



CICIC.ca

Substantial difference: An introduction



Canadian Information Centre
for International Credentials



cmec

Winter 2020-2021

Traditional territory acknowledgement



I would like to begin by acknowledging that the land on which I'm joining you virtually today is the traditional territory of the Wendat, the Anishnaabeg, Haudenosaunee, Métis, and the Mississaugas of the Credit First Nation.

Outline



- Origins of substantial difference in the 1997 Lisbon Recognition Convention
- Definition & rationale
- Application in assessment & recognition
- Adoption in Canada
- Substantial difference in the 2019 Global Convention





Origins of substantial difference in LRC

Europe, including North America

1997 Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region

Lisbon Recognition Convention
(LRC)

Source: ENIC-NARIC Networks. [UNESCO Regions and Countries](#).

Council of Europe and UNESCO. 1997. [Convention on the Recognition of Qualifications concerning Higher Education in the European Region](#) (LRC).

Origins of substantial difference in LRC

- Key texts



1997 Explanatory report

1999 Recommendation on International Access Qualifications

2004 Recommendation on the Recognition of Joint Degrees and its Explanatory Memorandum

2001 Code of Good Practice in the Provision of Trans-national Education

2001 Recommendation on Criteria and Procedures for the Assessment on Foreign Qualifications

2010 Revised Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications

2009+ European Area of Recognition (EAR) Manual

2012+ The European Recognition Manual for Higher Education Institutions (EAR HEI Manual)

Origins of substantial difference in LRC

- A shift



1979 Convention



1997 Convention

'recognition' ... the foreign credential is assessed as **comparable**



recognise ... **unless a substantial difference** can be shown

Source: UNESCO. 1979. [UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region](#)
Council of Europe and UNESCO. 1997. [Convention on the Recognition of Qualifications concerning Higher Education in the European Region](#) (LRC)



Overarching obligations of organisations

- provide a fulsome, fair assessment
- recognise, or **demonstrate difference and show it is substantial**
- If unable to grant the recognition sought, grant alternative recognition, identify pathways and alternatives towards recognition

Source: idem

Principle of substantial difference (cont'd)



qualifications

periods of study



- ✓ general access to higher education
- ✓ access to specific types of higher education institutions/programmes
- ✓ access to further higher education studies
- ✓ use of academic titles
- ✓ *additional recognition purpose:*
facilitating access to the labour market

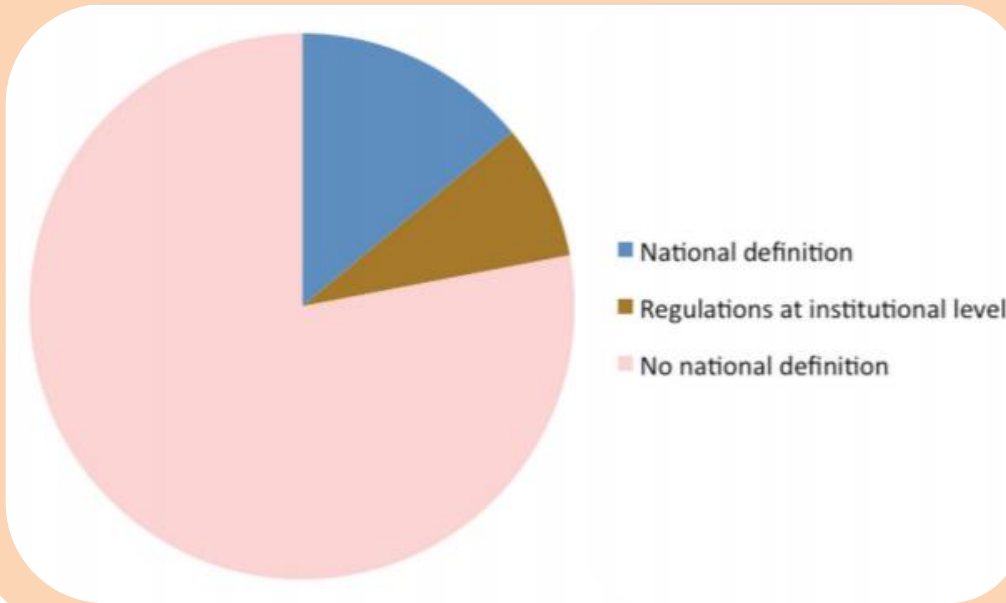


Defining substantial difference

2016 Monitoring the Implementation of the Lisbon Recognition Convention



Survey of 53 countries: *Is there a definition of the term “substantial difference” at national level?*



differences commonly deemed “substantial”

- no accreditation
- different access requirements
- nominal duration of studies shorter by more than 1 year
- differences in content/courses

differences less commonly deemed “substantial”

- online study
- part-time study
- no final thesis

Source: UNESCO and Council of Europe. 2016. [Monitoring the Implementation of the Lisbon Recognition Convention – Final Report](#)

Defining substantial difference

- *EAR Manual*



differences between the foreign qualification and the national qualification that are so significant, that **they would most likely prevent the applicant from succeeding in the desired activity**, such as further study, research activities or employment



Has the individual been sufficiently prepared for the desired activity?

Source: ENIC-NARIC Networks. 2014. [European Area of Recognition eManual](#) (EAR Manual)

Shift towards substantial difference

- A rationale



- difference is to be expected
- detailed comparisons are impractical, given expected and constantly shifting differences
- not all difference is substantial or relevant
- “substantial equivalence” approach causes delays; fails to address labour market and qualification holder needs



A “substantial difference” approach benefits both the individual seeking recognition and the party conducting a recognition assessment.

Obligation to recognise in the absence of substantial differences



Respect for autonomy under LRC

Where the competence to make decisions in recognition matters lies with individual higher education institutions or other entities, each Party ... shall take all possible steps to encourage the favourable consideration and application of its provisions. (Article II.1)



There are no legal obligations for educational institutions and regulatory bodies, but the good faith implied by ratification compels institutions to apply LRC principles.

Source: UNESCO and Council of Europe. 1997. [Convention on the Recognition of Qualifications concerning Higher Education in the European Region 1997](#) (LRC) and [Explanatory Report to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region](#)

Obligation to recognise in the absence of substantial differences (cont'd)



Respect for autonomy under LRC

- admission to a given higher education institution, or to a given programme within such an institution, may be restricted or selective...
 - ..admission procedures should be designed with a view to ensuring that the assessment of foreign qualifications is carried out according to the principles of fairness and non-discrimination (Article IV.6)
- recognition may facilitate access to the labour market subject to laws and regulations of the Party, or a jurisdiction thereof, in which recognition is sought (Article VI.3)

Source: idem

Obligation to recognise in the absence of substantial differences (cont'd)



LRC & autonomy of regulated professions

- competent bodies may stipulate additional requirements for recognition, such as:
 - practice periods
 - language competence
 - examination
 - criminal record check
- these additional requirements are not covered by LRC
- exercise of gainful employment remains subject to national law and regulations

Source: idem

Obligation to recognise in the absence of substantial differences (cont'd)



Canada's declaration upon ratifying LRC

Each postsecondary institution in Canada determines what qualifications it will accept for admission to various levels of study.

Legislation also confers some autonomy on professional governing bodies in setting the content of regulations under which credentials and training are recognised.

Professions therefore enjoy broad autonomy in recognising credentials, whether obtained in Canada or abroad, for the purposes of registration or permission to practise a profession in Canada.

Source: UNESCO and Council of Europe. [Canada - Declaration contained in the instrument of ratification transmitted to the Director General of the UNESCO on 13 June 2018](#)

Obligation to recognise in the absence of substantial differences (cont'd)



Key to exercising autonomy under LRC

- Support the spirit of the convention's principles by applying fair, consistent, and non-discriminatory procedures to the assessment of academic credentials and professional qualifications issued outside of Canada.

Source: CICIC. [The Lisbon Recognition Convention - FAQs](#)

Assessment and substantial difference

- Council of Europe/UNESCO Recommendation



difference

- should be considered in a flexible way, in view of the purpose for which recognition is sought
- recognition authorities should be encouraged to focus on learning outcomes
- learning outcomes should take precedence over the programme which led to the qualification

substantial difference

- the only type of difference that should lead to partial recognition or non-recognition

Source: Council of Europe and UNESCO. 2010. [Revised Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications](#)

Assessment and substantial difference

- EAR Manual



difference?

inputs/outputs:

- level
- workload
- quality
- profile
- learning outcomes (inferred from other info, if necessary)

“substantial” ?

in relation to:

- function of the qualification
- purpose of recognition
- overall requirements of desired activity
- what a person knows, understands, and is able to do (learning outcomes)

no

- differences only related to input criteria

YES

- no obligation to deny recognition!
- inform of compensatory measures

Source: ENIC-NARIC Networks. 2014. [European Area of Recognition eManual](#) (EAR Manual)

Assessment and substantial difference

- QAF/CICIC



determine the level of comparability with a view to possible recognition of the international credential

- ✓ the credential within the framework of its education system
- ✓ the credential's function
- ✓ the purpose of the assessment request
- ✓ a year-to-year comparison may be overruled by other factors such as learning outcomes or the structure and content of the program of study

no substantial differences

- full recognition

substantial differences identified

- alternative, partial, or conditional recognition
- deny recognition

Source: CICIC. [Pan-Canadian Quality Assurance Framework for the Assessment of International Academic Credentials \(QAF\)](#) and [Assess an academic credential](#)

Assessment and substantial difference

- *Beyond a Yes/No decision*



look to recognise, not deny

LRC: *Each Party shall recognise the qualifications issued by other Parties [...], unless ...*

substantial difference

- alternative recognition
- partial recognition
- conditional recognition

- denial of recognition
- pathways towards recognition

Source: Council of Europe and UNESCO. 1997. [Convention on the Recognition of Qualifications concerning Higher Education in the European Region 1997](#) (LRC). and 2010. [Revised Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications](#).

Assessment and substantial difference

- *Key steps*

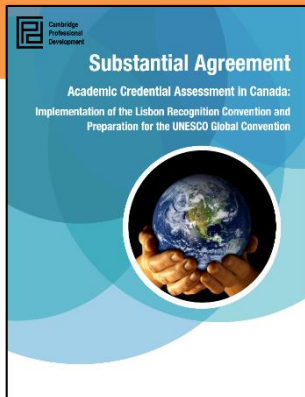


- Look for reasons to grant recognition, rather than to refuse it.
- Identify differences that prevent an individual from succeeding in the activity for which recognition is being sought. *These are “substantial differences”.*
- Provide alternative recognition options and pathways, if substantial difference is demonstrated.

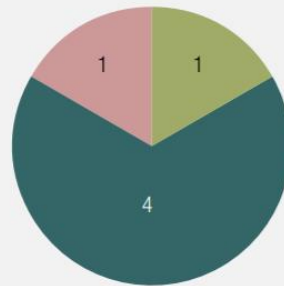
Adoption of substantial differences in Canada - LRC monitoring



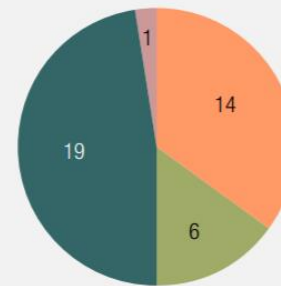
Substantial Agreement: Academic Credential Assessment in Canada 2020 independent report



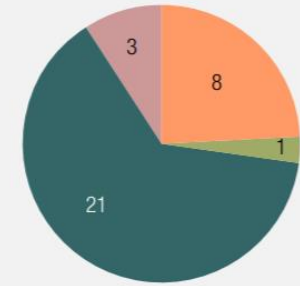
Do assessment organizations in Canada use a definition of “substantial difference”?



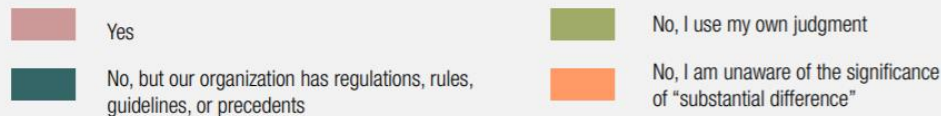
ACESC (n = 6)



Postsecondary educational institutions (n = 40)



Professional bodies (n = 33)



Source: CamProf Inc. 2020. [Substantial Agreement – Academic Credential Assessment in Canada: Implementation of the Lisbon Recognition Convention and Preparation for the UNESCO Global Convention.](#)

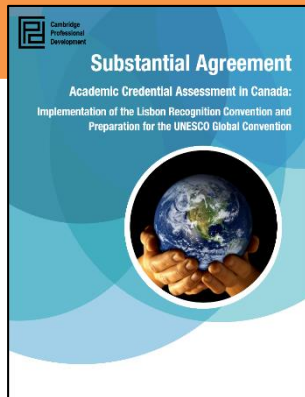
Adoption of substantial differences in Canada

- *LRC monitoring* (cont'd)



Substantial Agreement: Academic Credential Assessment in Canada

2020 independent report monitoring LRC implementation in Canada



- *The concept of substantial difference is **widely recognized**, though this is far from universal*
- *The concept of learning outcomes has **not** been universally adopted in Canada*

Adoption of substantial differences in Canada

- LRC monitoring (cont'd)



Substantial Agreement: Academic Credential Assessment in Canada

2020 independent report monitoring LRC implementation in Canada



What do you consider to be the substantial differences ?

	Alliance of Credential Evaluation Services of Canada (%)	Postsecondary educational institutions (%)	Professional bodies (%)
Access requirements	100	51	35
Not accredited	100	72	59
Content differs	33	74	76
Mode of study (e.g., online)	50	28	44
Part time	33	5	6
Private institution	0	44	24
Staff qualifications	0	31	12
Language of study	0	49	41

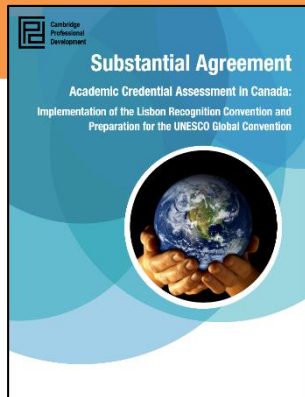
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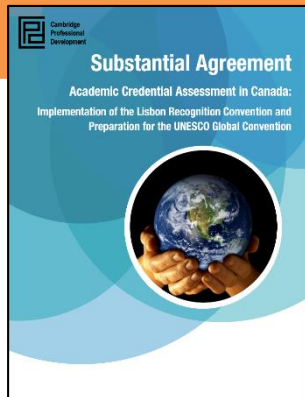
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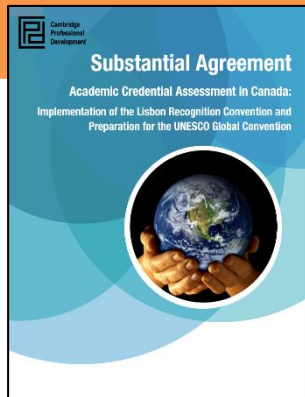
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Adoption of substantial differences in Canada

- *LRC monitoring* (cont'd)



Alliance of
Credential
Evaluation
Services of
Canada

non-binding
opinions

on the assessment
of academic
credentials

postsecondary
educational
institutions

admission to
further study

professional
bodies

access to
practice of
regulated and
unregulated
professions

Adoption of substantial differences in Canada

- LRC monitoring (cont'd)



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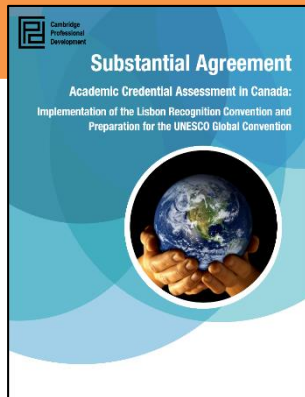
Adoption of substantial differences in Canada

- LRC monitoring (cont'd)



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Adoption of substantial differences in Canada

- LRC monitoring (cont'd)



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Adoption of substantial differences in Canada

- CFTA



Canada Free Trade Agreement (CFTA)

Workers in regulated occupations can work anywhere in Canada without having to undergo significant additional training, experience, examinations or assessment.

Exceptions must be based on substantial and relevant differences:

Any exceptions to the Agreement must be justified by a significant difference in occupational standards and based on a legitimate objective such as the protection of public security, protection of health or protection of the safety and well-being of workers.

Source: Internal Trade Secretariat. 2020. [Canadian Free Trade Agreement \(CFTA\)](#).

Adoption of substantial differences in Canada - CETA



Canada-European Union Comprehensive Economic and Trade Agreement (CETA)

Process for recognition of qualifications

- overall equivalence = no substantial differences between the scope of practice rights or the qualifications of the regulated profession
- substantial differences are defined
 - scope of qualifications*
 - important differences in the essential knowledge
 - significant differences in the duration or content of the training
 - scope of practice rights*
 - 1+ professional activities subject to specific training are not part of the corresponding profession / cover substantially different matters
- where there is a substantial difference compensatory measures may be determined
 - adaptation period, aptitude test, other

Source: Government of Canada. 2017. [Text of the Comprehensive Economic and Trade Agreement – Annex 11](#).

The future for substantial differences



2019 Global Convention on the Recognition of Qualifications concerning Higher Education



Global Convention

Source: UNESCO. 2019. [Global Convention on the Recognition of Qualifications concerning Higher Education](#) (Global Convention)

The future for substantial differences



Definition of "substantial differences" in the Global Convention

significant differences between the foreign qualification and the qualification of the State Party which would most likely prevent the applicant from succeeding in a desired activity, such as, but not limited to, further study, research activities, or employment opportunities

Source: UNESCO. 2019. [Global Convention on the Recognition of Qualifications concerning Higher Education](#) (Global Convention)

The future for substantial differences

- *New obligations under the Global Convention*



Obligations supporting the process of recognition and assessment under the principle of substantial difference

- providing descriptions of qualifications and learning outcomes
- establishing a system of higher education quality assurance
- encouraging use of technology

Resources related to substantial difference



1997	Lisbon Recognition Convention (LRC)
1997	LRC Explanatory report
2010	Revised Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications
2014	EAR eManual
2016	Monitoring the Implementation of the Lisbon Recognition Convention
2020	EAR HEI Manual
2020	Substantial Agreement: Academic Credential Assessment in Canada
CICIC	The Lisbon Recognition Convention - FAQs
CICIC	The Global Convention - FAQs
CICIC	Pan-Canadian Quality Assurance Framework for the Assessment of International Academic Credentials (QAF)
CICIC	Assess an academic credential

Connecting the dots between mobility and credential recognition

