

Application of the *Apprenticeship and Industry Training Act (AITA)*

Federal Undertakings

(e.g. railways, interprovincial trucking, telecommunications, etc.)

The *Apprenticeship and Industry Training Act (AITA)* is an Act of general application intended to apply equally to all persons within Alberta, including those working for a federal undertaking.

Provincial legislatures have the authority to regulate professions and trades within the province pursuant to their power over property and civil rights in the province under section 92(13) and matters of a merely local or private nature under section 92(16) of the *Constitution Act, 1867*.

The AITA establishes education, training and certification standards for employment in designated trades and designated occupations that apply wherever that work is done in Alberta. It also ensures that those who employ such individuals do so in accordance with the AITA. The subject matter of the AITA falls clearly within the jurisdiction of the Alberta Legislature and does not affect the ability of the federal government to legislate over matters within its jurisdiction.

The AITA may have an impact on an aspect of the operation of a federal undertaking by requiring compliance with the education, training and certification standards in the AITA for individuals working in designated trades and occupations. This does not bar the application of the AITA to the federal undertaking as the AITA requirements do not impair the core of the federal power over that undertaking.

Reserve Lands

The following principles are the state of the law in relation to the AITA and its application on First Nations' reserves:

- The provincial legislature has jurisdiction to enact AITA pursuant to subsections 92(13) (property and civil rights in the province) and 92(16) (generally all matters of a merely local or private nature in the province) in the *Constitution Act, 1867*;
- AITA is a provincial law of general application that applies throughout the province;
- AITA applies to all persons working in designated trades or designated occupations in Alberta;
- Employers on reserve are also subject to the terms of AITA; and
- Officers appointed under the AITA may enter First Nations' reserves and enforce the AITA, assuming that they are acting within the scope of authority granted to them under AITA.

For more information, call the
**Apprenticeship and Industry Training
Information Line**
1-800-248-4823