



OPENING THE DOORS TO CANADA-WIDE EMPLOYMENT

The Agreement on Internal Trade is an agreement among the federal, provincial and territorial governments to make it easier for people, goods, services and investment to move freely throughout Canada. Chapter 7 of the agreement deals with labour mobility.

AGREEMENT ON INTERNAL TRADE CHAPTER 7, LABOUR MOBILITY

Implementation Update – Toward July 1, 2001



**FORUM OF LABOUR
MARKET MINISTERS**

Labour Mobility Coordinating Group

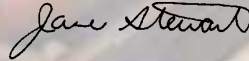
MESSAGE FROM THE CO-CHAIRS FORUM OF LABOUR MARKET MINISTERS

The Forum of Labour Market Ministers is pleased to present this Implementation Update, which describes some recent developments in our efforts to improve labour mobility within Canada.

Since 1996, professional regulatory bodies and other stakeholders have been working to comply with the obligations of Chapter 7 (Labour Mobility) of the Agreement on Internal Trade. As noted in this Implementation Update, significant progress has been made already toward the goal of ensuring that workers can have access to employment opportunities in any province or territory without unnecessary barriers. We acknowledge and commend the efforts to date and encourage all stakeholders to continue working towards this important objective. We are confident that we can accomplish this together.



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Minister of Human Resources and Employment
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*The Honourable Jane Stewart, P.C., M.P.
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What's Labour Mobility?

"Labour mobility" refers to the freedom of workers to practise their occupation wherever opportunities exist. Every year, hundreds of thousands of people across Canada relocate to a different province or territory and look for work. Thousands more seek employment outside their home province without relocating. These people—particularly those who work in regulated occupations—sometimes face delays, extra costs or other difficulties in having their qualifications recognized when they move across provincial or territorial boundaries. This has the effect of preventing or restricting their labour mobility and their ability to work.

What's being done to remove barriers to labour mobility?

The Agreement on Internal Trade (AIT), which came into effect in 1995, makes it easier for people, goods and services to move across Canada. Chapter 7 of the AIT—the Labour Mobility Chapter—says that any worker qualified for an occupation in one province or territory must be granted access to employment opportunities in that occupation in any other province or territory. This is particularly significant to the 20 percent of Canadians who work in regulated professions (like medicine or engineering) or trades (such as machinists and industrial mechanics (millwrights)).

The Labour Mobility Chapter says that residency requirements as a condition of employment or certification are no longer permitted. Instead, workers are to be licensed and registered based primarily on their ability to do the job. Qualifications of workers from one part of the country must be recognized and accommodated in other parts of Canada, and differences in occupational standards are to be reconciled as much as possible.

Certain professions, such as teachers and paramedics, are regulated directly by governments in most provinces/territories, and steps are being taken to improve labour mobility for these workers. Trade and construction workers, such as electricians and plumbers, are also directly regulated by government and are enjoying improved mobility as a result of more consistent exam and apprenticeship requirements across Canada.

Many other regulated occupations are governed by self-regulating, non-governmental bodies. In these instances, an organization or institution has been delegated authority by a provincial/territorial government to regulate its own profession. There are more than 400 occupational regulatory bodies in Canada, representing millions of workers in approximately 60 different licensed occupations, ranging from engineers to architects to opticians. (For example, chartered accountants are governed in every province by a regulatory body that has been delegated authority by the legislature.) These regulatory bodies must also comply with the Labour Mobility Chapter.

In addition to regulatory bodies with delegated authority, there are other types of organizations that represent workers in an occupation or industry. Examples include professional associations, trade unions, industrial associations and educational and training institutions. Governments are encouraging these organizations to also adopt policies that facilitate labour mobility.



What has been accomplished recently?

- The Forum of Labour Market Ministers (FLMM) is responsible for implementing the Labour Mobility Chapter of the Agreement on Internal Trade. Governments first advised regulatory bodies of their obligations under the AIT in 1996.
- In 1998, each government wrote to its regulatory bodies to survey what actions they had taken toward meeting the provisions of Chapter 7 and when they expected to be in full compliance with the chapter. The response showed that approximately three-quarters of regulatory bodies believed their practices already allowed for interprovincial mobility, or that they were working with their fellow regulators to mutually recognize each other's members. Government officials assessed the workplans of each of the regulatory bodies and made recommendations to the FLMM on how compliance can be best achieved.

- In February 1999, first ministers of all federal, provincial and territorial governments, except Quebec, signed *A Framework to Improve the Social Union for Canadians*. This committed signatory governments to ensure full compliance with all labour mobility provisions of the Agreement on Internal Trade by July 1, 2001. This means that regulatory bodies must ensure by that date that workers who are licensed, certified or registered in one part of the country will have their qualifications reviewed and recognized in any other province or territory where the occupation is regulated. In most instances, this will be achieved through the negotiation of mutual recognition agreements developed by the regulatory bodies.
- During the 1998/99 fiscal year, there were approximately 40 meetings of regulatory bodies – representing 17 occupations – to determine how they will mutually recognize the qualifications of workers from other jurisdictions and reconcile differences in occupational standards.
- Workers who feel the obligations of Chapter 7 are not being met may lodge a complaint with government. Government representatives received and assessed numerous inquiries and complaints in 1998-99. Many were resolved through informal consultation among the affected parties and none proceeded to the formal dispute resolution procedure laid out in the Agreement on Internal Trade.

What's happening now?

- Governments have recently advised all occupational regulatory bodies of the July 1, 2001 deadline to be in full compliance with the Agreement on Internal Trade and are accelerating their efforts to ensure the deadline is met. Regulatory bodies are also responding to the challenge of concluding their negotiations by this date.





- In October 1999, more than 500 participants attended a conference entitled 'Shaping the Future: Qualification Recognition in the 21st Century.' This national conference recognized that while the AIT deals with recognizing the qualifications of workers from other provinces and territories, regulators are also frequently asked to consider the qualifications of workers from other countries. It marked the first time since the signing of the AIT that regulatory bodies and other interested parties had the opportunity to jointly discuss interprovincial labour mobility and foreign credential recognition.
- The FLMM is in the process of publishing a set of suggestions and best practices, which is intended to serve as a "how to" guide for regulatory bodies in developing their mutual recognition agreements.
- An Internet web site is being further developed to provide information on the licensing requirements of regulatory bodies and other employment and relocation material. Workers can access this information on the Internet at www.workdestinations.org

What's next?

- Ministers will continue to monitor progress made by regulatory bodies and governments towards meeting the July 1, 2001 deadline. Close to 80 percent of regulatory bodies have developed or are developing a mutual recognition agreement. However, recognizing that some organizations have made little or no progress in this regard, governments will need to determine what measures they may take if some organizations do not voluntarily meet the compliance date.
- The FLMM will begin communicating the provisions of Chapter 7 to workers and the general public, through media reports and via communication between occupational regulatory bodies and their members.
- Labour Market Ministers will engage their cabinet colleagues to assist and support them in ensuring workers enjoy greater labour mobility. The support of health ministers is particularly important, since more than 50 percent of regulated occupations are health-related.
- Legislation governing an occupation may need to be changed to remove barriers to labour mobility. Government officials are identifying such regulations in order to make them compliant with Chapter 7 of the AIT and will develop a workplan for amending legislation to ensure the July 2001 deadline is met.
- National Red Seal exams, administered through the Canadian Council of Directors of Apprenticeship, are currently recognized for 44 trades that exist in several jurisdictions, and governments are working to increase this number. In trades that exist in only a few jurisdictions and are therefore not covered by the Red Seal, jurisdictions have implemented certification processes to improve labour mobility for workers.

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