriate ratios between journeypersons and apprentices?**
5. **What should the membership of the *College of Trades* be?**
6. **How should the *College of Trades* be funded?**
7. **Under what timetable and staging should the *College of Trades* be established?**
8. **What should the relationship be between the *College of Trades* and the government of Ontario?**

Responses and proposals should be explained with supporting justification, research and reference to current data, costing estimates and financial impacts.

I invite you to send your submissions no later than **Friday, November 21, 2008**, via e-mail to collegeoftrades@ontario.ca or by mail to:

Ontario College of Trades Implementation Advisor
c/o Ministry of Training Colleges and Universities

900 Bay Street, 17th floor
Mowat Block
Toronto ON M7A 1L2

I will also be holding a series of four regional public hearings this fall: in Toronto (November 28), Ottawa (December 2), London (December 3), and Sudbury (December 5). If you are interested in being considered for making an oral presentation at one of these, please identify your interest in your written submission.

I thank you in advance for participating in this important consultation phase of the project.

Kevin Whitaker
Implementation Advisor

Appendix 6
Written Submission List

Appendix 6

Reference	Organization	Sector
WS-001	Millwright Regional Council of Ontario	Industrial
WS-002	Skills Canada - Ontario	Non-Sector-Specific
WS-003	Operating Engineers Training Institute of Ontario	Construction
WS-004	Brant Haldimand Norfolk CDSE	Non-Sector-Specific
WS-005	Confederation College	Service
WS-006	Wavelengths Inc.	Service
WS-007	The Electric Lift Truck Company	Motive Power
WS-008	CAW-Canada	Industrial
WS-009	Ontario Secondary School Teachers' Federation	Non-Sector-Specific
WS-010	Ontario Public Service Employees Union	Non-Sector-Specific
WS-011	Canadian Union of Public Employees	Non-Sector-Specific
WS-012	Fanshawe College	Non-Sector-Specific
WS-013	Ontario Federation of Labour	Non-Sector-Specific
WS-014	Power-Tek Electrical Services Inc.	Construction
WS-015	Industry Committee – Automotive Service Technician	Motive Power
WS-016	Canadian Culinary Federation	Service
WS-017	Algonquin & Lakeshore Catholic District School Board	Non-Sector-Specific
WS-018	Interior Systems Contractors Association of Ontario	Construction
WS-019	Industry Committee – Truck and Coach Technician	Motive Power
WS-020	Carpenters' District Council of Ontario	Construction
WS-021	Power Workers' Union	Construction
WS-022	Ontario Building and Construction Trades Council	Construction
WS-023	George Brown College	Non-Sector-Specific
WS-024	Greater Ottawa Home Builders' Association	Construction
WS-025	Powerline Technician Provincial Advisory Committee	Construction
WS-026	Ontario Electrical League	Construction
WS-027	Ontario Pipe Trades Council and Mechanical Contractors Association of Ontario	Construction
WS-028	Plumber and Steamfitter Provincial Advisory Committee	Construction
WS-029	Building Trades Council	Construction
WS-030	Canadian Automatic Sprinkler Association	Construction
WS-031	Construction Workers Union Local 6 (Christian Labour Association of Canada)	Construction
WS-032	Canadian Manufacturers and Exporters	Industrial
WS-033	Ontario Institute for Studies in Education	Non-Sector-Specific
WS-034	Sheet Metal Workers' International Association	Construction
WS-035	Ontario Sheet Metal Workers' and Roofers' Conference	Construction
WS-036	OPCA, AGMCA, IUPAT and OIFSC (Ontario Painting Contractors Association, the Architectural Glass and Metal Contractors Association, the Ontario Council of the International Union of Painters and Allied Trades, and the Ontario Industrial & Finishing Skills Centre)	Construction
WS-037	Industry Committee – Industrial Electrician	Industrial
WS-038	Greater Sudbury Hydro	Construction
WS-039	Terrazzo, Tile & Marble Guild of Ontario, Inc.	Construction
WS-040	Industry Committee – Powered Lift Truck Technician	Motive Power

Reference	Organization	Sector
WS-041	United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (UA) and the Mechanical Contractors Association of Canada (MCAC)	Construction
WS-042	International Union of Bricklayers and Allied Craftworkers; Ontario Provincial Conference of the International Union of Bricklayers and Allied Craftworkers; and Locals 6, 7, 20	Construction
WS-043	Conseil Scolaire Catholique des Grandes Rivieres	Non-Sector-Specific
WS-044	La Cite Collegiale	Non-Sector-Specific
WS-045	College Boreal	Non-Sector-Specific
WS-046	Open Shop Contractors Association	Construction
WS-047	Burns, Joseph and Bernard Consulting Inc.	Industrial
WS-048	Construction Workers Union Local 150 (Christian Labour Association of Canada)	Construction
WS-049	Ontario Home Builders' Association	Construction
WS-050	Construction Workers Union Local 52 (Christian Labour Association of Canada)	Construction
WS-051	Ogwehoweh Skills and Trades Training Centre	Non-Sector-Specific
WS-052	College of Early Childhood Educators	Service
WS-053	Industry Committee - Arborist	Service
WS-054	International Brotherhood of Electrical Workers Construction Council of Ontario	Construction
WS-055	Construction Workers Union Local 53 (Christian Labour Association of Canada)	Construction
WS-056	Ontario Refrigeration & Air Conditioning Contractors Association	Construction
WS-057	Automotive Parts Manufacturers' Association	Motive Power
WS-058	Provincial Advisory Committee – Drywall Finisher and Plasterer	Construction
WS-059	CSAO Joint Labour Management Health and Safety	Construction
WS-060	Hydro One	Construction
WS-061	Electrical Contractors Association of Ontario	Construction
WS-062	Council of Ontario Construction Associations	Construction
WS-063	Colleges Ontario	Non-Sector-Specific
WS-064	Interfaculty Technological Education Council	Non-Sector-Specific
WS-065	Ontario Marine Operators Association	Motive Power