

**Agreement on Internal Trade
New Amended Chapter 7 on Labour Mobility**

BACKGROUND

What's new?

The Agreement on Internal Trade (AIT) is the agreement by which federal, provincial and territorial governments agree to remove or reduce inter-provincial barriers to the movement of workers, goods, services and investment. Chapter 7 of the Agreement deals with labour mobility.

The amended Chapter 7 now provides that:

- Subject to the potential exceptions outlined in the last bullet below, any worker certified for an occupation by a regulatory authority of one province or territory must be certified for that occupation upon application to the regulatory authority of another province or territory;
- Recognition of certification is to be granted expeditiously without material additional training, experience, examinations, or assessment requirements;
- While provinces and territories maintain their right to adopt occupational standards and thus ensure the protection of the public at the level they consider appropriate, provinces and territories agree to examine their measures and to reduce and eliminate barriers to labour mobility. When changing a standard or creating a new standard, provinces and territories shall adopt, to the extent possible and where practical, occupational standards based on common interprovincial standards or, at least, in a manner conducive to labour mobility. They shall notify and afford other provinces and territories the opportunity to comment on proposed new or revised standards.
- Provinces and territories acknowledge their continued commitment to the Interprovincial Standards Red Seal Program as a well-established means of developing common interprovincial standards for trades.
- Article 705 of the Chapter states that no party to the agreement shall require a worker of a party to the agreement to be a resident in its territory as a condition of eligibility for employment or certification relating to the worker's occupation.
- Article 706 states that provinces and territories may impose certain requirements as a condition of certification and, in specific circumstances, may impose certification restrictions, limitations, or conditions or may refuse to certify.
- Exceptions to full labour mobility (such as additional requirements for certification) are permissible but must be clearly justified as necessary to achieve a legitimate objective. Examples of legitimate objectives include public safety and consumer protection. Any exception must be approved by the government maintaining it, must not be more restrictive

than necessary and must not be a disguised restriction to labour mobility. Approved exceptions must be posted on the Committee on Internal Trade website.

Certified workers who contemplate moving from one jurisdiction to another will still need to apply for certification in the province to which they wish to relocate.

Why amend Chapter 7?

Since 1994, professional regulatory bodies and other stakeholders have taken steps to comply with the previous obligations contained in the Labour Mobility Chapter. While this has resulted in establishing terms for mutual recognition of workers' qualifications in many professions, barriers that present challenges to labour mobility continue to exist. In light of this, Premiers, in concert with the federal government, requested that Chapter 7 of the Agreement on Internal Trade be reviewed and recommendations brought forth on ways to make it stronger and more effective in achieving full labour mobility for all Canadians.

What will happen next?

The Forum of Labour Market Ministers will promote the implementation of an ongoing adherence to the new Labour Mobility Chapter and will report annually to the CIT on the effectiveness of the new Labour Mobility Chapter, including an assessment of whether there have been any unintended adverse consequences, together with appropriate recommendations to address concerns identified in the assessment.