

Backgrounder - Labour Mobility Chapter

Governments are improving the ability of Canadian residents to work anywhere in the country. The federal, provincial and territorial governments have agreed to remove barriers to interprovincial trade and ensure the free movement of persons, goods, services and investments. The Agreement on Internal Trade came into effect on July 1, 1995.

A section of the Agreement, Chapter 7, deals with labour mobility. Its objective is to enable workers qualified for an occupation in one part of Canada to have access to employment opportunities in that occupation in any other province or territory.

Three main barriers have limited the ability of Canadians to work anywhere in the country: residency requirements; practices regarding occupational licensing, certification and registration; and differences in how occupational qualifications are recognized. Action will be taken to remove or reduce these barriers.

Removing residency requirements

The requirement to live in a province or territory as a condition of employment or eligibility to practice an occupation is a major barrier to the mobility of workers. Job advertisements or invitations to tender often specify such a requirement. For the most part, this will no longer be permitted.

Valuing competence

The Chapter states that practices for licensing, certification or registration of workers in a regulated occupation are to be based mainly on competence. In other words, the ability to perform the work should be the main basis for a worker being deemed qualified. For example, if the length of training for an occupation differs from one province or territory to another, competence should count more than the length of training.

Governments and regulatory bodies will ensure that their licensing, certification or registration practices do not create needless barriers to labour mobility. Governments have agreed to make pertinent information about their practices widely available so that workers can see how their qualifications will be recognized in other jurisdictions. They must also avoid unnecessary delays in qualifying workers from other jurisdictions. As well, workers from other jurisdictions should not be charged more for licensing services than the fees charged to workers within the jurisdiction, except to reflect actual cost differentials.

Recognition of occupational qualifications

Recognition of occupational qualifications is one of the main ways to achieve labour mobility. When a worker's qualification is not recognized, it is often due to differences between the occupational standards of two jurisdictions. These standards are usually established by regulatory bodies within each province or territory. They define the skills, knowledge and abilities required for an occupation. The Agreement calls upon governments and their regulatory bodies to reconcile differences in their occupational standards.

Regulatory bodies will compare the standards for each regulated occupation with a view to finding areas in common. If they find a high level of commonality, they will agree to mutually recognize the qualifications of workers from the other jurisdictions. Workers would not have to undergo extra testing, assessment or training. If the regulatory bodies do not have enough information, they will conduct an occupational analysis. The analysis will cover the knowledge, skills, abilities and other requirements of the occupation in each jurisdiction. On the basis of the analysis, the regulatory bodies will agree, wherever possible, to recognize workers' qualifications. If mutual recognition is not possible, the regulatory bodies must develop means of accommodating workers by giving appropriate recognition to the competencies of out-of-province workers.

In the case of regulated trades, a program exists to establish interprovincial standards for apprenticeship and examinations. The Red Seal program enables qualified workers in many trades to practice throughout Canada. The Agreement on Internal Trade recommends that this program be accelerated and streamlined to make it even more

effective.

Organizations covered

Government departments, ministries and similar agencies must comply with the provisions of the Chapter.

Regional, local, district and other forms of municipal governments are encouraged to comply within a reasonable period. As well, occupational regulatory bodies and non-governmental organizations that exercise authority delegated by law are encouraged to comply within a reasonable period.

Other non-governmental organizations, such as unions, education and training establishments, and professional associations will be asked to comply.

Other provisions

Certain employment and labour-related issues are not covered by the Agreement. For example, differences in social policy measures, including labour standards, minimum wages and social assistance benefits, are not covered.

A practice that does not conform with any obligation of the Chapter may still be permissible if it is intended to meet certain objectives, such as public security or labour market development. However, governments are encouraged to find other ways of meeting the objective that do not restrict mobility.

Putting it to work

The [Forum of Labour Market Ministers](#) is responsible for the implementation, administration and assessment of the Labour Mobility Chapter. Other intergovernmental committees of ministers, such as health ministers and education ministers, will also be involved in implementation activities.

At the beginning of negotiations for the Agreement on Internal Trade, governments agreed that a cooperative approach is the best way to attain their goals. Governments will contact occupational regulatory bodies between now and July 1996 to ask them to voluntarily comply with the provisions within a reasonable period of time.

A permanent consultation process has been established to resolve disputes that may arise from the interpretation or application of the Labour Mobility Chapter. Anyone who feels that the obligations of the Chapter are not being met may lodge a complaint. If the matter has not been resolved to a complainant's satisfaction, further action may be taken through the overall dispute resolution procedure for the entire Agreement.