

Apprenticeship and Certification Appeal Board

Board Members:

Presiding Officer

Patrick McDonnell, Winnipeg ^

^ Government appointment

Mandate:

The Apprenticeship and Certification Appeal Board (Appeal Board) is appointed by the Minister of Education and Training under *The Apprenticeship and Certification Act (Act)* and operates according to the Act and the *Appeals Procedure Regulation*.

Section 41 of the Act establishes the Appeal Board and outlines its mandate, which is to hear appeals regarding decisions made by the Executive Director of Apprenticeship Manitoba

Authority:

The Apprenticeship and Certification Act (Act)
The Appeals Procedure Regulation

Responsibilities:

The Appeal Board has the authority to confirm, vary or rescind decisions made by the Executive Director, or to refer the decision back to Apprenticeship Manitoba for reconsideration. It does not have the authority to order a repeal of, or amendment to, a section or sections in trade regulations or in the Act.

Upon receiving a notice of appeal, the appeal board must

- a) fix a date, time and place for hearing the appeal; and
- b) give written notice of the hearing to the person appealing and the executive director at least five days before the hearing date.

The Appeal Board's decision is final and not subject to appeal through the courts. However, the order or decision may be subject to review by a court, if in making the order or decision, the Board exceeds the jurisdiction granted to it under the Act.

The Appeal Board operates independently from the Apprenticeship and Certification Board and from Provincial Advisory Committees established under the Act.

Within 30 days after a notice of appeal is filed, the minister must appoint an appeal board and give the board a copy of the notice of appeal.

Apprenticeship and Certification Appeal Board

Membership:

The appeal board must consist of at least three (3) but not more than five (5) members, as follows

- a) a presiding officer, appointed by the Minister;
- b) an equal number of
 - members who represent the interests of persons who are *employed* in the designated trade or designated occupation, and
 - members who represent the interests of *employers* of persons employed in the designated trade or designated occupation.

Members appointed to an appeal board must be knowledgeable about the designated trade or designated occupation to which the appeal relates.

The Presiding Officer is empowered to appoint members to form an appeal board as required for an Appeal in a designed trade or occupation. As Notice of Appeals are received from individuals in designated trades, current and former member of the applicable Provincial Trade Advisory Committees (PTAC) are contacted to confirm their willingness to serve on for each appeal board that is convened.

By regulation the Minister may designate an employee of the government who is under the administration of the Minister to act as secretary to an appeal board for the purpose of administering appeals.

Length of Terms:

The Presiding Officer serves for a three-year term.

Desirable Experience:

The Minister appoints members to an appeal board who must in the opinion of the Minister be knowledgeable about the designated trade or designate occupation to which the appeal relates.

Time Commitment:

Convened as required according to notices for an appeal.

Meetings:

Location: Hearings are typically held in Winnipeg, MB at the Robert Fletcher Building.

Frequency: TBA

Remuneration:

The Presiding Officer receives a per diem of \$60 per appeal.