



Association of Social Work Boards

A Mari Usque Ad Mare:
How Social Workers Achieved Labor Mobility in Canada



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Traditional Canadian social work paradigm

- Educational requirements for registration similar across the country (B.S.W. or M.S.W.)
- Transfer from one jurisdiction to another easy for graduates and professionals
- But problems for some professionals registered through:
 - Foreign credential recognition
 - Substantial equivalencies
 - Grandparenting provisions
 - Exceptional provincial provisions

Agreement on Internal Trade (1994)

- Federal, provincial and territorial governments seek elimination of barriers to free movement of workers, goods, services and investments
- Removes existing and prevents new trade barriers and harmonises provincial standards
- Reduces costs for business, increases market access and facilitates labor mobility
- Chapter 7: labor mobility

Implementation of AIT: 1995-2008

- No deadline set by governments
- Allowed reasonable time for compliance
- Federal Government funded regulators to compare occupational standards and develop Mutual Recognition Agreements
- Progress but no full compliance for most professions, including social workers

Social Work MRA (2007)

- Social work university degree from approved program:
 - Full acceptance
- Degree accepted by province:
 - QC, MAN, SA
 - Further training, supervision, exam may be required: others
- International credentials – all except BC
- Grandparented
 - Yes: MAN, SA, ON
 - Further training, supervision, exam: AB, BC, NL, NS, PEI
 - Demonstrate substantial equivalency : NB, QC
- Substantial equivalencies
 - Accepted: NB, PEI, QC, AB, SA, ON, MAN
 - Provisional/temporary pending SW degree: NL, NS
 - Additional training, supervision: BC

Implementation of AIT: 2009-

- Shift from process to outcomes
- From April 1, 2009:
 - Mutual recognition exists unless governments approve legitimate objective for additional requirements
- Mutual recognition:
 - Qualified workers recognized without any retraining, retesting or reassessment

Guiding principles to AIT

- Non-discrimination:
 - Equal treatment for all
- Right of entry and exit:
 - Prohibit barriers to movement
- No obstacles:
 - Ensure policies do not create barriers
- Legitimate objectives:
 - May provide exception
- Reconciliation:
 - Basis for elimination of barriers
- Transparency

Requirements, restrictions, limitations and conditions

- If practice restricted in original jurisdiction, receiving jurisdiction may impose similar restriction or refuse to certify if similar restriction not available

Regulators may require

- Application or processing fee
- Malpractice insurance
- Posting of bond
- Criminal record check
- Evidence of good character
- Knowledge of local measures
- Proof of registration
- Language proficiency

Requirements

But ...

- Must be the same as, or substantially similar to, but no more onerous than, those imposed on local applicants
- Must not create disguised restriction on labour mobility

Exceptions to full mobility

Where significant differences exist in certification requirement, government may approve exception, based on:

- Public security and safety
- Public order
- Protection of human, animal or plant life or health
- Consumer protection
- Protection of health, safety and well-being of workers
- Provision of adequate social and health services to all geographic regions
- Programs for disadvantaged groups

Exceptions to full labor mobility (February 2015)

- 45 exceptions to full labor mobility
- Provinces with most exceptions: AB 10, NS 7
- Professions:
 - Lawyers (all provinces and territories)
 - Dental hygienists (5)
 - Social Workers (5): NB, NL, NS, ON, PEI

Social work exceptions to full mobility

- Which professionals?
 - AB and SA (Certificate and diploma graduates)
 - SW graduates from non-approved programmes in:
 - ✓ AB, SA, MAN, ON, QC, NB, PEI (identified by NS)
- Which legitimate objectives invoked?
 - Public security and safety, consumer protection, protection of human health

NOTICE OF MEASURE TO ACHIEVE A LEGITIMATE OBJECTIVE UNDER CHAPTER 7 OF THE AGREEMENT ON INTERNAL TRADE APPROVED BY THE GOVERNMENT OF NEW BRUNSWICK Occupation: Social Worker

Province(s)/Territory(ies) whose workers are affected:
Saskatchewan, Alberta

Under which legitimate objective(s) is the measure being filed:
Public Security and Safety Consumer Protection

Rationale/Justification:

The minimum academic standard in both provinces is graduation from a two-year diploma program. In New Brunswick, the academic standard is a Bachelor degree in Social Work (BSW) from an accredited program. The scope of practice of a social worker in New Brunswick includes the provision of social work diagnosis and psycho-social intervention. These activities are not part of the scope of practice of diploma graduates in both Alberta and Saskatchewan.

Additional Requirement(s):

The applicants will be required to complete the courses required to obtain a BSW before being issued a license to practice as a registered social worker in New Brunswick.

Dispute resolution

- Parties undertake to resolve disputes in a conciliatory, cooperative and harmonious manner
- Complainants can be governments or private persons
- 56 disputes up to January 2015
- Progress of dispute is tracked

Summary Report of AIT dispute

14/15 – 7 PSYCH

In October of 2014, Alberta initiated consultations with Prince Edward Island regarding registration policies and practices of the Prince Edward Island Psychologist Registration Board under the Psychologists Act (PEI) and Regulations.

Manitoba also notified their participation in the consultations.

Summary Report of AIT dispute

- 99/00-10 NSL COM Quebec alleged that the Nova Scotia Liquor Commission (NSLC) penalizes Quebec brewers by applying its policy of allowing self delivery by brewers to NSLC outlets only if the brewers' annual sales exceed one million cases to Quebec brewers but not to Nova Scotia and New Brunswick brewers.
- Self delivery allows brewers to bypass NSLC service fees and other costs. A December 2006 agreement between Quebec and Nova Scotia resolved the dispute.

Social Worker dispute between British Columbia and Alberta (TILMA)

- May 2006, AB SW applies to BCCSW
 - Feb 2008, application denied
- April 2009, second application
 - Jan 2011, application denied
- February 2011, AB initiated dispute resolution process
- July 2011, panel constituted
 - August 2011, panel met
- September 2012: Decision rendered

Why BC did not register?

Good character of applicant

- Personal bankruptcy on 3 occasions
- Guilty of 3 criminal offences
- On at least 4 occasion terminated from job, or had job offer revoked due to ethical violations and/or failure to disclose previous ethical violations or criminal offences to employer
- At least 9 proceedings by Canadian SW regulators. In 7, appeal or application refused, with one resulting in significant sanctions.

Alberta's position

- Refusal of BC College to recognize applicant's certification as a social worker by Alberta College is contrary to BC's obligations under labour mobility provisions of TILMA, which require the recognition of the certification by Alberta as a basis for licensing in BC.
- BC cannot undertake an in-depth examination and assessment of applicant as part of the application process.

Decision (2-1)

- BC can conduct individual assessment to establish evidence of good character
- BC must show evidence of lack of good character
- BC decision justified in achieving legitimate objective of protecting human life or health and consumer protection



NOTICE OF PROPOSED NEW OR REVISED STANDARD

Government: **BRITISH COLUMBIA**

Occupation: **Social Work**

Purpose of Notification:
New occupational standard Modification(s) to an existing standard

Responsible Regulatory Body: **British Columbia College of Social Workers**

Departmental Contact:
John Mayr MBA, LL.M
Registrar and CEO
BC College of Social Workers
Suite 1430 1200 West 73rd Ave
Vancouver BC V6P 6G5
Reception 604-737-4916
Toll Free 1-877-576-6740

Relevant Legislation/ Act / By-law / Regulation
Social Workers Act (SBC 2008 ch.31) Social Workers Regulation, BC College bylaws s 41(1)(d)
<http://www.bccollegeofsocialworkers.ca/wp-content/uploads/2013/11/Bylaws-in-force-1-Nov-2013.pdf>

Description of New/Revised Standard (*In the case of a revised standard, please identify the modifications*)
(*Please attach any relevant documents (e.g. draft version of new act/regulation)*):
As provided for under section 41(1)(d) of the Bylaws, the Board has identified the required examination. The selected examination is that used by the Association of Social Work Boards. For more information on the exam, see <https://www.aswb.org/exam-candidates/> and <https://www.aswb.org/wp-content/uploads/2013/10/ASWBPracticeAnalysisSummary.pdf>.

Note that there is no change to the Bylaws as the requirement for an exam already exists.

Potential impact on labour mobility: (How this new/revised standard will impact labour mobility)
None. The requirement for an exam does not apply to a person registered in an equivalent class in another Canadian jurisdiction.

For Labour Mobility Coordinator use only:
Link/impact on existing exception: (How will the new/revised standard impact the existing exception linked to this occupation, (if any?))
None. There are no exceptions in place regarding BC social workers.

Does the new/revised standard necessitate an update to the Database of Regulated Occupations?
No.

Date of Notification: 2015 / 01 / 28
 YY MM DD

Deadline for Providing Comments: 2015 / 02 / 20

Changing occupational standards: obligation to consult

Conclusion: So where are we now?

- Not much has really changed for Canadian social workers
- Mobility not an issue for most social workers
- AIT can speed up admissions process
- Some exceptions today are the same as pre-AIT
- Some old exceptions have been resolved (foreign credential recognition, grandparenting)

Lessons to learn from Canada

- If governments want mobility, they'll get mobility
- Bi-lateral agreements or agreements between contiguous jurisdictions may stimulate process
- Comparable skills, areas of knowledge and abilities between jurisdictions facilitate mobility
- Trust your neighbors

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