

*LABOUR MOBILITY IN
NOVA SCOTIA*

Chapter 7 of the Canadian Free Trade Agreement (CFTA)

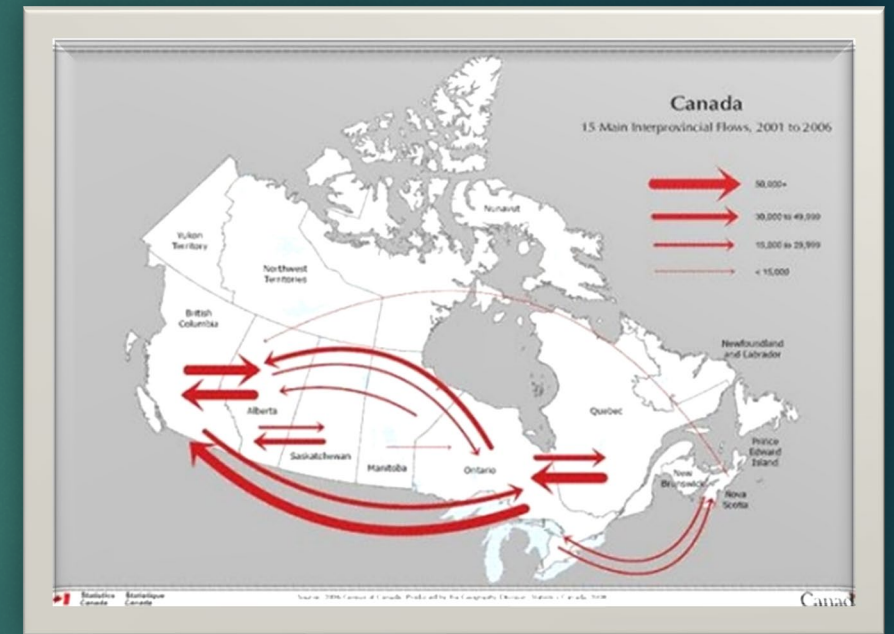
Who does the CFTA apply to and what is its purpose?

- ▶ The Canadian Free Trade Agreement (*CFTA*) applies to all government departments, ministries, and similar agencies of government. It also applies to any non-governmental body or enterprise whenever exercising regulatory, administrative, or other governmental authority that the province has delegated to it.
- ▶ The CFTA applies to all regulated professions and trades.
- ▶ The purpose of Chapter 7 is to eliminate or reduce measures adopted or maintained by the Parties that restrict or impair labour mobility within Canada and, in particular, to enable any worker certified for an occupation by a regulatory authority of one Party to be recognized as qualified for that occupation by all other Parties. (*CFTA Article 700*)



What the CFTA does & does *not* do

- ▶ Chapter 7 of the CFTA ensures that any worker certified for an occupation by a regulatory authority of a jurisdiction shall, **upon application**, be certified for that occupation by all other jurisdictions that regulate that occupation.
- ▶ Chapter 7 applies to any measure adopted or maintained by a Party relating to: residency requirements as a condition of access to employment/certification, certification requirements and occupational standards. (Subject to Article 707, a Party shall not require a worker of a Party to be resident in its territory as a condition of: (a) eligibility for employment; or (b) certification relating to the worker's occupation.)
- ▶ This Chapter does not apply to social policy measures like labour standards and codes, minimum wages, EI qualification periods, and social assistance; and Quebec, Nunavut and NWT's measures pertaining to their official language requirements.



CFTA background

The Canadian Free Trade Agreement (CFTA)

- ▶ On July 1, 2017, the CFTA replaced the Agreement on Internal Trade (AIT), which entered into force in 1995. The CFTA is an intergovernmental trade agreement signed by all federal, provincial, and territorial governments.
- ▶ Its objective is *“to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services and investments within Canada and to establish an open, efficient, and stable domestic market”*.
- ▶ The CFTA is interpreted and applied by Labour Mobility Coordinators (LMCs) across Canada. All resource materials created to support the interpretation and application of the CFTA were created with input from LMCs. Labour mobility resource documents are available on the workersmobility.ca site.



CFTA supporting legislation

Nova Scotia's CFTA Implementation Act (*CFTAIA*)

- ▶ In 2018 Nova Scotia introduced Bill No. 23 ensuring it can meet its legal obligations as a signatory of the Canadian Free Trade Agreement. Bill 23 is referred to as the Canadian Free Trade Agreement Implementation Act or the CFTAIA.
- ▶ The CFTAIA established the legal framework allowing Nova Scotia to honour its commitments to the CFTA—particularly those required by Chapter 7 (*Labour Mobility*). It is important to note that the CFTAIA prevails against any provincial enactments or regulations that contravene Chapter 7 of the CFTA. Sections 4 & 11 of the CFTAIA highlight its scope and applicability to regulatory authorities.



CFTA supporting legislation (continued)

Nova Scotia's Fair Registration Practices Act (FRPA)

- ▶ The FRPA applies to 47 regulating bodies in Nova Scotia, covering 84 occupations, including 20 compulsory trades.
- ▶ The Act governs the practices regulatory bodies use to register people who apply to become a member of a regulated occupation. Under the Act, registration needs to follow a fair procedure and be transparent, objective, and impartial. The Act also sets minimum standards for a procedurally fair decision, such as requiring regulatory bodies to provide an internal review mechanism for their decisions and communication standards.
- ▶ Government can directly regulate an occupation or delegate that authority to another organization.



Notices & Exceptions to Labour Mobility

- ▶ Under the CFTA Parties have an obligation to notify other jurisdictions when seeking to implement changes to occupational standards. This applies to the creation of new standards, as well as changes proposed to existing policies or standards. *(CFTA Article 706)*
- ▶ While the CFTA emphasizes the recognition of certified workers across the provinces and territories, exceptions exist. Exceptions may be approved when there is a significant difference in occupational standards and the exception is based on a legitimate objective such as the protection of public security, health and safety. *(CFTA Article 707)*



CFTA Resources

A Guide for Regulatory Authorities

Guideline for meeting the obligations of the Labour Mobility Chapter of the CFTA

CFTA Chapter 7

Labour Mobility Resources (all)

Exceptions to Labour Mobility

workersmobility.ca

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