



**ONTARIO COLLEGE OF TRADES**  

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**ORDRE DES MÉTIERS DE L'ONTARIO**

# **General By-law for the Ontario College of Trades**

April 15, 2020

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<b>SECTION 1 – DEFINITIONS .....</b>	<b>3</b>
<b>SECTION 2 – FINANCIAL YEAR AND AUDIT .....</b>	<b>5</b>
<b>SECTION 3 – OFFICERS.....</b>	<b>6</b>
<b>SECTION 4 – BANKING AND FINANCE .....</b>	<b>7</b>
<b>SECTION 5 – DOCUMENTS.....</b>	<b>8</b>
<b>SECTION 6 – MEETINGS OF THE BOARD .....</b>	<b>9</b>
<b>SECTION 7 – MEETINGS OF DIVISIONAL BOARDS AND TRADE BOARDS.</b>	<b>11</b>
<b>SECTION 8 – REMUNERATION.....</b>	<b>11</b>
<b>SECTION 9 – REPEALED .....</b>	<b>13</b>
<b>SECTION 10 – CONFLICT OF INTEREST .....</b>	<b>13</b>
<b>SECTION 11 – DISQUALIFICATION AND RESIGNATION .....</b>	<b>14</b>
<b>SECTION 12 – FILLING OF VACANCIES ON COMMITTEES.....</b>	<b>14</b>
<b>SECTION 13 – STATUTORY COMMITTEES .....</b>	<b>15</b>
<b>SECTION 14 – REPEALED .....</b>	<b>19</b>
<b>SECTION 15 – COMMITTEE PROCEDURES .....</b>	<b>19</b>
<b>SECTION 16 – EXECUTIVE DELEGATION .....</b>	<b>19</b>
<b>SECTION 17 – REQUIREMENT THAT MEMBERS OF THE COLLEGE PROVIDE INFORMATION TO THE REGISTRAR .....</b>	<b>20</b>
<b>SECTION 18 – PROCEDURES FOR MAKING, AMENDING AND REVOKING BY-LAWS AND BOARD REGULATIONS .....</b>	<b>20</b>
<b>SECTION 19 – FORMS AND POLICIES .....</b>	<b>21</b>
<b>SECTION 20 – MANAGEMENT OF PROPERTY OF THE COLLEGE.....</b>	<b>22</b>
<b>SECTION 21 – INDEMNIFICATION.....</b>	<b>22</b>
<b>SECTION 22 – SERVICE OF DOCUMENTS FOR PROCEEDINGS BEFORE THE BOARD AND COMMITTEES.....</b>	<b>23</b>
<b>SECTION 23 – CONTENTS OF THE REGISTER.....</b>	<b>24</b>
<b>SECTION 24 – MEMBERSHIP FEES .....</b>	<b>24</b>
<b>SECTION 24.01 – FEES (TRANSITIONAL) .....</b>	<b>27</b>
<b>SECTION 24.02 – FEES (GRACE PERIOD DURING STATE OF EMERGENCY AND FOR 30 DAYS THEREAFTER) .....</b>	<b>28</b>
<b>SECTION 25 – OTHER FEES.....</b>	<b>28</b>
<b>SECTION 26 – REMOVAL FROM GOVERNING STRUCTURE.....</b>	<b>29</b>
<b>SECTION 27 – RECEIPT OF GIFTS OR BENEFITS.....</b>	<b>32</b>
<b>SECTION 28 – FORM OF COMPLAINTS.....</b>	<b>34</b>
<b>SECTION 29 – CODE OF ETHICS FOR MEMBERS OF THE COLLEGE .....</b>	<b>34</b>

## **SECTION 1 – Definitions**

**1.1** In this by-law, unless otherwise defined or required by the context:

- (a)** “Act” means the *Ontario College of Trades and Apprenticeship Act, 2009*.
- (b)** “Appointments Council” means the branch of the College of Trades Appointments Council and Classification Roster described in section 63.1 of the Act.
- (c)** “Board” means the Board of Governors of the Ontario College of Trades as outlined in section 12 of the Act.
- (d)** “Classification Roster” means the branch of the College of Trades Appointments Council and Classification Roster described in section 63.2 of the Act.
- (e)** “College” means the Ontario College of Trades.
- (f)** “Committee” includes a committee identified under section 30 of the Act, special committee, task force or other similar body established by the Board or the Executive Committee by resolution, per section 31 of the Act.
- (g)** “ex officio member” is a person whose membership on a committee is by virtue of an office, position or status he/she holds under the Act or by-laws and who has full attendance and participation rights on the committee, but is non-voting and does not count towards quorum.
- (h)** “governing structure” means the Board of Governors, Divisional Board, Trade Boards and the Roster of Adjudicators and their members.
- (i)** “Holiday” means:
  - (i) any Saturday or Sunday;
  - (ii) New Year’s Day;
  - (iii) Family Day;
  - (iv) Good Friday;
  - (v) Easter Monday;
  - (vi) Victoria Day;
  - (vii) Canada Day;

- (viii) Civic Holiday;
- (ix) Labour Day;
- (x) Thanksgiving Day;
- (xi) Remembrance Day;
- (xii) Christmas Day;
- (xiii) Boxing Day; or
- (xiv) any special holiday proclaimed by the Governor General or the Lieutenant Governor;

and where New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday, and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday.

- (j)** “member of the College” means a person who holds a College-issued certificate of qualification or statement of membership.

A person remains a member, and continues to hold a College-issued certificate of qualification or statement of membership, until the member resigns their membership in writing, or their certificate of qualification or statement of membership expires or is revoked or cancelled.

A person remains a member while the member's certificate of qualification or statement of membership is suspended. Non-payment of fees, for example, may result in a suspension of membership.

A person whose membership is suspended is still a member for the purposes of professional misconduct, incompetence or incapacity complaints and any subsequent investigations and/or proceedings.

However, a member in a compulsory trade whose certificate of qualification or statement of membership is suspended must not:

- (i) Perform work in the trade;
- (ii) Represent or hold himself or herself out as able to perform work in the trade;
- (iii) Use the title of the trade or an abbreviation of the title of the trade; or
- (iv) State that he or she is a member in good standing in the trade.

- (j.1)** “Minister” has the same meaning as given to that term in section 1 of the Act.

- (k) “officer” means the Board may employ such individuals as it considers advisable and shall have the officers provided for by the by-laws.
- (l) “Person” means an individual, corporation, partnership, sole proprietorship, association or any other organization or entity.
- (m) “Registrar” means the Registrar of the College.
- (n) “Regulations” means the regulations made under the *Ontario College of Trades and Apprenticeship Act, 2009*, R.S.O. 2009, c. 22, and regulations made under subsections 57(1) and 59(6) of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*, S.O. 2019, c. 7, Sched. 40.
- (o) “Remuneration” is a fixed amount, agreed upon by the Board, which is given to all board, committee and review panel members in recognition of the service provided on boards, committees and review panels or in carrying out Board business.
- (p) REPEALED
- (q) “Roster” means the Roster of Adjudicators for purposes of appointment to review panels of the College, as outlined in section 21 of the Act.

1.2 In this by-law, unless otherwise defined or required by the context, the terms used have the same meaning as in the Act and the regulations.

## **SECTION 2 – Financial Year and Audit**

2.1 The financial year of the College is January 1 – December 31.

2.2 The Board shall annually appoint an auditor who is duly licensed under the *Public Accounting Act, 2004*, S.O. 2004, c.8, and any amendments, to audit the accounts of the College and to serve until the close of the next annual meeting of members of the College and, if an appointment is not made, the auditor in office shall continue until a successor is appointed.

2.3 The Registrar shall give notice of every appointment and reappointment of an auditor to the auditor in writing promptly after the appointment or reappointment is made.

2.4 The Board may, by resolution passed by at least two-thirds of the Board members at a meeting of which notice of intention to pass the resolution has been given, remove any auditor before the expiration of the auditor's term of office and shall, by a majority of the votes cast at that meeting, appoint another auditor in such auditor's stead for the remainder of the term.

2.5 The auditor shall make such examinations as will enable him or her to report to the Board as required by law and under this section.

- 2.6 The auditor shall meet at least annually with the Board to present the results of his or her examination of the annual financial statements.
- 2.7 The audited annual financial statements of the College shall be made available, upon request, to College members.
- 2.8 The auditor has a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College that can reasonably be furnished and is entitled to require from the present or former members of the Board, officers, employees and agents of the College such information as in the auditor's opinion is necessary to enable the auditor to report as required by law or under this section.

## **SECTION 3 – Officers**

- 3.1 The officers of the College shall be the Chair, Vice-Chair, Registrar, Deputy Registrars and such other officers as the Board shall determine from time to time.
- 3.2 The Board may elect a Vice-Chair, who shall hold office until the expiry of the person's appointment and any further reappointment as a Board member.
- 3.3 The election of the Vice-Chair shall be by secret ballot using generally accepted democratic procedures and where more than two Board members are nominated the nominee who receives the lowest number of votes on each ballot shall be deleted from nomination unless one nominee receives a majority of the votes cast on the ballot, and this procedure shall be followed until one nominee receives a majority of the votes cast.
- 3.4 If the office of the Chair becomes vacant, the Vice-Chair shall act as and have all the powers of the Chair until such time as the Minister designates one of the members of the Board as Chair in accordance with subsection 2(2) of O.Reg. 34/20.
- 3.5 The Board may fill any vacancy in the office of Vice-Chair at the next Board meeting after the vacancy occurs.
- 3.6 The office of Chair or Vice-Chair becomes vacant if the holder of the office dies, resigns from the Board, resigns from that office, or is removed from the Board in accordance with the Regulations. The office of Vice-Chair also becomes vacant if the holder of the office is removed from that office by a vote of the Board at a meeting called for that purpose.
- 3.7 The Chair of Board:
  - (a) shall preside at meetings of the Board, unless a Presiding Officer is selected in accordance with section 6.11;
  - (b) shall be Chair of the Executive Committee;
  - (c) shall be an ex officio member of all other committees of the Board, but shall not be appointed to or otherwise participate in panels of the Complaints

Committee, Discipline Committee, Fitness to Practise Committee or Registration Appeals Committee;

- (d) may, at the discretion of the Board, continue to serve on any committee of which he/she is a regular member upon being elected Chair of the Board;
- (e) shall perform all acts and deeds pertaining to the office of the Chair as provided for in the by-laws or as may be decided by the Board.

**3.8** The Vice-Chair of the Board shall:

- (a) in the absence of the Chair, preside at meetings of the Board unless a Presiding Officer is selected;
- (b) be Vice-Chair of the Executive Committee.

**3.9** The Registrar shall:

- (a) perform the duties of Registrar set out in the Act, regulations and by-laws;
- (b) be responsible for carrying out the day-to-day business of the College including management of and hiring of staff, acquiring goods and services, and promoting College objectives, subject to any limits imposed by the Act, regulations, the by-laws and Board resolutions;
- (c) be an ex officio member of all committees of the Board;
- (d) perform such other duties as may be assigned by the Board.

**3.10** The Deputy Registrar(s) shall:

- (a) perform the duties of the Registrar as set out in the Act, regulations and by-laws in the event that the Registrar is not able to perform those duties and provided that the Deputy Registrar has been so authorized by the Registrar, the Executive Committee, or the Board;
- (b) appoint one or more investigators pursuant to section 53(1) of the Act in the event that the Registrar is not able to do so in a timely manner;
- (c) be an ex officio member of all committees of the Board; and
- (d) perform such other duties as may be assigned by the Board

## **SECTION 4 – Banking and Finance**

**4.1** The banking business of the College or any part thereof shall be transacted with any bank chartered under the *Bank Act*, S.C. 1991, c. 46 as the Board may designate, appoint or authorize from time to time by resolution.

- 4.2 All of the College's banking business any part thereof shall be transacted on the College's behalf by any two (2) of the signing officers or such one or more other officers of the College and/or other persons as the Board may designate, direct or authorize from time to time by resolution and to the extent therein provided.
- 4.3 All monies received by the College from time to time shall be deposited in an account maintained by the College in its name with any branch of the College's bankers.
- 4.4 All of the funds and monies of the College not immediately required for its operations shall be invested and/or re-invested in accordance with the investment guidelines developed and approved by the Board from time to time. In the absence of any such guidelines, the funds and monies of the College shall be invested only in bankers acceptances accepted by, or other short-term instruments issued or guaranteed by, a Canadian chartered bank listed on Schedule 1 of the *Bank Act*, S.C. 1991, c. 46.
- 4.5 The College may borrow such amounts as may from time to time be approved by the Board for the purpose of establishing, operating and maintaining the College

## **SECTION 5 – Documents**

- 5.1 The signing officers of the College shall be the Chair, Vice-Chair, Registrar, Deputy Registrars and such other officers as are named by the Executive Committee or appointed by the Board from time to time.
- 5.2 The Board may from time to time, by resolution, appoint any other person or persons on behalf of the College to:
  - (a) sign and deliver contracts, documents or instruments in writing generally;
  - (b) sign either manually or by facsimile signature and deliver specific contracts, documents or instruments in writing.
- 5.3 The Registrar may from time to time establish administrative policies which permit one or more specified employees of the College, in specific circumstances, to sign and deliver contracts, documents or instruments in writing, for the routine purchase of goods and services required by the College.
- 5.4 Proposed regulations on behalf of the College shall be signed by the Chair or Vice-Chair, and Registrar, and the corporate seal shall be affixed thereto.
- 5.5 Unless otherwise specified, all other contracts, documents or instruments in writing requiring execution by the College shall be signed by any two (2) or the signing officers and all contracts, documents or instruments in writing so signed shall be binding upon the College without any further authorization or formality.

For the purposes of this by-law, the term "contracts, documents or instruments in writing" shall include deeds, mortgages, charges, conveyances, powers of attorney,



transfers and assignments of property (including, but not limited to, transfers and assignments of shares, warrants, bonds, debentures or other securities), proxies for shares and other securities and all paper writings.

## **SECTION 6 – Meetings of the Board**

- 6.1** In accordance with section 17 of the Act, the Board shall hold a minimum of six regular meetings in a calendar year.
- 6.2** Each meeting of the Board shall be called by the Chair and shall be held in such location in Ontario as shall be determined by the Registrar, at the direction of the Board.
- 6.3** The Board may, from time to time, by resolution, determine to hold additional meetings and shall, by such resolution, fix the date, place in Ontario and times for such meetings. So long as any such resolution is in effect, the Registrar of the College shall convene such meetings by notice given in accordance with section 6.4.
- 6.4** The Registrar shall notify each member of the Board in writing of the place, date, time and agenda for a Board meeting by sending such notification no less than ten (10) days before a regular meeting.
- 6.5** Special meetings of the Board may be called by the Chair or by two-thirds of Board members who deposit with the Registrar a written requisition for the meeting specifying the matter or matters for decision at the meeting. Special meetings shall be held in such location as shall be determined by the Registrar.
- 6.6** The requirement to give ten (10) days' notice of a special meeting may be waived. Attendance of a member of the Board shall constitute waiver of notice. Attendance at a special meeting by a member of the Board for the purpose of disputing the sufficiency of the notice shall not be deemed to constitute waiver of notice.
- 6.7** At the direction of the Chair, regular or special Board meetings may be held in person or by teleconference or any other electronic means that permits all Board members to communicate with each other simultaneously and instantaneously.
- 6.8** With the concurrence of the Chair, a member of the Board may be deemed to attend a meeting by teleconference or any other electronic means that permits all Board members to communicate with each other simultaneously and instantaneously.
- 6.9** A Board meeting may only consider or transact:
  - (a)** matters brought forward by the Executive Committee;
  - (b)** matters brought forward by the Registrar;
  - (c)** REPEALED;
  - (d)** REPEALED;

- (e) REPEALED;
- (f) motions of which a notice of motion was given by a member of the Board at the preceding Board meeting, or in time for the notice of motion to be included in the notice of meeting under section 6.4;
- (g) motions which the members of the Board agree to consider by a two-thirds vote of those in attendance;
- (h) matters for which notice has been given in accordance with the Act, by-laws and regulations;
- (i) at any meeting, new business, routine and procedural matters in accordance with the rules of order.

**6.10** The Registrar shall prepare an agenda for each meeting subject to the review and approval of the Chair.

**6.11** Subject to the appointment of a Presiding Officer as set forth below, the Chair, or Vice-Chair in his/her absence, shall preside at meetings of the Board. The Chair, with the concurrence of the Vice-Chair and the approval of the Board, may select a person called the Presiding Officer, who will conduct the business of the meeting and ensure that the rules of debate are observed, in the name of the Chair. In the absence of the Presiding Officer, Chair and Vice-Chair, the Board shall elect a person from among its members to temporarily act as and have all the powers of the Chair.

**6.12** Unless otherwise required by law or by the by-laws, every question which properly comes before the Board may be decided by a simple majority of the votes cast at the meeting by members of the Board present thereat (including the member of the Board who presides at the meeting) and, if there is an equality of votes on a question, the question shall be deemed to have been decided in the negative.

**6.13** Every vote at a Board meeting, other than a Board meeting held by teleconference, or any other electronic means that permits all Board members to communicate with each other simultaneously and instantaneously, shall be by a show of hands, but if any Board member so requests, a roll call vote shall be taken. Votes at a Board meeting held by teleconference or any other electronic means that permits all Board members to communicate with each other simultaneously and instantaneously, shall be voice votes in which Board members indicate support or opposition to a motion by saying Yes or No (yea or nay) to the question. If any Board member says "No" or "Nay", the Presiding Officer shall require a recorded vote. Every recorded vote at a Board meeting held by teleconference or any other electronic means that permits all Board members to communicate with each other simultaneously and instantaneously, shall be a roll call vote. In the event of a roll call vote, the Presiding Officer shall require the Registrar to request each Board member in turn to record his or her vote and such vote shall be recorded in the minutes of that meeting.

- 6.14** The Registrar shall cause minutes of the proceedings of the Board meeting to be recorded, and the minutes of the Board meeting, when signed by the Registrar are *prima facie* proof of the accuracy of the contents of every such record.
- 6.15** The minutes of the proceedings of a Board meeting when accepted at a subsequent Board meeting, subject to any corrections made at such subsequent meeting, are conclusive proof of the accuracy of the contents of every such record.
- 6.16** The procedure at all meetings of the Board or committees of the Board shall be governed by the rules laid down in Perry's *Call to Order* (most recent edition) except as required by law, provided in the by-laws or established as standard procedures by prior decision of the Board.

## **SECTION 7 – Meetings of Divisional Boards and Trade Boards**

- 7.1** The Divisional and Trade Boards shall not meet until otherwise resolved by the Board.
- 7.2** REPEALED.
- 7.3** REPEALED.
- 7.4** REPEALED.
- 7.5** REPEALED.
- 7.6** REPEALED.
- 7.7** REPEALED.
- 7.8** REPEALED.
- 7.9** REPEALED.
- 7.10** REPEALED.
- 7.11** REPEALED.
- 7.12** REPEALED.
- 7.13** REPEALED.

## **SECTION 8 – Remuneration**

**8.1** Remuneration payable under this by-law includes the following per diems:

- (a)** \$450 per day for the Chair of Board of Governors and for the Vice-Chair of the Board of Governors when the Vice-Chair is acting as the Chair at a Board of Governors meeting in the absence of the Chair;

**(b)** REPEALED; or

**(c)** \$250 per day for Board of Governors members, and all Committee members.

**8.2** Remuneration will be paid according to whether attendance at a meeting of the Board of Governors or a Committee was in person or via electronic means:

**(a)** In person attendance at a meeting, hearing or adjudication, including preparation time, will be paid at the full-day rate set out in section 8.1 irrespective of the duration of the meeting; or

**(b)** Attendance at a meeting via electronic means, including preparation time, will be paid as follows:

**(i)** Full-day rate for a meeting, hearing or adjudication three (3) hours or more in duration; or

**(ii)** Half-day rate for a meeting, hearing or adjudication less than three (3) hours in duration; and

**(c)** In addition, each member of a panel of the Complaints Committee or Registration Appeals Committee shall receive:

**(i)** no additional remuneration for preparation time for the first two (2) cases, files or matters considered or reviewed at a panel meeting; and

**(ii)** one (1) hour of additional remuneration for preparation time for the third and each successive case, file or matter considered or reviewed at a panel meeting.

**(d)** In addition, the Chair of a panel of the Discipline Committee or Fitness to Practise Committee shall receive one additional full-day per diem in respect of both pre-hearing preparation and post-hearing activities for each hearing over which he/she presides, and the other panel members shall receive one additional half-day per diem.

**8.3** Only one (1) per diem payment can be paid to an individual for each calendar day and the per diem base is deemed to be eight (8) hours for the purposes of calculating preparation time under section 8.2(c).

**8.4** Under no circumstances is remuneration payable for time spent traveling to and from meetings, hearings or adjudications under this by-law.

**8.5** Upon written confirmation from a member of the Board of Governors or a Committee, an individual's remuneration under this section will be made payable to the individual's employer as a "fee for service" and no income tax deduction will be made.

- 8.6** In all other instances, remuneration will be made payable to the individual as taxable income, subject to source deduction withholding for income taxes and Canada Pension Plan.

## **SECTION 9 – REPEALED**

## **SECTION 10– Conflict of Interest**

- 10.1** All members of the Board and officers of the College shall disclose any interest they may have, other than as members of the Board or as officers of the College, in any matter coming before the Board or committees. Members of the Board who so declare shall not participate in the discussion or vote on the matter. At the direction of the Chair, any member of the Board who has made such a declaration may be asked to leave any meeting of the Board or a committee at which such matter is discussed for so long as such matter is being discussed. Officers who so declare shall not act in the matter and shall seek direction from the Chair or Registrar, as the case may be.
- 10.2** A record shall be kept of all declarations of conflict.
- 10.3** A member of the Board, or an officer of the College, has a conflict of interest when the member or officer makes a decision, or is present when a decision is made or participates in making a decision in the carrying out of his or her role that may directly or indirectly confer a benefit on the member or officer or any person with whom the member or officer does not deal at arm's length, and at the same time knows that in the making of the decision there is the opportunity to further his or her private interest, or the private interest of a party with whom the member or officer does not deal at arm's length, provided that members of Board shall be deemed not to have a conflict of interest when approving resolutions relating to:
- (a)** remuneration of the Board;
  - (b)** indemnification of Board members;
  - (c)** the acquisition of insurance in respect of the indemnification of Board members.
- 10.4** This section applies, with necessary modification, to members of committees.
- 10.5** All members of the governing structure are deemed to have received and agreed to be bound by the Code of Conduct for Members of the Governing Structure by virtue of accepting appointment to the governing structure, and must follow and adhere to the principles set out therein in the discharge of their duties as members of the governing structure.

## **SECTION 11 – Disqualification and Resignation**

- 11.1** A member of a statutory or standing committee is disqualified from sitting on and ceases to be a member of that committee, if he/she:
- (a)** is found by the Discipline Committee to be guilty of professional misconduct or to be incompetent;
  - (b)** is found by the Fitness to Practise Committee to be incapacitated;
  - (c)** resigns their membership in the College;
  - (d)** fails, without cause, to attend three (3) consecutive meetings of a committee of which he/she is a member;
  - (e)** fails, without cause, to attend a hearing of a panel of a committee for which he/she has been selected.
- 11.2** A member of the Board, who resigns from the Board or is removed from the Board in accordance with the regulations, ceases to be a member of the statutory and/or standing committees of which he/she is a member.
- 11.3** REPEALED.
- 11.4** For the purpose of this by-law, the resignation of a member from the Board, Divisional Board, Trade Board, statutory or standing committee is, in the absence of an effective date in the member's notice, effective when received by the Registrar.

## **SECTION 12 – Filling of Vacancies on Committees**

- 12.1** The seat of a member of a statutory or standing committee becomes vacant if the member dies, resigns from the committee or is disqualified from sitting on the committee.
- 12.2** If the seat of a member of a statutory committee becomes vacant, the Executive Committee or the Board shall, as soon as reasonably possible, appoint a person to fill the vacancy.
- 12.3** Within ten (10) days of a vacancy on a statutory committee coming to the attention of the Registrar, the Registrar shall:
- (a)** notify the members of the Board and Executive Committee that a vacancy has arisen;
  - (b)** provide the members of the Board and Executive Committee with the information that they need in order to be able to fill the vacancy;

- (c) draw the attention of the Board and Executive Committee to its obligation under this section to act expeditiously.

**12.4** A person appointed by the Executive Committee or confirmed by the Board to fill a vacancy on a committee shall hold office on the committee until the former committee member's term would have expired.

## **SECTION 13 – Statutory Committees**

**13.1** In these by-laws, statutory committee means the committees listed in section 30(1) and section 34.1 of the Act.

**13.2** The members of a statutory committee to be appointed by the Board shall be appointed as soon as reasonably possible.

**13.3** A person who is appointed to a statutory committee after April 14, 2020 or who was already a member of such a statutory committee on April 14, 2020 shall continue to be a member of the committee until the earliest of the following: December 31, 2021; the date when the relevant statutory committee is dissolved by the Minister; and the date when the Act is fully repealed.

**13.4** The Board may appoint a Vice-Chair for one or more statutory committees. For greater clarity, there is no right of succession from the office of Vice-Chair to the office of Chair of a statutory committee.

**13.5** In appointing members of a committee to a panel, pursuant to section 30(4) of the Act, the Chair of a committee shall name one of the panel members as the Chair of the panel.

**13.6** Executive Committee:

- (a) All Board members shall be members of the Executive Committee;
- (b) REPEALED;
- (c) A quorum of the Executive Committee is three (3), not including the ex-officio member referred to in (b) above;
- (d) For the purposes of the appointment of an investigator pursuant to section 53 of the Act, the approval of the Executive Committee required under section 53(2) may be granted by a single member of the Executive Committee on behalf of the Committee.
- (e) REPEALED.

**13.7** Registration Appeals Committee:

- (a) The Board shall appoint at least seven (7) persons to the Registration Appeals Committees including:

- (i) REPEALED;
  - (ii) The Chair of the Registration Appeals Committee shall be a member of the Board; and
  - (iii) At least one (1) persons who is not a member of the College and not a member of the College's governing structure (i.e. public member from outside the governing structure);
- (b)** A quorum of the Registration Appeals Committee is three (3).
- (c)** REPEALED.

**13.8** Complaints Committee:

- (a)** The Board shall appoint at least nine (9) persons to the Complaints Committee including:
- (i) REPEALED;
  - (ii) The Chair of the Complaints Committee shall be a member of the Board.
  - (iii) At least one (1) person who is not a member of the College and not a member of the College's governing structure (i.e. public member from outside the governing structure);
- (b)** A quorum of the Complaints Committee is three (3);
- (c)** REPEALED;
- (d)** No member of the Complaints Committee may be appointed to the Discipline Committee or the Fitness to Practise Committee for a period of at least two (2) years after the individual last served on the Complaints Committee.

**13.9** Discipline Committee:

- (a)** The Board shall appoint at least eleven (11) persons to the Discipline Committee including:
- (i) REPEALED;
  - (ii) The Chair of the Discipline Committee shall be a member of the Board;
  - (iii) REPEALED; and
  - (iv) At least two (2) persons who are not members of the College and not members of the College's governing structure (i.e. public members from outside the governing structure);



- (b) A quorum of the Discipline Committee is three (3);
- (c) REPEALED;
- (d) The Board may cross-appoint members of the Discipline Committee to the Fitness to Practise Committee;
- (e) No member of the Discipline Committee may be appointed to the Complaints Committee for a period of at least two (2) years after the individual last served on the Discipline Committee.

**13.10** Fitness to Practise Committee:

- (a) The Board shall appoint at least seven (7) persons to the Fitness to Practise Committee including:
  - (i) REPEALED;
  - (ii) The Chair of the Fitness to Practise Committee shall be a member of the Board; and
  - (iii) At least two (2) persons who are not members of the College and not members of the College's governing structure (i.e. public members from outside the governing structure);
- (b) A quorum of the Fitness to Practise Committee is three (3);
- (c) REPEALED;
- (d) The Board may cross-appoint members of the Fitness to Practise Committee to the Discipline Committee; and
- (e) No member of the Fitness to Practise Committee may be appointed to the Complaints Committee for a period of at least two (2) years after the individual last served on the Fitness to Practise Committee.

**13.11** Compliance and Enforcement Committee:

- (a) The Board may appoint nine (9) persons to the Compliance and Enforcement Committee as follows:
  - (i) One (1) member shall be a person selected by the Minister to represent the ministry of the Minister;
  - (ii) One (1) member shall be a person selected by the Minister to represent another ministry that has legislative authority relating to compliance and enforcement issues;
  - (iii) Four (4) members shall be members of the governing structure of the College, one affiliated with each of the four sectors described in section

18 of the Act (construction, industrial, motive power, service) and at least one such member shall not be a member of the Board;

(iv) Two (2) members shall be persons from outside the governing structure of the College appointed to represent the public and promote consumer protection; and

(v) One (1) member shall be a deputy registrar of the College.

(b) A quorum of the Compliance and Enforcement Committee is five (5) of its members;

(c) The Board may appoint one of the members described in (a)(iii) above, who is a member of the Board, as Chair of the Committee, pursuant to section 34.1(4) of the Act.

**13.12** The power and duties of a Committee referred to in paragraph 2 (Registration Appeals), 3 (Complaints), 4 (Discipline), or 5 (Fitness to Practise) of section 30(1) of the Act may be exercised by a panel appointed pursuant to section 30(4) of the Act provided that at the time the panel commences a review, hearing, or consideration of an investigation, it satisfies the following rules:

(a) The panel must consist of at least three (3) persons;

(b) Panels of the Registration Appeals, Discipline and Fitness to Practise committees must not include members of the committee who are also members of the Board;

(c) The panel must include at least one member of the Committee who is a member of the College or the College's governing structure with respect to a trade that belongs to the same sector as the trade in which the person who is the subject of the review, investigation or hearing belongs or seeks to belong; and

(d) Panels of the Registration Appeals, Discipline and Fitness to Practise committees must include a public member of the committee from outside the governing structure.

**13.13** If a panel member's term of appointment to a Committee ends before a panel's decision is given in a specific matter, the panel member's term is deemed to continue for the purpose of participation in the decision.

**13.14** Provided the requirements of section 13.12 above were complied with, if a panel member ceases to be able to participate in a decision after the review, investigation or hearing of a particular matter has commenced, the panel shall be deemed to satisfy the requirements to continue and render a decision in the matter.

**13.15** A panel may exercise all the powers and carry out all the duties of the Committee with respect to the matter before the panel.

- 13.16** With respect to a panel of the Discipline Committee or the Fitness to Practise Committee, the Chair of the panel may authorize one panel member to preside over scheduling appearances, settlement hearings, interlocutory motions, and other procedural steps in a hearing.

## **SECTION 14 – REPEALED**

## **SECTION 15 – Committee Procedures**

- 15.1** In the absence of the Chair of a committee, the Vice-Chair, if one has been appointed by the Board, shall temporarily act as and have all the powers of the Chair.
- 15.2** In the absence of the Chair and Vice-Chair of a committee, the longest-serving member of the committee shall temporarily act as and have all the powers of the Chair.
- 15.3** REPEALED.
- 15.4** A meeting of a statutory committee or panel of a committee may be held by any means that permits every person participating in the meeting to communicate with each other simultaneously.
- 15.5** The Registrar shall notify each member of a committee in writing of the place, time and agenda for a committee meeting by sending such notification no less than ten (10) days before a meeting, with the exception of urgent meetings of the Executive Committee, for which notification shall be given no less than one (1) day before a meeting.
- 15.6** The Chair of a committee shall ensure that minutes are:
- (a)** taken at each meeting;
  - (b)** reviewed and approved at the end of each meeting; and
  - (c)** signed by the Chair after approval.
- 15.7** REPEALED.

## **SECTION 16 – Executive Delegation**

- 16.1** REPEALED.
- 16.2** The Executive Committee may exercise all the other powers and duties of the Board with respect to any matter that, in the opinion of the Executive Committee requires attention between meetings of the Board, except the power to make, amend or revoke regulations or by-laws.

## **SECTION 17 – Requirement that Members of the College Provide Information to the Registrar**

**17.1** For purposes of section 43(1) of the Act, a member of the College shall notify the Registrar in writing or in another form acceptable to the Registrar of the following:

- (a) the member's business address and telephone number;
- (b) the member's home address and telephone number, at the member's principal residence;
- (c) the member's cellular phone and facsimile numbers;
- (d) the member's email address;
- (e) the member's date of birth, where applicable;
- (f) the member's gender, where applicable;
- (g) whether the member prefers to use English or French in the member's dealings with the College;
- (h) the member's full legal name, and former names, if any;
- (i) the date on which any certificate of qualification, certificate of apprenticeship, Letter of Permission or provisional certificate of qualification was issued to the member in Ontario, the certificate number, and the name of the member as it appears on any such certificate;
- (j) the identity of any other jurisdiction in which the member is authorized to practise a trade, and the date on which such authorization was granted;
- (k) the name of the member's current employer or employers and/or sponsor; and
- (l) any names under which the member engages in the practice of a trade or carries on business in relation to a trade.

**17.2** If there is a change in the information provided under section 17.1, the member shall notify the Registrar in writing or in another form acceptable to the Registrar of the change within thirty (30) days of the effective date of the change.

## **SECTION 18 – Procedures for Making, Amending and Revoking By-Laws and Board Regulations**

**18.1** These by-laws may be added to, amended, or revoked by a two-thirds majority vote at any meeting of the Board.

**18.2** REPEALED.

**18.3** Every by-law and every amendment and revocation thereof shall be certified by the Chair or Vice-Chair and by the Registrar, sealed and maintained in a book.

## **SECTION 19 – Forms and Policies**

**19.1** The Registrar may from time to time approve forms or formats to be used for submission of information to the College in accordance with the Act, regulations or by-laws, and the specified information shall be required to be submitted in the form and by the means specified.

**19.2** Certificates of qualification and statements of membership, including all classes of certificates issued by the College shall be in such form or forms, as the Registrar shall from time to time approve.

**19.3** Summonses, notices, orders and other documents issued by the College shall be in such form or forms as the Registrar shall from time to time approve.

**19.4** The form approved by the Registrar for persons applying for a certificate of qualification or statement of membership, shall, *inter alia*, require the applicant to provide:

- (a) an applicant declaration which the applicant shall complete; and
- (b) other information that the Registrar may request in order to consider the application.

**19.5** Members of the governing structure, College staff, and other persons, as applicable, are required to observe and comply with the following Board Policies, as amended from time to time by the Board of Governors:

- (a) Board Policy – *Anti-Violence Policy & Program*
- (b) Board Policy – *Workplace Harassment and Discrimination*
- (c) Board Policy – *Per Diem Eligibility*
- (d) Board Policy – *Training Requests from Board Members*
- (e) Board Policy – *Travel - Board Governance*
- (f) Board Policy – *Compliance & Enforcement Policy*
- (g) Board Policy – *Time Segregation Between Serving in College Governance and Employment with the College*

## **SECTION 20 – Management of Property of the College**

- 20.1** The College shall maintain all risks property insurance in connection with its assets and operations and shall also maintain other types of insurance, including comprehensive general liability insurance with respect to claims for personal injury, death or property damage with respect to its operations, with responsible and reputable insurance companies in such amounts and with such deductibles as are reasonably determined to be adequate.
- 20.2** The College shall maintain its assets that are used or useful in the conduct of its operations in good repair and working order and from time to time make all necessary repairs, replacements and renewals and additions thereto, all in accordance with sound business practice. In connection therewith, the College may dispose of such of its assets as are obsolete or are no longer required for such operations in such manner as is most beneficial to the College.

## **SECTION 21 – Indemnification**

- 21.1** Subject to section 21.3, every member of the Board, a Divisional Board, a Trade Board or other persons who are appointed to College committees or panels and every officer or employee of the College, including his or her heirs, executors and administrators, and estate and effects (“Indemnified Person(s)”), shall be indemnified and saved harmless by the College out of the funds of the College from and against:
- all costs, charges, liabilities, expenses, awards or judgments whatsoever that the Indemnified Person sustains or incurs in or about any action, suit or proceeding (“Claim(s)”) that is brought, commenced or prosecuted against the Indemnified Person, for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by the Indemnified Person, in or about the execution of the duties of his or her office.
- 21.2** Subject to section 21.3, the College shall appoint defence counsel to defend any Claim made against the Indemnified Person and the College will pay on a current basis out of the funds of the College the cost to defend the Claim on behalf of the Indemnified Person.
- 21.3** The indemnity provided for in section 21.1 and the defence obligation described in section 21.2 shall only be provided by the College if the Indemnified Person has acted honestly, in good faith and in the best interest of the College.
- 21.4** Subject to section 21.5, the Indemnified Person shall be indemnified and saved harmless by the College out of the funds of the College for any and all other reasonable costs, charges and expenses that the Indemnified Person sustains or incurs in or about, or in relation to the affairs of the College.
- 21.5** The indemnity provided for in section 21.4 shall be provided by the College only if (i) the Indemnified Person has acted honestly, in good faith and in the best interest of

the College and (ii) such costs, charges and expenses are not caused or occasioned by the Indemnified Person's own gross negligence, wilful neglect or default.

- 21.6** The College may purchase and maintain liability insurance for the protection and benefit of the Indemnified Persons with respect to Claims, such protection being in addition to the indemnity and protection provided for in sections 21.1 and 21.2.

## **SECTION 22 – Service of Documents for Proceedings before the Board and Committees**

- 22.1** Subject to the Act, other provisions of the by-laws, and any Rules of Procedure for Discipline and Fitness to Practise proceedings, any notice to be given or document to be served, by the College, by a member of the College or by a complainant, for, *inter alia*, proceedings before the Board, review panels or other committees is sufficiently given or served:
- (a) by personal delivery;
  - (b) by sending a copy by courier to the last address of the person known to the Registrar;
  - (c) by sending a copy by regular mail, registered mail or email to the last address of such person known to the Registrar; or
  - (d) by faxing a copy to the last known fax number of such person known to the Registrar.
- 22.2** Where a document or notice to be given or served is sent by courier, there is a rebuttable presumption that the notice or document is delivered to the person on the second day following the day the courier was given the document or notice.
- 22.3** Where a notice or document is to be served by facsimile or email, there is a rebuttable presumption that the notice or document is delivered to the person on the day the facsimile or email is sent, except that where the facsimile or email is sent between 4:00 p.m. and midnight, there is a rebuttable presumption that the notice or document is delivered to the person on the following day.
- 22.4** The signature to any notice or other document given by the College may be written, stamped, typewritten, or printed.
- 22.5** In the computation of time under these by-laws, regulations or the Act, except where a contrary intention appears:
- (a) Where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;

- (b) Where a period of seven days or less is prescribed, holidays shall not be counted;
- (c) Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday;
- (d) Service of a document made after 4:00 p.m. or any time on a holiday shall be deemed to have been made on the next day that is not a holiday; and
- (e) Where a time of day is referenced, the time referred to shall be taken as the time observed locally.

## **SECTION 23 – Contents of the Register**

**23.1** In addition to the information prescribed by section 42 of the Act, the Register may contain:

- (a) Each member's College registration number;
- (b) In addition to the member's legal name, any other name or names under which the member carries on business or engages in the practice of a trade;
- (c) The date on which any certificate of qualification or statement of membership was issued to the member and, if applicable, the date of revocation, cancellation, suspension or expiration;
- (d) If any finding of professional misconduct, incompetence or incapacity has been made regarding the member, a notation of:
  - (i) the finding;
  - (ii) the date of the finding;
  - (iii) any penalty imposed; and
  - (iv) any findings or penalties under appeal;
- (e) A notation about any member's failure to pay annual membership fees in accordance with section 24 below, for more than 60 days after the default occurred, unless the member's default is covered by the emergency grace period provided for in section 24.02 below.

## **SECTION 24 – Membership Fees**

**24.1** Every member of the College shall pay an annual membership fee in accordance with this section.



- 24.2** Payment of the first annual membership fee is required in order to become a member of the College. This fee is payable by the applicant at the time that the College determines that the applicant has met all other applicable registration requirements.
- 24.3** Despite section 24.2 above, when a person is deemed, pursuant to section 89 of the Act, to hold a certificate of qualification other than a provisional certificate of qualification under the Act, the first annual membership fee shall be payable on the last date on which the deemed certificate of qualification remains in effect. If the member is deemed to hold more than one certificate of qualification, the first annual membership fee shall be payable to the College on the last effective date of the certificate which ceases to have effect earliest.
- 24.4** Despite section 24.2 above, when a person is deemed, pursuant to section 89 of the Act to hold a certificate of qualification to which section 4(b) of Regulation 421/12 applies, the first annual membership fee shall be payable on the earlier of:
- (a)** The last date on which the deemed certificate remains in effect; or
  - (b)** The date on which the person files an application and pays fees in accordance with section 89(3) of the Act.
- 24.5** If a person is deemed to hold more than one certificate of qualification, the first annual membership fee shall be payable on the earliest date that an annual membership fee becomes payable in relation to a certificate pursuant to either section 24.3 or 24.4 of these by-laws.
- 24.6** Despite section 24.2 above, when a person is deemed pursuant to section 90 of the Act to hold a statement of membership in the Apprentices class under the Act, the first annual membership fee shall be payable on April 8, 2014. If this person also is deemed, pursuant to section 89 of the Act, to hold a certificate of qualification other than a provisional certificate of qualification under the Act, section 24.3 or 24.4 applies.
- 24.7** Despite section 24.2 above, when a person is deemed to hold a statement of membership in the journeyperson candidates class pursuant to section 6(1)(a) or section 7 of Regulation 421/12, there shall be no membership fee payable for that deemed statement of membership. If the person applies for another statement of membership or a certificate of qualification, the fee applicable to that statement or certificate shall be payable prior to its issuance.
- 24.8** The second and subsequent due dates for payment of a member's annual membership fee shall be the anniversary of the date on which the member's first annual membership fee was payable.
- 24.9** The annual membership fee payable by a person shall be the highest applicable fee of the following:
- (a)** \$60 for the Apprentices class;
  - (b)** \$60 for the Journeyperson Candidates class;

- (c) \$60 for the Tradespersons class;
- (d) \$120 for the Journeypersons class; and
- (e) \$120 for the Employers/Sponsors class.

**24.9.1** Despite section 24.9, effective on April 12, 2019, the annual membership fee payable by a person shall be the highest applicable fee of the following:

- (a) \$0 for the Apprentice class;
- (b) \$0 for the Journeyperson Candidates class;
- (c) \$0 for the Tradespersons class;
- (d) \$60 for the Journeypersons class; and
- (e) \$0 for the Employers/Sponsors class.

**24.10** In addition to any applicable annual membership fees under section 24.9, the membership fee for a provisional certificate of qualification shall be \$60, payable prior to the issuance of the provisional certificate. If a provisional certificate is extended, a further \$60 shall be payable.

**24.11** Despite section 24.10, when a person is deemed to hold a provisional certificate of qualification in the Journeypersons class pursuant to Regulation 421/12 made under the Act, there shall be no membership fee payable for that deemed provisional certificate. If a deemed provisional certificate is extended by the Registrar in accordance with section 7 of Regulation 321/12, a membership fee of \$60 shall be payable prior to the extension being granted, in addition to any other applicable fees.

**24.12** The Registrar shall notify every member of the College whose fees have not been paid within thirty-five (35) days after the due date, of the amount due, the due date, the fact that the member is in default, and the date on which the Registrar intends to suspend the member's certificate of qualification and/or statement of membership if the amount due is not paid by the due date.

**24.13** The notice referred to in section 24.12 shall be provided to the member at the member's home address, business address or email address provided by the member pursuant to section 17 of these by-laws. Where a person has failed to provide to the Registrar the information required by section 17 of this by-law, the Registrar may provide the notice referred to in section 24.12, with modifications, to the member at any address indicated for that person in the records provided to the College by the Minister of Training, Colleges and Universities.

**24.14** Fees described in this section are not inclusive of any applicable taxes.

**24.15** Notwithstanding sections 24.1 and 24.9, the annual membership fee of a veteran of the Canadian Forces, or a person currently enrolled in the reserve force of the Canadian Forces, in the Apprentices class shall be \$0 for a period not to exceed five

(5) cumulative years. For the purposes of this section, 'Canadian Forces' means the armed forces referred to in section 17 of the *National Defence Act*, R.S.C, 1985, c. N-5, namely the Royal Canadian Navy, the Canadian Army, and the Royal Canadian Air Force, and 'veteran' means a person formerly enrolled in the regular force or reserve force of the Canadian Forces.

## **SECTION 24.01 – Fees (Transitional)**

- 24.01.1** Subject to section 24.01.2, a person who pays, at any time, an annual membership fee listed in section 24.9 is entitled to an accrued credit in respect of a payment covering membership fees for a period of time after section 24.9.1 comes into effect, which credit is usable by the person for any fees payable by the person under sections 24 and 25, but the person is not entitled to a refund of such credit or of such fee.
- 24.01.2** Despite anything in sections 24 (Membership Fees) and 25 (Other Fees), the College may make rules related to the implementation of section 24.9.1, and such rules may:
- (a) provide for a temporary pause on the receipt or collection by the College of any fees in sections 24 and 25, including annual membership fees;
  - (b) provide for a delay of up to 90 days in the sending or re-sending of any notice referred to in section 24.12;
  - (c) specify the manner in which an accrued credit referred to in section 24.01.1 is to be calculated or used;
  - (d) specify the manner in which to calculate the fees payable by a person whose certificate of qualification or statement of membership was already suspended for non-payment of fees on the date that section 24.9.1 comes into effect, including by exempting classes of persons from some or all such fees; and
  - (e) specify anything else that the College determines is necessary to implement the new annual membership fees listed in section 24.9.1.
- 24.01.3** If the College make rules under section 24.01.2, such rules shall be posted on the College's website as soon as possible after making them, but in no case will such rules be made or posted later than 90 days after the date that section 24.9.1 comes into effect.
- 24.01.4** Rules made under section 24.01.2 are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

## **SECTION 24.02 – Fees (Grace period during State of Emergency and for 30 days thereafter)**

- 24.02.1** Despite anything in sections 24 (Membership Fees), 24.01 (Fees—Transitional) and 25 (Other Fees), the Registrar shall not suspend, for failure to pay an annual membership fee provided for in these by-laws, the certificate of qualification or statement of membership of a member who meets the requirement in section 24.02.2, for as long as the Declaration of Emergency in O. Reg. 50/20 under the *Emergency Management and Civil Protection Act*, R.S.O. 1990 remains in effect throughout the province and for 30 calendar days thereafter. This section shall apply retroactively to March 17, 2020, when the emergency declaration was made by Order in Council 518/2020.
- 24.02.2** For the purpose of section 24.02.1, a member meets the requirement referred to in section 24.02.1 by having paid an annual membership fee in respect of a period of time that includes March 16, 2020.

## **SECTION 25 – Other Fees**

- 25.1** An applicant who writes an examination prescribed for a trade shall pay an examination fee of \$150 payable prior to writing of each examination.
- 25.2** A party to a proceeding before the Registration Appeals Committee, the Discipline Committee, or the Fitness to Practise Committee who wishes to appeal the decision or order of the committee to the Divisional Court under section 51 of the Act may obtain a certified copy of the record of the proceeding upon request to the Registrar and payment of a \$200 processing fee plus, where a transcript is part of that record, any transcribing fees charged to the College on a cost-recovery basis.
- 25.3** REPEALED.
- 25.4** REPEALED.
- 25.5** A member of the College who requires the replacement of credential documentation will be required to pay a fee of \$25 for each occurrence that a document is requested.
- 25.6** Where consideration of an application for a certificate of qualification or a statement of membership involves evaluation of an applicant's qualifications or experience other than the documents listed in paragraph 1 of section 6(1), 8(1) or 9(1) of Regulation 321/12, the applicant shall pay an application fee in accordance with the following schedule:

<b>Basis for Application</b>	<b>Applicable Fee*</b>
Authorizing certificate for the trade granted by an out-of-province regulatory authority and Department of National Defence (QL5) or other authority/certification designated by the College as equivalent.	\$50

Verification of other qualifications and/or experience obtained either within or outside Ontario (trade equivalency assessment)	\$235
Reactivation/Reassessment Fee of a previously assessed TEA application	\$100
Translation and/or special verification cost recover fee (if applicable) to support additional verification costs associated with translation or special services or verifications required to appropriately interpret and validate documents in languages other than Canada's two official languages	\$100

\* effective January 1, 2016

- 25.7** Notwithstanding section 25.6, the College may waive or modify the application fee payable by an applicant where the College considers it appropriate to do so, including as part of an approved transitional plan, where the applicant is applying for registration in a trade that is newly prescribed under the Act, or in a trade whose classification has changed from voluntary to compulsory, or where there has been the introduction of a written examination.
- 25.8** The fees described in this section of the by-laws are not inclusive of any applicable taxes.
- 25.9** The fees described in this section of the by-laws may be adjusted to reflect the cost recovery nature of these fees to accommodate increased costs, and any such adjustments made would be integrated into the formal College budget development and approval process.

## **SECTION 26 – Removal from Governing Structure**

- 26.1** The Board may remove a member from the Board, a Divisional Board, a Trade Board or the Roster of Adjudicators in accordance with the procedure described herein.
- 26.2** Where a person believes that the Board should consider removing a member from the Board, a Divisional Board, a Trade Board or the Roster of Adjudicators the person shall advise the Registrar in writing and the Registrar shall provide a copy of the written notice to the Chair of the Board.
- 26.3** Upon receipt of the written notice referred to in section 26.2 above, the Chair of the Board shall make reasonable efforts to discuss the matter with the member of the governing structure whose removal is being considered and to seek a satisfactory explanation of, or solution to, the alleged grounds for removal.
- (a)** If the member fails to discuss the matter with the Chair within a reasonable time, or if the discussion does not result in an explanation or solution which the Chair considers satisfactory, the Registrar shall proceed to give a copy of the written notice to the member and to the Executive Committee, and provide the member with an opportunity to make written submissions to the Executive Committee. If the member whose removal is being considered is a member

of the Executive Committee, he/she shall not participate in the meeting of the Executive Committee at which the matter is being considered;

- (b) If the Chair determines that a satisfactory explanation has been given or solution achieved, the Chair shall nevertheless report the resolution of the matter to the Executive Committee, which in turn may elect to report the matter to the Board;
- (c) If the Executive Committee, or the Board if applicable, believes that the matter has not been satisfactorily resolved, the Executive Committee may review the matter and direct the Registrar to give a copy of the written notice to the member and provide the member with an opportunity to make written submissions to the Executive Committee.

**26.4** If, after consideration of the notice and submissions referred to in 26.3, the Executive Committee is of the view that further action may be required by the Board, the Chair of the Board shall direct the Registrar to proceed to provide notice to the member and place the matter on the agenda of the next meeting of the Board.

**26.5** No member shall be removed from the governing structure unless:

- (a) the member has been given written notice by the Registrar of information to suggest that there is a reason or reasons to remove the member in accordance with section 2 of Regulation 429/12, and of the Executive Committee's intention to bring the matter to the attention of the Board;
- (b) the member has been given at least 21 days to provide a written response to the Registrar's notice;
- (c) the Registrar has provided to the Board, a copy of the notice referred to in section (a), the member's response referred to in section (b), for consideration at the Board meeting at which the potential removal will be considered;
- (d) the member has been permitted to attend the Board meeting and make submissions with respect to the issue of his/her removal;
- (e) two-thirds of the Board members in attendance vote in favour of the member's removal.

**26.6** If the member whose removal is being considered is a member of the Board, he or she shall not participate in the debate or vote on any motion for removal, and his/her participation shall be limited to the submissions referred to in section 26.5(d).

**26.7** The Registrar shall provide written notice of the Board's decision with respect to a removal, within five (5) days of the Board's decision, to the member affected and to the Appointments Council.

**26.8** The member of the governing structure affected may request a review of the Board's decision by making a request to the Registrar in writing within five (5) days after the notice referred to in section 26.7 is provided to the member.

- 26.9** If the member requests a review in accordance with section 26.8, the review shall be considered by the Review Committee which shall be appointed by the Board and consist of three persons who are not currently members of any component of the governing structure of the College.
- 26.10** The Review Committee shall determine whether the reasons for the removal and the procedure followed in removing the member were in compliance with section 2 of Regulation 429/12 and this section of the by-laws. The Review Committee's review shall not include a review of whether the Board's decision was correct.
- 26.11** In conducting its review, the Review Committee shall consider:
- (a)** the notice and response referred to in sections 26.5(a) and (b);
  - (b)** the written attestation of the Executive Committee which shall be provided in accordance with section 1(3)(b) of Regulation 429/12;
  - (c)** the member's request for a review and any submissions contained therein.
- 26.12** Other than as set out in section 26.11, the Review Committee need not hold a hearing or afford the member or any other person an opportunity to make oral or written submissions before making a decision.
- 26.13** If the Board removes a member of the governing structure in accordance with this by-law, the member shall be immediately removed and shall have no further participation in the Board, divisional board, trade board or roster of adjudicators unless the Review Committee determines that the Board's decision was not in compliance with section 2 of Regulation 429/12 or this section of the by-laws.
- 26.14** If the Review Committee determines that the decision to remove was not in compliance with section 2 of Regulation 429/12 or this section of the by-laws, the member of the governing structure shall resume his or her duties.
- 26.15** Where the removal of a member may be based on a failure to meet any requirement of the Code of Conduct for Members of the Governing Structure, the Code of Ethics for Members of the College, where applicable, or the conflict of interest rules, section 26.2 of this by-law shall not apply. Instead, the Chair shall not direct the Registrar to provide notice in accordance with section 26.5 unless the following steps have taken place:
- (a)** where a member of the Board, a divisional board, a trade board or the roster of adjudicators wishes to raise a concern about the conduct of another member, the member has discussed the concern with the member whose conduct is in issue;
  - (b)** if the member who wishes to raise the concern is not satisfied with the results of the discussion referred to in (a) above, he/she has discussed the concern with the Chair of the Board, divisional board, trade board, or review panel to which the conduct relates;

- (c) the Chair with whom the concern has been discussed in accordance with (b) above has made reasonable efforts to discuss the concern with the member whose conduct is in issue;
- (d) if the member fails to discuss the matter with the Chair within a reasonable time, or if the Chair is not satisfied with the results of the discussion referred to in (c) above, the member has been given an opportunity to meet with the Executive Committee to discuss the concern; and
- (e) the Executive Committee is not satisfied with the results of the discussion referred to in (d) above.

**26.16** Despite section 26.15(a) above, the member who wishes to raise a concern may discuss the concern with a Chair in accordance with 26.15(b), without having first discussed it with the member in accordance with section 26.15(a). In such a case, the Registrar may nonetheless proceed in accordance with section 26.5 provided the other requirements of section 26.15 have been satisfied.

**26.17** If the Chair of the Board is the member whose conduct or removal is being considered, any role of the Chair described in this section shall be played by the Vice-Chair.

## **SECTION 27 – Receipt of Gifts or Benefits**

**27.1** Members of the governing structure may accept gifts or other benefits related to their position in the governing structure as per the conditions contained herein.

**27.2** Under no circumstances shall members of the governing structure accept cash or cash equivalents related to their position at the College.

**27.3** Members of the governing structure may only accept gifts or benefits related to their position in the governing structure if they are:

- (a) received as an incident of protocol or social obligation;
- (b) a suitable memento of a function honouring the member of the governing structure;
- (c) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organiser where the member of the governing structure is either speaking or attending in an official capacity;
- (d) food and beverages consumed at banquets, receptions or similar events if:
  - (i) attendance serves a legitimate business purpose;



- (ii) the person extending the invitation or a representative of the organization is in attendance; and
- (iii) the value is reasonable and the invitations infrequent;
- (e) communication to the offices of a member of the governing structure, including subscriptions to newspapers and periodicals;
- (f) admission to a training or education program, including meals and refreshments available to all attendees, if the training or education is related to the position of the member of the governing structure and is in the interest of the College; or
- (g) any other gift or benefit approved by the Integrity Officer of the College.

**27.4** If the value of the gift or benefit exceeds \$200, the member of the governing structure shall file a disclosure statement with the Integrity Officer of the College within 30 days of receipt. The disclosure statement must indicate:

- (a) The nature of the gift or benefit;
- (b) Its source and date of receipt;
- (c) The circumstances under which it was given or received;
- (d) Its estimated value; and
- (e) What the recipient intends to do with the gift or benefit.

**27.5** On receiving a disclosure statement, the Integrity Officer shall examine it to ascertain whether the receipt of the gift or benefit might, in his or her opinion, create an actual or perceived conflict of interest between a private interest and the role of the member of the governing structure. In the event that the Integrity Officer makes a preliminary determination that receipt of the gift or benefit may create an actual or perceived conflict of interest, the Integrity Officer shall call upon the member of the governing structure to justify receipt of the gift or benefit.

**27.6** If the Integrity Officer determines that receipt of the gift or benefit was inappropriate, he or she may direct the member of the governing structure to return the gift or benefit, reimburse the donor for the value of any gift or benefit already consumed, forfeit the gift or benefit, or remit the value of any gift or benefit already consumed, to the College.

**27.7** Nothing in this section shall prevent a member of the governing structure from contacting the Integrity Officer of the College to obtain a preliminary opinion with respect to a gift or benefit prior to its receipt or acceptance.

## **SECTION 28 – Form of Complaints**

**28.1** For the purposes of section 44(3)(a) of the Act, a complaint shall:

- (a)** be in writing and signed by the complainant;
- (b)** contain the following information:
  - (i)** the name of the complainant;
  - (ii)** telephone number, email and mailing address at which the complainant can be contacted by the College; and
  - (iii)** the name of the member of the College who is the subject of the complaint, or, if the complainant does not know the name of the member, sufficient particulars so that, by reasonable inquiry, the College can determine the name of the member;
- (c)** contain a statement regarding the conduct or actions of the member of the College with sufficient detail to identify the complainant's concerns, including:
  - (i)** a description of the conduct or actions of the member of the College giving rise to the complaint, with sufficient particulars to enable the event or events giving rise to the complaint to be identified;
  - (ii)** the date(s), time(s), and place(s) of the event(s) giving rise to the complaint, if known; and
  - (iii)** supporting documents, if available.

**28.2** A complaint may contain other information which is relevant to the subject matter of the complaint or which may assist in the investigation of the complaint, including a list of the names, telephone numbers and addresses of any witnesses to the conduct or actions of the member of the College who is the subject of the complaint.

**28.3** If a complaint concerns the conduct or actions of more than one member of the College, a separate complaint shall be filed in connection with the conduct or actions of each member of the College unless, in the discretion of the College, the filing of a single complaint is appropriate in the circumstances.

## **SECTION 29 – Code of Ethics for Members of the College**

**29.1** Every member of the College must comply with the Code of Ethics for Members of the College set out in Schedule 1 to this by-law. Schedule 1 is attached to, and forms part of, this by-law.

## **SECTION 30 – Referral of Trades to the Classification Roster**

**30.1** The Board shall not make any referrals to the Classification Roster unless specifically requested to do so by the Minister. If such a Minister’s request is received, then such a referral shall be made in accordance with the process set out in the Board regulation prescribing the process for the referral of trades to the Classification Roster (O.Reg. 312/18).

**30.2** REPEALED.

**30.3** REPEALED.

**30.4** REPEALED.

### **General By-law Certified by:**

“Don Gosen”  
\_\_\_\_\_  
Don Gosen  
Chair, Board of Governors

“George Gritziotis”  
\_\_\_\_\_  
George Gritziotis  
Registrar and Chief Executive Officer

## SCHEDULE 1

# Code of Ethics for Members of the Ontario College of Trades

## Chapter 1: Definitions

1.1 In this Code of Ethics:

(a) “Act” means the *Ontario College of Trades and Apprenticeship Act, 2009*.

(b) “client” means a person who:

(i) consults a member and for whom the member performs work or agrees to perform work in a trade; or

(ii) having consulted the member, reasonably concludes that the member has agreed to perform work in a trade for them,

and includes a client of the firm or company of which the member is a partner, employee, or subcontractor, whether or not the member handles the client's work.

(c) “College” means the Ontario College of Trades.

(d) “competent member” means a member who has and applies relevant knowledge, skills, judgment, and attributes in a manner appropriate to each task or project started for a client or employer, and who:

(i) is able to perform a skill repeatedly and without assistance in the workplace to the standard set out in the Apprenticeship Training Standard or Schedule of Training that the College has established for the relevant trade;

(ii) performs all functions diligently and in a timely and cost-effective manner;

(iii) recognizes limitations in one's ability to handle a task or project or some aspect of it, and takes steps accordingly to ensure the client is appropriately served; and

(iv) remains current in the trade or trades in which the member performs work and adapts to changing requirements, standards, techniques, and practices in the trade or trades.

(e) “harassment” means engaging in a course of distressing comment or conduct that is known to be, or should be known to be, unwelcome.

(f) “member” means a member of the College as defined in the General By-law for the College.

(g) “sexual harassment” means one incident or a series of incidents involving unwelcome sexual advances, unwelcome requests for sexual favours, or other unwelcome verbal or physical conduct of a sexual nature.

(h) “unauthorized” means,

(i) in relation to the practice or performance of work of a compulsory trade, the practice or performance of work of a compulsory trade in violation of section 2 of the Act; and

(ii) in relation to an individual, an individual who:

1. does not hold a Certificate of Qualification in a compulsory trade in the College's Journeypersons Class that is not suspended;
2. is not an apprentice in that compulsory trade working pursuant to a registered training agreement that is not suspended;
3. does not hold a statement of membership in that compulsory trade in the College's Journeyperson Candidates Class that is not suspended; and
4. is not otherwise authorized under the Act to engage in the practice or performance of work of that compulsory trade.

(i) "undertaking" means a formal pledge or personal promise that a member makes to the College.

1.2 In this Code of Ethics, unless otherwise defined or required by the context, the terms used have the same meaning as in the Act, the regulations, or the General By-law for the College.

## **Chapter 2: Applicability**

2.1 Every member of the College must comply with the Code of Ethics for Members of the College.

## **Chapter 3: Integrity**

3.1 A member has a duty to perform work in a trade and meet all responsibilities to clients, the public, and other members and tradespeople honourably, ethically, and with integrity.

## **Chapter 4: The Practice of a Trade and Responsibility to Clients**

### **Duties of Courtesy, Competence, Honesty, and Respect**

4.1 A member must:

- (a) Provide courteous, respectful, thorough, and prompt service to clients, and take responsibility for the member's work and the work of the member's employees and subcontractors.
- (b) A member must perform any work in a trade to the standard of a competent member.
- (c) Only perform work in a trade for which the member is qualified and authorized by education, training, experience, and technical competence.
- (d) Advise a client of any permit required by a municipality, governmental authority, regulator or other similar entity for the performance of the work, and must not suggest or recommend that the work be carried out without applying for and obtaining the required permit.
- (e) Abstain from any physical, emotional, financial or sexual abuse of a client or a client's representative.
- (f) Ensure that the member's views about a client's or a client representative's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (as defined in the Ontario

*Human Rights Code*) marital status, family status, or disability, do not affect the quality of service that the member provides to the client.

- (g) Not perform work in a trade while under the influence of any substance or while adversely affected by any illness, condition or dysfunction, which the member knows or should know impairs the member's ability to perform the work.

### **Duties Related to Advertising and Communications**

4.2 During the course of advertising his or her services and communicating with members of the public, clients, and others, a member must:

- (a) Be honest and truthful, and represent the member's qualifications and College membership status accurately.
- (b) Clearly and prominently disclose the name in which the member is registered with the College and his or her membership number in all of the member's advertisements.
- (c) Permanently display, where possible, in a noticeable place at his or her place of business, the member's certificate of qualification or statement of membership, as well as the certificates of qualification or statements of membership of the member's employees, so that members of the public can easily verify their credentials.

### **Duties Related to Business and Billing Practices**

4.3 A member must:

- (a) Ensure that agreements, contracts, and business practices of the member do not compromise the member's ability to comply with the ethical obligations set out in this Code of Ethics.
- (b) Provide an estimate in writing within a reasonable time where written estimates are industry practice, are required by law, or the client requests a written estimate.
- (c) Provide a client with a written contract where required to do so by the *Consumer Protection Act, 2002*, or in cases where the client requests a written contract.
- (d) Carry out the terms of a contract to provide services in a trade, and must not withdraw services to a client except for good cause and upon reasonable notice. A member who withdraws services to a client must make reasonable efforts to arrange alternative or replacement services if the client requests this of the member.
- (e) Abstain from knowingly signing or issuing a false or misleading certificate, report, invoice, or other document to a client.
- (f) Issue a receipt when requested to do so.

## **Chapter 5: Relationship to Apprentices, Employees, Tradespeople, and Others**

### **Duties of Courtesy, Good Faith, and Respect**

5.1 A member must:

- (a) Be courteous and civil, and act fairly and honestly with all persons with whom the member has professional dealings.
- (b) Treat College staff with respect and abstain from threatening, aggressive, or otherwise inappropriate behaviour towards College staff.
- (c) Abstain from harassment or sexual harassment of an apprentice, a co-worker, a staff member, an employee, a subcontractor, a supplier, a client, a client representative or College staff.

- (d) Ensure that he or she does not discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (as defined in the *Ontario Human Rights Code*), marital status, family status, or disability with respect to the sponsorship and/or employment of apprentices or the employment or engagement of other members, tradespeople, or individuals, or during the course of the member's professional dealings with other members, tradespeople, and members of other professions or occupations.

### **Duties Related to Training**

5.2 A member who is named as a sponsor in an apprenticeship training agreement must ensure that all terms and conditions outlined in the training agreement, as well as the agreement's intent, are followed. In addition, all members who have duties or responsibilities related to training of apprentices should work to ensure that the intent of the training agreement is followed.

### **Duty to Act Lawfully**

5.3 A member must follow and obey all legislation relevant to the employment and supervision of others, including for instance, any applicable provisions under the *Occupational Health and Safety Act*, the *Workplace Safety and Insurance Act, 1997*, the *Employment Standards Act, 2000* and all other applicable legislation, and any legal requirements with respect to workplace violence, workplace harassment, and workplace sexual harassment.

## **Chapter 6: Relationship to the College**

### **Duty of Honesty**

6.1 A member must conduct him or herself honestly and with integrity during any application, assessment, evaluation or examination process administered by or on behalf of the College.

### **Duty to Respond**

6.2 A member must respond completely and in writing to any communication from the College where a response is requested, within the timeline provided by the College. If the communication does not provide a timeline for response, the member must respond within thirty days of the date of the communication.

### **Duty to Cooperate**

6.3 A member must:

- (a) Follow the Act, the College's regulations and by-laws, and any orders made under the Act.
- (b) Cooperate with College investigations, inspections, and inquiries involving the member or the member's business or company.
- (c) Provide documents and information as required by the College in a complete and accurate manner.
- (d) Provide a College investigator with access to the member's premises, place of work or business or work location, and to any document, record, equipment or thing found there that is relevant to the investigation, at a reasonable time, provided that the member has the legal power to provide such access.

- (e) Appear before the Complaints Committee or Discipline Committee if requested or ordered to do so by either committee.
- (f) Honour and comply with any undertaking that the member has given to the College, and any agreement entered into by the member with the College.

### **Duty to Prevent Unauthorized Practice**

6.4 A member must assist the College in preventing the unauthorized practice and the unauthorized performance of work of a compulsory trade. Specifically, a member must not engage in the unauthorized practice or performance of work of a compulsory trade, and must not employ or otherwise engage an unauthorized individual to perform work or engage in a practice that constitutes engaging in the practice of a compulsory trade.

6.5 A member in a compulsory trade whose certificate of qualification or statement of membership is suspended must not:

- (a) perform work in the trade;
- (b) represent or hold him or herself out as able to perform work in the trade;
- (c) use the title of the trade or an abbreviation of the title of the trade; or
- (d) state that he or she is a member in good standing in the trade.

6.6 A member in a voluntary trade whose certificate of qualification or statement of membership is suspended must not:

- (a) represent or hold themselves out as holding a College-issued certificate of qualification or statement of membership in the trade; or
- (b) state that they are a member in good standing in the trade.

### **Discipline and Other Corrective Actions**

6.7 A member is subject to disciplinary and other corrective actions of the College for any conduct that occurs while the individual is a member of the College.