

Apprenticeship Regulatory Amendment Briefing

MARCH 2021

The Vertical construction Industry relies on several stabilizing factors to maintain a productive “Manitoba based” skilled labour force critical to attracting capital investment to Manitoba.

Recent regulatory changes recommended by the Apprenticeship Board pose threat to the industry in terms of reduced safety, unemployment as well as the recruitment and retention of skilled trades. Current impending regulatory amendments have the Industry in a state of unrest.

BACKGROUND

Industry has an extensive leadership history working with The Apprenticeship Board and staff in the development of the trades in Manitoba. This work was inclusive of the development of Gasfitter trade in relation to the trades of Plumbing, Steamfitter – Pipefitter and Refrigeration and Air-Conditioning Mechanic in 2009. At that time industry determined gas certification should be embedded within the piping trades to address issues of safety and to meet the general demands of the Manitoba marketplace. Apprenticeship acknowledged these priorities through regulatory implementation.

In 2019, Apprenticeship Manitoba circulated a stakeholder consultation posing questions related to the removal of gasfitter certification from the piping trades. Following a trade regulation development process, the Apprenticeship Board provided regulatory amendment recommendations to the Minister of Economic Development and Jobs removing the second level of gasfitter B certification as a 5th year requirement to obtaining Journey person status in each of the piping trades. The Minister accepted the recommendations establishing an implementation date of March 18, 2021.

Industry associations representing a cross spectrum of employers and tradespeople have maintained throughout the development of the regulatory amendments, their opposition to the removal of gasfitter certification from the respective trades. This included a meeting whereby representatives of WCA, MCAM, CARM, MBT and CLRAM met with the Minister of Economic Development and Jobs, The Honourable Ralph Eichler, and his Deputy Minister Tracey Maconchie to request the Minister delay implementation of the regulatory amendments to provide opportunity for further engagement of Industry, seeking compromise.

In response communication was received from Deputy Minister, indicating there was sufficient time to consider possible amendments prior to their effective date of March 18th. Further, it was requested we *“send a description of these amendments, why they are needed, potential implications and a proposed timeline to Harvey Miller...”*.

Industry is committed to working with the Apprenticeship and Certification Board and Apprenticeship Manitoba to develop alternatives to the current regulatory amendments. We have proposed the Apprenticeship Board through their Stakeholder Liaison committee work with Industry representatives and Apprenticeship staff to perform a SWOT analysis of the piping trade programs and work to achieve goals identified by Apprenticeship Manitoba. Industry maintains our common mandates of Manitoba Trades people obtaining high quality training will provide workable compromises within a flexible timeline.

IMPLICATIONS OF IMPENDING REGULATORY CHANGES

Should the amendments proceed March 18, 2021 as scheduled, through lived experience, industry is confident of the following consequences:

Seasonal Unemployment - Due to Manitoba's low population density, large geographical area and seasonal trade specific demands, it is unrealistic for the Mechanical Industry to employ specialists in all trades throughout the province, year-round. Tradesman in Manitoba do not find full-time employment in specific mechanical fields as experienced in the larger markets of British Columbia, Ontario and Quebec. The Manitoba market requires cross training to meet the needs of ownership groups as well as meet seasonal demands. In Manitoba we must continue to cross-train our highly skilled plumbers, refrigeration techs and steamfitters to support full-time year-round employment. Deskilling will result in unemployment. These are the same issues which prompted the 2009 Apprenticeship changes for the pipefitter trades (i.e., these conditions still exist today).

Safety or Increased Costs - Where permits are pulled by Gasfitters, the scope of work completed within the permit is not limited to the gas trade. Without Plumbers, Refrigeration and Air Conditioning Mechanics, or Steamfitter-Pipefitters; significant safety risks would be overlooked. Currently Manitoba end users, whether it be a hospital, high-rise condominium, private home, or industrial plant enjoy mechanical systems which are installed, modified or serviced by tradespeople who have an additional 5400 hours of training in related trades rather than 3600 hours within the narrow scope of the gas trade. Consumers are at risk of critical mechanical safety systems being installed by tradespeople whose apprenticeship does not include piping, fitting recognition, piping layout and fluid flows. The average end user would not have a clear understanding of how this will impact the final product. Alternatively, multiple tradespeople may be utilized to complete work that in the past was completed by one. Thus, driving the cost of construction and service up for the consumer.

Unrealistic Employment Opportunities – Young apprentices have been engaged in providing input on the changes without understanding the impact on their future employability. If implemented, apprentices will have a false sense of security by achieving Journeymen status. Journeymen will commonly experience seasonal unemployment and decreased job satisfaction. Consequently, productivity of the general mechanical labour market will decrease, which proves as a driving force to increase construction costs. This will further negatively impact the trades as a viable career path for young Manitobans.

Shortage of Certified Gas-fitters - History has demonstrated returning to school for the gasfitter certification is not attractive to journeypersons, even with the benefits of an increase in pay. Without the requirement of dual certification built into the system, Industry will re-experience a shortage of gasfitters. Practices experienced in the past whereby a fee is charged by a certified gasfitter to pull a permit, without their involvement in installation or service.

BASIS FOR CHANGE

Harmonization, labour mobility, rural demographics, and survey results have been provided as the basis for change. Industry maintains:

Harmonization - The Canadian Council of Apprenticeship Directors (CCAD) launched the Harmonization Initiative in 2013. The current amendments do not achieve Harmonization. Further, some of our provincial counterparts choose to maintain standards that exceed Harmonization which is in line with the goal of "Substantive" alignment as outlined by the CCAD initiative. Creative solutions exist in Manitoba that would satisfy Harmonization with Industry standards.

Labour Mobility - Systemic change should not be utilized to address exceptional issues such as labour mobility. Incorporating flexibility in the apprenticeship system and working with provincial counterparts to address exceptional scenarios is reasonable.

Rural Demographic - Contractors in the rural areas are concerned impending changes will impact their ability to be competitive on projects within the urban areas or “rurban” settings. As it stands rural contractors are competing with additional cost due to travel, lodging and meals. Adding the possibility, they will need to employ more than one journeyman to cover the spectrum of work will create a further disadvantage. Rural contractors located in Flin Flon or Swan River are not limited to work in these areas. Rural contractors travel throughout our province for work. Further, rural communities already struggle to find and attract journeymen to their community. Without a dual certification requirement, seasonal layoffs will trend journeymen away from rural communities.

Consultation & Transparency - The Apprenticeship Board consultation demonstrated 4% industry support for the change. Consultation itself while a tool for implementing change, does not justify change and requires detailed, dimensional analysis. Further, 4% support is inadequate. Industry requested the Apprenticeship Branch survey results for further analysis and transparency. These requests were denied. Longstanding PAC members are resigning from their positions, stating the PACs were not consulted as per the Trade Regulation Development Process. These actions are consistent with PAC minutes. In the spirit of regulatory accountability, the Regulatory Accountability Act requires mandates 45 days of public consultation before new regulations can be put in place. The amendments were posted on a Government Regulatory Portal without notice to industry, by the time Industry became aware the 45-day period expired. When addressed with department staff, an explanation was provided the system was new and they would “do better next time”.

CONCLUDING NOTES

The removal of gasfitter certification from the piping trades will not benefit Manitobans. The deskilling of our labour force negatively impacts employability as well as creates a safety risk or drives up costs to consumers. Further, removing the stabilizing forces of year-round employment makes the piping trades less attractive, reduces job satisfaction and has a negative impact on labour productivity.

We believe together; Industry, the Apprenticeship & Certification Board and Apprenticeship Manitoba will find innovative compromises that satisfies industry and achieves Apprenticeship goals. Industry stakeholders maintain it is and has always been our intention to work with Apprenticeship Manitoba in the collaborative function as a critical stakeholder for the common good of all stakeholders within the Industry.

