



April 12, 2005

Mr. Bill Farrell  
Clerk  
Standing Committee on Citizenship and Immigration  
House of Commons  
Ottawa, ON K1A 0A6

Dear Mr. Farrell,

On behalf of the members of The Canadian Employee Relocation Council (CERC), I am very pleased to provide a copy of our written submission, which will be presented to the Standing Committee on Citizenship and Immigration when we appear on Thursday April 14, 2005 in Toronto. Appearing with me will be Mr. Sergio Karas, a Certified Specialist in Citizenship and Immigration Law by the Law Society of Upper Canada. Mr. Karas is also a member of CERC's Government Relations Committee.

CERC was established in 1982 as a not for profit organization. Today we enjoy the support of over five hundred member organizations that are representative of Canada's diverse and vibrant economy. CERC has an exclusive focus on workforce mobility and employee relocation. As the search for talent becomes increasingly more difficult both at home and abroad, Canadian employers will need more effective immigration programs to help them in meeting that challenge.

We welcome the opportunity to present our suggestions to improve federal immigration programs regarding the recognition of international experience and credentials of immigrants, and federal policies relating to skilled worker recruitment.

Should you have any questions or require additional information please contact me directly.

Sincerely,

Stephen Cryne  
Executive Vice President CERC

**CANADIAN EMPLOYEE RELOCATION COUNCIL  
(CERC)**

**Submission**

**ACCREDITATION OF FOREIGN-TRAINED PROFESSIONALS AND  
CREDENTIAL RECOGNITION**

**Presented before:**

**The House of Commons Standing Committee on Citizenship and Immigration**

**April 14, 2005**

Prepared and presented by:

Stephen Cryne

Executive Vice President, CERC

Sergio R. Karas, B.A., LL.B.

Karas and Associates

Certified Specialist in Citizenship and Immigration Law

by the Law Society of Upper Canada

Government Relations Committee Member, CERC

Nan Berezowski, B.A., LL.B.

Rekai Frankel LLP, Business Immigration Lawyers

Barrister & Solicitor, Attorney (New York)

Government Relations Committee Chair, CERC

# ACCREDITATION OF FOREIGN-TRAINED PROFESSIONALS AND CREDENTIAL RECOGNITION

## *Balancing Public Protection and Labour Market Needs*

### **INTRODUCTION:**

*“The current population of Canada cannot maintain the current size of its labour force in the future. More importantly, it cannot expand its labour force to support the economic growth and labour supply to support its aging population. There is no “echo boom” to “pour” into the labour force and it is not possible to give birth to adults. Increased immigration and reduced emigration will be required if our labour force is to grow.” David Baxter, Urban Futures Institute, 2001.*

The Canadian Employee Relocation Council (CERC) welcomes this opportunity to present and contribute to the important work of this Committee. By way of introduction, CERC is a non-profit organization representing the interests of over 500 organizations across Canada involved in the movement of employees. Relocation of employees is vital to a vibrant and prosperous economy. Each year Canadian employers relocate over 100,000 workers – the majority of those are skilled and professional employees, many of them are also immigrants. In addition to domestic relocation, over 68,000 Canadian workers have a place of work outside Canada.

Our membership is representative of Canada’s diverse economy, and includes many of Canada’s largest employers and corporations. They require access to an adequate supply of well skilled and trained workers to help their businesses grow and prosper. They expect government immigration programs to be effective in assisting them to meet these objectives.

Access to skilled labour is of paramount importance to employers. A survey of Canada's most respected corporations, conducted by KPMG in 2003, cited a skilled labour shortage as the third leading concern for Canadian CEO's.

As noted by David Baxter immigration is, and will continue to be, an important source of replacement human capital. Immigration has accounted for almost 70% of the growth in Canada's workforce over the past decade. Immigration will be the only viable alternative to building that workforce of the future.

Attracting talent and, in many cases, foreign talent, is central to the continuing success of Canadian industry and its international competitiveness. A necessary prerequisite for the success of such a strategy is the recognition of foreign professional credentials by Canadian regulatory bodies and industry in Canada. The implementation of a simplified foreign credential evaluation system that facilitates participation by foreign professionals in the Canadian economy is therefore in the public interest and particularly in the interest of Canadian employers. Facilitating this process is a challenge to the federal and provincial governments, professional licensing bodies and industry alike. CERC is pleased to offer recommendations on how to meet this challenge.

Recent demographic analysis of the Canadian workforce confirms that Canada has a rapidly aging workforce and that a disproportionate high number of workers will soon be retiring from the workforce. This trend will in turn have a profound negative impact on human resources and Canadian industry. We refer to a report published by the Certified General Accountants Association of Canada entitled *Growing up: the Social and Economic Implications of an Aging Population*, which analyses this problem in detail.

CERC believes that the efficient mobility of foreign professional talent can help to alleviate this troubling demographic trend. Recognition of foreign professional qualifications is an essential precondition to workforce mobility and to attracting global talent in an increasingly competitive world economy. This fundamental principle must be factored into Canadian immigration policies, but it requires cooperation between Citizenship and Immigration Canada (CIC), Human Resources and Skills Development Canada (HRSDC), as well as higher educational institutions, industry and professional regulatory bodies.

Government policy should be facilitative, moving away from the role of gatekeeper, while at the same time, continuing to provide a framework that ensures the protection of the public in Canada and maintaining the high standards required by industry and professional organizations. To accomplish this task, the government should embark upon a process of cooperation between stakeholders with a view to simplifying and standardizing recognition of foreign credentials. While we realize that not all foreign professionals possess the same level of education, competence and experience as their counterparts in Canada, we believe that Canada needs a foreign credential recognition process that is transparent and attainable for all applicants. We also believe that industry is well equipped to determine the levels of competence, education and experience necessary to perform specific tasks and practices within the professions. Accordingly, we believe that industry should have a voice in the credential accreditation process.

### **BACKGROUND:**

A "regulated" profession or trade (referred to collectively as "occupation") is one that is controlled by provincial and territorial, and sometimes federal law and governed by a professional organization or regulatory body. The regulatory body governing the occupation

typically has the authority to set entry requirements and standards of practice, to assess qualifications and credentials, to certify, register, or license qualified applicants, and to discipline its members. Entry requirements into a given occupation usually consist of components such as education, examinations, and specified period of supervised work experience and language proficiency. To work in a regulated occupation and use a regulated title, a professional must have a license and/or certificate or be registered with the regulatory body. About 20 per cent of Canadians work in regulated occupations. These occupations range from lawyers, physicians and pharmacists to electricians, physiotherapists and engineers.

Canada's present system of occupational regulation is intended to protect the health and safety of Canadians by ensuring that professionals meet and conduct themselves in accordance with the required minimum standards of practice and competence. While this objective is worthy, present regulatory schemes are riddled with regional disparities, inter-provincial barriers to mobility, and lack of responsiveness to a free-trade environment. Some regulatory bodies are excessively protectionist and out of step with the realities of the global labour market, particularly in the context of the Canada-U.S. relationship and the NAFTA, which demand open markets not only with respect to the trade of goods, but also in services and professional mobility in designated occupations. The current foreign credential recognition process is a patchwork of mostly provincial regulations and is complicated. Accreditation requirements are different in each province and territory and for each occupation. At best, the foreign credential recognition process is costly and time-consuming; and at worst it leads to a dead end.

The reasons for this phenomenon can be summarized as follows: First, the procedure for evaluating and recognizing qualifications earned outside Canada depends on the province or

territory where the foreign national intends to work. Some occupations are highly regulated in certain provinces and are less regulated in others. Second, provincial or territorial regulatory bodies generally determine the recognition of qualifications. The constitution and mandate of these bodies tend to produce policies that are narrow in focus and excessively localized, and out of step with the realities of a global economy. Canada could benefit from a unified, simplified and standardized credential recognition process.

**QUESTION:** ARE PROBLEMS IN LABOUR FORCE INTEGRATION EVIDENCE OF SHORTCOMINGS IN CANADA'S IMMIGRATION PROGRAMS? IF SO, WHAT CHANGES SHOULD BE MADE TO FEDERAL POLICIES RELATING TO SKILLED WORKER RECRUITMENT?

**ROLE OF GOVERNMENT:**

To address Canada's talent shortage, CIC must step back and from its traditional role of gatekeeper and, in conjunction with HRSDC, develop programs that assist immigrants to integrate into the workforce, and encourage regulatory bodies to fairly and efficiently assess foreign credentials, without lowering standards. Agreements between CIC, HRSDC and specific industries should be used as a framework to address labour shortages and, at the same time, provide the Canadian experience component to foreign professionals, allowing them to advance within the evaluation and accreditation process.

CIC and HRSDC should also encourage professional regulatory bodies to enter into bilateral agreements with their counterparts in countries where the educational and professional licensing process in selected occupations is recognized for its high standards and similarities

to Canada. Such bilateral agreements should be encouraged with a view to facilitate mutual credential recognition in both countries in an abbreviated and reciprocal manner.

### **NAFTA:**

The Canadian government has turned from gatekeeper to facilitator in other instances as well. We turn our attention now to the brief description and analysis of the NAFTA provisions relating to work permits for professionals and the required educational standards and professional credentials. The NAFTA Professional category offers an excellent demarcation point on the issue of foreign credentials as it is an early foray into this complex issue and serves both as an illustration of the results of successful cross-border negotiations resulting in a simplified and standardized immigration process, and as a microcosm of the shortcomings of such important efforts.

The relevant provisions of the NAFTA were initially negotiated by the United States and Canada in 1989; Mexico was added to the agreement in 1994. TN (or Trade NAFTA – Professional) status is a work permit option available to nationals of the three signatory countries wishing to work temporarily in another country to perform services for pre-arranged employers. To qualify, the applicant must prove that he or she fits within one of the designated professional categories in Chapter 16 of the agreement. The applicant must have the required professional credentials, meet minimum educational and/or experience requirements, and intend to perform duties of an approved profession for a pre-arranged employer. These prerequisites were negotiated by the signatory countries and necessarily involved an acceptance of state-specific credentials in a number of cases. Note, however that the NAFTA deals with the credentials required for entry into a signatory country, but it does not imply that a status holder can gain entry in to his or her profession in that country.

Some of the most common professional occupations under the NAFTA are Engineers, Accountants, Graphics Designers and Management Consultants. The NAFTA contains a complete list of 63 professions and outlines the minimum professional credentials, education and experience requirements for each occupation. Typically, a Bachelor's degree obtained in one of the signatory countries is required, or if obtained elsewhere, its equivalency must be determined by a reputable evaluation service. In a limited number of professions, the NAFTA provisions set out that a successful applicant may have a combination of a two year Post-Secondary Diploma or Certificate and three years of related experience. There are also some occupations where an applicant can qualify on the basis of experience alone. In these cases applicants will typically be required to present documentation confirming their experience. The applicable provisions of the NAFTA may serve as a model in that the signatory countries successfully negotiated a process of credential recognition, and moved from gatekeepers to facilitators.

### **NOC EXPANSIONS:**

Introduced in 1992, The *National Occupational Classification (NOC)* system represents a government effort to provide an authoritative and consolidated resource on occupational requirements across Canada. The NOC contains the classification structure and descriptions of 520 occupational unit groups and includes over 30,000 occupational titles. It provides a standardized framework for organizing the world of work in a manageable, understandable and coherent system. It is based on extensive occupational research, analysis and consultation conducted across the country, and is intended to reflect current Canadian labor market trends and industry expectations. As such, it represents a major government

initiative to move toward the role of facilitator, and a step toward a centralized database of education and credential equivalents.

### **SECTORAL AGREEMENTS AND JOINT INITIATIVES:**

A new pilot project launched in partnership with the Association of Professional Engineers and Geoscientists of British Columbia, the Canadian Council of Professional Engineers and the Government of Canada provides a good example of cooperation between all stakeholders. The pilot will help foreign-trained engineers obtain the work experience required to qualify for licensing by the Association of Professional Engineers and Geoscientists of British Columbia, and to work as professional engineers in B.C. Other similar programs should be encouraged.

In addition, since 1997, there have been thousands of foreign workers and Canadian employers who have benefited from the Software Development Workers Pilot Project. This project, a cooperative effort between CIC, HRSDC and the Software Human Resources Development Council, propelled by the problems posed by the then looming Y2K compliance crisis. The program designated seven major occupations in programming and software development which were facing labour shortages, and set out minimum qualifying skill levels for foreign workers, as required by the information technology industry to meet the Y2K challenge and the continuing growth of that sector of the economy. The program has been of great assistance, but its categories of workers are now outdated and in need of revamping. However, sectoral agreements such as this can be replicated easily to benefit other labour market sectors facing human resources shortages.

A much smaller program of limited use exists to facilitate the recruitment of foreign construction trades for the construction industry in Metropolitan Toronto, known as CREWS, but it is not easy for overseas workers to qualify for a variety of reasons which are beyond the scope of the mandate of this standing committee.

### **RECOMMENDATIONS:**

1. CIC should refrain from pre-adjudicating the issue of credential assessment at the immigration stage;
2. CIC should work with HRSDC, licensing and regulatory bodies, including stakeholders such as industry associations, toward a standardized, pan-Canadian model of foreign professional credential assessment process that includes:
  - An international database of comparable/equivalent degrees and professional credentials and minimum educational qualifications, experience and language proficiency standards;
  - A resource database that identifies the requirements that can be satisfied overseas prior to immigration by the foreign professional (i.e. language testing, etc.), and clearly identifies the requirements that must be undertaken and satisfied in Canada;
  - HRSDC should develop a strategy jointly with regulatory bodies, industry and employer associations and large scale employers to initiate apprenticeship programs that provide an opportunity for foreign trained professionals to fulfill the required Canadian work experience for licensing;
  - Implementation of professional mentoring programs to ensure the protection of the public and the competence levels to be achieved and maintained by foreign professionals.

- Encourage negotiation of bilateral agreements between professional regulatory bodies in Canada and overseas, and with the United States and the European Union in particular, which will lead to abbreviated credential recognition for professionals already accredited in those countries who are graduates or recognized educational institutions; and
- Place particular emphasis in negotiating bilateral agreements between regulatory bodies in different jurisdictions to achieve mutual credential recognition for professional occupations designated by the NAFTA, and expand the list of eligible occupations.

## **CONCLUSION:**

Canada needs a comprehensive and streamlined foreign professional credential assessment program that facilitates the accreditation of foreign-trained professionals and their integration into the Canadian labour market so that they can make full use of their potential. Such a program would assist Canadian employers to increase their competitiveness in the global economy while addressing sectoral labour shortages. These objectives can only be accomplished with the cooperation of CIC, HRSDC, industry and regulatory bodies, which will provide the framework, resources and guidelines required to create a fair and efficient foreign professional assessment process which will address the needs of the Canadian labour market, protect the public and ensure high standards of education, experience and competence and preparedness for all applicants aspiring to practice their professions in this country.