



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

HUMA • NUMBER 005 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, October 18, 2011

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Chair

Mr. Ed Komarnicki

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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•(1530)

[English]

The Chair (Mr. Ed Komarnicki (Souris—Moose Mountain, CPC)): We'll call the meeting to order.

I'd like to thank Mr. Walsh, of course, for coming before the committee.

I have circulated your letter, which certainly goes through the various constitutional matters. I felt like I was in constitutional law class when I read through your letter setting out the various issues relating to provincial and federal jurisdiction. This committee is looking forward to hearing from you. There may be some questions afterwards. Take your liberty in just going through some of those points and educating us somewhat with respect to the area that we are in the process of studying.

I'll turn it over to you.

Mr. Rob Walsh (Law Clerk and Parliamentary Counsel, House of Commons): Thank you, Mr. Chairman.

I have provided to the committee clerk a memo on this subject, which I understand has been distributed to members. I'll just speak briefly from that.

The Constitution Act, 1867, in sections 91, 92, and 93, divides legislative powers between the federal and the provincial levels. With respect to the foreign qualification process and foreign credential recognition program, three areas of legislative powers are affected: immigration, labour, and education.

[Translation]

Immigration was assigned to the federal government under subsection 91(25)—naturalization and aliens—and education was assigned to provincial governments under section 93 of the Constitution Act, 1867.

[English]

Labour has not been clearly assigned to either level. Although the Constitution Act, 1867, does not formally mention labour or employment, it has been interpreted to fall under subsection 92 (13), "Property and Civil Rights", or as a matter of a "merely local or private Nature in the Province", under subsection 92(16), and therefore subject to provincial—not federal—jurisdiction.

Most of the legislative powers assigned under the Constitution Act, 1867, are exclusive to either level of government. Neither level

can legislate in an area assigned to the other. There can be exceptions, however, where the legislated provisions are necessarily incidental to an assigned area of jurisdiction. Labour legislation related to activities otherwise within federal jurisdiction—for example, federal crown corporations, banks, airlines, Indian reserves, telecommunications, and interprovincial transportation—is a valid exercise of federal legislative powers as "necessarily incidental" to the assigned areas of federal legislative jurisdiction.

[Translation]

Federal initiatives on foreign qualification recognition seem to be constitutionally legitimate, as they apply to immigration. In other words, their objective is to help immigrants who arrive in Canada with qualifications recognized by a foreign authority.

There is only one restriction on those initiatives: they must not interfere with matters that come under provincial constitutional jurisdiction, such as education or labour, unless, in the latter case, those initiatives are "necessarily incidental" to federal immigration jurisdiction.

That's most of what I have to say, Mr. Chair.

I am available to answer any questions.

•(1535)

[English]

The Chair: Thank you very much. We will open it up for questions to you, sir.

It seems that we have a peculiar sort of puzzle of various jurisdictions that have to find a way of working together. All of that said, it does take a measure of cooperation, I guess, and working at various levels of government to make a particular item work from coast to coast to coast, so to speak. I guess that's what makes our system of government very interesting.

Would you agree?

Mr. Rob Walsh: Our system of government certainly can be interesting from time to time.

The Chair: Ms. Hughes, you have the first round of questioning.

Ms. Perreault?

[Translation]

Ms. Manon Perreault (Montcalm, NDP): Good afternoon, sir.

I just have one simple question. Unless I am mistaken, the federal government provides the funding, but the provinces have the power to legislate. Is there an accountability mechanism that goes along with the federal funding?

Mr. Rob Walsh: Yes. It has to do with federal expenditures. The federal government could get involved in areas administered by the provinces through expenditures, but the areas are defined when it comes to legislative issues.

In addition, the federal government could spend money in the provinces on matters that, according to some, are not exactly in line with the federal government's legitimate objectives. Nevertheless, from time to time, the federal government does spend money in the provinces in areas that don't come under federal jurisdiction, as set out in the legislative regime.

Ms. Manon Perreault: Okay, thank you.

[English]

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): I want to continue down the line of what she's just asked. You've indicated that there are accountability mechanisms as part of the funding. Can you maybe just elaborate on what kind of accountability that is?

Mr. Rob Walsh: It was any spending by the federal government. The accountability is a parliamentary one, of course, although the federal government might spend federal funds in areas of provincial legislative jurisdiction. Nonetheless, it has to have an appropriation from Parliament for the spending of any funds. There is that initial stage of the federal government having to get its funds from Parliament. Then at the end of the year it reports to Parliament on how it spent those funds. In terms of process, there's an accountability by the federal government to Parliament regarding its use of the funds that had been provided to it by Parliament.

Mrs. Carol Hughes: I'm just wondering if there is any time where accountability measures go over the line and infringe on provincial prerogative.

Mr. Rob Walsh: Accountability measures as such?

Mrs. Carol Hughes: Yes.

Mr. Rob Walsh: I don't know that I understand how accountability measures as such could go over into provincial areas.

As you may know, there's been an ongoing debate for some years between the Province of Quebec and the federal government regarding spending by the federal government in that province. From time to time, if my memory serves me well, the view often expressed, or sometimes expressed, by the Quebec government is that you can spend that money in the other provinces, but in this province, just give us the money—don't you spend it; you give us the money and we'll see that it is appropriately used. Sometimes that is acceptable to the federal government, I suppose, and sometimes it's not.

The important consideration here is that the federal government is accountable to the Parliament of Canada, to the House of Commons in particular. It's not accountable to the provincial governments, but the actions of the federal government in areas of provincial legislative jurisdiction sometimes give rise to a debate between a

province, or several provinces, and the federal government about the propriety of what the federal government is doing.

• (1540)

Mrs. Carol Hughes: Do I still have more time?

The Chair: You do. You have about a minute and a half.

Mrs. Carol Hughes: Claude is going to ask you a question.

[Translation]

Mr. Claude Patry (Jonquière—Alma, NDP): Thank you, Mr. Chair.

Mr. Walsh, could you explain to me how that works with the Government of Quebec? The federal government provides the funding, and Quebec wants to have the funds and administer them. When people come for training, for instance, how do you discuss that with them? Is there room for improvement? Is there anything negative or positive in all that?

Mr. Rob Walsh: It's not up to me to say whether the government's actions are positive or negative.

Unless I have misunderstood, you are asking whether there is an agreement between the province and the federal government. An agreement is negotiated for spending funds or for beginning a program related to education or labour in the provinces. We are talking about a cooperative regime between the two levels of government.

Sometimes that works, sometimes it doesn't.

Mr. Claude Patry: Okay, thank you.

[English]

The Chair: From listening to you, I gather that the federal government can't legislate or regulate in provincial areas, but they can expend funds with respect to matters that would be under provincial jurisdictions under certain circumstances.

Mr. Rob Walsh: That's correct.

The Chair: Does that then give way for various levels of government to deal with various issues on a collaborative basis?

Mr. Rob Walsh: That's correct.

It's not too often that I think a provincial government will spend money in an area of federal legislation. It can happen in the reverse from time to time, and it gives rise to some debates.

The Chair: Mr. Shory, it's your turn to go ahead.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Mr. Chair.

Thank you, Mr. Walsh, for coming this afternoon.

I am certainly a lawyer by profession, but I'm nowhere close to being an expert on constitutional matters. Being a first-generation newcomer, I was a law graduate from India when I came to Canada, and I did have to live with it for a few years. It's very complicated, as you said. Jurisdictional issues are complicated and very hard to understand as well, especially for a new Canadian.

We all know that on a skilled worker basis, we have all kinds of professionals coming to Canada. Unfortunately, due to these complications, most of them have to go through very rough and tough times. Also, quite a few of them basically are unable to achieve their profession after coming to Canada. When we talk about jurisdiction, it is clear that education is under provincial jurisdiction. At the same time, I was curious to hear your views on whether the federal government has any jurisdiction to make changes to the credential recognition process.

Mr. Rob Walsh: If by changes you're talking about the regulations regarding the accreditation to be given for foreign qualifications, generally it does not.

Mr. Devinder Shory: Okay.

Mr. Rob Walsh: But it may happen in some cases. For example—and I'm not sure of this, but I'll offer it as a hypothetical—airlines are federally regulated. Can the federal government accept qualifications of an immigrant who claims to be qualified as a pilot? It could, possibly, as being incidental to the running of airlines. I'm not entirely sure about that. It's along the same thinking that the federal government can legislate labour for federally regulated enterprises, like airlines, although labour is a provincial area. They can do labour legislation for a federally regulated entity, such as the post office, for example, or airlines. In a similar fashion, it might be the case that they could allow for acceptance of foreign accreditation in those fields for which they are responsible, such as airlines.

I'm not entirely sure of that, sir, but I think that's a possibility. I'll check that when I get back to the office.

• (1545)

Mr. Devinder Shory: Okay.

I have a quick comment on your presentation. In the second paragraph, you talked about some limited exceptions. Can you give some examples of those exceptions?

Mr. Rob Walsh: It's a complicated matter, which I don't think will assist you in what you're doing here. You're talking about section 93, on education.

It does go to the question of, historically, there being separate schools in Ontario—Catholic schools—and it provides that those rights will always survive. In Quebec there are to be Protestant schools. Later on, if these things aren't respected, the federal government can intervene to see to it that these rights are respected.

I wouldn't waste any time on it, because I think I can say it's somewhat obsolete. Education now is effectively 99% provincial. Whether we're talking about formal education like universities or high schools or other kinds of education, it's a provincial field. As far as the exceptions go, I can look at that more specifically for you if you like. I don't think the exceptions to which I refer are anything more than what you might call technical constitutional exceptions that don't have much bearing any longer in the educational field.

Mr. Devinder Shory: As you can see and appreciate, living through this issue in my own personal life made me passionate about this issue of foreign credential recognition. I have been working on trying to understand this issue for some time now.

Correct me if my understanding is wrong, but my impression is that as far as the federal government is concerned, it can assist or take a leadership role, I would say, to assist the provinces and territories in dealing with this issue of foreign credentials. In the first budget tabled after I was first elected in October 2008, our government had set aside \$50 million and established a pan-Canadian framework. In a sense, this was assistance to all the provinces and territories to work together with a positive attitude and move forward towards the recognition of foreign qualification.

Is that the maximum the federal government can do when it comes to the jurisdictional issue?

Mr. Rob Walsh: With reference to this particular program, my understanding is that it's an attempt by the federal government to, as it were, facilitate the process: to help the provinces and territories find common ground regarding what accreditation you need to be a doctor or a mechanic, or whatever the area or the field might be.

What more can the feds do than play maître d' to an ongoing discussion about this? I suppose in some areas—and, again, government officials can more capably address these questions for you—they could try to establish standards, and they could even establish their own accreditation system. They could say they recognize this fellow to be suitably qualified as an engineer, let's say, but they can't force the provincial governments to accept that. If the provincial regulatory agency set up by the provincial government doesn't find the person to have the appropriate qualifications, that's the end of the matter.

So if the federal government, for some reason or other, thought it might be helpful if they were to set up their own accreditation regime and make judgments and assessments and give certificates of one kind or another along those lines, if that would help, they might do that, I suppose, but they can't impose those accreditations on the provinces, and they can't, by virtue of those accreditations, in my view, give the individual the ability to carry on the practice of an engineer or a doctor in a province. The individual has to get provincial regulatory approval.

The Chair: Thank you, Mr. Shory. Your time is up.

We'll go on to Mrs. Hughes.

Mrs. Carol Hughes: Thank you.

Just a couple of quick questions.

In your document you indicate:

The federal government has been working with the provinces, territories and governing bodies to allow workers recognized in a specific field in a province or territory to be recognized equally in the other provinces and territories.

I just want some clarification on that.

What is being said here—and maybe you could tell me if I'm interpreting this wrong—is that if one of the provinces has lower standards than others, the government is working right now to try to make an even blanket with respect to standards?

•(1550)

Mr. Rob Walsh: “Even” might be one way of putting it. I think the program would ideally like to see one set of standards across the country, which by definition would be “even”. But that paragraph is dealing with the right under the Charter of Rights to be able to move to and live in any part of the country. The federal government is trying to advance mobility rights by trying to bring the accreditation standards in the various provinces close to the same level, so the dentist in Nova Scotia, arriving there from India, could later move to Quebec or to Alberta and practise as a dentist there as well. But the provinces would have to agree to that. I'm just saying the federal government I think is trying to move that along.

In that paragraph I'm addressing the issue of mobility rights under the Charter to accommodate members, or immigrants in particular, to have those same rights. The rest of us who were born and raised here take that for granted. But an immigrant coming here, arguably, as the gentleman was just saying, needs some assistance in this country to get to the point where he or she can enjoy the same rights as those who have been here all their lives.

Mrs. Carol Hughes: Another question is this. Under the Canada social transfer, the federal government gives tax points to the provinces for things like education. How does that agreement affect the constitutional relationship, where education is a crucial part of credentials?

Mr. Rob Walsh: It's the spending power. It's in effect the federal government using its control over the public purse at the federal level to assist the provinces, in this case in the field of education. I suppose the intent is to ensure the level of education, in terms of the institutions and the resources for education, are close to the same across the country, notwithstanding the different resources some provinces may have to support those institutions.

Mrs. Carol Hughes: Again, looking at your document, and as a follow-up to a comment you made with respect to the necessarily incidental areas, you're talking about crown corporations, airlines, Indian reserves, telecommunications, the foreign qualification process, and the foreign credential recognition program. When it comes to some of these here, where there's a need for that labour market because there's a void there, can you explain to me how that would work and whether there's a different avenue for them?

Mr. Rob Walsh: The necessarily incidental concept applies to legislative powers. All that means to say is that the federal government can exercise legislative powers in a provincial area of jurisdiction where it is on a matter that is necessarily incidental to some area of jurisdiction they already have, like airlines or banks or whatever. Normally they can't legislate labour, but they can legislate labour when it relates to a federally regulated industry or business. That's all “necessarily incidental” means. It's relating to legislative powers. It's got nothing to do with the spending powers of the federal government.

Mrs. Carol Hughes: Another question that just came to me is with respect to the difference between using the word “foreign” as opposed to “international”. Are you able to discuss that or just explain that to me? I'm just trying to figure out why wouldn't we do international qualification process as opposed to foreign? I'm just trying to see....

Mr. Rob Walsh: Semantically, international would include Canada; foreign wouldn't include Canada. That's one distinction. The use of the word “international” is sometimes there when you want to talk about a plan that applies to a large number of countries, so it has acceptance at the international level, whereas the word “foreign” is more limited to those other than Canada; foreign countries are countries other than Canada.

Mrs. Carol Hughes: Do I still have time?

The Chair: No, your time is up. Thank you.

Mr. Butt.

Mr. Brad Butt (Mississauga—Streetsville, CPC): Thank you very much, Mr. Chair.

Thank you, Mr. Walsh, for being here. It's nice to see you in a committee room, and not in the chamber, in more casual attire. We very much appreciate your counsel today.

Mr. Rob Walsh: It's a pleasure to be here.

Mr. Brad Butt: As a new member of Parliament I struggle with this issue. I have constituents who come into my office, and, quite frankly, they want to work; they are qualified in another country, they're frustrated, and I'm trying to help them as a member of Parliament. I appreciate you being here, so that when they come into my office I can answer their concerns in a more constructive manner.

Would you say the right way to suggest the role of the federal government in this at all is more through moral suasion with the provinces, to encourage them to have regimes that would better recognize, or in a faster way recognize, foreign credentials to be able to practise their trained profession in various provinces?

•(1555)

Mr. Rob Walsh: Yes, I would. I think the option available to the federal government is to do as you suggest, exercising what you call moral suasion, that is, trying to convince the provincial authorities that it's in their interest as much as in the federal government's interest to assist these immigrants to gain the appropriate qualifications.

But don't forget, I think you recognize that there may be some jurisdictions where persons are recognized as being qualified, whereas the local professional regulatory group don't think they are qualified. In some cases, that may be a sound judgment. In other cases, some might characterize it as job protection. In either case, the immigrant is unable to work.

Some of this I guess is unavoidable; it's in the nature of immigration. You could go to another country and not be able to work for other reasons—you can't speak the language or something. So there are hardships for everyone, there's no question about it. I understand that members of Parliament often are asked by constituents who are immigrants or second-generation immigrants, and they're trying to deal with that problem.

I think the resources available to the federal government, arguably, are more than moral suasion; they may have fiscal suasion. Then they will tend to advance their view and perhaps bring the provinces. But you see, even if you have one province on side, they've got to get all the rest on side to get the mobility aspect addressed. I would think it's a very complex matter. As urgent and as pressing and as worthy as the goal may be, it seems to me it's a very difficult area to deal with, although some progress has been made in the past because of the mobility rights under the Charter.

Nonetheless, Canadians want to be satisfied that when someone presents themselves as being qualified to do X, they are in fact qualified to do whatever it is they're being paid to do. So the regulatory authorities have to be careful that they maintain their standards appropriately.

Mr. Brad Butt: Would it be your same view of these various regulatory bodies that there's virtually no power at the federal government level to force regulatory bodies to amend their practices? They're predominantly governed at the provincial level. Is that correct?

Mr. Rob Walsh: That's correct.

Mr. Brad Butt: As you know, we have immigration agreements with provinces; we have the provincial nominee program. I'm assuming that gives us a little bit more legislative leverage. Are you familiar with those agreements?

Mr. Rob Walsh: I am not in detail, no.

Mr. Brad Butt: Would it be likely, though, that if the federal government had a signed agreement with the province to determine immigration levels and types of immigrants and skill sets and so on, we at the federal level would also have the ability to insert clauses in those types of agreements that would perhaps put additional pressure on provinces concerning the foreign credential recognition side of things?

I guess my point is, if we have signed an agreement with the provinces, they have agreed to sign it with us. We obviously have some power through that type of agreement to leverage our influence.

Mr. Rob Walsh: The key word here is "agreement". You'd have to negotiate the insertion of these clauses into that agreement, which means you would have to have the consent of the province to make those considerations part of the agreement.

Mr. Brad Butt: My last question, then, is on foreign credentials for federally regulated industries. You talked about the pilot scenario, banks, others.

Are you of the view that the federal government has jurisdiction to go to federally regulated industries and to set foreign credentialing qualifications and standards that would set minimum qualifications for people to practice their profession in those federally regulated industries?

Mr. Rob Walsh: Yes and no. There are complications with it.

Let's take my own field as a lawyer. Lawyers are provincially regulated. There is no federal bar that would approve my standing as a lawyer. The federal government hires lawyers, and they require the lawyers to be recognized and registered as lawyers in one of the provincial jurisdictions. If it were to decide it would have its own

standards and certify an individual as being a lawyer for its purposes, but that individual had no recognition by any of the regulatory officials, that lawyer might not be terribly useful to them.

So it's a bit of an artificial question, because the individual has to work in a larger economic field than just the federal field. While it may theoretically be possible in some fields for the federal government to decide that this individual is going to work for us and only for us, so we'll decide whether he's qualified to fly a plane or not and don't need provincial authorities to tell us, there may nonetheless be other reasons why some recognition outside of the federal level should be obtained.

Going to that particular example of pilots—and I don't know for sure whether I'm right in saying this, so I again qualify what I'm saying, but I'm curious now and will double-check to see whether this is the case—it seems to me that if the airlines are federally regulated and provinces have no jurisdiction in regulating airlines, then yes, the federal government would have the ability to decide whether someone is qualified to fly a plane. So with some caveat, that makes sense to me, but I'd want to double-check to see whether the feds are actually doing this or have chosen to accept provincial control of that area too.

• (1600)

The Chair: Thank you very much.

We'll now move on to Mr. Cuzner.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Thanks very much.

Mr. Walsh, it's always a pleasure to have you sit in on a committee. The committee always benefits from your counsel.

Let me get further elaboration concerning what our chair posed on federal-provincial jurisdiction and responsibility. I'll respect your vast expertise on the broad range.

Maybe I can set it up with a hypothetical case.

If, for example, somebody wanted to tow a ship that they wanted to salvage through Canadian waters and the federal government was responsible for processing the application, granting the permits, granting the licence, securing the bond, so it monitors it during the towing process, but it cuts loose at sea and ends up on the shore of an unfortunate province—this is just a hypothetical situation—and then the federal government washes its hands of it, what—I'll use Mr. Butt's comment—would a premier of this hypothetical province have besides moral suasion to make his federal partner play a role in disposing of this, let's say, 243-metre wreck?

Mr. Rob Walsh: As you know, Mr. Chairman, hypotheticals are hazardous, but shipping is a federal area of jurisdiction for legislation purposes, and that vessel in Canadian offshore waters and doing business within Canada's jurisdiction would be subject to federal regulation. If it washes up on the shore of this hypothetical province, the owner of the ship may find themselves in trouble with the provincial authorities for one reason or another, for damage to the beach or that sort of thing.

These kinds of areas of provincial jurisdiction might come to apply to the craft for landing where it did, but the vessel still remains under federal jurisdiction in terms of how it is used or how it is managed and what operational requirements or standards it must meet. They remain federal. It doesn't fall into provincial, I don't believe, but it may be accountable to provincial authorities for whatever damage it is causing and that sort of thing.

I don't know if that answers your question. I don't think leverage arises to the province to enter into the federal field, if that's what you mean to ask. By virtue of the fact that the boat has landed on their shore, they don't suddenly acquire the ability to legislate in areas of—

Mr. Devinder Shory: A point of order, Mr. Chair.

The Chair: Go ahead.

Mr. Devinder Shory: Mr. Chair, I don't think this question is at all relevant to foreign credential recognition. I don't think this is a time when we should be addressing—

Mr. Rodger Cuzner: [*Inaudible—Editor*]...question. We're just trying to further develop the role of the federal government and what possibilities the provincial government might have, and it could apply to workers from foreign countries as well.

The Chair: I think it's getting into another field there, Mr. Cuzner.

Mr. Rodger Cuzner: Okay.

The Chair: If you want to bring it to a question, could you do so? I think we're going far afield, even though it's hypothetical.

• (1605)

Mr. Rodger Cuzner: Is it a little broad?

The Chair: Right. Can you bring it home?

Mr. Rodger Cuzner: I will surrender my time on that.

Thank you, Mr. Walsh.

The Chair: Mr. Daniel.

Mr. Joe Daniel (Don Valley East, CPC): Thank you.

Thank you, Mr. Walsh, for coming in.

As a new parliamentarian and a first-generation Canadian who has gone through the qualification process, I am curious about all of the different provinces having their own regulations for their own professions. We've talked about foreign qualifications, but what about Canadians who have been here...? For example, do the qualifications of a nurse in the eastern provinces transferring into Ontario still hold value, or do they have to go through the registration process again?

Mr. Rob Walsh: I can't address nurses specifically, but I believe there has been some significant progress made in enabling some of these qualifications to move from one province to the other.

I know that in my own field there has been significant progress made. It used to be that a lawyer couldn't go to another province and enter into the courts or engage in any practise of law. Now they can, I understand, with nominal requirements. Obviously there are provincial laws that the outside lawyer may not know, so there may be some schooling required in that regard, but basically it's not what it used to be.

I suspect that in the area of nursing within Canada they are able to move around fairly well. You hear stories of some professional groups that find themselves in great demand in another part of the country; there is almost a migration from one part of the country to another to meet the economic needs. I suspect that on the whole it's not bad, but there may be some areas, however, where it's difficult.

As you know, this program means to deal with the immigrant coming from another jurisdiction, who has credentials from another jurisdiction and is trying to get recognition here for those credentials from the other jurisdiction.

Mr. Joe Daniel: To follow up on that, I am thinking about what the actual process is to validate the qualifications. How is that done in terms of taking what the foreign credential is and comparing or processing it with the Canadian qualification?

Mr. Rob Walsh: Well, I would think it depends on the professional field and the regulator in that field. I would imagine—and I say “imagine” because I don't specifically know—and it would stand to reason that an engineering regulatory agency in a province would have jurisdiction in respect to which it readily recognizes the qualifications of engineers in other jurisdictions where it has some reservations or in other jurisdictions where it simply doesn't accept.... I don't know. But they would have, I would think, some foreign credentials that are not a problem for them and others that are a problem. But you have to look at each professional field, I think.

Mr. Joe Daniel: So as we discuss the different provinces, is there any information with regard to the standards that each of the provinces holds? For example, if I'm an engineer coming in, would it be easier for me to get into Alberta versus Ontario or one of the other provinces?

Mr. Rob Walsh: That might be the sort of information that Immigration can provide to immigrants to assist them in finding the place where they most likely would find employment in their professional field. Whether they do that or not, I'm not sure.

Mr. Joe Daniel: It wasn't the job market I was talking about. I was talking about the qualification recognition.

Mr. Rob Walsh: It may be that Immigration is able to provide that information to immigrants—where their qualifications most closely match the qualification requirements of a province so there would be less of an impairment to their practising their profession in that jurisdiction.

Mr. Joe Daniel: So that suggests that between provinces the standards are not the same.

Mr. Rob Walsh: Historically, they've not been the same, and the degree of disparity between them varies from one profession to the next. Hence, you have this program that the federal government has launched to deal with it. But yes, that's a fair comment.

Mr. Joe Daniel: Would there be some merit in taking this whole process to the federal level, as compared with the provincial level, so that there is some consistency between the provinces?

Mr. Rob Walsh: That same sort of argument is being made now by people who believe there should be a federal stock exchange. There is always a school of thought when difficulties arise between provinces in any given field that counsels avoiding all that and establishing one regulating authority at a federal level. That has a certain appeal for its simplicity, but the fact is that the provinces are pretty proud of their jurisdictions. They're pretty jealous of keeping their jurisdictions, and they're not about to hand it over to the federal level for the sake of convenience.

Mr. Joe Daniel: I think you're suggesting that the federal level would make it easier. I'm not suggesting that at all. I'm suggesting that there should be some consistency across the country.

• (1610)

Mr. Rob Walsh: Yes, it would be great if we could just see across the country and everybody would know they had one regulator and it wouldn't be a problem. Ideally, theoretically, that's a solution in this field, no question. But in reality, it's not going to happen.

Mr. Joe Daniel: Thank you.

The Chair: Your time is pretty much up.

I found it interesting listening to you. You said the provinces have jurisdiction, but the provinces delegate some of that authority to various professional agencies and associations, which number in the hundreds. So when you say that the federal government could take action with respect to facilitating the process, it is a fairly significant process. Mr. Cuzner said they can use moral suasion, but in addition to that, there can be some funding enhancements that would persuade the various levels or jurisdictions to try to meet a certain standard.

Mr. Rob Walsh: Funding is a vehicle for all kinds of creativity, and it may well be the case that, through funding, solutions can be found that can't be found by virtue of legislative restrictions.

The Chair: Thank you.

Ms. Hughes.

Mrs. Carol Hughes: I want to go back to the "necessarily incidental" quote. In your document it refers to labour, but if it was determined that to facilitate immigration the federal government had to legislate credential recognition, would that fall under "necessarily incidental"?

Mr. Rob Walsh: Every case has to be looked at on its own merits. Sorry, did you have a particular area in mind when you asked your question?

Mrs. Carol Hughes: I was wondering whether or not that piece of it would fall under there. Did this come up when the program was created? I'm referring to that fine line again.

Mr. Rob Walsh: I'm sure the government took advice from its lawyers regarding the Constitution, but I don't imagine there was a lot of time spent on that. Clearly, they are responsible for immigration, and they recognized there was a need for a program to facilitate the assimilation of immigrants into Canada professionally, so they launched this program to try to make the provinces into some kind of level playing field.

They haven't legislated, I don't believe, for this program. I stand to be corrected, but I don't believe they have legislated for this program. Were they to legislate for this program, they would have

the burden of showing that the legislation, if it touched labour or education, was necessarily incidental to their immigration jurisdiction. It might be hard to show that regulating professional qualifications was necessarily incidental to immigration. That might be a bit of a stretch. "Necessarily incidental" means you can't really do a job in this field unless you also deal with these issues. You can't really regulate airlines unless you deal with their labour problems. That's why you have a Canada Labour Code. You can't really legislate on banking unless you have the power to deal with some other issues that arise under banking.

Can you not deal with immigration without dealing with professional qualifications? That's the question? Arguably you might well be able to adequately deal with immigration issues without dealing with labour or education. But that's the issue. Anything they did in the area of education or labour would have to be shown to be necessarily incidental to their exercising their legislative authority over immigration.

Mrs. Carol Hughes: One more quick one. I'm wondering if the agreement on internal trade affects our consideration of foreign credentials under this program.

Mr. Rob Walsh: The agreement on what?

Mrs. Carol Hughes: The agreement on internal trade, whether or not it affects our consideration of foreign credentials. We talked about mobility a while ago, and I'm wondering if—

Mr. Rob Walsh: I don't know the details of that agreement, but if that's the internal free trade agreement, if you like, between the provinces, to the extent that any regulatory regime in a province presented a barrier to economic trade, the argument could be made that the regulatory regime is not really there for bona fide regulatory purposes; it's there to protect local jobs or to prevent trade with another province. That's a matter of debate, argument, and ultimately, I suppose, it might be a matter for the courts to decide, were it brought to the courts.

I couldn't answer specifically without examining more closely the terms of that agreement and what's actually being done as to whether what's being done represents such an exaggerated regulatory regime that it starts to look like it's an obstruction to the free trade of goods.

Mrs. Carol Hughes: Thank you.

The Chair: We have time for another round of five minutes.

Mr. Shory, would you like to go ahead?

Mr. Devinder Shory: Thank you once again, Mr. Chair.

Mr. Walsh, I would agree that specifically in our profession I have seen the change, and I'll answer some of my colleague's concerns also.

For a few years I had been trying to get into different universities in different provinces, and there were different standards. That obviously has changed now. As a lawyer you can virtually go to any province, and for a certain period you don't have to go through any requirements. You simply put your name in and you can pursue your profession, as far as the lawyers are concerned.

From all this discussion today, I want you to reconfirm my understanding that as far as recognition of foreign qualifications or evaluation is concerned, the federal government can take the leadership role by facilitating or assisting or encouraging the provinces and territories to get onboard and work together to recognize the foreign qualifications, but nothing more than that. They cannot force any province, any regulatory body, to follow suit, to recognize qualifications in any specific manner.

Is that my correct understanding?

• (1615)

Mr. Rob Walsh: I believe that is the correct understanding, yes.

Mr. Devinder Shory: Thank you, Mr. Chair.

The Chair: Okay. I think we have Mr. McColeman with a couple of questions.

Go ahead.

Mr. Phil McColeman (Brant, CPC): I really want to try to understand this on a very practical level. I'm just looking at our witness list for the next hour. We have the Canadian Society for Medical Laboratory Science, the Royal Architectural Institute of Canada, and the Canadian Association of Medical Radiation Technologists.

Each area of a profession, in large part, not all—even in some distinct labour categories—generally has an association that represents them nationally; often they have an association that represents them provincially. What I'm hearing is that the federal government has little constitutional or separation of powers ability to influence significantly the outcomes for these immigrants as they come here. They are often more controlled by their professional association, be it engineers, doctors, bricklayers, construction workers—whomever.

Am I correct in thinking—I'm asking you to verify that I understand this conceptually—that all we can really do at the federal level is to assist these types of associations, which we're going to be asking questions of, as well as other groups, to get their house in order, get their regulatory schemes in order, so they can apply to a broader range of provinces, or perhaps the whole country, if they so undertake to do so?

Am I correct in thinking that way, or do they individually have to have agreements with the provinces as well to be part of that regulatory framework?

Mr. Rob Walsh: Mr. Chairman, I think the member's question reflects a certain confusion between professional associations and professional regulatory bodies—for example, in Canada there's the Canadian Medical Association—

Mr. Phil McColeman: Yes.

Mr. Rob Walsh: —and there's the Canadian Bar Association for lawyers. Neither of those regulates doctors or lawyers. Those are national organizations. They have provincial chapters, but they're national organizations. They don't control qualifications for acceptance or accreditation in law or medicine.

There is the College of Physicians and Surgeons or some institute like that at the provincial level that regulates doctors, and there is the law society or some institute like that that regulates lawyers. These

are created under the legislation of the provincial legislative assembly and authorized to play that role. While these associations may be good for representing, broadly speaking, the professional and economic interests of their members in dealing with the federal government or in dealing with provincial governments, they don't have any direct role to play in the accreditation issue. But certainly they may well be influential players in trying to bring the provinces to adopting a common standard across the country, if that was the role they chose to play.

Mr. Phil McColeman: I appreciate that clarification.

The Chair: Thank you.

I think we've come to a point of conclusion here.

I'd like to thank you, Mr. Walsh, for answering all of the questions, for the insightful presentation and answers to the various questions. We very much appreciate you coming. Thank you.

Mr. Rob Walsh: I only want to add, Mr. Chairman, if I may, that I relate to this subject because I am an immigrant myself, but from a very young age.

• (1620)

The Chair: There you go.

Mr. Rob Walsh: When you come to a country as a young person and you don't speak like they speak and you don't look like they look—and I didn't—it's a difficult experience for some years, until you finally get yourself assimilated in some manner. I understand the difficulties people have who come from jurisdictions where they don't speak English or French and have different cultures and different economic systems. It's very hard coming to this country. We have a number of problems of our own already, but it's especially so for someone who comes from elsewhere.

The Chair: Thank you.

With that, we'll suspend for 10 minutes.

• (1620)

_____ (Pause) _____

• (1630)

The Chair: I'd like to welcome our next panel. We have the Canadian Society for Medical Laboratory Science, Christine Nielsen—I appreciate having you here; the Royal Architectural Institute of Canada; and the Canadian Association of Medical Radiation Technologists. We're looking forward to hearing from you.

Each of you will be making a presentation. Following that, there will be a round of questioning of five minutes each.

I'm not sure who's going to start first. Would that be the Canadian Society for Medical Laboratory Science? Okay, go ahead.

Ms. Christine Nielsen (Executive Director, Canadian Society for Medical Laboratory Science): Thank you, Mr. Chair.

I would like to sincerely thank the committee for inviting the Canadian Society for Medical Laboratory Science to appear today. My name is Christine Nielsen and I am the executive director for the society. Prior to that role, I handled our certification and prior learning assessment portfolio, and integration of internationally educated medical laboratory technologists, or—

The Chair: Perhaps I will caution you to slow down a bit. The interpreters are having a difficult time. If you would take your time, it would be appreciated by the interpreters and others on the other side of the interpreters.

Ms. Christine Nielsen: For sure.

The Chair: Thank you.

Ms. Christine Nielsen: Prior to that role, I handled our certification and prior learning assessment portfolio, and integration of internationally educated medical laboratory technologists, or IEMLTs, continues to be my commitment and passion.

The CSMLS is the national professional association for over 14,000 medical laboratory professionals in Canada. We are also the national certification body that establishes the entry-to-practice requirements in consultation with the provinces and territories. We also offer the only national prior learning assessment program for our profession that is used in all jurisdictions, with the exception of Quebec. We have always done some form of recognition, however, and in 1999 the program became more robust, with the goal of providing fair, open, and transparent assessments of credentials, education, work experience, professional development, and language proficiency.

Since 1999, we have assessed over 2,000 files and certified more than 1,000 international medical laboratory technologists. Our program is unique in that each jurisdiction relies on the assessment and certification for entrance into the labour market. Our program has been reviewed and celebrated by agencies such as the Ontario Fairness Commissioner, the Manitoba Fairness Commission, HRSDC through the pan-Canadian framework for the assessment and recognition of foreign qualifications, and the Ontario Health Professions Appeal and Review Board.

The CSMLS thanks the Government of Canada for its sustained interest in investing in immigration to build on Canada's prosperity. Citizenship and Immigration Canada has a great responsibility in the recruitment and selection of newcomers to Canada, and HRSDC is there to help in the transition, whether it is offshore or in Canada. Programs like the FCRO and the pan-Canadian framework are important to the successful integration of newcomers.

The CSMLS has been fortunate enough to have had nine research and pilot projects supported from the HRSDC FCR program, and they have undoubtedly helped us create a program that is reliable, fair, and transparent, valued by regulators, fairness commissioners, and our profession.

Our HRSDC projects include:

- overview of best practices, identification of barriers for the clients and creation of a standardized assessment process;
- plain language review of all documents related to certification and prior learning assessment to ensure clarity in English and French;
- the business case for creating and sustaining bridging programs;
- loan libraries to remove access issues and costs for internationally educated technologists;

- the creation of a resource guide for IEMLTs to help address the gaps in experience and education in relation to the Canadian context of practice;

- the creation of an online self-assessment tool, also available offshore;

- the feasibility of creating a peer support network;

- investigation of factors enabling or impeding integration of five groups of internationally educated health professionals, two to seven years post-licensure and certification;

- and our newest project, the CSMLS self-directed bridging program.

We have also had language projects funded provincially, through MCI Ontario bridge funding:

- investigation of language assessment tools and benchmarks necessary for the success for internationally educated medical technologists;

- language proficiency testing for IEMLTs, validating cut scores and a new testing tool.

Each of these projects has facilitated the development and validation of a fair, open, and transparent prior learning assessment program. These projects have undoubtedly helped contribute to the CSMLS vision of creating a process that is evidence-informed, allowing for the best possible outcomes for the technologist, the profession, and the public. Like any robust research program, the CSMLS has several areas of further interest and eagerly awaits the outcomes of the peer support network and the five professions integration project, as there will undoubtedly be a list of recommendations that will further enhance the outcomes of our internationally educated technologists. We are also hoping to engage in another multi-profession project addressing common challenges.

We would like to applaud the HRSDC for their willingness to collaborate and negotiate new projects that will be of benefit to the CSMLS, the IEMLT, and, ultimately, the Canadian public. The application process is relatively seamless, and improvements have recently been made, allowing for the more timely sharing of documents for both HRSDC and the recipient.

We are fortunate to have a single point of contact for FCR applications at HRSDC and have appreciated the effort HRSDC has taken to better understand the complexity of my profession and the issues we face.

•(1635)

We meet annually with our HRSDC contact to discuss current and future projects. In fact, they seem to understand projects, challenges, and opportunities as well as I do. This leads to productive discussions that are dynamic, future-focused, and centred on improvement.

One of the biggest limitations we all face with grants funded by HRSDC is the lack of sustainability of the projects, as this is beyond the mandate of HRSDC. We encourage the Government of Canada to find a logical place for sustainability of these projects. We believe that HRSDC might benefit from the implementation of a post-project process that looks at sustainability. While the CSMLS does not enter into funding agreements for programs or processes that we cannot sustain, the failure of several regional bridging programs for internationally educated medical laboratory technologists suggests that this might help, as it would force grant applicants to have collaborative agreements in place long before a project ends, to ensure that a project will be sustainable.

Further, the CSMLS encourages the Government of Canada to consider credential evaluation or PLA as part of the immigration process, not something an immigrant tries to navigate once they arrive. We are excited about the outcomes of the CIIP projects in India, China, and the Philippines, and look forward to its expansion to the U.K.

We've seen the challenges of a process that allows a newcomer to self-declare their occupation with no actual validation of the claim. Verification would assist the government in determining fit, especially related to the professions on the preferred list for the foreign skilled workers, and allow the immigrant to better plan for their journey to Canada. It will allow them to make an informed choice in coming to Canada, determine the order of events they will undertake when they get here, and possibly alter their expectations on arrival.

We thank the government for their interest and action in the assessment and integration of immigrants to Canada. We sincerely hope investments continue to be made in this area, as the financial burden on associations and internationally educated professionals would be insurmountable were it not for the commitment of the Government of Canada.

Thank you.

The Chair: Thank you.

I've given you some extra time because I asked you to slow down. I didn't want to shorten your time because of it. I'm happy that you were able to conclude.

We will now move to the presentation by the Royal Architectural Institute of Canada.

•(1640)

Mr. Jim McKee (Executive Director, Royal Architectural Institute of Canada): Thank you.

My name is Jim McKee. I'm the executive director of Architecture Canada.

With me is Jill McCaw, project manager for the broadly experienced foreign architect project.

I'd like to mention that Saskatchewan architect Dave Edwards, chair of the broadly experienced foreign architect task force, would very much like to have been here today but couldn't be, as the meeting was held on fairly tight notice.

I'd like to thank the committee for the opportunity to report on the progress of our project, which is labelled BEFA for short. It's a project made possible by the foreign credential recognition program and one conceived to put in place an innovative new system for assessing the credentials of foreign-trained architects in a manner that is timely, fair, transparent, pan-Canadian, and rigorous in ensuring that Canadian standards for architectural practice are upheld.

The project is proceeding with the full backing of the Canadian architectural profession. Our partners, the provincial and territorial members of the Canadian architectural licensing authorities, CALA, share a commitment to put in place a new process for assessing the credentials of foreign-trained architects to be administered by the Canadian Architectural Certification Board. The project is currently in the pilot phase. Our target date to go operational is September 2012.

Under the current system, foreign-trained architects seeking to qualify for practise in Canada must be able to demonstrate educational qualifications equivalent to those specified by the Canadian educational standard. They have to find work with an architectural practice and accumulate 5,600 hours as an intern architect, and they have to write the Canadian qualification exam.

Three, four, or more years are required to complete this process. It can be unattractive to an architect already holding a broad range of experience who is well advanced in their career in their home country.

The reality is that we currently have a prescriptive certification system predicated on the vast majority of candidates entering the profession coming from accredited Canadian schools of architecture.

Moreover, the reality is that Canada needs more architects, not less. Like many professions, its membership is aging. Within ten years, 58% of Canadian architects will be above the age of 50. As this group transitions to retirement, one study has projected that we will face a shortfall of between 100 and 200 architects a year.

Our fundamental objective, then, is to develop and put in place an assessment system and interview process that results in more internationally trained architects being integrated into the system without in any way diluting or lowering Canadian standards of admission to the profession, the regulation of which exists to protect the public interest, notably public safety.

We are now well advanced in the development of this new system. It will include an online self-assessment component that will enable foreign-trained architects to begin the process of assessing their credentials vis-à-vis Canadian standards of practice while still in their home country.

To be clear, foreign-trained architects will still need to provide evidence of an architectural education, proof of licensure or its equivalent in their jurisdiction, as well as proof of broad experience, at least seven years, as a practising architect in their home country.

The fundamental focus of the new system, however, will be on testing for essential competencies required to perform as a qualified Canadian architect. These competencies have been identified after extensive work with assessment consultants and with practising architects.

The competencies have then been mapped out in a comprehensive matrix, which underlies the online self-assessment questionnaire that will be the starting point for any foreign-trained architect seeking to be certified and referred to the licensing authorities.

Once they've completed their self-assessment and uploaded supporting documentation, their file will be reviewed by a team of assessors. They will then be scheduled for a face-to-face interview, which we use to verify their competencies. This evaluation will be carried out by three Canadian architects trained as assessors.

Jill.

Ms. Jill McCaw (Coordinator, Integration Project, Royal Architectural Institute of Canada): The outcome of this process will be a decision that a candidate either qualifies directly for admission into the profession and will be directed to the designated provincial/territorial licensing body, or requires skill upgrading in certain areas in order to qualify for licensure, or does not have competencies required for licensure in Canada and should pursue alternative career paths.

Candidates who do meet the competency standards for practice in Canada have the potential to be licensed as an architect within a Canadian jurisdiction several years sooner than currently is the case. From the moment they finalize their self-assessment, candidates should be scheduled for a face-to-face interview and be advised of their results within one calendar year. A candidate licensed in any jurisdiction in Canada through this process will be able to pursue practice anywhere in the country.

With respect to required skills upgrading, I should add that the financial support provided by Human Resources and Skills Development Canada is also being committed to the development of online distance learning courses that will be offered through the RAIC Centre for Architecture at Athabasca University.

As was mentioned earlier, the new assessment system is in the pilot stage. The first pilot took place in Vancouver in March 2011, and two more are scheduled for January and March of 2012, including one pilot focusing on French language candidates. The system will be refined through these pilots prior to receiving final endorsement from provincial and territorial regulators. Again, our objective is to launch the system operationally in September 2012.

As we move forward, one issue that our provincial and territorial colleagues will be addressing with their governments is amendments, where required, to adapt the legislative framework for this new approach.

Much of the work remains ahead of us, but we have made significant progress to date, thanks in no small part to the strong

support being provided to this project by all of the provincial and territorial regulatory bodies, the volunteer commitment of the BEFA task force membership, and the Canadian Architectural Certification Board.

We welcome the opportunity to provide you with additional information in the question and answer session.

• (1645)

The Chair: Thank you very much for that presentation.

We'll move on to Mr. Shields.

Mr. Charles Shields (Chief Executive Officer, Canadian Association of Medical Radiation Technologists): Thank you very much, Mr. Komarnicki.

I am Chuck Shields. I am the CEO of the Canadian Association of Medical Radiation Technologists. With me is Giulia Nastase, the special projects manager in our office, who is looking after our work in the area related to internationally educated medical radiation technologists or, as you'll hear me referring to them, IEMRTs.

[*Translation*]

I will speak in English, but it would be our pleasure to answer any questions in French as well.

[*English*]

We are pleased to be working with HRSDC and Health Canada and have been working with them for several years to work with IMRTs, to help them be successful with the certification process and to enter practice in Canada.

I'd like to start by saying a little about us, as an association. We were founded in 1942. We are governed by a board of 14 members from across the country, representing every province and all disciplines.

The mission of the association is to serve and support members and to provide patients with the highest quality of medical imaging and radiation therapy care. CAMRT ensures that all medical radiation technologists are certified as having the knowledge, skills, and judgment to enter practice through the development of services and tools that help MRTs to continue to practise safely and effectively in a rapidly evolving field.

As the national voice for the profession, CAMRT is engaged internationally and promotes the effective contribution of MRTs in the Canadian health system discussions and decisions.

We have 12,000 members, of about 17,000 practitioners in the country. These are divided among four disciplines. This is important because our work involves MRTs from all four disciplines. One is radiographers, which includes CT technologists, mammographers, intervention radiographers, and those conducting general X-ray; radiation therapists, who are involved with cancer treatment; nuclear medicine technologists; and magnetic resonance imaging technologists.

MRTs are highly trained professionals who perform medical imaging and radiation-based therapy procedures. They work closely with radiologists and nuclear medicine physicians, who interpret the results of procedures, and with radiation oncologists, who direct radiation-based cancer treatment.

We have two primary roles as an association. First, we are the national certifying body. This we share with the Canadian Society for Medical Laboratory Science. Second, we are a professional association. As a certifying body, we develop the national entry-to-practice competency profiles, which are core to much of what we do. They are the basis for the examinations. They are the basis for the education programs for the profession. We also develop the certification exams, and we work closely with the provincial regulatory bodies.

As a professional association, we have an extensive continuing professional development program. We work on advancing professional practice and we have an advocacy program.

It was in our role as a certifying body that we noticed and became involved in working with internationally educated medical radiation technologists. Over the years, as we've worked with them, we've developed a conceptual framework that sees the task as a continuum—working with the IMRTs in their native countries as they are first considering emigration, from their point of view, all the way through the assessment preparation and the certification process to their successful integration into the Canadian health system.

We've been fortunate to have a series of projects funded by HRSDC. The first one was completed in 2006 and was titled "A Situational Analysis and Recommendations for Internationally Educated Medical Radiation Technologists". In that project we collected supply and demand information for the profession related to the profession overall and IMRTs. We evaluated the assessment and certification processes and identified challenges and barriers. There were 22 recommendations that were published in that report, and to date we have acted on and implemented 19 of them.

Phase two built on the first project and was titled "Leading The Way: Ensuring an assessment and certification process that is fair, efficient, and valid for international applicants". In that project we developed preparation guides and practice exams for all four disciplines. They are available online and have been accessed by over 1,700 IMRTs to date.

We also conducted research regarding the exam performances of IMRTs to identify areas where they had difficulty, and we worked with stakeholders from around the country to identify national guidelines for bridging programs.

●(1650)

The work on that project led to a third one, which we are now in the process of wrapping up. It started in 2009 and goes to the end of this year. One component of it is entitled "National Guidelines for the Assessment of Credentials of IMRTs", and the second is "Education Upgrading and Exam Preparation Courses". In the national guidelines, we have worked with regulators at the provincial level and provinces to develop credential assessment guidelines that address language proficiency, education programs, and work experience. In the education upgrading area, we focused and used

the research we had done in the previous project to identify and develop three online courses, which are nearing completion, that get at 70% of the content area where IMRTs have difficulty.

Once these are in place and available online, it should be noted that these will be available to be taken by the IMRTs when they are in their home country, even before they move to Canada, should they decide to do that.

We also have a project in the proposal stage entitled "Education upgrading and exam preparation courses: Delivery and testing of online exam preparation courses". This will use those three courses, offer them free of charge for three years, gather information, and analyse how effective they are in helping IMRTs.

We will also develop a competency-based exam module, because our exams are competency-based and that often is difficult for IMRTs who aren't trained in that way. We will also be developing a module to assist IMRTs in entering employment in Canada.

We've also been fortunate to receive support from Health Canada. One of these was a project that is very near to ending completion at the end of this month. That is called "Online Readiness Self-Assessment tools". You will hear some commonalities between our different organizations. This one is providing an overview of life and practice in the profession in Canada. It provides the IMRT with more information to make an educated decision about immigration and whether to apply for certification in Canada.

I'd like to move now to talk briefly about our experience with the foreign credential review program funding. In a couple of words, I'd say it's been a very positive experience. We find that the process has been straightforward. The application, templates, and forms are available and easy to use. They also provide support in working with our staff in proposal development and review. We find the staff is knowledgeable and involved. They're able to advise, provide support to us, and they're flexible in managing the scope of the project. We also find that the reporting requirements are clear.

As far as the impact of the funding, as a small organization, we would not have been able to do the work we've been able to do had we not received the support from HRSDC and the funding from Health Canada. It is crucial. It helps us provide programs that get to the needs of IMRTs. It assists IMRTs, but also there is an overflow impact and benefit for Canadians. Employers are assisted by having IMRTs who can move into employment situations more easily. The general public and patients are assisted by enhancing and ensuring that the IMRTs are able to practise safely. Canadian-educated medical radiation technologists have been able to use many of the same tools to great benefit. We've been finding them to be quite positive.

●(1655)

The Chair: You've gone quite over time and you've got a lot to go. Maybe you could sum up.

Mr. Charles Shields: I just have a few recommendations to get to.

The Chair: Okay, if you could.

Mr. Charles Shields: Based on the experience we have, there are three things I'd like to suggest. First is to increase attention on the language capacity. We would suggest this might be done at the screening of possible immigrants, providing access to language training once in Canada.

Second is to develop a scholarship or loan program for IMRTs, like a Canada student loans program, to participate in bridging programs. By receiving this funding, IHPs or internationally educated medical radiation technologists can support the programs they choose to attend through the funding they are receiving. At the same time, they would be able to continue to work.

Third, we think it's very important that those bridging programs include time in supervised clinical practice. That is going to require involvement of provinces, however, because health is a provincial responsibility.

Thank you very much. I look forward to answering questions that members of the committee might have.

The Chair: Thank you very much for that presentation.

We're going to start with Madam Perreault.

[Translation]

Ms. Manon Perreault: I have two questions.

First, I would like to know if you ever get any complaints from foreign workers whose qualifications have been recognized by your organization, but who are unable to find a job.

I would also like to know whether, conversely, you ever receive complaints from employers about workers they have hired and who do not meet their expectations, especially in terms of qualifications.

[English]

The Chair: Could you each answer that? Perhaps we'll start with Christine.

Ms. Christine Nielsen: Sure. Thank you.

One of our recent projects is assessing the integration of two to seven years post-licensure for five professions. This includes Chuck's profession, medical radiation technologist, and medical laboratory technologist, occupational therapy, physiotherapy, and pharmacists. We looked all across Canada to address the challenge of barriers in entering the workforce.

We found that someone who has been internationally educated lacks the network that Canadians have, but they do enter the labour market and appear to have more job satisfaction than domestic graduates. So they are finding work in the five professions and they seem to be more satisfied with the workplace experience than someone who is Canadian trained. This was a surprise to us, but that's why we do research, to try to prove things that you hypothesize about and are not sure of.

In regard to complaints from employers, our experience is this large on the continuum of employer attitudes towards immigrants. There are people who would hire someone who is internationally trained over someone who is Canadian trained any day because they bring a different basket of tools. Then there are others who have had

a single bad experience and never want to hire one again. So they fit everywhere in between that continuum.

The Chair: Did you have something to add, Mr. Shields?

[Translation]

Mr. Charles Shields: We do not receive any feedback, either from the employers or the technologists themselves. It appears that they are able to find jobs. However, given the work she does, Christine has more research-based information about that.

• (1700)

[English]

The Chair: Mr. McKee.

[Translation]

Mr. Jim McKee: For instance, when it comes to architects who arrive in Canada with a significant amount of experience under their belt, the obstacle has more to do with the obligation to obtain a licence in order to be recognized as an architect. That process is seen as an expensive one, even more so than in the case of lawyers, for instance, who open a practice.

Actually, the status of foreign architects who find a job in an architectural firm is inferior to that of an architect. They find themselves lacking the motivation to advance in order to go through the steps leading to the official recognition as architects and the acquisition of all the authority related to that status. That's the main obstacle.

[English]

The Chair: You have a minute and a half.

[Translation]

Ms. Manon Perreault: Just out of curiosity, I would like to know what percentage of those foreign professionals speak French.

Mr. Jim McKee: I don't have that figure on hand.

Ms. Manon Perreault: I would also like to know how many of those professionals are recognized each year.

Mr. Jim McKee: I don't know. I don't have that information on hand either.

Ms. Manon Perreault: Okay.

[English]

Ms. Giulia Nastase (Manager, Special Projects, Canadian Association of Medical Radiation Technologists): For CAMRT we conduct assessments of credentials. We assess on behalf of a number of provinces and the regulatory bodies of the regulated provinces assess separately. Approximately 100 IMRTs are being assessed per year between all of us and given access to the national certification exam. The pass rates for IMRTs have been consistent between 25% and 31%. Depending on the year, these are the numbers.

The Chair: Thank you very much. The time is up.

We'll probably get back to you, Ms. Nielsen.

Ms. Leitch, go ahead.

Ms. Kellie Leitch (Simcoe—Grey, CPC): Thank you very much for your presentations today. I greatly appreciate your being here to provide us some direction and advice.

I guess a question for all three organizations, to begin with, is this. There is obviously a significant amount of federal-provincial interaction that has to take place for these individuals to be accredited and then be able to enter the workforce here in Canada. Do you have some recommendations on how best to facilitate that, from your experiences? You've obviously had to deal with your provincial and your national...as national partners. It would be very helpful for us to know what those leadership things are that we should be implementing, or how we can facilitate that interaction to take place so we can have more people accredited here to get them into the Canadian workforce.

Ms. Christine Nielsen: Thank you, Mr. Chair.

That's a great question. There are very few professions that assess on a national level. That's where we run into some challenges, especially related to the agreement on internal trade. And we run into licensing barriers. In the past, one has been licensed in one jurisdiction and not accepted in another.

In our opinion, the ideal model is something that was given to the Canadian society by its provincial partners years ago. Because of the size, no single province had the capacity to do the assessments alone. Quebec still looks after its own, but everyone else entrusted the national organization, which is my society, to do this work for them.

We're under contract. We have agreements. They've all set the standards in consultation and collaboration. So we literally have a process that allows everyone to be assessed in Canada, whether they're arriving in New Brunswick or Ontario. And each of the regulators agreed to the standard. So when they've been assessed by my agency and they've been certified by my agency, it's *carte blanche* for them to work anywhere in Canada, with the exception of Quebec.

Ms. Kellie Leitch: Thank you.

Mr. Jim McKee: I'd just like to say that this process, supported by HRSDC, has actually been instrumental in bringing together a collective approach by all the provincial and territorial regulators. The support has meant that there's ongoing discussion among the regulators about the project as it evolves through the work done by the broadly experienced foreign architect task force that was appointed by the architectural licensing authorities. That type of support by HRSDC—to develop not only a technical product for assessing the competencies in foreign architects but also to support the ongoing discussions among the regulators—is crucial to a successful outcome. So that's been very helpful. This project has helped both sides of it, the political internal support and the technical development of the instrument.

• (1705)

Mr. Charles Shields: Thank you, Mr. Chairman.

Dr. Leitch, your question sounded as if it also asked for advice we might have regarding federal-provincial governments working together towards objectives.

Ms. Kellie Leitch: Correct.

Mr. Charles Shields: There are mechanisms, of course, that exist between the federal and provincial governments. Now, in the Department of Health, those can work.

One of the things I have found in my years of working with several associations is that oftentimes the national associations working with their provincial ones can accomplish things that may be harder for the governmental bodies to do. So it may be that working through us can in fact help achieve some of the things. I think that's a lot of what Christine was saying in her comments.

We certainly have found that our provincial regulatory bodies and associations are quite keen and work with us very positively.

The Chair: You actually have only a few minutes.

Ms. Kellie Leitch: I'm going to ask you one quick thing, and then Mr. Albas has a question. This is not for you to respond to here, but maybe you could send to us the number of people who make requests of you every year from offshore. Perhaps you could send that to us.

Go ahead, Dan.

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Thank you, Mr. Chair.

I have a question, actually, for Architecture Canada. It's my understanding that the Architecture Institute of British Columbia put into place a program to facilitate credential recognition of foreign architects with at least seven years of experience in their country of origin. I just wanted to know if you were aware of the program and how many people have gone through that system so far. Are you working with them along with your program? Is there a growing consensus that those kinds of programs are successful?

Mr. Jim McKee: The AIBC program is a model that the broadly experienced foreign architect task force, which is a pan-Canadian vehicle, has really been building on. So yes, the model of the competencies matrix is something that has emerged out of the process B.C. has been using. And the AIBC is very directly involved in the task force.

Mr. Dan Albas: Do you know how many people have gone through its system?

Ms. Jill McCaw: They do approximately seven to ten per year.

Mr. Dan Albas: Thank you.

The Chair: There will be another round coming back.

Mr. Patry.

[*Translation*]

Mr. Claude Patry: Thank you, Mr. Chair.

Christine Nielsen, my question is for you. You said a little earlier that there were 10 provincial associations with about 12,000 members. However, Quebec is not part of that. Does it have to follow a separate procedure to get medical radiation technologists? Does it have to take care of that on its own? Could you explain the process to me?

[English]

Ms. Christine Nielsen: Quebec sits at the table setting the standards for both certification and for prior learning assessment, but it looks after its own immigration, and it doesn't require the certification exam as entry to practice. But Quebec is absolutely at the table as a partner in all discussions related to prior learning assessment and certification. It's in its legislation that it can't require the certification exam, but the OPTMQ does endorse the certification as a quality measure.

[Translation]

Mr. Claude Patry: I have another question. Which area, if any, is faced with the biggest shortage? Is there really a shortage of workers in laboratories right now, for instance?

[English]

Ms. Christine Nielsen: That's a great question. It's something my association is grappling with right now.

With the economic downturn in 2008, our members are not leaving the field as quickly as expected. We had speculated that 52% would be eligible to retire in 2015. That number is closer to 27%, but when you consider that medical lab professionals are about 20,000 strong in Canada, it will be significant, and it's not quite as alarming as it had been. I think that's why my profession came off the foreign skilled worker program list in 2008. Our occupational code came off as a profession in dire need.

• (1710)

[Translation]

Mr. Claude Patry: As for your current program, will you continue to offer it for a long time? Does the current program have an end date? Could you give me some details on that? Is what you are currently doing in terms of development going to end on a specific date, or will the program remain available?

[English]

Ms. Christine Nielsen: No, it's open. It's our commitment to the profession that we will maintain and sustain the program of foreign qualification recognition and entrance to the national exam.

[Translation]

Mr. Claude Patry: Immigrants are provided with a lot of assistance, but is anything also being developed with the federal government to train people from here? It's just that we have many unemployed people whom we could train to do these types of jobs. Is anything being done, any money being invested, to make as much training available to people from our own country?

[English]

Ms. Christine Nielsen: Do you mean skills for foreign trained or for domestic?

[Translation]

Mr. Claude Patry: I am talking about people who are already here.

[English]

Ms. Christine Nielsen: Domestic. That's on a province-by-province basis, and they all agree to the national competency profile. So there are 27 programs in Canada, and I think about seven or eight

in Quebec. They all conform to the same standards. So that's just the process we've done since 1937, and will continue to do.

The international area is newer for us. We put way more resources, effort, and energy into it in the last decade than had ever been done before, acknowledging that the foreign trained are hugely skilled and they're also coming to Canada in large numbers. Our profession receives about 600 a year into Canada. Quebec looks after its own immigration, so I'm not sure what its numbers are.

[Translation]

Mr. Claude Patry: Thank you.

[English]

The Chair: Mr. Shields, go ahead.

[Translation]

Mr. Charles Shields: Allow me to answer Mr. Patry's question.

Yes, our programs are also available in French, and we have noted that a number of our members and other technologists in Canada participate in the same programs. The self-assessment tool is very beneficial for them, and we think that the three courses we have created are very popular among Canadians and that they will enable them to upgrade their skills.

Thank you.

[English]

The Chair: You have some time, so go ahead.

Mrs. Carol Hughes: I'm going to continue down the line of my colleague, Mr. Patry, and again I just want to get some clarification here. The foreign qualification process and foreign credential recognition program, is it really to fill a void or is it just to facilitate the immigrants who come to Canada? I'm kind of getting some mixed messages here, and I want to make sure I am understanding this.

The Chair: Go ahead.

Ms. Christine Nielsen: For the Canadian Society for Medical Laboratory Science, it's definitely to fill a void. The void is not quite as alarming as we had expected, but the domestic students enrolled in programs are not enough to equal retirements. There's definitely a net labour market loss with retirements, so newcomers to Canada are definitely filling those gaps.

We hear stories about people who can't set a vacation schedule until they get new grads or those who have been internationally educated. Our people are very tapped for time in the laboratories, and we're getting to the point where the shortages will be felt across the board. There will be delays in surgery, things like that, because of delays in lab testing.

The incoming immigrants are definitely important. We're not just providing a service in case they want to qualify; it's a definite need in our profession.

The Chair: Okay, a brief response, Mr. Shields.

Mr. Charles Shields: Thank you.

It's both. When the program started there was a shortage of medical radiation technologists, for the same reason Christine Nielsen mentioned. With the economic downturn a couple of years ago, retirements have been put off, so we have been finding that there's not the same degree of shortage as there once was. We anticipate that it will not be many years before it's back in force, so I think it's intelligent to have a program like this in place that is helping prepare people and that will also be there when more internationally educated MRTs think about coming to Canada after hearing there is a strong shortage here.

The Chair: Thank you.

Mr. Shory.

Mr. Devinder Shory: Thank you, Mr. Chair.

And thank you also to the witnesses for coming out this afternoon.

In Canada, Mr. Chair, each province and territory has their own law societies. But at the same time, the Federation of Law Societies of Canada has created a body called the National Committee on Accreditation.

This NCA basically assesses lawyers who have obtained qualification from foreign jurisdictions and they apply uniform standards on a national basis. Once they assess and evaluate the person's education, that potential lawyer can write exams in any jurisdiction or province or territory in which he or she wishes to practice or pursue their profession.

This question is for everyone. Do any of your organizations have any intention or are you moving toward a similar direction in which you have a national standard to assess foreign qualifications?

• (1715)

The Chair: Mr. Shields.

Mr. Charles Shields: I'd be happy to start responding, Mr. Shory.

Yes, in fact, the current project that we have with HRSDC has been to establish a national standard. We look after I think seven provinces, but Quebec, Ontario, and Alberta have regulatory bodies and they do their own assessment. But what we have done is come together to make certain we have common standards across all of those.

The Chair: Ms. Nielsen.

Ms. Christine Nielsen: Thank you for the question.

That is the model we have at the Canadian Society. All of the provinces and territories have agreed to the standard, which is why it's easy for us to administer because the CSMLS doesn't set the standard; the regulators and associations have collaboratively.

The Chair: Mr. McKee.

Mr. Jim McKee: Again, at the end of this process the objective is to have a system in place that would be centrally administered on a national basis by the Canadian Architectural Certification Board.

Mr. Devinder Shory: Okay, thank you.

The Chair: Mr. McColeman.

Mr. Phil McColeman: Thank you.

It was partially answered with that.

First, it was very good to hear you speak well about how you've got to where you are today with these programs and how the federal government has assisted you in getting there. But there's always politics involved here, and you've obviously dealt with different provinces having different requirements and different mandates. As well, I would think there's probably some politics within the profession itself, with some people receptive to this approach and others who would say, well, no, we've got to be a little more protective of our space here.

Could you share any insights, having gone through the process so far?

I might just put my thoughts to this. If you can get, as Christine's association has, a national buy-in from right across the country, it seems to me to be a highly efficient way to go. It would be self-governing really, without the government being involved at all or only involved on a very minor basis.

Ms. Christine Nielsen: Yes.

Mr. Phil McColeman: So can all of you pass on your insights and comments regarding the things I've just articulated?

The Chair: Go ahead.

Ms. Christine Nielsen: Sure. We at the CSMLS are very fortunate to be a mid-sized organization. Fourteen thousand members sounds like a lot, but there are only 400 practitioners on Prince Edward Island. In Newfoundland there are only 800, and some don't even have a regulatory body, or they're what I would call a shoebox society, where I'm the president today and I hand off the shoebox when I leave.

It was born out of a legitimate need. Very few had the capacity, interest, or volume of immigration to set up their own program, so they trusted the national body, just like they do for setting the educational standards and the accreditation standards. Years ago, in the sixties, they agreed that would be the model, and our governance model for that program runs like a federation model. Each of them carries a vote. Ontario doesn't carry more votes than a smaller jurisdiction. They all feel they're in it together, and our job at the national society is to identify important things such as language proficiency standards and to have valid and fairly defensible testing programs. We can't set things like having to have Canadian experience. We removed that in 2000 because we knew it was a barrier to immigration.

So I think by approaching it as what's best for the immigrant and what's best for the profession, having a set of standards that are open, transparent, and fair that they've all agreed to.... They do have a sweet deal, though, because I don't charge them any money. I charge the immigrant directly and my society subsidizes the rest of the work. If Ontario were to do it, it would cost them three full-time staff. So it's out of legitimate need that they came to us.

• (1720)

The Chair: Does anyone else want to comment? Please keep it short because we have one more questioner.

Mr. Jim McKee: I would just say that the broad experience for a project within the architectural profession takes place in a context where the regulators have already progressed to the point where they recognize certification or licensing across the board. So if you get licensed in Ontario, you can be recognized in New Brunswick and B. C., and vice versa. This is really building upon the progress the regulators have made in terms of working together and harmonizing standards.

Mr. Charles Shields: Mr. McColeman, I got the sense you were wondering whether there has been a backlash from within the profession to protect jobs. No, we're fortunate. We haven't found that to be the case. On your second point about the associations working together provincially and nationally to help things happen, I think that's something we can do very well, and it could be a real assistance to moving many subjects forward in Canada.

The Chair: Mr. Cuzner, maybe you can take this all the rest of the way home.

Mr. Rodger Cuzner: Thanks very much.

Thanks for being with us today and sharing your experience.

Could I get clarification first from Ms. Nielsen? You had indicated that your organization's society helps with costing of the processing. Could you give me an example of the costs that you would help with? Are there ceilings? First, do you find that if there isn't assistance with the costing, that may preclude someone from pursuing the process?

Then if the other groups could weigh in as to whether or not they follow a similar form....

Ms. Christine Nielsen: Sure. At this time my office has approximately three and a half full-time staff assessing only 200 files a year. To compare the cost of a full-time job versus the cost of what we charge an immigrant, we charge a client right now \$800 for a process that costs our society \$1,650. That's because we view people as individuals. We don't just do an accreditation model where we go to a country like Brazil, accept their credentials, and then they come in. We view the person as a holistic entity. It allows for the best assessment, but it's a costly business to be in. We believe in the outcomes and that they have the best chance of a successful outcome in Canada that way.

Mr. Rodger Cuzner: Would that be similar in your cases as well?

Ms. Giulia Nastase: The model is a bit different in our profession. As I said, the organizations that conduct assessments are the regulatory bodies of Alberta, Ontario, Quebec, and CAMRT on behalf of all the other provinces. All these organizations use panels of content experts, so the staff is based in the organization only for the administrative part of handling papers and applications. All the assessment and evaluation is done by content experts. The cost of assessment for all these organizations is between \$300 to \$400 per person.

Mr. Jim McKee: Assessing credentials and competencies is a labour-intensive process, and as we move through the project, the regulators are working on the business model. The ultimate objective is to work on a cost-recovery basis; for it to be sustainable, it will have to be.

Mr. Rodger Cuzner: One thing the officials talked about when they were in the week before last was reciprocal agreements. They talked specifically about the dentists. In the U.S. and Canada, the societies have reciprocal agreements in place, and it really expedites the whole process. Do you have reciprocal agreements in place?

Ms. Christine Nielsen: No.

Mr. Rodger Cuzner: You don't. Are you pursuing them, or is there any talk in the organization about maybe pursuing them?

Ms. Christine Nielsen: From our perspective, the Canadian practice is so different from others globally. There's a good match with three of the disciplines, but not with the full complement in Canada, and we don't have a subject exam. It may be feasible with one jurisdiction, and that would be the Philippines—or the United Arab Emirates.

The Chair: Mr. Shields.

Mr. Charles Shields: I would say that CAMRT did have reciprocity with several countries at one point, but then as education requirements for entry to practice began to diverge, we had to drop those. We're getting close to some reciprocity discussions that aren't full reciprocity, which we might be able to have, to speed up the assessment process for people from some countries. But it's not something we've been able to look at in the same way that it existed at one point.

● (1725)

Mr. Jim McKee: Canada's regulators have had a mutual recognition agreement for some time with the United States, and have one at pilot stage with the Mexican regulator. They've pursued those only where the education, experience, and exam requirements are a very close match with the criteria in place here.

Mr. Rodger Cuzner: You talked about a couple of regional programs as well that didn't have success, that weren't sustainable. Could you elaborate on the reasons why?

Ms. Christine Nielsen: The best model I can give you is the situation that happened in Alberta. The Northern Alberta Institute of Technology received pilot funding about five years ago. The costs it estimated to sustain the program would have been \$82,000 per student. So NAIT didn't pick it up, the ministry of health didn't pick it up, and the ministry of education didn't pick it up.

Bridging programs are very costly in the beginning, during the development phase. They start to become a little more cost conscious around year three or four, but most of them don't live that long. They start, they're great, they improve the outcomes on exam and integration into the workplace—addressing key important elements like Canadian context and language proficiency—and then they close because nobody can afford an \$82,000 tuition bill when my people only make \$50,000 per year.

The Chair: Thank you.

Mr. Shields, do you want to comment?

Mr. Charles Shields: Thank you.

I'd like to follow up on that because that applies directly to one of the recommendations we made. That is to provide some sort of scholarship assistance to the internationally educated health professionals themselves to enable them to apply that to whatever bridging program they may want to attend.

Sustainability of programs has been a very big problem in our profession as well. We think it could be assisted by the existence of a pool of funds that internationally educated persons could access as they prepare themselves for professional practice.

The Chair: Mr. McKee, do you have a comment?

Mr. Jim McKee: Quickly, I would say that the challenges are the same, and some form of assistance for foreign candidates could be helpful. One component of the program we are pursuing has been to

provide a variety of courses through the RAIC Centre for Architecture at Athabasca University, a distance university predicated on people taking courses part time, which suits the realities of people coming to Canada as immigrants. That way they can acquire the upgrades required on a schedule that is suited to the realities of their lives.

The Chair: This is probably a good place for us to adjourn.

I want to thank you very much for your presentations. If there's anything else you'd like to add, you're certainly welcome to direct that to the clerk.

Thank you. We'll adjourn.

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