

## **Fact Sheet #1**

### **Exemptions Under the Act**

# *Private Career Colleges Act, 2005*

## Overview

Under the authority of the *Private Career Colleges Act, 2005* (“the Act”), the Superintendent registers institutions that provide instructional programs for vocational training. An institution must be registered with, and its programs approved by, the Superintendent before they can be delivered to the public. However, not all institutions require registration and not all vocational programs require approval under the Act before they can be offered to the public. The information in this document is intended as an overview of the exemptions for approval under the *Private Career Colleges Act, 2005*.

## Exemption under the *Private Career Colleges Act, 2005*

To be exempt under the Act at the institution-level means that an institution is not required to be registered with the Superintendent. To be exempt at the program-level means that an institution is not required to obtain approval for a program before it is offered to the public. Students who are enrolled at institutions that are exempt from registration are not entitled to protections under the Act. Similarly, students who are enrolled in programs exempt under the Act are also not entitled to protections under the Act.

## Defining “private career college”

Under the *Private Career Colleges Act, 2005* a “private career college” is defined as an educational institution or other institution, agency or entity that provides one or more vocational programs to students, administered through individual written contracts with the students, for a fee. This does not include:

- i) college of applied arts and technology
- ii) university
- iii) elementary or secondary school
- iv) institutions, agencies and entities that do not have a physical presence in Ontario

Elements of a physical presence in Ontario are any of the following:

- i) a head office;
- ii) a postal address or telephone or fax number in Ontario;
- iii) occupancy of real property in Ontario for the purposes of providing or administering vocational programs;
- iv) employment in Ontario of an agent or manager who provides or arranges the provision of vocational programs in Ontario, an employee who teaches vocational programs in Ontario, or an administrator or a person who invigilates examinations in Ontario.

## Program approval

Vocational programs provide instruction on the skills and knowledge required in order to obtain employment in applicable occupations as defined in the 2016 National Occupational Classification (NOC). The NOC is a system used by the Government of Canada to classify jobs (occupations). Jobs are grouped based on the type of work a person does and the types of job duties involved. Each occupation included in the NOC system is considered a vocation under the Act.

A complete list of NOC codes can be found on the Government of Canada’s [2016 National Occupational Classification webpage](#).

The following types and classes of programs are exempt from requiring Superintendent approval under the Act:

- i) **Single Skill Training** – These are programs that provide one or some, but not all, of the skills and knowledge required to work in a vocation. However, as soon as a program is characterized as training in a particular vocation or leading to employment in a vocation, it must offer all of the skills and knowledge required for employment, and therefore obtain Superintendent approval.
  - Examples: Keyboard Skills, First Aid
- ii) **Corporate and Third Party Training** – These are programs that are contracted exclusively to a third party organization and not individual fee-paying members. This includes private training programs provided exclusively to businesses for the purpose of employee training.
  - Examples: Building High Performance Teams, Sales Training
- iii) **Religious Training** – These are programs that provide instruction for work in a religious vocation. This exemption is applicable regardless of whether or not the program is provided by a religious organization.
  - Examples: Religious Studies, Bible Studies
- iv) **Duration** – Programs that are less than 40 hours in duration. Please note that the Superintendent has the authority to issue policy directive(s) that set program standards for vocational program including specification of minimum duration.
- v) **Fee** – Programs for which a fee of less than \$1,000 is charged.
- vi) **Age** – Programs that are offered exclusively to persons under the age of 18 years.
  - Examples: Coding for Teens, Leadership Camp for Kids
- vii) **Protected by Other Legislation** – These are programs that are adequately regulated under another Act of the Legislature of Canada or Ontario. If that Act contains protections similar to those in the *Private Career Colleges Act, 2005* relating to program quality and student interests, it is exempt from Superintendent approval.
  - Examples: Life Licence Qualification Program
- viii) **Qualifying Examination Preparation Courses** – These are programs that prepare students specifically and only to write qualifying examinations.
  - Examples: Law School Admission Test preparation, Medical College Admission Test preparation
- ix) **Professional Development and Skill Upgrading** – These are programs intended for individuals who already have experience in a related vocation and are offered for the purpose of upgrading or updating qualifications.
  - Examples: Advanced Routing for Network Engineers, Estate Planning for Paralegals
- x) **Language Training** – These are programs which exclusively provide language instruction. Programs intended to provide the skills and knowledge required to teach a language are not exempt from Superintendent approval. Please note that students cannot be required to take a particular language training program as a condition of being accepted into a vocational

program. However, it is acceptable to require students to prove English proficiency as a condition of admission.

- xi) **Personal Interest or Hobby Courses** – These are programs and courses that do not provide training at the postsecondary level. To be exempt, these programs must not be intended to prepare a student for employment in a particular profession.
  - Examples: Acrylic Painting, Creative Writing
- xii) **NOC Exemptions** – These are programs that provide training for the following NOC:

2016 NOC Code	Overview	Examples
3125	Other professional occupations in health diagnosing and treating	Chiropracist, foot specialist, naturopathic doctor, podiatrist
3232	Practitioners of natural healing	Acupuncturist, aromatherapist, herbalist
5232	Other performers	Acrobat, busker, circus performer, fashion model
525	Athletes, coaches, referees and related occupations	Athlete, coach, sports officials and referees
6564	Other personal service occupations	Astrologer, chat line agent, dating service consultant

## Conclusion

The *Private Career Colleges Act, 2005* outlines the protections, requirements and exemptions for all activities related to vocational training education and administration in the private career colleges sector. Until an institution is registered and its programs approved by the Superintendent, it is a violation of the Act to deliver or advertise the delivery of vocational programs. Failure to comply with the requirements of the Act may be used as grounds to refuse application for registration or re-registration of an institution, or approval of a program.

## Effective Date

The new requirements under the amended *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 came into force on January 1, 2017.

## Need More Information?

If you have questions about the *Private Career Colleges Act, 2005* contact the Ministry of Advanced Education and Skills Development at:

Private Career Colleges Branch  
Ministry of Advanced Education and Skills Development  
77 Wellesley Street, Box 977  
Toronto, ON M7A 1N3

Telephone: 416-314-0500 or 1-866-330-3395

Fax: 416-314-0499

Website: [Ministry of Advanced Education and Skills Development](#)

The full text of the Act and regulations can also be downloaded from the [Ontario government E-Laws website](#).

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Note: This document is provided for information purposes only. It is not a legal document. For further information and the exact legislative language, please refer to the *Private Career Colleges Act, 2005* and its regulations