

## Schedule "A"

### OPERATING CHARTER NOVA SCOTIA APPRENTICESHIP AGENCY July 1, 2014

#### 1.0 Interpretation

##### 1.1 Name

The official name of the Agency is the Nova Scotia Apprenticeship Agency.

##### 1.2 Definitions

“Act” means the *Apprenticeship and Trades Qualifications Act*;

“College” means the Nova Scotia Community College established under the *Community Colleges Act*;

“Department” means the Department of Labour and Advanced Education;

“former member” means a former member of the Board whose membership on the Board is terminated due to the death or resignation of the member, or whose appointment has been revoked;

“General Regulations” means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act;

“inaugural Board” means the inaugural Board appointed by the Minister in accordance with Section 6.1;

“program advisory committee” means a program advisory committee as described in Section 67 of the *Community Colleges Act*;

“qualified candidate” means a person who

- (a) has applied for appointment to the Board, a Trade Advisory Committee or an appeal panel;
- (b) possesses the knowledge, skills, experience and capacity to perform the responsibilities of a member of the Board, a Trade Advisory Committee or an appeal panel, as the case may be; and
- (c) to the extent possible, is representative of the geographic, gender, cultural and economic diversity of the Province;

“Recruitment Committee” means the Recruitment Committee of the Board;

“Technical Safety Advisory Board” means the Technical Safety Advisory Board established under the *Technical Safety Act*;

“trade sector” means any of the following trade groupings:

- (i) construction sector,
- (ii) industrial/manufacturing sector,
- (iii) motive power sector,
- (iv) service sector.

### **1.3 Application of the Act and General Regulations**

Words defined in the Act and the General Regulations have the same meaning when used in this operating charter.

### **1.4 Conflict between the Act and operating charter**

In the event of a conflict between the Act and this operating charter, the Act prevails.

### **1.5 Status of the Nova Scotia Apprenticeship Agency**

- (1) The Nova Scotia Apprenticeship Agency, established by Order-in-Council 2014-224 on July 1, 2014, is a special operating agency of the public service under the *Public Service Act*, with authority to exercise its mandate and objects within the terms of this operating charter, the Act and the General Regulations.
- (2) The Agency is an agent of the Crown, and is comprised of the Board, any committees of the Board, including Trade Advisory Committees, and the staff of the Agency including the Chief Executive Officer.
- (3) Except as provided in this operating charter, the Agency is subject to the *Act*, the General Regulations and all other acts, regulations, policies and directives of the Province that are applicable, generally, to the Department of Labour and Advanced Education, including the *French-language Services Act*.
- (4) For greater certainty, the Agency shall comply with the policies set out in the Corporate Administrative Policy Manuals of the Province, except to the extent that it is specifically excused from doing so by a

provision of the Act, the general regulations, this operating charter or a provision of one of the Corporate Administrative Policy Manuals.

## **2.0 Governance**

### **2.1 Responsibility of the Minister**

- (1)** The Minister is responsible for the Agency and its general supervision, and has responsibility for:
  - (a)** providing the Agency with all necessary infrastructure and services for the proper functioning of the Agency, including the following:
    - (i)** information technology infrastructure and services,
    - (ii)** human resources,
    - (iii)** accounting, payroll and other financial services,
    - (iv)** communications, policy and legal services, and
    - (v)** physical facilities for the Agency.
  - (b)** requesting that the Board review, consider and make recommendations on any matters relating to the apprenticeship and trades qualifications system;
  - (c)** considering all recommendations made by the Board, including recommendations for services for the Agency, and
    - (i)** where the Minister determines that it is appropriate to do so, approving and adopting those recommendations in a timely manner and in accordance with this operating charter,
    - (ii)** informing the Board in a timely manner of any decisions of the Minister in relation to which the Board has made recommendations, and
    - (iii)** providing an explanation of any decisions of the Minister in relation to which the recommendations of the Board are not adopted;

- (d) approving the annual business plan, including the annual budget, performance indicators and human resources plan, and the multi-year strategic plan of the Agency;
  - (e) tabling the annual report of the Agency with the Governor in Council;
  - (f) entering into a joint registration agreement, and other agreements as set out in the Act;
  - (g) selecting persons for appointment as members at large of the Board and appointing all Board members;
  - (h) carrying out any powers and duties assigned to the Minister by this operating charter, the Act, the General Regulations and the *Community Colleges Act*.
- (2) The Minister shall request that the Governor in Council designate the Chief Executive Officer as a Deputy Head under the *Civil Service Act* in order that the Chief Executive Officer may exercise the powers of a Deputy Head under that Act in respect of the employees of the Agency.
- (3) The Minister may extend any deadline or time frame set out in this operating charter for submission of information or a document to the Minister.

## **2.2 Accountability of the Agency**

Within the terms of the mandate and objects provided to the Agency under this operating charter, and notwithstanding any other provision in this operating charter, the Agency is accountable to the Minister for all matters relating to the Agency.

## **2.3 Powers of the Agency**

The Agency is empowered, subject to the provisions of this operating charter, the Act and the General Regulations, to:

- (a) carry out its mandate as outlined under this operating charter;
- (b) subject to the prior approval of the Minister, employ and contract with such persons and corporations as it may from time to time require for the purpose of carrying out its objects;

- (c) notwithstanding clause (b), enter into and carry out joint registration agreements and contracts for the training of apprentices and journeypersons in relation to matters within the scope of the apprenticeship and trades qualifications system, without the prior approval of the Minister.

### **3.0 Management Framework**

#### **3.1 Mandate**

The Agency is responsible under this operating charter for stewarding and operating a relevant, accessible and responsive industry-led trades training and certification system, and improving access to and participation in the system by Aboriginal persons, African Nova Scotians, differently-abled persons, immigrants, women and members of other under-represented groups.

#### **3.2 Objects**

The Agency has, as its objects, all of the following:

##### **Communicating with, and Enhancing the Participation of Apprenticeship and Trades Qualifications System Stakeholders**

- (a) supporting and enhancing employer and employee participation in career exploration and learning and skills development, encouraging certification in the trades, and advising employers about their responsibilities to assist apprentices to achieve certification;
- (b) engaging apprenticeship and trades qualifications system stakeholders in understanding the system and making improvements to it that are responsive to the needs of the individual trades, and generally promoting apprenticeship and the trades;

##### **Informing Apprenticeship and Trades Qualifications System Policy Decisions**

- (c) contributing to an understanding of the labour market needs of industry and society and developing and implementing a long-term strategy for the apprenticeship and trades qualifications system based on the identified needs;
- (d) providing input into policy decisions concerning primary education and the education and training of youth in relation to the trades;

- (e) collaborating with the College and its Board of Governors, providing input to the College, making recommendations to the Minister, and carrying out the delegated powers, duties and functions of the Minister in relation to the matters that are specified in the *Community Colleges Act*;
- (f) making recommendations aimed at increasing access to, participation in and completion of apprenticeship training and certification by Aboriginal persons, African Nova Scotians, differently-abled persons, immigrants, women and other members of under-represented groups;
- (g) recommending that the designation of a trade as a compulsory certified trade be removed, and that trade regulations made in relation to the trade be revoked;
- (h) making recommendations in relation to the Act and the General Regulations;

#### **Liaising with Provincial and Inter-Provincial Partners**

- (i) working collaboratively with the College and other apprenticeship and trades qualifications system partners on initiatives that further the mandate of the Agency;
- (j) collaborating with the College and industry training partners in the development and implementation of joint programs in relation to education and training and related services;
- (k) collaborating with the College in the development and implementation of that part of the College's multi-year operating plan that concerns trades and related matters that are within the mandate of both the College and the Agency;
- (l) engaging in the work of the Technical Safety Advisory Board and the advisory sub-committees of that Board by providing members to serve on the Technical Safety Advisory Board and its advisory sub-committees;
- (m) harmonizing the Agency's apprenticeship training programs in tandem with the Agency's Atlantic counterparts, and counterparts in other Canadian jurisdictions;
- (n) participating in interprovincial apprenticeship initiatives that are necessary to maintain the apprenticeship and trades qualifications system;

## **Developing Apprenticeship and Trades Qualifications System Regulations, Policies and Procedures**

- (o) developing, providing, monitoring, accrediting and evaluating occupational and certification training standards and programs and the delivery of training and examinations, including training standards, programs, program delivery and examinations in relation to pre-employment apprenticeship training;
- (p) developing evaluation criteria and monitoring and evaluating training providers;
- (q) approving standards for skills upgrading and enhancement training for trade qualifiers and journeypersons;
- (r) developing, providing and evaluating guidelines, programs and services within the scope of the apprenticeship and trades qualifications system, including the piloting of innovative approaches to system challenges, that further the mandate of the Agency;
- (s) recognizing prior learning for purposes of certification within the apprenticeship and trades qualifications system;
- (t) registering, suspending and canceling apprenticeship agreements, maintaining data in relation to such agreements and advising apprentices and employers of their respective responsibilities under such agreements;
- (u) designating and revoking the designations of trades that are not compulsory certified trades, and making trade regulations in relation to trades that are not compulsory certified trades;

## **Administering and Ensuring Compliance with the Apprenticeship and Trades Qualifications System**

- (v) monitoring, investigating and enforcing compliance with the Act, General Regulations and trade regulations, and monitoring and enforcing compliance with agreements in accordance with the Act and General Regulations;
- (w) recognizing that certain groups and individuals that participate in the apprenticeship and trades qualifications system have assigned roles and responsibilities under the Act, General Regulations and trade regulations, holding accountable those groups and individuals to fulfill their assigned roles and responsibilities;

- (x) issuing and administering orders, directives, certificates, permits, endorsements, identity and equivalency cards, ratio variances and other things respecting the training, certification, registration and employment of apprentices, tradespersons and journeypersons, as applicable;
- (y) developing processes, procedural guidelines and supporting documents in relation to appeals, appointing appeal panels and administering appeals on behalf of appeal panels;
- (z) developing Policies and Procedures for the internal guidance of the Board.

#### **4.0 Chief Executive Officer**

##### **4.1 Responsibility for the Chief Executive Officer and accountability**

- (1) The Deputy Minister shall appoint a Chief Executive Officer of the Agency.
- (2) The Deputy Minister has responsibility for the direct supervision of the Chief Executive Officer, in addition to any powers and duties which may be assigned to the Deputy Minister by the Act and the General Regulations.
- (3) The Chief Executive Officer is accountable to the Deputy Minister in relation to the performance of the role and responsibilities of the Chief Executive Officer.
- (4) The Chief Executive Officer takes direction from the Board in the Board's exercise of its powers and duties, as set out in this operating charter, and is accountable to the Board to communicate fully the Board's recommendations to the Minister and to advance the goals of the apprenticeship and trades qualifications system.

##### **4.2 Role and responsibilities of the Chief Executive Officer**

- (1) The Chief Executive Officer shall have the general leadership and management of the Agency.
- (2) The Chief Executive Officer shall exercise the powers and responsibilities, and further the objects of the Agency in accordance with this operating charter, the Act, General Regulations, trade regulations and other applicable statutes and regulations.
- (3) Without limiting the scope of subsection (2), the Chief Executive Officer shall:

- (a) at the direction of the Board, communicate the views and recommendations and advice of the Board to the Minister in any matter pertaining to the apprenticeship and trades qualifications system, including in strategic planning matters;
- (b) facilitate, with input from the Board, the development of the Agency's strategic plan, seek approval from the Minister of the plan and lead the implementation of the approved plan;
- (c) lead the development of the Agency's business and operational plans, seek approval from the Minister for such plans and lead the implementation of the approved plans;
- (d) develop and implement systems and metrics to report the Agency's progress in relation to service standards and short and long-term goals, seek input from the Board in the development of such systems and metrics, and communicate the results obtained from such systems and metrics to the Deputy Minister and to industry stakeholders, clients and the public;
- (e) provide executive oversight of the financial and budgetary functions of the Agency, including financial planning, budget development, and revenue and expenditure control and reporting;
- (f) represent the Agency on federal, provincial, inter-provincial and community-based apprenticeship boards and other forums, including the Technical Safety Advisory Board and advisory sub-committees of that board, except where such duties are delegated to the Director;
- (g) develop such reports as may be required by the Minister, including
  - (i) an annual report to the Minister concerning the activities and financial status of, and projections for the Agency, and
  - (ii) an annual stewardship report to the Minister, jointly prepared with the President of the College, concerning trades and related matters that are within the mandates of both the College and the Agency;
- (h) consult with the Board during the preparation of the annual report and the annual stewardship report and provide a full

opportunity for the Board to have input into the development of such reports, including an opportunity to review draft copies of the reports;

- (i) manage and direct the staff of the Agency, in accordance with the requirements of the *Civil Service Act* and its regulations and policies;
  - (j) provide approval for the acquisition of goods and services, in accordance with the *Public Procurement Act* and all applicable Government policies; and
  - (k) develop and implement measures to increase the accessibility and success of Aboriginal persons, African Nova Scotians, differently-abled persons, immigrants, women and members of other under-represented groups in the apprenticeship and trades qualifications system.
- (4) The Chief Executive Officer has, in addition to the powers assigned to the Chief Executive Officer, all of the powers assigned to the Director under the Act.
- (5) Where the Chief Executive Officer is designated by the Governor in Council as a Deputy Head under the *Civil Service Act*, the Chief Executive Officer shall oversee the management of the affairs of the Agency as conducted by the employees of the Agency.
- (6) The Minister may designate any person to perform such duties and exercise such powers of the Chief Executive Officer under the Act, the General Regulations and this operating charter as may be set out in the designation, and any act done by a person so designated has the same force, validity and effect as if done by the Chief Executive Officer.

#### **4.3 Appointment and replacement of Chief Executive Officer where Vacancy**

- (1) Where the Chief Executive Officer is unable to act due to absence or incapacity, or the position of Chief Executive Officer is vacant, the Deputy Minister may, following consultation with the Chair of the Board, appoint an Acting Chief Executive Officer who shall assume the role and responsibilities of the Chief Executive Officer for such period and subject to such terms and conditions as the Deputy Minister may determine.
- (2) In the event of a vacancy in the Chief Executive Officer's position, the Deputy Minister shall establish a committee, which must include

representatives from the Board, to conduct an executive search process for a Chief Executive Officer, and make a report of its findings to the Deputy Minister.

#### **4.4 Compensation**

The Chief Executive Officer is entitled to receive such remuneration and reasonable expenses as is determined by the Deputy Minister, subject to any approval that may be necessary in accordance with the *Personal Services Contract Regulations* made under the *Public Service Act*.

#### **4.5 Performance evaluation**

- (1) The Chief Executive Officer shall have an annual performance evaluation conducted by the Deputy Minister.
- (2) When conducting the annual performance evaluation, the Deputy Minister shall consult with the Chair in order to obtain the views of the Board concerning the Chief Executive Officer's performance, and shall take such views into consideration in evaluating the performance of the Chief Executive Officer.

### **5.0 Board**

#### **5.1 Powers and Duties of the Board**

- (1) The Board has the following powers and duties, in addition to any powers and duties set out in the Act or prescribed in the General Regulations:

##### **Communicating with, and Enhancing the Participation of Apprenticeship and Trades Qualifications System Stakeholders**

- (a) the duty to consult with industry members in each of the trade sectors concerning matters within the scope of the Agency's mandate and objects;
- (b) the duty to conduct an annual meeting with industry stakeholders for purposes of soliciting information and input for Agency planning and accountability;
- (c) the duty to promote careers in the designated trades and the training and certification of persons in the designated trades;
- (d) the duty to work towards increasing the involvement, and facilitating the success in the apprenticeship and trades

qualifications system of Aboriginal persons, African Nova Scotians, differently-abled persons, immigrants, women and members of other under-represented groups;

- (e) the duty to work with employers to hire and create an affirmative work environment for Aboriginal persons, African Nova Scotians, differently-abled persons, immigrants, women and members of other under-represented groups;

### **Informing Apprenticeship and Trades Qualifications System Policy Decisions**

- (f) the duty to assist in the development of, and recommend to the Minister the adoption of:
  - (i) a multi-year strategic plan for the apprenticeship and trades qualifications system, and
  - (ii) the Agency's Business Plan;
- (g) the power to provide input into the development of an operational plan that informs and complements the Agency's business plan, and recommends operational priorities for the Agency;
- (h) the power to examine, research and provide policy and planning advice to the Minister in relation to any matter pertaining to the apprenticeship and trades qualifications system, including:
  - (i) the needs of the labour market for skilled and trained persons,
  - (ii) training and certification in the trades and occupations, including pre-employment apprenticeship training,
  - (iii) primary education and the education and training of youth in the trades,
  - (iv) proposed programs of study, amendments to programs of study or proposed guidelines for programs of study, services or facilities in relation to pre-employment apprenticeship training, and
  - (v) the Act, the General Regulations and trade regulations;

- (i) the duty to provide policy and planning advice to the Minister in relation to any matter pertaining to the apprenticeship and trades qualifications system that may be referred to the Board by the Minister;
- (j) the power to advise the Chief Executive Officer about emerging and significant issues affecting the apprenticeship and trades qualifications system and direct that such issues be brought to the attention of the Minister;

### **Liaising with Provincial and Inter-Provincial Partners**

- (k) the duty to represent the Agency on federal, inter-provincial, provincial and community-based apprenticeship boards and other forums, including the Technical Safety Advisory Board and advisory sub-committees of that board;
- (l) the duty to designate persons in who, in the opinion of the Board, are knowledgeable about a trade sector or trade, to be appointed by the Minister to the Technical Safety Advisory Board, or by the Technical Safety Advisory Board to an advisory sub-committee of that board, in accordance with the *Technical Safety General Regulations* made under the *Technical Safety Act*;

### **Developing and Influencing the Development of Apprenticeship and Trades Qualifications System Regulations**

- (m) the power to designate a trade in accordance with the Act and the General Regulations;
- (n) the power to revoke the designation of a trade in accordance with the Act and the General Regulations, other than a trade that is a compulsory certified trade;
- (o) the power to make trade regulations for a designated trade in accordance with the Act and the General Regulations, other than a trade that is a compulsory certified trade;
- (p) the power to make recommendations to the Governor in Council, through the Minister, concerning
  - (i) removal of the designation of a trade that is a compulsory certified trade and revocation of any trade regulations made in relation to such a trade,

- (ii) trade regulations for a designated trade that is a compulsory certified trades;

### **Administering and Ensuring Compliance with the Apprenticeship and Trades Qualifications System**

- (q) the power to develop and recommend service standards for the Agency;
- (r) the duty to appoint an appeal panel, in accordance with the Act;
- (s) the power to provide advice to the Deputy Minister through the Chair concerning the performance of the Chief Executive Officer, for purposes of the performance evaluation of the Chief Executive Officer;
- (t) the power to contribute to the preparation of the annual report to the Minister on the operations and financial status and projections of the Agency, and the annual stewardship report to the Minister concerning trades and related matters that are within the mandates of both the College and the Agency;

### **Providing for the Internal Administration of the Board and its Committees**

- (u) the duty to conduct an annual evaluation of the Board's own performance;
- (v) the power to make recommendations to the Chief Executive Officer concerning the development and approval of training standards for designated trades;
- (w) the power to establish and appoint members of Trade Advisory Committees, and establish the Terms of Reference for such committees;
- (x) the duty to appoint members of the Recruitment Committee of the Board including, with the approval of the Minister, persons who are not members of the Board, and establish the Terms of Reference for the Recruitment Committee;
- (y) in addition to Trade Advisory Committees and the Recruitment Committee, the duty to establish such other committees of the Board as the Board considers necessary to

fulfill its mandate and objects, and establish the Terms of Reference for such committees;

- (z) the duty to create and maintain a matrix of skills, competencies and other attributes for members of the Board and its committees for purposes of meeting the requirements for Board and committee members as set out in this operating charter;
  - (za) the duty to consider the recommendations made by the Recruitment Committee, Trade Advisory Committees and such other committees which may be established by the Board and make any decisions that may be permitted to be made by this operating charter in relation to those recommendations, including decisions concerning the making of further recommendations to the Minister;
  - (zb) the duty to establish the Policies and Procedures of the Board, subject to approval by the Minister;
  - (zc) the duty to establish a Code of Conduct for members of the Board and its committees and ensure that members receive an orientation and ongoing training in relation to their responsibilities under the Code of Conduct;
  - (zd) the duty to provide orientation and ongoing training to Board and committee members concerning their roles and responsibilities as Board or committee members apart from their responsibilities under the Code of Conduct.
- (2) The exercise by the Board of the authority contained in clauses (1)(m), (n) and (o), is regulations within the meaning of the *Regulations Act*.

## **5.2 Board Governance**

- (1) The Board shall be governed by the provisions of this operating charter, the Act and General Regulations and any Policies and Procedures developed by the Board for its use and approved by the Minister.
- (2) In the event of any inconsistency between this operating charter and the Policies and Procedures of the Board, this operating charter will prevail.

### **5.3 Composition of Board**

- (1)** The Board shall be comprised of no more than 15, and no less than 10 members.
- (2)** Of the total number of members appointed to the Board, there shall be
  - (a)** 10 members from the trade sectors;
  - (b)** up to 4 additional members-at-large, selected by the Minister; and
  - (c)** the Vice-President, Academic of the College.
- (3)** The number of members appointed from each trade sector shall be as follows:
  - (a)** 4 from the construction sector;
  - (b)** 2 from the industrial/manufacturing sector;
  - (c)** 2 from the motive power sector;
  - (d)** 2 from the service sector;
- (4)** Each member appointed from a trade sector must be either an employer representative or an employee representative;
- (5)** Where it is reasonably possible to do so, fifty percent of the members appointed from each trade sector shall be employer representatives and fifty percent shall be employee representatives.
- (6)** Employer representatives and employee representatives who are appointed to the Board must be persons who, in the opinion of the Minister, are knowledgeable about
  - (a)** the trade sector with which they are associated, or certain of the designated trades within that sector; and
  - (b)** the labour market.

### **5.4 Chair and Vice-chair**

- (1)** The Minister shall designate one member of the Board to be the Chair of the Board, and one member of the Board to be the Vice-chair of the Board.

- (2) The Minister must designate as Chair of the Board any person nominated by the Board for designation as Chair, in accordance with the Policies and Procedures of the Board, who has received the approval of at least 80% of the entire membership of the Board.
- (3) If there is not at least 80% approval by the entire membership of the Board, the Minister may designate as Chair, in accordance with the Policies and Procedures of the Board, a person nominated by a member of the Board.
- (4) The procedure for designation of the Chair of the Board, as set out in subsections (2) and (3), is applicable to the designation of the Vice-chair.
- (5) The Chair of the Board shall, in addition to any other powers and duties set out in this operating charter and the Board's Policies and Procedures:
  - (a) convene and chair meetings of the Board;
  - (b) communicate the recommendations, views and advice of the Board to the Chief Executive Officer or Minister, as the case may be, in accordance with this operating charter;
  - (c) represent the Agency on the Technical Safety Advisory Board, advisory sub-committees of that board, and other provincial and inter-provincial forums; and
  - (d) perform such duties and exercise such powers as are reasonably necessary to enable the Board to fulfill its responsibilities under this operating charter, the Act and General Regulations, and any other applicable statutes and regulations.
- (6) The Vice-chair of the Board shall act in place of the Chair where the Chair is unable to act due to absence or incapacity and, when so acting, the Vice-chair shall have all of the powers and duties of the Chair under this operating charter, the Act and the Board's Policies and Procedures.

## **5.5 Appointment process**

- (1) The Minister shall select the persons the Minister wishes to appoint as members-at-large in accordance with the policies, procedures and guidelines applicable to non-adjudicative board appointments in the Province.

- (2) The Minister shall appoint all of the members of the Board in accordance with this operating charter and subject to approval of the appointments by the Executive Council and the Standing Committee on Human Resources of the Nova Scotia Legislature.
- (3) The Board shall make recommendations to the Minister for the appointment of persons as trade sector representatives on the Board, and shall do so in accordance with this Section and Section 5.3.
- (4) When a vacancy arises in relation to a position on the Board held by a trade sector member, the Board shall request that the Recruitment Committee provide the Board with a list of all of the qualified candidates for appointment to the Board as a trade sector member, together with the Recruitment Committee's recommendations for appointment from among the persons on the list.
- (5) Following receipt of the Recruitment Committee's recommendations, the Board shall provide the Minister with the following:

  - (a) a list of all qualified applicants eligible for appointment to the Board in relation to the vacant position of a trade sector member; and
  - (b) to the extent possible, in light of the number of qualified candidates, a list of at least three recommendations of the Board drawn from the list in clause (a) for each vacant position.
- (6) The Board must consider the recommendations of the Recruitment Committee, together with any applicable criteria set out in the Policies and Procedures of the Board, in determining the recommendations it will make to the Minister concerning the appointment of a trade sector member.
- (7) The Board shall attempt to reach consensus concerning the persons it recommends for appointment as a trade sector member of the Board, but a recommendation must be made if there is approval by at least 60% of the members of the Board who are present and voting at a meeting of the Board held for this purpose.
- (8) The Minister shall, in determining the trade sector members to be appointed to the Board, consider the list provided by the Board together with the recommendations of the Board concerning the appointments.

- (9) The Board shall notify the Chief Executive Officer when a vacancy occurs on the Board other than through the expiry of the term of appointment of a Board member.
- (10) A member of the Board whose term expires continues to hold office until re-appointed or a successor is appointed.
- (11) The Minister may fill a vacancy due to the death or resignation of a member by appointing a person to fill the deceased member's or former member's unexpired term.

## **5.6 Revocation of Appointments**

Upon receipt of a recommendation from the Board, the Minister may revoke the appointment of any member of the Board who misses three consecutive meetings.

## **5.7 Term of Appointments**

- (1) Board members may be appointed to the Board for up to 3 years, and may be reappointed for up to 2 consecutive terms.
- (2) Past appointees to the Board may be reconsidered for appointment after a break in service of 1 year.

## **5.8 Compensation**

- (1) Members of the Board shall be paid such remuneration as may be fixed by Order of the Minister, and shall be reimbursed for actual and reasonable expenses necessarily incurred by them in fulfilling their duties as members of the Board, including work performed while a member of a committee of the Board, provided that such reimbursements do not exceed those normally paid to members of the civil service.
- (2) The Chair and Vice-chair of the Board shall each be paid, in addition to the amounts referred to in subsection (1), an annual honorarium, on a pro rata basis, in an amount to be fixed by Order of the Minister, not to exceed \$10,000 in the case of the Chair, and \$5,000 in the case of the Vice-chair.

## **5.9 Quorum, Decision-Making and Meetings**

- (1) A quorum of the Board consists of a majority of the members of the Board.

- (2) Each member of the Board shall have full voting powers in respect of the matters before the Board.
- (3) The Board shall use all reasonable efforts to make decisions of the Board by consensus.
- (4) In the event that consensus cannot reasonably be achieved, a decision of the majority of the members of the Board present at a meeting of the Board in which a quorum exists shall constitute a decision of the Board except where otherwise stated in this operating charter.
- (5) The Board shall meet no fewer than 6 times per year.

#### **5.10 Recruitment Committee**

- (1) The Recruitment Committee is a standing committee of the Board and shall be comprised of one member of the Board from each trade sector and one member of the Board who is a member-at-large.
- (2) All of the members of the Recruitment Committee shall be selected by the Board in accordance with the Policies and Procedures of the Board.
- (3) Notwithstanding subsection (1), the Minister may, at the request of the Board, approve the appointment of a person to the Recruitment Committee who is not a member of the Board, but the total number of persons appointed to the Committee may not exceed five.
- (4) The members of the Recruitment Committee shall, in accordance with the Policies and Procedures of the Board, designate one of the members of the Recruitment Committee to be the Chair of the Recruitment Committee.
- (5) The Chair of the Recruitment Committee shall, in addition to any powers and duties set out in the Policies and Procedures of the Board:
  - (a) convene and chair meetings of the Recruitment Committee;
  - (b) communicate the recommendations of the Recruitment Committee to the Board.
- (6) The Recruitment Committee has the following powers and duties:

- (a) to consult with stakeholders in each trade sector for purposes of encouraging applications to be submitted by qualified candidates who are interested in being recommended for appointment as trade sector members of the Board, or members of a Trade Advisory Committee or an appeal panel, as the case may be;
  - (b) to create and maintain a broad list of stakeholders in each trade sector for purposes of assisting in the consultation process outlined in clause (a);
  - (c) to create and maintain a list of all qualified candidates for appointment as members of a Trade Advisory Committee or appeal panel in accordance with the criteria identified in the Policies and Procedures of the Board;
  - (d) when requested to do so by the Board in accordance with this operating charter, to provide the Board with a list of all of the qualified candidates, and, to the extent possible in light of the number of qualified candidates, at least three recommendations of the Recruitment Committee from among the persons on the list, for purposes of appointment as members of the Board, a Trade Advisory Committee or an appeal panel.
- (7)** When making recommendations to the Board in relation to the appointment to the Board of trade sector members, the Recruitment Committee shall be guided by subsections 5.3(3), (4) and (5), and subsection 5.3(6).
- (8)** When making recommendations to the Board in relation to the appointment of employer representative or employee representative members of a Trade Advisory Committee, the Recruitment Committee shall apply the criteria in subsections 7.2(4) and (5) and, where applicable, subsection 5.3(6).
- (9)** When making recommendations to the Board in relation to the appointment of the members of an appeal panel, the Recruitment Committee shall apply the criteria in the subsection 24(3) and (4) of the Act, and any applicable Policies and Procedures of the Board.

## **6.0 Inaugural Board**

### **6.1 Appointment of members and Chair, and term of appointment**

- (1) The Minister shall appoint qualified candidates as the members of the inaugural Board, and shall do so in accordance with the provisions of this operating charter, with the exception of subsections 5.3(1), (2) and (3), 5.4(1), (2), (3), (4) and (6) and 5.5(3), (4), (5), (6), (7) and (8).
- (2) The inaugural Board shall be comprised of 7 members, consisting of the following:

  - (a) 4 employer representatives or employee representatives selected from any of the trade sectors;
  - (b) two members-at-large who are not selected from any of the trade sectors; and
  - (c) the Vice-President, Academic of the College.
- (3) The Minister shall designate one of the members referred to in clauses (2)(a) and (b) to be the Chair of the Board.
- (4) Members of the inaugural Board are appointed for two years.
- (5) Members of the inaugural Board may be reappointed to the Board in accordance with the appointment process for Board members set out in Sections 5.3 and 5.5.

### **6.2 Powers and Duties of the Chair**

In addition to the powers and duties of the Chair, as set out in subsection 5.4(5) and the Policies and Procedures of the Board, the Chair of the inaugural Board shall lead the search for persons who may be recommended for appointment as members of the Board or, in the discretion of the Chair, shall appoint another member of the Board to lead the search.

### **6.3 Powers and Duties of the inaugural Board**

The inaugural Board shall have the following powers and duties in addition to the powers and duties of the Board as set out in Section 5.1:

- (a) overseeing matters of an administrative nature in relation to the initial operations of the Agency as a new special operating agency, including any transitional matters;

- (b) creating Policy and Procedures governing
  - (i) the search process for persons to be recommended for appointment as members of the Board,
  - (ii) the creation of profiles for the Board and its members for use in recommending persons to be appointed to the Board, and
  - (iii) such other matters within the mandate of the Board as the Board considers necessary for its proper functioning;
- (c) performing the functions of the Recruitment Committee of the Board in accordance with clauses 5.10(6)(a), (b) and (c), and the Policies and Procedures of the Board, until such time as the Board has achieved a full complement of members in accordance with Section 5.3;
- (d) providing the Minister with a list of qualified candidates recommended by the Board for appointment as members of the Board;
- (e) establishing priority initiatives and tasks for Trade Advisory Committees, including initiatives and tasks associated with transitional matters.

#### **6.4 Time Period for providing the Minister with Potential Nominees to the Board**

The Board must provide its list of qualified candidates recommended by the Board for appointment as members of the Board to the Minister no later than 4 months following the creation of the Agency as a special operating agency.

### **7.0 Trade Advisory Committees**

#### **7.1 Role and Responsibilities**

- (1) The Board may, from time to time, establish a Trade Advisory Committee to advise the Board concerning policy, regulations and other matters specific to a trade or trades in relation to which the Committee is established, or any matter assigned to the Committee relating to the apprenticeship and trades qualifications system.
- (2) Where there is a pre-employment apprenticeship training program associated with a trade in relation to which a Trade Advisory

Committee is established, the Trade Advisory Committee and its members shall serve as the program advisory committee for that trade, and the members shall be appointed as the members of the program advisory committee in accordance with Section 67 of the *Community Colleges Act*.

- (3) Where there is no Trade Advisory Committee in place at the time the Board receives notice from the Board of Governors of the College that a program advisory committee is to be established, the Board shall establish a Trade Advisory Committee as soon as practicable and shall provide notice to the Board of Governors once the Trade Advisory Committee has been established.
- (4) A Trade Advisory Committee and its members that is established as a program advisory committee shall
  - (a) provide advice to the Board of Governors of the College;
  - (b) make recommendations to the Board of Governors concerning the matters referred to in subsection 67(2) of the *Community Colleges Act*; and
  - (c) report to the Board concerning all of the advice and recommendations provided to the Board of Governors.
- (5) A Trade Advisory Committee, other than a Trade Advisory Committee that is solely established as a program advisory committee, has responsibility for analyzing and making recommendations to the Board concerning the matters assigned to it by the Board, which may include:
  - (a) the creation of a multi-year human resources plan for a trade;
  - (b) the engagement of, and consultation with employers, employees and unions regarding trade-specific issues assigned to the Trade Advisory Committee;
  - (c) recommendations concerning
    - (i) the designation and revocation of the designation of trades, and
    - (ii) the making of regulations in relation to designated trades;

- (d) the identification and development of training standards and outcomes for a trade;
  - (e) the development and delivery of pre-employment apprenticeship training programs, including the development of appropriate prerequisites to entry to ensure that the right persons are trained for the right jobs;
  - (f) the development of post-journeyperson upgrading and training programs and post-journeyperson standards of practice;
  - (g) the development of youth apprenticeship and bridging programs for persons who are members of groups that are under-represented in the apprenticeship and trades qualifications system;
  - (h) employer engagement in the apprenticeship and trades qualifications system;
  - (i) labour market information;
  - (j) specific issues assigned to a Trade Advisory Committee that arise out of the General Regulations or trade regulations, such as the minimum ratio of apprentices to journeypersons; and
  - (k) apprenticeship training and the capacity of the apprenticeship and trades qualifications system to accommodate identified training needs.
- (6) The Board shall establish a Terms of Reference for a Trade Advisory Committee that is not established solely as a program advisory committee, and the Terms of Reference shall govern the activities of the Trade Advisory Committee, subject to the Act, General Regulations, trade regulations, this operating charter and any other applicable statutes or regulations.

## **7.2 Composition and Appointment**

- (1) A Trade Advisory Committee must be comprised of no fewer than 4 persons, at least one of whom is an employer representative and one of whom is an employee representative.
- (2) When appointing the members of a Trade Advisory Committee, the Board shall request that the Recruitment Committee provide the

Board with a list of all qualified candidates for purposes of appointment as members of the Trade Advisory Committee, together with the recommendations of the Committee from among the persons on the list.

- (3)** The Board must consider the recommendations of the Recruitment Committee, together with any applicable criteria set out in the Policies and Procedures of the Board, in determining the persons it shall appoint to a Trade Advisory Committee.
- (4)** In addition to being a qualified person, a person appointed by the Board to a Trade Advisory Committee must be reflective of the balance of interests in relation to the issue that is the subject of the Trade Advisory Committee's mandate.
- (5)** Notwithstanding subsection (1), where a Trade Advisory Committee is appointed for the purpose of making recommendations concerning a specific trade or trades, the Board shall

  - (a) endeavor to include as members such number of employer representatives and employee representatives who are actively practicing in the trade or trades as the Board determines is necessary, and
  - (b) apply the criteria in subsection 5.3(6).
- (6)** A Trade Advisory Committee will remain in place for the period set out in the Terms of Reference for the Trade Advisory Committee, or for such longer period as the Board, in its discretion, may permit.
- (7)** The Board shall select one of the members of the Trade Advisory Committee to be the Chair of the Committee.
- (8)** In addition to any powers and responsibilities set out in the Terms of Reference for a Trade Committee, the Chair of a Committee shall:

  - (a) convene and chair meetings of the Trade Advisory Committee; and
  - (b) communicate the results of the Trade Advisory Committee's deliberations and any recommendations of the Trade Advisory Committee, to the Board.

### **7.3 Compensation**

Each member and the Chair of a Trade Advisory Committee shall be paid such remuneration as may be fixed by Order of the Minister, and shall be reimbursed for actual and reasonable expenses necessarily incurred by them in fulfilling their duties as members of the Trade Advisory Committee, provided that such reimbursements do not exceed those normally paid to members of the civil service.

### **8.0 Other Committees of the Board**

- (1) The Board may establish such committees as the Board considers necessary, other than the Recruitment Committee and Trade Advisory Committees.
- (2) A committee established by the Board under subsection (1) must be comprised entirely of Board members.
- (3) The Board shall establish a Terms of Reference for any committee established by the Board under subsection (1).
- (4) Subsection 7.2 applies to any committee established under this Section, with necessary changes.
- (5) A committee established by the Board under this Section may seek and obtain advice and assistance from persons who are not members of the Board or staff of the Agency, on a non-remunerative basis, but the decisions or recommendations of the committee must represent the views of its members.

### **9.0 Agency Review**

- (1) The Minister must conduct a full review of the Agency within three years of the approval date of this operating charter in order to determine the Agency's overall success toward achieving its mandate and objects.
- (2) The results of the review of the Agency shall be reported to the Agency and to the Governor in Council.

### **10.0 Finances and Reporting**

#### **10.1 Fiscal Year End**

The fiscal year end of the Agency is the same as the fiscal year end of the Province.

## **10.2 Reporting**

- (1) The Agency shall, in consultation with the Department, file with the Minister:

  - (a) an annual business plan for the Agency, including the Agency's annual budget for the fiscal year in which the filing is made;
  - (b) a monthly forecast update detailing the financial performance of the Agency as compared with the projections set out in the total annual budget for the Agency's operations;
  - (c) an annual report for the previous fiscal year;
  - (d) a report of the Agency's activities and status, at such time or times and in such format as may be requested by the Minister.
- (2) The annual business plan and annual budget of the Agency shall be published by the Agency no later than 30 days after they are approved by the Minister.
- (3) The annual report of the Agency shall include:

  - (a) an annual statement of operations for the previous fiscal year, prepared in accordance with Canadian generally accepted accounting principles (GAAP) for the public sector; and
  - (b) an accountability report on the Agency's performance in relation to the previous fiscal year's business plan.
- (4) The annual report shall be submitted to the Minister in draft, by May 15 of each year.
- (5) The annual report, once approved by the Minister, shall be published by the Agency on a date to be determined in consultation with the Department but, in any event, no later than September 30 of each year.

## **10.3 Funding for the Agency**

- (1) The Department must provide annual funding to the Agency through the regular budget process, based on the approved annual business plan of the Agency.

- (2) The Agency must develop, in consultation with the Department, an annual business plan and budget, and submit them to the Board for review prior to submitting them to the Minister for approval.
- (3) In order to begin the consultation process referred to in subsection (2), the Agency must provide its preliminary, annual business plan and budget for the following fiscal year to the Department by November 1, each year.
- (4) Within two weeks following consultation with the Department, the Agency must submit its finalized annual business plan and budget to the Minister, for approval.

#### **10.4 Cost-Sharing Agreements**

- (1) With the prior approval in writing of the Minister, the Agency is authorized to enter into a cost-sharing agreement with a public sector entity, or with a private sector entity where the private sector entity has, prior to entering into the agreement, set aside its portion of the funds required under the agreement, provided that:
  - (a) any funds received by the Agency pursuant to such an agreement are held, managed and reported in accordance with the requirements of the *Finance Act*, the *Public Service Act* and all other applicable legislation;
  - (b) each agreement is entered into for purposes of implementing a project or activity that clearly falls within the mandate and objects of the Agency;
  - (c) the value of an individual agreement does not exceed \$25,000; and
  - (d) the total value of all such agreements in the fiscal year does not exceed the spending authority of the Agency as set out in the business plan of the Agency which has been approved by the Minister.
- (2) Where one or more of the above conditions is not met, the Agency may enter into a cost-sharing agreement if the Agency obtains the Minister's approval to do so, in writing, prior to entering into the cost-sharing agreement.

## **11.0 Human Resources**

### **11.1 Continuation of Current Positions and Transfer of Employees and Personal Service Contracts**

- (1) All Civil Service positions assigned to the Apprenticeship Training Division of the Skills and Learning Branch, Department of Labour and Advanced Education, as of the date of the Order in Council designating the Agency, shall be transferred and assigned as of that date to the Agency.
- (2) All persons employed in the Civil Service of the Province as of the date of the Order in Council designating the Agency shall continue to be employed in the Civil Service as of the date of the transfer of their positions to the Agency, and the transfer shall not affect any collective bargaining rights or responsibilities or other rights or responsibilities applicable to such persons immediately prior to the transfer.

### **11.2 Appointment of new Employees**

- (1) The Chief Executive Officer may hire such employees as are necessary for the proper functioning of the Agency either in accordance with the *Civil Service Act* and any applicable collective agreements, or under a personal services contract approved in accordance with the *Personal Services Contract Regulations* made under the *Public Service Act*.
- (2) The terms and conditions of employment for bargaining unit staff shall be as stipulated in any applicable collective agreement and by the Public Service Commission.
- (3) The terms and conditions for excluded staff shall be as provided under the *Civil Service Act* and Regulations.
- (4) The Agency shall follow the Province's 'Fair Hiring Policy' and associated processes.

### **11.3 Code of Conduct for Employees**

All employees of the Agency must act in accordance with the *Values, Ethics & Conduct – A Code for Nova Scotia's Public Servants*, as provided by the Nova Scotia Public Service Commission.

## **12.0 Facilities and Services**

Notwithstanding that the Minister is responsible for providing the Agency with all necessary infrastructure and services for its proper functioning, in accordance with clause 2.1(1)(a), the Chief Executive Officer may, with the approval of the Minister, and in accordance with all applicable Government policies of the Province and the *Public Procurement Act*:

- (a) obtain information technology services for the Agency; and
- (b) lease physical facilities for the Agency.