

**PRINCIPLES FOR THE RECOGNITION
OF EQUIVALENCE OF CREDENTIALS
AND TRAINING ACQUIRED
OUTSIDE QUÉBEC**

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Conseil interprofessionnel du Québec

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1. PRESENTATION

The access of immigrants to the regulated trades and professions has become a public interest issue because it is linked both to Québec's current demographic situation and to labour mobility in the context of globalization.

Beginning in 2000, the Government of Québec adopted a series of measures to facilitate the selection of immigrants and their integration into the regulated professions. Since adopting the 2001-2003 Triennial Immigration Plan (*Plan triennal d'immigration 2001-2003*), Québec's department of immigration and cultural communities (*Ministère de l'Immigration et des Communautés culturelles* or MICC; formerly the MRCI) has facilitated the recruitment of qualified and highly educated candidates, among them individuals whose profession is regulated by the *Professional Code* (R.S.Q. chapter C-26). The same objectives are being pursued in the 2005-2007 triennial immigration plan, adopted in the spring of 2004.

The number of applications professional orders processed for the recognition of equivalence of credentials and training acquired outside Québec subsequently jumped by 516%, rising from 754 requests received in 2000-2001 to 3 889 in 2004-2005.

1.1 The Québec Interprofessional Council's (CIQ) work plan on the admission of immigrants to professional orders (December 2001)

Fairness, a fundamental value of Québec society, is one dimension of the question of immigrants' access to the regulated professions. For the professional orders, this issue translates into a number of challenges in terms of prior learning assessment and recognition that must be met in the face of changes in immigration.

In recent years, the professional orders, members of the Québec Interprofessional Council, have actively participated to the mobilization of the Québec stakeholders in favour of prior learning assessment and recognition. More specifically, in December 2001, the orders collectively agreed on a work plan regarding the admission of immigrants into the professional orders. The plan came in response to several needs, in particular:

- observed needs of immigrants desiring admission to a professional order;
- developments in the environment surrounding the professional orders, at both the national and international levels, requiring them to offer an adapted response to these challenges while complying with their State-conferred mandate and responsibilities.

One of the actions proposed by the plan was to formulate principles and best practices for determining the equivalence of credentials and training acquired abroad. This particular action is the subject of the present document.

1.2 Report of the Task Force on Access to Regulated Trades and Professions (*Groupe de travail sur l'accès aux professions et métiers réglementés*); February 2005

This document was also written in the wake of the February 2005 report of the parliamentary task force on access to the regulated trades and professions. Among its recommendations:

- Improve the prior learning assessment and recognition process of the regulated trades and professions (recommendation 4.4);
- Examine prior learning assessment practices in order to determine if they contain systemic obstacles impeding access to the regulated professions (action linked to recommendation 4.5);
- Fairly consider candidates' relevant work experience (action linked to recommendation 4.5);
- Simplify the permit issuing process (recommendation 4.6).

1.3 Work Group on the Recognition of Credentials and Skills of Persons Trained Abroad (*Équipe de travail sur la reconnaissance des diplômes et des compétences des personnes formées à l'étranger*); December 2005

Last, this paper echoes some of the recommendations of the Work Group on the Recognition of Credentials and Skills of Persons Trained Abroad, created in December 2004 following a Québec-wide consultation on demographic change and public finances (the *Forum des générations*). Its report was presented in December 2005 to the Minister of Immigration and Cultural Communities.

The work group was composed of 10 representatives from the employment, immigration and education sectors. The CIQ, the Office des professions and the professional orders were represented.

In its report, the work group suggests that the professional orders should examine their laws, regulations and practices to ensure no systemic obstacles exist that make it unnecessarily difficult to obtain a permit.

The work group is in favour of professional orders assessing their practices on the basis of this document, which presents *Principles for the Recognition of Equivalence of Credentials and Training Obtained Outside Québec*.

The work group also recommends that the professional orders use an analytical grid accompanying this document to assess their practices. The actions of each order subsequent to this evaluation will be presented in their annual report for the 2006-2007 financial period. The *Office de professions* will then issue any necessary guidelines to harmonize the approaches of the professional orders or correct any shortcomings.

2. ISSUES

A professional order is required by law to verify the competence of persons requesting a permit to practise a profession. It is also required to issue a permit to candidates who satisfy the standards and requirements. These are the same for *everyone*, regardless of where candidates pursued their studies or worked.

In the last few years, participants in the professional system have been able to identify various issues connected with the orders' processes for recognizing the equivalence of credentials and training.

2.1 Comprehensive and easily understandable information

It still happens that newcomers arrive here not knowing that the profession they want to practise is regulated in Québec by a professional order. It is important that while they are still in their country of origin, immigration candidates and even newly arrived immigrants have timely access to comprehensive and relevant information. The information should be easy to understand and adapted to immigrants' needs.

2.2 Adapted methods and tools

With the increasing number of applications for recognition of equivalence and, to some extent, the greater diversity of candidates, it has become a challenge to adapt tools and competency assessment methods.

Assessment is concerned, firstly, with the applicant's academic record, including educational level and the content and relevance of received training. Work experience must also be assessed. The choice of appropriate tools depends on what is being assessed. In the face of a diverse candidate profile, new, adapted and varied tools may be necessary.

2.3 More consideration of work experience

Work experience is another way to acquire competence, including knowledge and skills that are required in professional practice. In a profession's regulations, work experience may be presented as a requirement or as an assessment factor in considering an applicant's training. Whatever the case, professional orders consider candidates' work experience when processing an application for prior learning assessment and recognition.

It appears that in this respect, the tools and methods available to the orders and those developed by specialized practitioners are less formalized and not as adapted as those used to evaluate academic records. Evaluating foreign work experience is often an arduous task in prior learning assessment processes. In many cases it is necessary to develop new tools to better evaluate such experience and ensure an equitable process.

2.4 A process that is more flexible and effective

The usual reproach of the prior learning assessment process is that it is long and complex. When an examination is required, the cost can be prohibitive. Also, candidates applying for admission into a professional order in Québec cannot take examinations over as often as in other Canadian provinces. In some cases, examinations are given very infrequently and candidates must wait many months to be evaluated.

In order to recognize equivalence of credentials or training, professional orders usually require a course syllabus giving a detailed description of the courses. For various reasons, some candidates do not have documentation certifying their training and have no way of obtaining it. This can be the case for immigrants who have come as refugees.

Yet, there is often no alternative to prior learning assessment and recognition procedures that are based on documentary proof. Efforts can nevertheless be undertaken to improve the situation and bypass this difficulty.

2.5 The international context and its impact on regulatory bodies

The admission of immigrants into professional orders is now closely linked with labour market pressures for greater labour mobility.

To this end, the power of regulatory agencies, particularly those responsible for authorizing professional practice, has for several years been governed by various agreements between governments, the purpose of which is to increase as much as possible the free movement of persons, both in Canada and internationally.

- *The General Agreement on Trade in Services (GATS-WTO)*

A fundamental principle of this World Trade Organization agreement is the transparency and reasonableness of regulatory systems—in other words, the objectivity and impartiality of decisions about the design, adoption, management and application of new and amended regulations.

According to the agreement, which Canada has ratified, measures relating to certification requirements for professional practice « should not constitute unnecessary barriers to trade in services » (Article 6, paragraph 4).

Such measures will only be admissible if they are « based on objective and transparent criteria, such as competence” and are “not more burdensome than necessary to ensure the quality of the service.»

- *The new ISO Standard 17024*

In the same vein, in 2004, the International Organization for Standardization (ISO) adopted ISO Standard 17024, imposing requirements for certification bodies to ensure they operate in a consistent, comparable and reliable manner.

These requirements address both the structure and governance of the agency and its policies and procedures, which should be « fair and equitable for all applicants and not used in a way that would prevent or restrict their participation ». Moreover, the structure of the certifying body should inspire trust in its competence, impartiality and integrity on the part of other licensing bodies. The agency should operate independently from those making application to it. It must ensure ethical operations and assume responsibility for all decisions respecting certification.

- *The Agreement on Internal Trade (AIT)*

Closer to home, the *Agreement on Internal Trade* (AIT), signed in 1994 and to which Québec is a signatory, stipulates in Article 707 that to be admissible, any measure relating to the certification of a person from another signatory’s jurisdiction (Canadian province) must:

« . . .

- a) relate principally to competence;
- b) be published or otherwise easily accessible;
- c) not result in unnecessary delays in the issuance of licenses or professional certificates
- d) except for actual cost differentials, not impose fees or other costs that are more burdensome than those it imposes on its own members.»¹

¹ Agreement on Internal Trade: www.intrasec.mb.ca/index_en/ait.htm

3. SURVEY OF PROFESSIONAL REGULATIONS REGARDING RECOGNITION OF EQUIVALENCE

3.1 Protection of the public

The concept of protection of the public is based on the risks of prejudice inherent in the practice of particular activities that could infringe on an individual's physical or psychological integrity; or represent a threat to the person's property or right to confidentiality and privacy. This infringement may take a direct or indirect form.

The State employs diverse means to prevent prejudice or injuries and ensure effective and equitable compensation for prejudice that is sustained. One example would be the opportunity of a wronged person to prosecute for civil or contractual responsibility. Other examples are the adoption of product manufacturing or consumer protection standards.

Still, in some cases, individuals might find themselves especially powerless in particularly complex situations, or ones involving incompetence or dishonesty. Although they are responsible for their decisions in terms of exercising their fundamental rights, it can sometimes be very difficult to assess the appropriateness and quality of services provided by others without the benefit of training in the field in question. Often people will simply trust in the expertise of another person when it comes to making these decisions.

Faced with some of these situations and the seriousness of the potential prejudice, the State prefers to adopt a preventive approach that consists in verifying the competence and integrity of individuals offering services or controlling product quality.

In over 40 fields, the State has therefore instituted a legislative and regulatory framework aimed at protecting the public by preventing prejudice and governed by the principle of self-management by specialists in these fields.

3.1.1 Professional competence

The *Professional Code* as a tool for the protection of the public reflects the complexity of certain activities and their potential impact on the public. Such complexity and impact necessitate a proactive attitude in order to prevent the infliction of prejudice. This is why competence is the fundamental value of the professional system. It is the essential qualification required of a person intending to practise regulated activities.

The notion of competence in a context where there is a risk of prejudice assumes particular dimensions. More than acquiring the knowledge and skills associated with a field, professionals must demonstrate the capacity to integrate and apply them in varied and complex situations in the service of a client or employer, and in such a manner as to prevent such persons from sustaining prejudice.

Ethical and moral dimensions must therefore be considered in assessing needs and services. Competence so defined serves as the basis for the exercise of professional judgement.

The practice of a profession involves more than the utilization of theoretical knowledge in a given performance setting. It is also an act imbued with cultural aspects and rooted in the values and choices of the surrounding society in terms of rights, client relationship, organization of services and technological platform.

3.1.2 *The professional orders and competence*

The professional orders are the guardians and promoters of professional competence. They have tools for ensuring the competence of their members. First, they establish standards regarding admission to the practice. Based on their knowledge of the context and content of the practice within the labour market, each of the orders establishes a set of training requirements and other conditions with the aim of satisfying the needs for a sound practice in which the risk of prejudice is minimized. Based on these set requirements, professional orders verify the competence and integrity of candidates to the profession and ensure they are maintained throughout that individual's professional life.

3.2 The notion of equivalence

As a delegate of the public authority, a professional order is mandated to verify the competence of persons requesting a permit to practise a profession.

To obtain a permit for the practice of a profession regulated by the *Professional Code*, you must have a diploma that is recognized by government regulation as valid for this purpose (section 42, *Professional Code*).

If a person does not hold a diploma that is recognized as valid, a regulation approved by the Government of Québec determines for each professional order the standards that should be applied to process an application for recognition of equivalence.

This type of regulation determines, among other things, a **basis of equivalence**: a professional order's academic requirements may be satisfied if the person has credentials or training recognized as equivalent; this includes a diploma earned outside Québec and training acquired inside or outside Québec.

Diploma equivalence means recognition by the Bureau of the Order that a diploma or a degree issued by an educational institution located outside Québec certifies that the level of knowledge and competence acquired by its holder is equivalent to that acquired by the holder of a diploma or a degree recognized by government regulation as giving access to a permit.

Training equivalence means recognition by the Bureau of the Order that candidates' training demonstrates that they have attained a level of knowledge and competence equivalent to the level attained by holders of a diploma recognized by government regulation as giving access to a permit. The Order must therefore assess the candidate's training and work experience.

Despite the distinctions established by regulation, it is possible for a professional order to assess an application by combining the two types of equivalence so that candidates may obtain the most complete and precise recognition of their credentials.

3.3 The regulatory framework

Regulations respecting equivalence are approved by the government. They establish a compulsory frame of reference with respect to:

- Equivalence standards for diplomas, training and the other conditions for permit issuance;
- Procedures regarding the processing of information and the documentation to be received and transmitted;
- Procedures regarding the decision and its review;

The structure and concepts used in the regulations are presented in the following tables.

3.3.1 Equivalence standards for diplomas and training

DIPLOMA		TRAINING		
Basis of equivalence	Academic requirements	Required knowledge and skills	Required work experience	Assessment factors
Credits/subjects Hours of training Hours of practical training, training periods, etc.	Secondary College Undergraduate Master's or Ph. D. Where diploma was obtained (outside Québec, Canada, U.S.A.)	Equivalence regarding: <ul style="list-style-type: none"> • designated diploma • subject matter • number of credits or hours 	Relevance Number of years	Possesses another diploma Courses taken Results Training periods completed and other activities Nature and duration of experience Years of schooling

3.3.2 Procedures: documentation and information

Academic record	Training periods, continuing education or other activities	Work experience	Translation	Other documents
Diplomas obtained: <ul style="list-style-type: none"> • certified document • official document • official recognition • syllabus • transcript 	Description: <ul style="list-style-type: none"> • official, certified document • official recognition • success • duration • content • number of credits • results 	Description Attestation	French and/or English Attestation or other	Certified document Official document Official recognition

3.3.3 Procedures: decisions

Assessment body	Decision-making body	Nature of decision	Deadline for communication	Possibility of a hearing	Additional information
Secretary or other member of the Order Committee	Bureau Administrative Committee Other committee	Equivalence granted Not granted Partial equivalence	15 days, 30 days or more	Before decision Following a decision	Programs leading to the designated diploma Studies, examination or training periods that could constitute an equivalence

4. PRINCIPLES

In adopting these principles, professional orders agree to ensure that their policies and procedures regarding recognition of equivalence reflect the following six principles:

- Equality
- Fairness
- Objectivity
- Transparency
- Openness
- Periodic review

These principles also apply to the equivalence of additional conditions and terms of admission, in cases in which an order's regulations stipulate such provisions for the granting of a permit to practise.

These principles are for the most part already incorporated in current professional legislation and regulations in Québec (see section 3). Still, their implementation and renewal represent an ongoing challenge to the professional orders.

These same principles are evoked by different international agencies (governmental and others) and forums dealing with the issues surrounding labour mobility in the context of trade liberalization and prior learning assessment and recognition (see section 7).

We will now describe each principle and associated actions that could be adopted by the professional orders in their process for recognizing equivalence of credentials and training acquired outside Québec.

4.1 Equality and fairness

As developed by Canadian court jurisprudence, to recognize the right to equality means to act on the principle that each candidate deserves the same respect, deference and consideration, while being conscious that particular groups of individuals are disadvantaged, culturally, socially or economically, and need protection from all forms of discrimination.

To act fairly means to act in a just manner, according to that which is due to every person, while keeping in mind the differences and diversity of people's experience.

Application of these principles to the recognition of equivalence could take these forms:

- Candidates whose credentials or training were obtained outside Québec are evaluated according to the criteria imposed on people who have received their credentials and training in Québec.
- Individuals whose credentials or training was obtained outside Québec have access to evaluation services for a careful assessment of their application.
- The purpose of the evaluation is to note, identify and, if applicable, recognize the candidates' competencies. It also takes into account the particular situation of the person applying for recognition of equivalence.
- Both the evaluation and the decision-making processes are free of discrimination of any kind, whether personal or systemic.
- Candidates may communicate their observations and have their applications reviewed.
- The necessary information concerning requirements for the evaluation of credentials and training is furnished to candidates.
- The processing of an application is not unduly restricted due to a candidate's financial situation or other limitative conditions (e.g., an incomplete file).
- For the same evaluation tool (examination or evaluation grid) the criterion levels are the same, whether the candidate's diploma or training was acquired inside or outside Québec.
- File assessment fees, including fees for an examination or training period, are reasonable, justified, and as low as possible. They must not create a systemic barrier.
- When an element of the candidate's profile has been assessed and considered as a credential, the candidate must not be required to submit to another evaluation or have to demonstrate again that he or she complies with the standard. This also applies to the prescription of a learning activity concerning the same element.

4.2 Objectivity

To act objectively means to act without prejudice, in a manner that is impartial and rooted in the actual situation.

Application of the principle of objectivity in the context of recognition of equivalence could take these forms:

- The criteria for access to the profession are essentially connected with the competence required to practise the profession and are applied systematically.
- The criteria for evaluating foreign credentials and training are relevant, consistent and reliable. The recommended methodology is designed to establish a uniform and clear assessment procedure.
- The overall manner of treating foreign credentials and comparing them with the Québec educational system takes into account:
 - the differences and diversity of educational traditions among countries;
 - the differences and diversity of admissions structures for the regulated professions among countries;
- Applications from immigrants are processed and assessed by individuals who have received appropriate training.
- Because the decision is based on the information available at the time of assessment, this decision can be reviewed if new information completing the application becomes available.
- It is generally accepted as desirable that the persons reviewing a decision should not be the individuals who rendered the initial decision.²
- The outcome of an assessment is inventoried and retained to be used as a reference when a similar file is presented.

² However, in several professional orders, the legal framework established by the public authority allows the decision-making body in question to review its own decision.

4.3 Transparency

To act with transparency is to clearly communicate the meaning of one's action and the decision-making criteria.

Application of the principle of transparency in the recognition of equivalence could be achieved in these ways:

- Ensure that information on admission conditions and the equivalence recognition process is easily accessible and written in simple concise language.
- Inform candidates of the reasons for the decision and explain these reasons to them. Provide information and advice concerning review mechanisms.
- Identify gaps in terms of the required profile and suggest means for making up the lacking elements—through courses, training periods or other relevant means.
- Compile and publish data regarding the equivalence recognition process (i.e., statistics on applications and decisions).

4.4 Openness

Application of the principle of openness generally takes the form of collaboration with other agencies to facilitate the recognition of equivalence for immigrants. Such collaboration could involve the following:

- The development of evaluation tools is an opportunity to call on outside expertise for help with particular tasks in order to increase reliability and effectiveness.

4.5 Periodic review

The equivalence recognition process is reviewed periodically. The aim is to ensure conformance with principles and sound practices and to eliminate, as much as possible, mechanisms and rules that unduly complicate the process for candidates. Revision also offers an opportunity to adapt to changes in immigration.

Application of the principle of periodic revision in the recognition of equivalence could take this form:

- Methods and tools used to assess applications are regularly reviewed and improved.

5. APPLICATION

As we have already noted, these principles are for the most part already incorporated in current professional legislation and regulations in Québec. Their application and renewal, however, constitute an ongoing challenge. In this respect, this document should:

- assist professional orders in assessing their procedure for processing applications for recognition of equivalence;
- enable orders to monitor the need for ongoing improvement of this procedure, due to the changing context of its application (target population, governmental policies and public expectations);
- enable orders to optimize their application of equivalence recognition regulations.

The principles serve also as a reference, particularly for the individuals who are responsible for processing applications for recognition of equivalence.

6. CONDITIONS FOR SUCCESS

The integration of immigrants is a State mandate that calls in turn on a number of participants.

While primarily the responsibility of the professional orders, the application and updating of principles concerning the recognition of equivalence with a view to the practice of a regulated profession also concerns their partners, who are the governmental stakeholders (in immigration, education and employment). Educational institutions are also concerned, because with their resources and expertise they can support the orders in facilitating immigrants' access to the regulated professions.

The orders and all their partners (in training and other sectors) who are involved in the integration of immigrants must coordinate their efforts with adequate support from the State. The implementation of particular actions that may arise out of this document depend on this commitment from all concerned.

7. SOURCES CONSULTED

The following are the main sources consulted in the writing of this document:

- Australian Council of Professions, *Policy on the Recognition of Overseas Professional Qualifications*, 1990.
- Deliberations and analysis of the MRCI's steering committee on the admission of immigrants to the professional orders, 1995 to 1997 and 2001 to 2004.
- Australian Government, Commonwealth Department of Employment, Education, Training and Youth Affairs, *The Best Practice Guide for Professional Bodies*, Canberra: J.S. McMillan Printing Group, 1997.
- Alliance of Credential Evaluation Services of Canada (ACESC): *Quality Assurance Framework*, 1999. (www.canalliance.org/framework.htm).
- Government of Québec, *Government Policy on Adult Education and Continuing Education and Training* (May 2002) and its associated *Action Plan* (<http://www.mels.gouv.qc.ca/GR-PUB/menu-plans-a.htm>). Also, the work and analysis of the interdepartmental committee on prior learning assessment (*Table interministérielle sur la reconnaissance des acquis*) and its technical committee (2002 to 2004).
- Forum of Labour Market Ministers of Canada, *Agreement on Internal Trade - Guidelines for Meeting the Obligations of the Labour Mobility Chapter*, revised edition, 2003. (<http://www11.hrsdc.gc.ca/en/cs/sp/hrscd/lmp/mobility/9999-000057/page01.shtml>).
- Documentation on the ISO Standard 17024 by the International Organization for Standardization: *Conformity Assessment - General Requirements for Bodies Operating Certification of Persons*, 2004. (<http://www.iso.org/iso/en/commcentre/pressreleases/archives/2003/Ref847.html>).
- Report of the Task Force on Access to Regulated Trades and Professions: *Les personnes immigrantes formées à l'étranger et l'accès aux professions et métiers réglementés*, February 2005. English version of the *Summary of Recommendations* is available (<http://www.micc.gouv.qc.ca/english/index.asp>).
- Report and analysis of the Work Group on the Recognition of Credentials and Skills of Persons Trained Abroad and its sub-committees, December 2005 (http://www.micc.gouv.qc.ca/52_2.asp?pid=908).
- Experiences of the professional orders in the matter of recognition of equivalence.

The information gathered from these sources was adapted to take into account the reality of the professional system in Québec and the regulations of the professional orders respecting the recognition of equivalence for credentials and training acquired outside Québec.