

FRPA QUARTERLY MEETING

June 21, 2022

AGENDA

#	Item	Time	Speaker/Facilitator
1	Welcoming Remarks	9:00 - 9:10	Aimee Naugler, Manager, RPL & Labour Mobility Frank Reinhardt, FRPA Review Officer
2	CFTAIA (Canadian Free Trade Agreement Implementation Act) support tools	9:10 – 10:30	Aimee Naugler, Manager, RPL & Labour Mobility
3	FRPA Program Updates	10:30 – 10:50	Frank Reinhardt, FRPA Review Officer
4	Evaluation and Closing Remarks	10:50 – 11:00	Frank Reinhardt, FRPA Review Officer



Canadian Free Trade Agreement Implementation Act

FRPA Quarterly Meeting, June 21, 2022

Labour Mobility



- “**Labour Mobility**” refers to the ability of certified workers to practice their regulated occupation, throughout Canada (**interprovincial**), wherever opportunities to work in that occupation exist
- Each year, nearly 210,000 Canadian workers **move** across provinces to pursue job opportunities
- About 20% of Canadians work in **regulated** occupations
- There are over **150** regulated occupations and over **600** regulatory bodies in Canada
- Provinces and territories are responsible for standard setting and certification (**self-regulated and government-regulated**)

LABOUR MOBILITY

NS Migrants from 2016 to 2021		
Origin	Total	%
Ontario	35,348	32%
<i>International</i>	25,659	23%
Alberta	14,281	13%
New Brunswick	10,029	9%
British Columbia	9,038	8%
Newfoundland and Labrador	5,441	5%
Quebec	4,041	4%
Prince Edward Island	2,541	2%
Manitoba	2,123	2%
Saskatchewan	1,723	2%
Total	110,224	100%

Canadian Free Trade Agreement (CFTA)

- The **Canadian Free Trade Agreement** was designed to facilitate the free movement of people, goods, services and investment within Canada to establish an open, efficient and stable domestic market
- **Chapter Seven** of the Canadian Free Trade Agreement states that certified workers **have to be recognized** as qualified to work by a regulatory body in another province or territory which regulates that occupation, **without having** to go through significant additional training, work experience, examination or assessment, unless an exception has been posted

Canadian Free Tree Agreement (CFTA)

- The CFTA allows the following requirements to be imposed on interprovincial applicants. These requirements may only be imposed in an **equivalent way** and standard to the regulatory bodies' **current practice** for non-labour mobility applicants (**new or international**)
 - Pay an application fee
 - Provide proof of insurance
 - Post a bond
 - Undergo a criminal background check
 - Provide evidence of good character
 - Demonstrate knowledge specific to the practice of the profession in NS (e.g. a jurisprudence exam)
 - Provide proof of certification in good standing in the other jurisdiction
 - Demonstrate competency in English or French (if they didn't have to demonstrate this as part of their initial certification)
 - Impose exams or training if the applicant hasn't practiced the profession for a specified period of time

Guiding Principles- CFTA

- **Certificate-to-certificate recognition** is the fundamental principle of labour mobility in Canada
- Information requested from an interprovincial applicant who is currently certified in another Canadian province or territory must only be asked to complete the registration certification and/or licensure process, **not to reassess** the applicant's competencies or abilities to practice their occupation
- The application process for interprovincial applicants should be **transparent** and **processed promptly**
- Regulatory bodies should **work together** with other provinces and territories to understand, and where possible and practical, take steps to reconcile differences in occupational standards
- If an interprovincial applicant has been given a practice limitation, restriction or condition, regulatory bodies are encouraged to, where possible and practical, make a reasonable effort to certify the applicant with an **equivalent** practice limitation, restriction or condition

Canadian Free Trade Implementation Act (CFTAIA)

- After signing the CFTA, jurisdictions were required to enact legislation to enable provincial enforcement of orders
- **Nova Scotia's Canadian Free Trade Implementation Act** was proclaimed in November 2018
- The Act contains Labour Mobility provisions to ensure Nova Scotia can comply with Chapter 7, *“ensure compliance with [Chapter 7] by non-governmental bodies that exercise authority delegated by law.”* (CFTA Article 702)
- This allows for **more flexibility to ensure compliance** with the CFTA

Legitimate Objective Exceptions (LOE)

- Regulating bodies have been able to request the ability to impose additional measures on labour mobility applicants since the 2009 (AIT), so long as the exception meets the criteria set out in the CFTA.
- In cases where certification requirements or occupational standards for a **regulated occupation are very different from one jurisdiction to another**, a government may approve an exception to full Labour Mobility.
- Requests for Legitimate Objective Exceptions can be approved by the Minister of LSI, in consultation with other Ministers as necessary.
- Streamlined process for LOEs will enable faster responses to changing occupational standards in other jurisdictions.

LOE- Procedures

- Identify need for Exception
- Consultation with stakeholders
- Gather information
- LSI Analysis – Is sufficient proof provided of a material difference in scope of practice, occupational standards, deficit of skills and knowledge?
- Determine the material requirement – exam, training?
- Ministerial approval
- LOE in effect
- Review, removal, and amendment of LOE

Waivers

- **Resolve conflicts in provincial legislation-** when there is a conflict between the CFTAIA and any other provincial legislation, the CFTAIA prevails
- When a regulatory body finds that their governing legislation and/or regulations prevents them from meeting their obligations under the CFTAIA, they may apply for permission to waive legislated certification requirements
- Gives regulatory body the flexibility to respond to unique or changing circumstances and the legislative authority to admit interprovincial applicants
- Gives the Minister of LSI the ability to ensure that modified registration requirements are consistently transparent, objective, and impartial and the ability to ensure its obligations under the CFTA can be met promptly

Waivers- Procedures

- Identify the need for a waiver
- Assess compliance with the CFTAIA
- Assess impact on Legitimate Objective Exception (LOE)
- Recommend terms and conditions
- Make a recommendation for approvals
- Notification of decision
- Wavier in effect
- Wavier removal

Compliance Orders

- The **Minister of LSI can issue an order** to ensure compliance with the labour mobility provisions of the Act.
- The Governor in Council can make, amend, or repeal a measure that offends the Act by regulation. *CFTAIA s.15-16*
- Compliance Orders are necessary to ensure Nova Scotia meets its obligations under the CFTA where an issue cannot be resolved. This is necessary to avoid a **\$2 Million penalty per infraction.**
- Compliance orders will be subject to notice requirements and a pre-emptive internal review process.

Compliance Orders – Procedures

- Identify a compliance issue
- Assess compliance with CFTAIA
- Consultation and information gathering
 - Warning letter
- Risk Assessment
- Notice of Order/opportunity to respond
- Issuing a formal order
- Monitoring and enforcement



Questions?

FRPA Program Updates - 2022

FRPA Review Process & Target Timelines		
Phase 1	Initiation and Launch	120 days
Phase 2	Receipt and Review	15 days
Phase 3 (If necessary)	Edits and Action Plan Development	30 days - if no AP 60 days - with AP
Phase 4	Finalize and Publish	35 days
Complete:		~ 6-8 months
Phase 5 (If necessary)	Action Plan Progress Report tracking	1 Year - 1st Report ...should be in compliance

2020 Reviews:

- 15 initiated/completed (9.1-month average processing time)
- All 15 (100%) required action plans all 1-yr reports due in 2022
 - 13 submitted
 - 2 are in compliance (done!)
 - 2 are yet to be reviewed
 - 9 are in Phase 5 (Year 2 update required)
 - 2 not yet submitted (due tomorrow)

2021 Reviews:

- 11 initiated – 9 are complete (9.4-month average processing time) and 2 are in Progress:
 - 1 in Phase 3 (AP required)
 - 1 in Phase 4 (no AP required)
 - 6 in Phase 5 (AP required)
 - 3 are complete (no AP required)
- 7/11 (63%) required Action plans

2022 Reviews:

- 7 initiated (March & May) & 4 scheduled for June 30.
- All 7 in Phase 1 (on schedule).

Beyond Reviews:

- Annual report will be released this summer.
- Continuous improvements (eg. 20 to 12 to 10 Questions).
- FRPA Resources on our website
- PD opportunities, Sept. 13, in-person meeting

QUESTIONS?

...Please use the feedback form via the link in the chat.

THANK YOU!

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